

Corrected Version

*Re-Read*

BOOK 577 PAGE 92

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE HILLTOP OF OAK HILLS HIGHLANDS

In consideration of the mutual covenants of the parties hereto, it is agreed as follows:

- 1) The undersigned, Paul E. Tamisiea and Judy H. Tamisiea, husband and wife, are the owners of a tract of land described on Exhibit "A" attached, and the undersigned, Hal Grove, Inc., is the owner of four tracts of land described on Exhibits "B", "C", "D" and "E" attached; which five tracts are to be annexed as additional residential property to become a part of and subject to the terms and conditions of that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS covering Lots 1 through 25, inclusive, in The Hilltop of Oak Hills Highlands, a subdivision in Douglas County, Nebraska; said Declaration being recorded in Miscellaneous Book 559 at Page 455 in the Register of Deeds of said County.
- 2) The other parties signatory hereto are the record owners of Lots 1 through 25, inclusive, in The Hilltop of Oak Hills Highlands and hereby agree to the annexation of said real estate described on said five attached Exhibits in order to become both subject to and a beneficiary of said Declaration.
- 3) Pursuant to Article VI, Section 4 of said original Declaration, it is hereby agreed by all parties hereto that effective January 1, 1977 said five tracts described on Exhibits "A", "B", "C", "D" and "E" attached shall be annexed to the "properties" and each tract shall thereafter be considered as a "lot" as described in said Declaration as fully as if said five tracts had been originally included within the property described in the original Declaration. Article IV, Section 7 of said original Declaration is hereby partially amended to provide that the total annual special assessments shall be levied at the rate of 1/27th thereof against each lot (instead of at the rate of 1/23rd thereof against each lot as provided in the original Declaration).
- 4) Effective January 1, 1977, the undersigned owners of the tracts described on Exhibit "A" attached shall be a Class A member of The Hilltop Association, Inc., a Nebraska non-profit corporation, and the Declarant, Hal Grove, Inc., shall be a Class B member as owner of the tracts described on Exhibits "B", "C", "D" and "E". The undersigned parties constitute 100 per cent of both classes of members of The Hilltop Association, Inc. and hereby consent to the annexation of said five tracts described on the attached Exhibits as additional residential property of the Association as required by Article IV, Section (f) of Articles of Incorporation of The Hilltop Association, Inc.

EXECUTED by all parties hereto effective January 1, 1977 on this 3rd day of January, 1977.

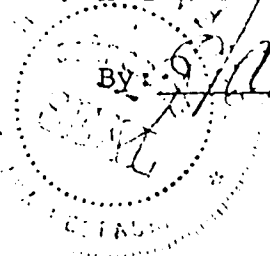
Paul E. Tamisiea )  
Paul E. Tamisiea )

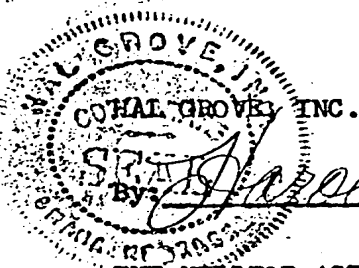
) Owner of real estate  
) described on Exhibit "A"  
) attached

Judy H. Tamisiea )  
Judy H. Tamisiea )

HAL GROVE, INC. )  
By: Hal Grove )  
President )

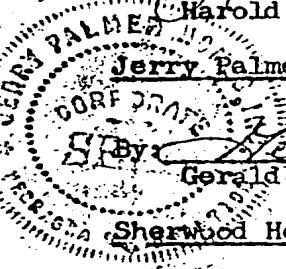
) Owner of real estate  
) described on Exhibits "B",  
) "C", "D" and "E" attached





By: Harold E. Grove  
President

THE HILLTOP ASSOCIATION, INC.



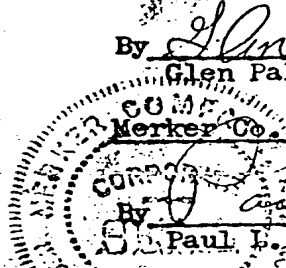
By: Harold E. Grove  
Harold E. Grove, President

Jerry Palmer Homes Inc.



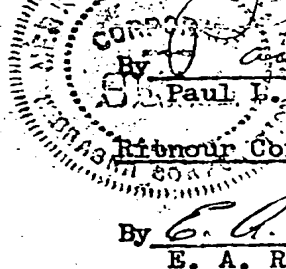
By: Gerald E. Palmer  
Gerald E. Palmer, President

Sherwood Homes, Inc.



