



MISC 2005155229




DEC 09 2005 08:34 P 4

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 4/581 FEE 310.50 FB *See attached sheets*  
 B BKP \_\_\_\_\_ C/O \_\_\_\_\_ CCMP *[initials]*  
 DEL \_\_\_\_\_ SPAN \_\_\_\_\_ FV \_\_\_\_\_

After recording, please return to:

James F. Kasher, Esq.  
 CROKER, HUCK, KASHER, DeWITT,  
 ANDERSON & GONDERINGER, L.L.C.  
 2120 South 72nd Street, Suite 1250  
 Omaha, NE 68124

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 12/9/2005 08:34:24.84  
  
 2005155229

**FOURTH AMENDMENT TO  
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
 FOR THE GROVE, A SUBDIVISION  
 IN DOUGLAS COUNTY, NEBRASKA**

THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made on the date hereinafter set forth by ONE NINETY-TWO, LLC, a Nebraska limited liability company, hereinafter referred to as "Declarant".

**WITNESSETH:**

WHEREAS, the undersigned is the Declarant under a certain Declaration of Covenants, Conditions and Restrictions for The Grove, a subdivision in Douglas County, Nebraska (the "Declaration"), which Declaration was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on March 13, 2000, in Misc. Book 1330 at Pages 255 through 266, inclusive, and which governs Lots 1 through 21, inclusive, Lots 23-28, inclusive, Lots 31-101, inclusive, Lot 3 in Replat 3, Lot 1 in Replat 1, Lots 196, 197, and 198, and Outlots B through E, inclusive, in The Grove, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, the undersigned is the Declarant under a certain First Amendment to Declaration of Covenants, Conditions, and Restrictions for The Grove, a subdivision in Douglas County, Nebraska (the "First Amendment to Declaration") which was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on May 17, 2001, in Misc. Book 1382 at Pages 206 through 207, inclusive, and which governs Lots 282 through 331, inclusive, in The Grove, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska; and

WHEREAS, the undersigned is the Declarant under a certain Second Amendment to Declaration of Covenants, Conditions, and Restrictions for The Grove, a subdivision in

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Douglas County, Nebraska (the "Second Amendment to Declaration") which was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on May 2, 2003, in Misc. Book 1514 at Pages 374 through 386, inclusive, and which governs Lots 334 through 340, inclusive, and Lots 343 through 346, inclusive, 349 through 444, inclusive, Lots 1 and 2 in Replat 5 and Lots 1 and 2 in Replat 4, and Outlots Z, AA, BB and CC, all in The Grove, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska; and

WHEREAS, the undersigned is the Declarant under a certain Third Amendment to Declaration of Covenants, Conditions, and Restrictions for The Grove, a subdivision in Douglas County, Nebraska (the "Third Amendment to Declaration") which was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on June 17, 2003 in Instrument 2003115343 and which governs Lots 447 through 668, inclusive and Outlots DD, EE and FF, all in The Grove, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska.

WHEREAS, Declarant is the owner of certain real estate hereinafter referred to as the "**Properties**" in the County of Douglas, State of Nebraska, described as follows:

Lots 1 through 80, inclusive, and Outlots A, B, C and D in Replat 6, in The Grove, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska; and

WHEREAS, pursuant to the terms and conditions of Article VI, Section 3 of the Declaration, Declarant is desirous of subjecting the Properties to the easements, restrictions, covenants and conditions for use set forth in the Declaration for the purpose of protecting the value and desirability of the Properties; and

**NOW THEREFORE**, Declarant hereby declares that all of the Properties shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration as if same had been included at the time of the execution and filing of the Declaration. In accordance with the terms of the Declaration, all of those time periods stated in the introductory paragraphs of the Declaration, as applicable under the Declaration, the First Amendment to Declaration, the Second Amendment to Declaration, the Third Amendment to Declaration and this Fourth Amendment to Declaration shall be deemed to begin as of the filing date of this Fourth Amendment. It is the intent hereof that the time periods covering the Declaration and all of the Amendments thereto shall be the same, allowing for continuity among all of the Lots covered thereby.

FURTHER, the Declaration at Article I, Section 7 shall be amended to include the following Outlots:

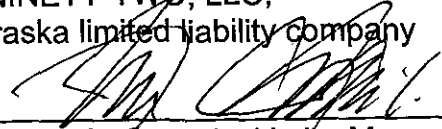
Outlot A:	Common facilities for path, sidewalk and/or green areas;
Outlot B:	Common facilities for path, sidewalk and/or green areas;
Outlot C:	Common facilities for path, sidewalk and/or green areas;

Outlot D: Common facilities for path, sidewalk and/or green areas.

In addition, under Section 1 of Article IV of the Architectural Control of the Declaration, Declarant adds mailboxes to the list of external improvements that require express prior written approval of the Declarant.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Amendment to Declaration this 18 day of May, 2005.

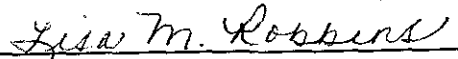
ONE NINETY-TWO, LLC,  
a Nebraska limited liability company

By:   
John C. Czerwinski, Jr., Manager

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 18 day of May, 2005, by JOHN C. CZERWINSKI, JR., Manager of One Ninety-Two, LLC, a Nebraska limited liability company, on behalf of the company.



  
Notary Public

CONSENT AND APPROVAL

FIRST NATIONAL BANK OF OMAHA, N.A., a national banking association, hereby acknowledges receipt of notice of Declarant's intent to record the foregoing Fourth Amendment To Declaration of Covenants, Conditions and Restrictions For The Grove with respect to the real property described therein, and does further approve the contents thereof and consent to filing of same in the office of the Register of Deeds of Douglas County, Nebraska.

Dated this 27<sup>th</sup> day of June, 2005.

Attest:

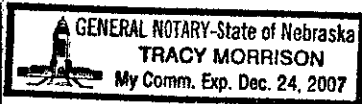
Shirley W. Musgrave  
Secretary J.P.

FIRST NATIONAL BANK OF OMAHA, N.A.

By: Robert J. Horak  
Its: Vice Pres

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of JUNE, 2005, by ROBERT J. HORAK, Vice President of FIRST NATIONAL BANK OF OMAHA, N.A., on behalf of the bank.



Tracy Morrison  
Notary Public

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