

3069

AMENDMENT TO DECLARATION 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 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, USE PROVISIONS, Section 1, Age Restriction, is amended by adding a new subsection which reads as follows:

(e)The provisions of the foregoing notwithstanding, the age restrictions shall not apply to inhabitants of Lot 1, Block 2, Tabitha New Community Second Addition, Lincoln, Lancaster County, Nebraska, if said inhabitants are eligible to occupy said premises as Elderly or Handicapped Families within the meaning of 12 U.S.C. Section 1701q and 24 C.F.R. Part 885, as the same now exist or may be hereinafter amended.

IN WITNESS WHEREOF, the undersigned have set their signatures as owners of the property or properties appearing to the left of their respective names, all of which is located in Lincoln, Lancaster County, Nebraska.

PROPERTY DESCRIPTION	NAME OR NAMES OF OWNERS
1. Lot 4, Block 5, of Replat of Blocks 5 & 7 Tabitha New Comm. Add. 5843 Wolff Lane	1. <u>Hazel M. Leyne</u>
2. Lot 5, Block 5, of Replat of Blocks 5 & 7 Tabitha New Comm. Add. 5847 Wolff Lane	2. _____
3. Lot 6, Block 5 of Replat of Blocks 5 & 7 Tabitha New Comm. Add. 5851 Wolff Lane	x3. <u>Joe Cooper</u>
4. Lot 8, Block 5 of Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5905 Wolff Lane	x <u>Lain Cooper</u>
5. Lot 10, Block 5, Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5909 Wolff Lane	4. <u>Esther Young</u>
6. Lot 11, Block 5, Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5915 Wolff Lane	5. <u>Howard J. Dunker</u>
7. Lot 13, Block 5, Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5923 Wolff Lane	x <u>Eunice A. Dunker</u>
8. Lot 16, Block 5, Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5935 Wolff Lane	6. _____
	7. _____
	8. <u>Freida Gies</u>

3069  
PROPERTY DESCRIPTION

NAME OR NAMES OF OWNERS

- |     |  |       |   |
|-----|--|-------|---|
| 9.  | Lot 17, Block 5, Replat of Blocks 5 & 7, Tabitha New Comm. Addition<br>5928 Wolff Lane     | 9.    |   |
| 10. | Lot 18, Block 5, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5924 Wolff Lane | 10.   | Mrs Herman L. Alberts                     |
| 11. | Lot 20, Block 5, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5916 Wolff Lane | 11.   | John White<br>x Eva White                 |
| 12. | Lot 22, Block 5, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5908 Wolff Lane | 12.   | Amelie Hergentraders -                    |
| 13. | Lot 1, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5852 Enterprise  | 13.   | Glas Meier<br>Lillian J. Meier            |
| 14. | Lot 4, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5826 Enterprise  | 14.   | Pearl Waddell -<br>Sam Waddell -          |
| 15. | Lot 5, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5824 Enterprise  | 15. x | Joe Hartley<br>x Alice Hartley            |
| 16. | Lot 8, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5800 Enterprise  | 16.   |   |
| 17. | Lot 10, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5846 Enterprise | 17.   |   |
| 18. | Lot 12, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5842 Enterprise | 18.   | Edna C. Moeller<br>Otto H. Moeller        |
| 19. | Lot 13, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5840 Enterprise | 19.   |   |
| 20. | Lot 14, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5838 Enterprise | 20.   |   |
| 21. | Lot 15, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5836 Enterprise | 21.   | Arthur M. Simonsen<br>x Alice M. Simonsen |
| 22. | Lot 17, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5832 Enterprise | 22.   | Ida Montgomery                            |
| 23. | Lot 18, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5830 Enterprise | 23.   | Mrs Frances Wirth<br>Aley Wirth           |
| 24. | Lot 23, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5812 Enterprise | 24. x | Birka E. Jones                            |
| 25. | Lot 24, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5810 Enterprise | 25. x | Mrs Otto Seewers<br>x Otto H. Seewers     |
| 26. | Lot 31, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition<br>5728 Enterprise | 26. x | Opal Buck                                 |