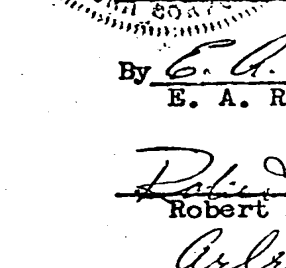
By: Glen Palmer  
Glen Palmer, President

Merker Co., Inc.



By: Paul L. Merker  
Paul L. Merker, President

Ritnour Constr. Co.



By: E. A. Ritnour  
E. A. Ritnour

Robert E. Hinchcliff  
Robert E. Hinchcliff

Arlene A. Hinchcliff  
Mrs R. E. Hinchcliff  
Arlene A. Hinchcliff

Robert J. Bryan  
Robert J. Bryan

Hilda Bryan  
Hilda Bryan  
By: Robert J. Bryan

Jeffrey A. Clevenger  
Jeffrey A. Clevenger

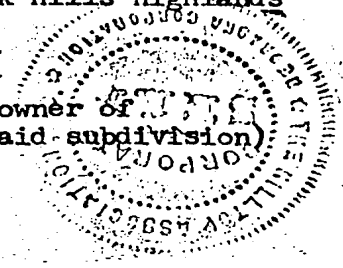
Margaret J. Clevenger  
Margaret J. Clevenger

Mary Driscoll  
Mary Driscoll

Frank A. Driscoll  
Frank A. Driscoll

(Declarant and owner of  
Lots 4, 5, 8, 10, 12, 13, 14,  
16, 17, 19, 22, 23

IN The Hilltop of Oak Hills Highlands



("Association" and owner of  
Lots 24 and 25 in said subdivision)

(Owner of Lots 1, 11, 18, 21 in  
said subdivision)

(Owner of Lot 2 in  
said subdivision)



(Owner of Lot 3 in  
said subdivision)

(Owner of Lot 7 in  
said subdivision)

(Owner of Lot 15 in  
said subdivision)

(Owner of Lot 6 in  
said subdivision)

(Owner of Lot 20 in  
said subdivision)

(Owner of Lot 9 in  
said subdivision)

STATE OF NEBRASKA )  
                                  ) 89  
COUNTY OF DOUGLAS)

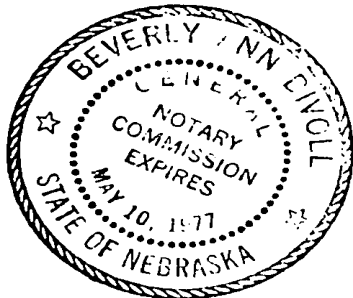
On the date last-above written before me, the undersigned, a Notary Public in and for said County, personally came HAROLD E. GROVE, President of Hal Grove, Inc. and also as President of The Hilltop Association, Inc.; GERALD E. PALMER, President of Jerry Palmer Homes Inc.; GLEN PALMER, President of Sherwood Homes, Inc.; and PAUL L. MERKER, President of Merker Co. Inc., to me personally known to be the Presidents and identical person whose name is affixed to the above conveyance, and acknowledged his execution thereof to be his voluntary act and deed as such Presidents and the voluntary act and deed of said corporations, and further appeared before me Paul E. Tamisiea, Judy H. Tamisiea, E. A. Ritnour

Robert E. Hinchcliff, Arlene A. Hinchcliff, Robert J. Bryan

Hilda Bryan, Jeffrey A. Clevenger, Margaret J. Clevenger, Mary

Driscoll and Frank A. Driscoll

and they severally and jointly acknowledge their execution of the foregoing instrument to be their voluntary act and deed.



Beverly Ann Driscoll  
Notary Public

To The Office of

LOUIS E. LAMBERTY

County Surveyor and Engineer

Douglas County

Field Notes:

