

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
2. Lot 5, Block 5, of Replat of Blocks 5 & 7 Tabitha New Comm. Add. 5847 Wolff Lane
3. Lot 6, Block 5 of Replat of Blocks 5 & 7 Tabitha New Comm. Add. 5851 Wolff Lane
4. Lot 8, Block 5 of Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5905 Wolff Lane
5. Lot 10, Block 5, Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5909 Wolff Lane
6. Lot 11, Block 5, Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5915 Wolff Lane
7. Lot 13, Block 5, Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5923 Wolff Lane
8. Lot 16, Block 5, Replat of Blocks 5 & 7 Tabitha New Comm. Addition 5935 Wolff Lane

1. Hazel M. Leyne

2. _____

X3. Joe Cooper

X Laird Cooper

4. Esther Young

5. Howard J. Dunker

X Eunice A. Dunker

6. _____

7. _____

8. Freida Gies

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PROPERTY DESCRIPTION

NAME OR NAMES OF OWNERS

9. Lot 17, Block 5, Replat of Blocks 5 & 7, Tabitha New Comm. Addition
5928 Wolff Lane
10. Lot 18, Block 5, Replat of Blocks 5 & 7, Tabitha New Community Addition
5924 Wolff Lane
11. Lot 20, Block 5, Replat of Blocks 5 & 7, Tabitha New Community Addition
5916 Wolff Lane
12. Lot 22, Block 5, Replat of Blocks 5 & 7, Tabitha New Community Addition
5908 Wolff Lane
13. Lot 1, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5852 Enterprise
14. Lot 4, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5826 Enterprise
15. Lot 5, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5824 Enterprise
16. Lot 8, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5800 Enterprise
17. Lot 10, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5846 Enterprise
18. Lot 12, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5842 Enterprise
19. Lot 13, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5840 Enterprise
20. Lot 14, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5838 Enterprise
21. Lot 15, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5836 Enterprise
22. Lot 17, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5832 Enterprise
23. Lot 18, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5830 Enterprise
24. Lot 23, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5812 Enterprise
25. Lot 24, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5810 Enterprise
26. Lot 31, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5728 Enterprise

9. _____
10. Mrs Herman L. Alberts
11. John White
x Eva White
12. Amelia Kergensradt
13. Glen Meier
Lillian J. Meier
14. Pearl Waddell
Sern Waddell
15. x Joe Hartley
x Alice Hartley
16. _____
17. _____
18. Edna C. Moeller
Otto H. Moeller
19. _____
20. _____
21. Arthur M. Simonsen
x Alice M. Simonsen
22. Ida Montgomery
23. Mrs Frances Wirth
Alcy Wirth
24. x Berla E. Jones
25. x Mrs Otto Seewers
x Otto H. Seewers
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. <u>Maudie Emma Shirley</u> |
| 28. Lot 33, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5720 Enterprise | X 28. <u>Mavis I. Spaeth</u> |
| 29. Lot 34, Block 7, Replat of Blocks 5 & 7, Tabitha New Community Addition
5716 Enterprise | X 29. <u>Elmer R. Haas</u>
X <u>Leona R. Haas</u> |
| 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. <u>How. W. Haenschel</u> |
| 32. Lot 1, Block 1, Tabitha New Community First Addition
5400 Homestead Court | 32. <u>Escher M. Crenwell</u> |
| 33. Lot 2, Block 1, Tabitha New Community First Addition
5406 Homestead Court | X 33. <u>Olgert R. Nichols</u>
X <u>Wm. M. Nichols</u> |
| 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. <u>Theodore J. C. Schultz</u>
<u>Estelle L. Schultz</u> |
| 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. <u>Roberta Rasp</u> |
| 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. <u>Lerna C. Hagensen</u> |
| 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. <u>Otto L. Hoiberg</u>
<u>Dagmar B. Hoiberg</u> |
| 43. Lot 4, Block 1, Tabitha New Community First Addition Replat
5420 Venture Drive | 43. <u>Gene Hilcoff</u> |
| 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 C. Nolte
 President
William T. Swaney
 Secretary

Carole Thompson
Lusan Thompson

SOUTHWOOD VILLAGE PHASE II, LTD,
 a limited partnership

By *Ernest E. Peterson*
 General Partner

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

On this 5th 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 4th 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 5th 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 6th 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
COMMISSION EXPIRES
JANUARY 23, 1982
GENERAL NOTARY SEAL
NORENE GION

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 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
COMMISSION EXPIRES
JANUARY 23, 1982
GENERAL NOTARY SEAL
NORENE GION

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
COMMISSION EXPIRES
JANUARY 23, 1982
GENERAL NOTARY SEAL
NORENE GION

Norene Gion
Notary Public

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LANCASTER COUNTY NEBR.
Kenneth L. Jorgensen
REGISTER OF DEEDS

1978 FEB -7 AM 8:57

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 78- 3069

#2375