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PROPERTY DESCRIPTION

NAME OR NAMES OF OWNERS

- 27. Lot 32, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition  
5724 Enterprise 27 Maudie Emma Shirley
- 28. Lot 33, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition  
5720 Enterprise X 28. Mavis J. Spaeth
- 29. Lot 34, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition  
5716 Enterprise X 29. Edwin R. Haas  
X Leona R. Haas
- 30. Lot 35, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition  
5712 Enterprise 30. \_\_\_\_\_
- 31. Lot 38, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition  
5700 Enterprise X 31. How. W. Henschel
- 32. Lot 1, Block 1, Tabitha New Community First Addition  
5400 Homestead Court 32. Escher M. Crewell
- 33. Lot 2, Block 1, Tabitha New Community First Addition  
5406 Homestead Court X 33. Oleg P. Nikols  
X Wm. W. Nichols
- 34. Lot 4, Block 1, Tabitha New Community First Addition  
5418 Homestead Ct. 34. \_\_\_\_\_
- 35. Lot 10, Block 1, Tabitha New Community First Addition  
5437 Homestead Court 35. \_\_\_\_\_
- 36. Lot 27, Block 1, Tabitha New Community First Addition  
5500 Cloudburst 36. Theodore J. C. Schultz  
Estelle L. Schultz
- 37. Lot 29, Block 1, Tabitha New Community First Addition  
5512 Cloudburst 37. \_\_\_\_\_
- 38. Lot 42, Block 1, Tabitha New Community First Addition  
5501 Venture Drive 38. Roberta Rasp
- 39. Lot 8, Block 2, Tabitha New Community First Addition  
5426 Venture Drive 39. \_\_\_\_\_
- 40. Lot 9, Block 2, Tabitha New Community First Addition  
5500 Venture Drive 40. Fern C. Hagensen
- 41. Lot 10, Block 2, Tabitha New Community First Addition  
5510 Venture Drive 41. \_\_\_\_\_
- 42. Lot 14, Block 2, Tabitha New Community First Addition  
5501 Cloudburst 42. Otto S. Hoiberg  
Dagmar B. Hoiberg
- 43. Lot 4, Block 1, Tabitha New Community First Addition Replat  
5420 Venture Drive 43. Gena Hilcof
- 44. Lot 5, Block 1, Tabitha New Community First Addition Replat 44. \_\_\_\_\_
- 45. Lot 10, Block 1, Tabitha New Community First Addition Replat 45. \_\_\_\_\_

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PROPERTY DESCRIPTION

NAME OR NAMES OF OWNERS

46. Blocks 10 & 11, Tabitha New Community Addition,  
 Lot 1 through Lot 20, Block 1; Lot 1 through Lot 13, Block 2; Lot 1 through Lot 21, Block 3; Lot 1 Block 6; Lot 1 through Lot 23, Block 8; Lot 1 through Lot 27, Block 9 Tabitha New Community Add.  
 Lot 2 and Lot 7, Block 5; Lot 9, Lot 11, Lot 16, Lot 28, Lot 29, Lot 30, Lot 36, Lot 37, Block 7 of Replat of Blocks 5 & 7 Tabitha New Community Addition.  
 Lots 3, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, Block 1; Lots 11, 12, and 13, Block 2 Tabitha New Community First Addition.  
 Lots 1, 2, 3, 6, 7, 8, 9, Block 1; Lots 1, 2, 3, & 4, Block 2 of Replat of Tabitha New Community First Addition.  
 Lots 1 through Lots 14, Block 1, Tabitha New Community Second Addition; Lot 1, Block 2, Tabitha New Community Second Addition.

47. Lot 1, 3, 8, 12, 14, 15; 19, 21, 23, 24, 25, 26, 27, Block 5; Lots 2, 3, 6, 7, 19, 20, 21, 22, 25, 26, 27, Block 7 of Replat of Blocks 5 & 7 Tabitha New Community Addition

48. Lot 1, Block 4, Tabitha New Community Addition

Lot 12, Block 5; Lot 15, Block 5;  
 Lot 19, Block 5; Lot 21, Block 5;  
 Lot 23, Block 5; Lot 24, Block 5;  
 Lot 25, Block 5; Lot 27, Block 5;  
 Lot 2, Block 7; Lot 3, Block 7;  
 Lot 6, Block 7; Lot 7, Block 7;  
 Lot 19, Block 7; Lot 20, Block 7;  
 Lot 21, Block 7; Lot 22, Block 7;  
 Lot 25, Block 7; Lot 26, Block 7;  
 All in Replat of Blocks Five (5) and Seven (7), Tabitha New Community, Lincoln, Lancaster County, Nebraska.