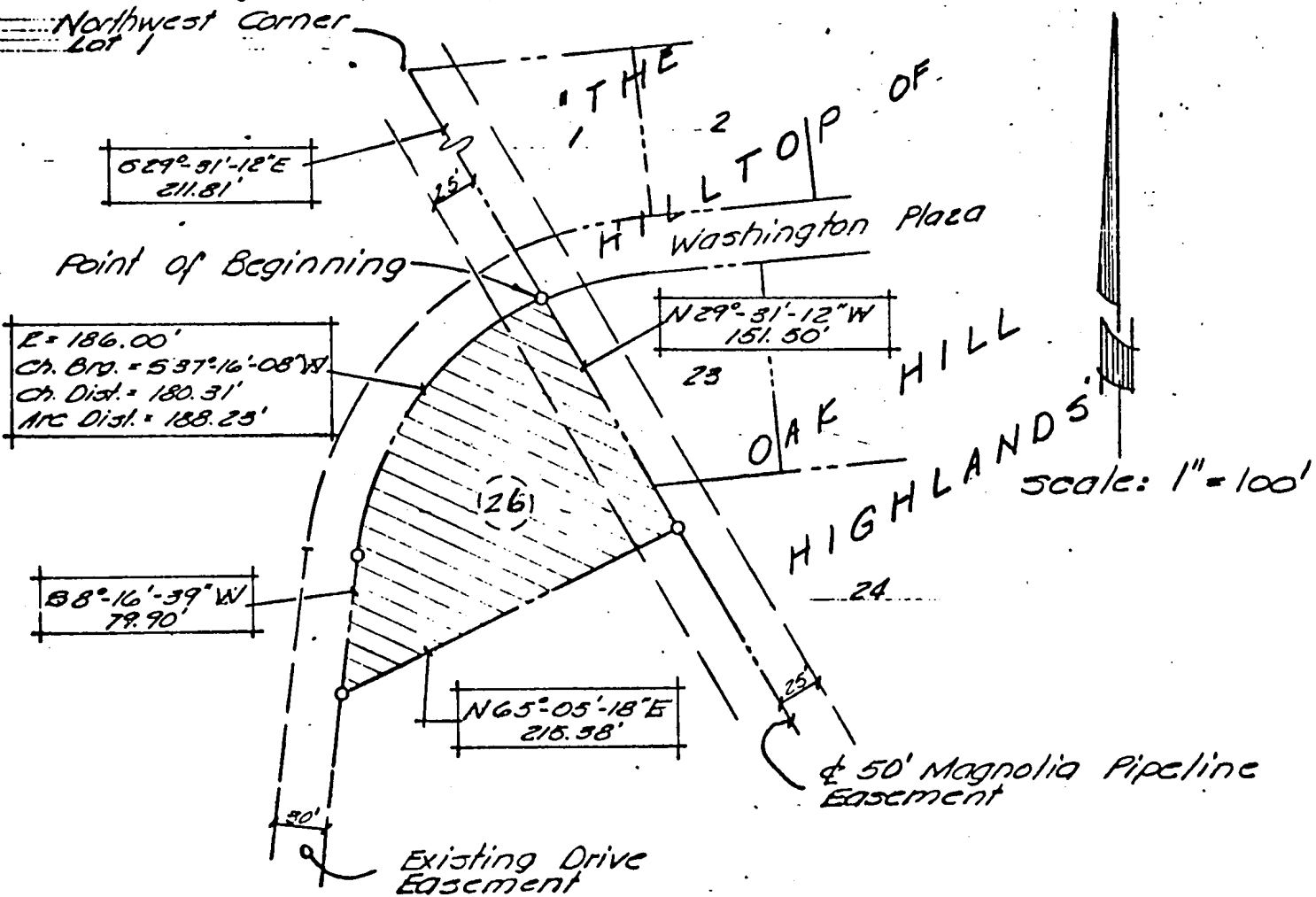
LEGAL DESCRIPTION

That part of vacated Oak Hills of Millard II, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska described as follows: Commencing at the Northwest corner of Lot 1, the Hilltop of Oak Hills Highlands, a subdivision as surveyed, platted and recorded; thence S 29° 31' 12" E (Assumed bearing) on the Westerly line of said Lot 1 and it's Southeasterly extension, 211.81 feet to the point of beginning; thence Southwesterly on a curve to the left (Radius being 186.00 feet, chord bearing S 37° 16' 08" W, chord distance 180.31 feet) an arc distance of 188.23 feet to a point of tangency; thence S 8° 16' 39" W, 79.90 feet; thence N 65° 05' 18" E, 215.38 feet to a point on the Westerly line of Lot 24, said The Hilltop of Oak Hills Highlands; thence N 29° 31' 12" W on the Westerly line of Lots 23 and 24 said The Hilltop of Oak Hills Highlands, 151.50 feet to the point of beginning.

(Containing 22,594 square feet more or less.)

(To be known as Lot 26, The Hilltop of Oak Hills Highlands ~~Washington Plaza~~)

Plat to scale showing tract surveyed with all pertinent points.

