

1978

AMENDMENTS TO DECLARATIONS OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS

WHEREAS, the undersigned are, according to ARTICLE III of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (DECLARATION hereinafter), members of the Tabitha New Community Home Owners Association;

WHEREAS, the undersigned members comprise at least Ninety Per Cent (90%) of the total membership of the Tabitha New Community Home Owners Association;

NOW, THEREFORE, pursuant to ARTICLE VI, Section 3 of the DECLARATION, the same is hereby amended in the following respects:

ARTICLE VII, Section 1, Parargraph (c) is amended to read as follows:

- (c) Other provisions herein notwithstanding, any one or two persons, but no more, under the age of 50 but age 18 or older, may inhabit any dwelling place or lot provided that such person (s) is related by consanguinity to an inhabitant of the same dwelling place or Lot who is at least 50 years of age.

ARTICLE IX is amended to read as follows:

Section 1. General Rules of Law to Apply.

Each wall which is built as a part of the original construction of the homes upon the Properties and placed on the dividing line between the Lots shall constitute a party wall. Each roof which is built as a part of the original construction of the homes upon the Properties any part of which is placed on the dividing lines between the Lots shall constitute a party roof. To the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and roofs and liability for property damage due to negligence or wilfull acts or omissions shall apply thereto.

Section 2. Sharing of Repair and Maintenance.

The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use. Each Owner shall repair and maintain the party

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roof over his separate living unit. In the event that all or a portion of a roof over two or more living units shall require repair or maintenance, the owners who make use of the roof shall, in proportion to such use, bear the cost of repair and maintenance, subject, however, to the right of such owners, to call for a larger contribution from others under any rule of law regarding liability for negligent or wilfull acts or omissions subject to architectural control as provided in the DECLARATION. Any owner who has use of the roof may restore, repair and maintain it and look to the other owner or owners for their share of the cost.

Section 3. Destruction by Fire or Other Casualty.

If a party wall or roof deteriorates or is destroyed or damaged by fire or other casualty, any Owner who has used the wall or roof may restore it, and if the other Owners thereafter make use of the wall or roof, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or wilfull acts or omissions.

Section 4. Weatherproofing.

Notwithstanding any other provision of this Article, an Owner who by his negligent or wilfull act causes the party wall or roof to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

Section 5. Right to Contribution Runs With Land.

The right of any Owner to contribution from any other Owners under this Article shall be appurtenant to the land and shall pass to such Owner's successors in title.

Section 6. Arbitration.

In the event of any dispute arising concerning a party wall or roof, or under the provisions of this Article, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator, and the decision shall be by a majority of the arbitrators.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal this 26<sup>th</sup> day of January, 1977.

TABITHA DEVELOPMENT CORPORATION, a  
Nebraska Non-Profit Corporation

By: Miles Tommerasen  
President

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) SS

I hereby certify that on this 26 day of January, 1977 Miles Tommerasen, President of Tabitha Development Corporation, personally appeared before me and wilfully executed the foregoing AMENDMENTS TO DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS, acknowledging same to be his voluntary act and deed and the voluntary act and deed of said corporation.

Helen R. Glover  
Notary Public

My Commission expires the 23 day of October, 1978.



LANCASTER COUNTY NEBR.  
H. M. & L. Jorgensen

REGISTER OF DEEDS

1977 JAN 27 AM 8:16

ENTERED ON  
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INST. NO. 77- 1978

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Misc 444  
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305 458  
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*William J. Morris - Atty*  
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