TABITHA DEVELOPMENT CORPORATION

Fredrick L. Nolte  
 President

William T. Swaney  
 Secretary

Carole Thompson

Susan Thompson

SOUTHWOOD VILLAGE PHASE II, LTD,  
 a limited partnership

By Conrad Peterson  
 General Partner

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

On this 5<sup>th</sup> day of February, 1978, before me, the under-  
signed, a Notary Public in and for said County, personally  
appeared Joe Cooper, Lois Cooper, Eunice A. Dunker, Eva White, Esther M.  
Culwell, Joe Hartley, Alice Hartley, Alice M. Simonsen, Viola E. Jones,  
Mrs. Otto SeEVERS, Otto H. SeEVERS, Opal Buck, Mavis I. Spaeth,  
Eldon R. Haas, Leona R. Haas, Grace W. Hauschild, Olga R.  
Nichols, William N. Nichols, to me known to be the identical  
persons who executed the above and foregoing Amendment and  
acknowledged their execution to be their voluntary act and  
deed.

Witness my hand and notarial seal on the date last  
above written.

NORENE GION  
GENERAL NOTARY SEAL  
STATE OF NEBRASKA  
COMMISSION EXPIRES  
JANUARY 23, 1982

Norene Gion  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

On this 4<sup>th</sup> day of February, 1978, before me, the under-  
signed, a Notary Public in and for said County, personally  
appeared Esther Yung, Conrad J. Dunker, Mrs. Verna L. Alberts,  
John White, Alex Meier, Lillian J. Meier, Edna C. Moeller, Otto  
H. Moeller, Arthur M. Simonsen, Ida Montgomery, Mrs. Frances  
Wirth, Alex Wirth, Maude Erma Shirley, Roberta Rasp, Fern C.  
Hagensen, Otto G. Hoiberg and Dogmar B. Hoiberg, to me known to  
be the identical persons who executed the above and foregoing  
Amendment and acknowledged their execution to be their voluntary  
act and deed.

Witness my hand and notarial seal on the date last  
above written.

NORENE GION  
GENERAL NOTARY SEAL  
STATE OF NEBRASKA  
COMMISSION EXPIRES  
JANUARY 23, 1982

Norene Gion  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

On this 5<sup>th</sup> day of February, 1978, before me, the under-  
signed, a Notary Public in and for said County, personally  
appeared Frederick C. Nolte, to me known to be the President  
of Tabitha Development Corporation and the identical person  
who executed the above and foregoing Amendment as President of  
said Corporation, and acknowledged his execution to be his  
voluntary act and deed and the voluntary act and deed of said  
corporation.

Witness my hand and notarial seal on the date last  
above written.

NORENE GION  
GENERAL NOTARY SEAL  
STATE OF NEBRASKA  
COMMISSION EXPIRES  
JANUARY 23, 1982

Norene Gion  
Notary Public

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) ss.

On this 6<sup>th</sup> day of February, 1978, before me, the undersigned, a Notary Public in and for said County, personally appeared Ervin E. Peterson, to me known to be the General Partner of Southwood Village Phase II, Ltd., a limited partnership, and the identical person who executed the above and foregoing Amendment as General Partner of said limited partnership, and acknowledged his execution to be his voluntary act and deed and the voluntary act and deed of said Limited Partnership.

Witness my hand and notarial seal on the date last above written.

STATE OF NEBRASKA  
GENERAL NOTARY SEAL  
NORENE GION  
COMMISSION EXPIRES  
JANUARY 23, 1982

Norene Gion  
Notary Public

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) ss.

On this 6<sup>th</sup> day of February, 1978, before me, the undersigned, a Notary Public in and for said County, personally appeared Carroll Thompson and Susan Thompson, to me known to be the identical persons who executed the above and foregoing Amendment and acknowledged their execution to be their voluntary act and deed.

Witness my hand and notarial seal on the date last above written.

STATE OF NEBRASKA  
GENERAL NOTARY SEAL  
NORENE GION  
COMMISSION EXPIRES  
JANUARY 23, 1982

Norene Gion  
Notary Public

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) ss.

On this 6th day of February, 1978, before me, the undersigned, a Notary Public in and for said County, personally appeared Hazel M. Lyne, Freida Gies, Amelia Hergenrader, Pearl Waddell, Sam Waddell, Theodore J. C. Schuldt, Estella L. Schuldt, and Nina Wilcox, to me known to be the identical persons who executed the above and foregoing Amendment and acknowledged their execution to be their voluntary act and deed.

Witness my hand and notarial seal on the date last above written.

STATE OF NEBRASKA  
GENERAL NOTARY SEAL  
NORENE GION  
COMMISSION EXPIRES  
JANUARY 23, 1982

Norene Gion  
Notary Public

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Mme

LANCASTER COUNTY NEBR.  
Kenneth L. Ferguson  
REGISTER OF DEEDS

1978 FEB -7 AM 8:57

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 78- 3069

#23 75