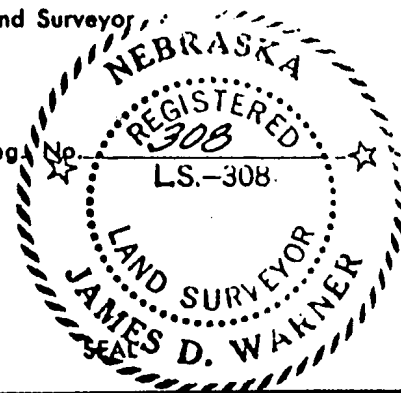


*James D. Warner*  
 Signature of Land Surveyor

DATE RECEIVED: \_\_\_\_\_

Date: 12-17-76

Reg. No. \_\_\_\_\_



OFFICIAL ADDRESS: \_\_\_\_\_

BLDG. PERMIT NO.: \_\_\_\_\_

EXHIBIT "C"

To The Office of  
**LOUIS E. LAMBERTY**  
County Surveyor and Engineer  
Douglas County

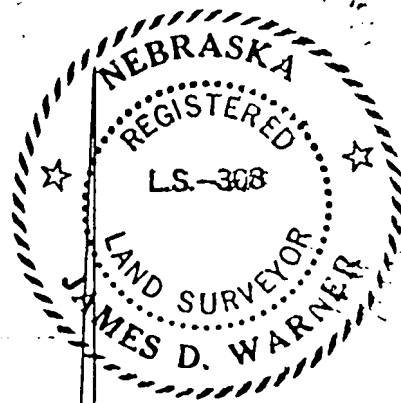
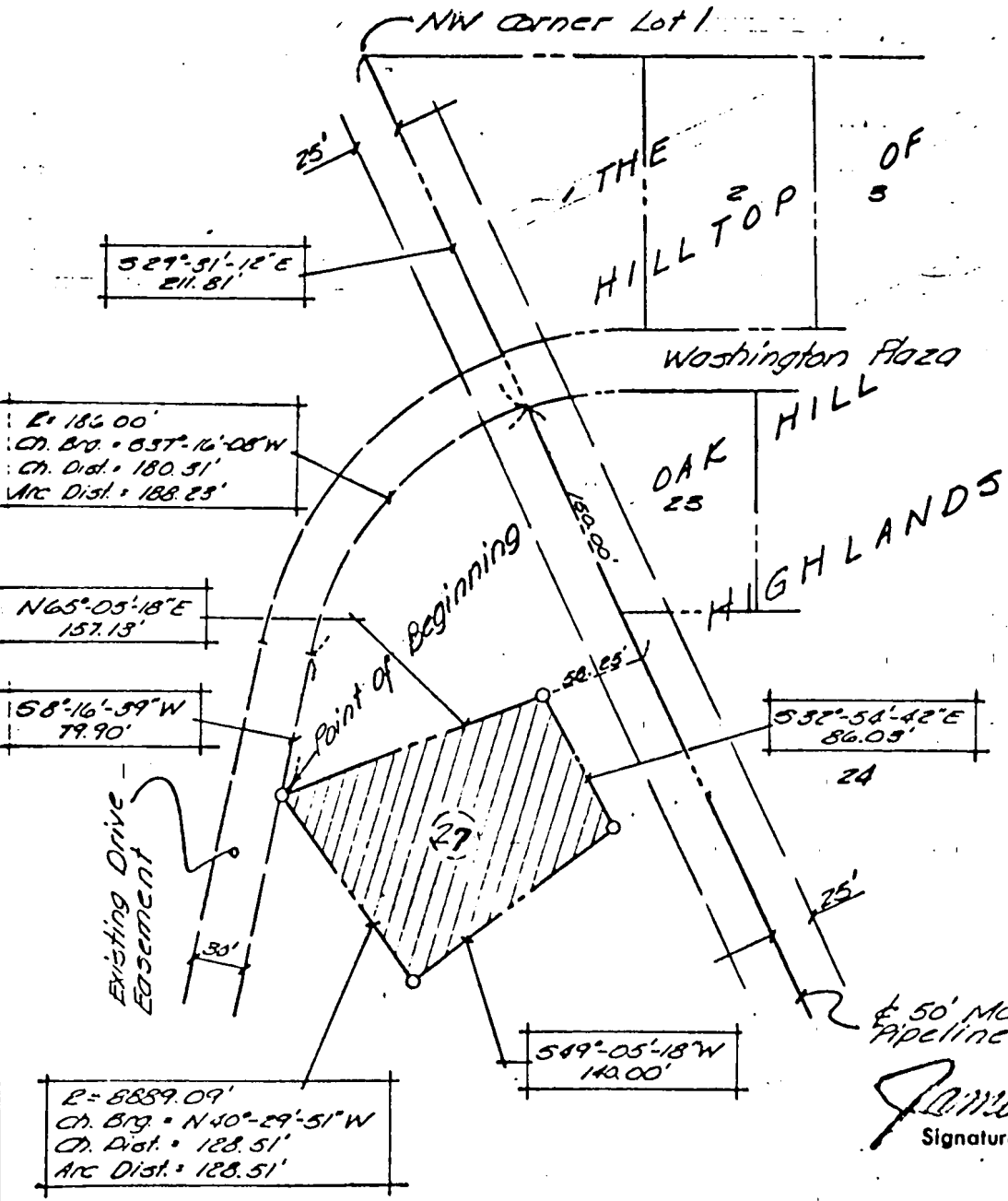
LEGAL DESCRIPTION

That part of vacated Oak Hills of Millard II, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska described as follows: Commencing at the Northwest corner of Lot 1, The Hilltop of Oak Hill Highlands, a subdivision as surveyed, platted and recorded; thence S 29° 31' 12" E (Assumed bearing) on the Westerly line of said Lot 1 and it's Southeasterly extension, 211.81 feet to a point on a curve; thence Southwesterly on a curve to the left (Radius being 186.00 feet, chord bearing S 37° 16' 08" W, chord distance 180.31 feet) an arc distance of 188.23 feet to a point of tangency; thence S 8° 16' 39" W, 79.90 feet to the point of beginning; thence N 65° 05' 18" E, 157.13 feet; thence S 32° 54' 42" E, 86.03 feet; thence S 49° 05' 18" W, 140.00 feet; thence Northwesterly on a curve to the right (Radius 8889.09 feet, chord bearing N 40° 29' 51" W, chord distance 128.51 feet), an arc distance of 128.51 feet to the point of beginning.

(Containing 15,704 square feet more or less)

(To be known as Lot 27, The Hilltop of Oak Hills Highlands ~~Subdivision~~)

Plat to scale showing tract surveyed with all pertinent points.



Scale: 1" = 100'

James D. Warner  
Signature of Land Surveyor

DATE RECEIVED: \_\_\_\_\_

Date: NOVEMBER 23, 1976 Reg. No. 308

Revised 12-17-76

OFFICIAL ADDRESS: \_\_\_\_\_

EXHIBIT "A"

BLDG. PERMIT NO.: \_\_\_\_\_

SEAL

To The Office of

LOUIS E. LAMBERTY

County Surveyor and Engineer

Douglas County

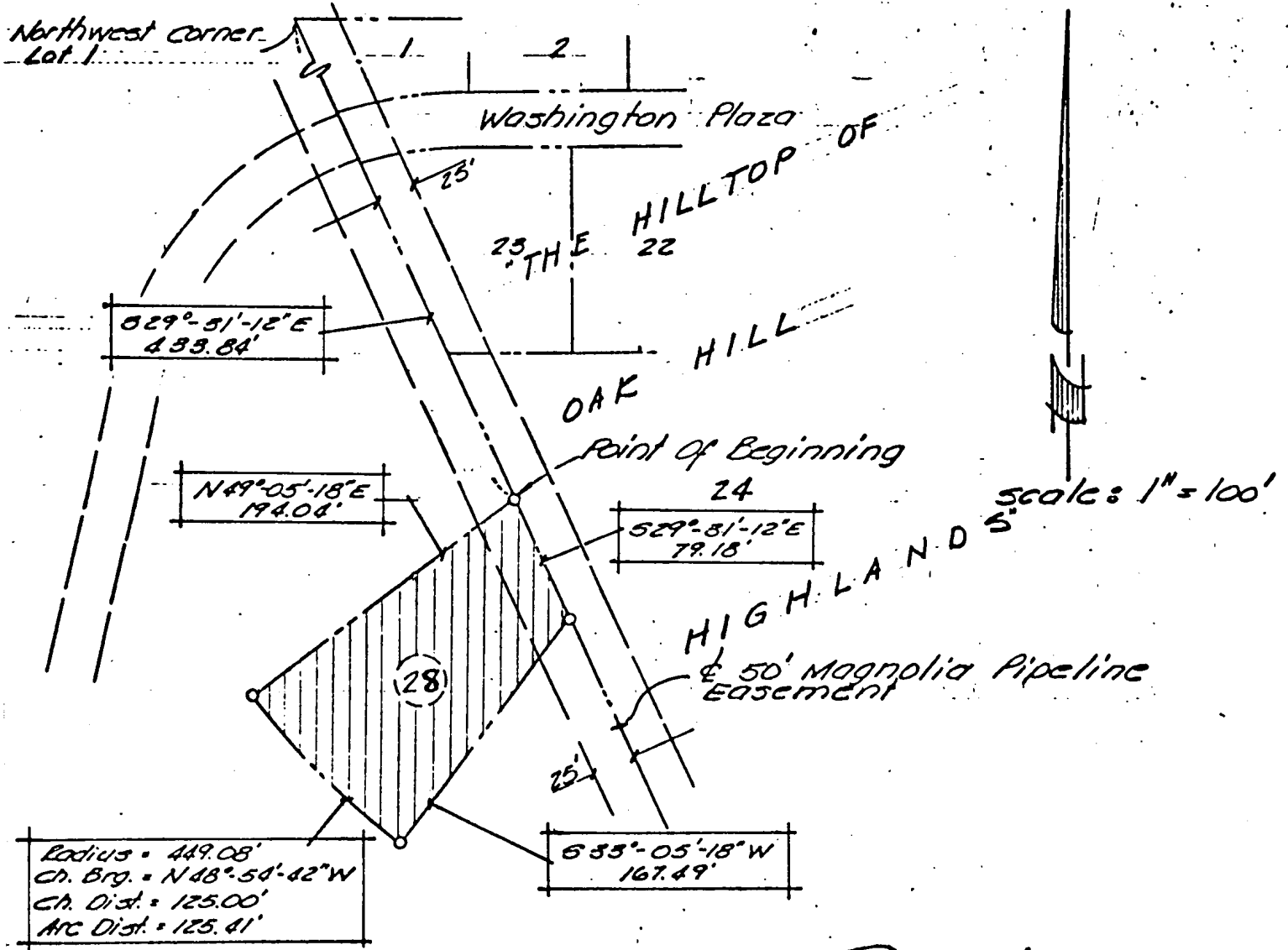
Field Notes:

LEGAL DESCRIPTION

That part of vacated Oak Hills of Millard II, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska described as follows: Commencing at the Northwest corner of Lot 1, The Hilltop of Oak Hill Highlands, a subdivision as surveyed, platted and recorded; thence S 29° 31' 12" E (Assumed bearing) on the Westerly line of Lots 1, 23 and 24, said The Hilltop of Oak Hills Highlands, 433.84 feet to the point of beginning; thence continuing S 29° 31' 12" E on the Westerly line of said Lot 24, 79.18 feet; thence S 33° 05' 18" W, 167.49 feet; thence Northwesterly on a curve to the right (Radius being 449.08 feet, chord bearing N 48° 54' 42" W, chord distance 125.00 feet), an arc distance of 125.41 feet; thence N 49° 05' 18" E, 194.04 feet to the point of beginning.  
(Containing 18,262 square feet more or less.)

(To be known as Lot 28, The Hilltop of Oak Hills Highlands.)

Plot to scale showing tract surveyed with all pertinent points.



James D. Warner  
Signature of Land Surveyor

DATE RECEIVED: \_\_\_\_\_

Date: 12-17-76

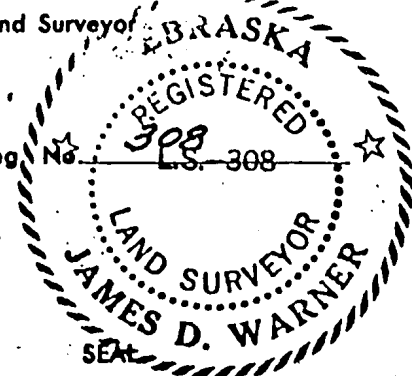
Reg. No.

NEBRASKA  
REGISTERED  
308  
LS. 308

OFFICIAL ADDRESS: \_\_\_\_\_

BLDG. PERMIT NO.: \_\_\_\_\_

EXHIBIT "D"



To The Office of  
**LOUIS E. LAMBERTY**  
County Surveyor and Engineer  
Douglas County

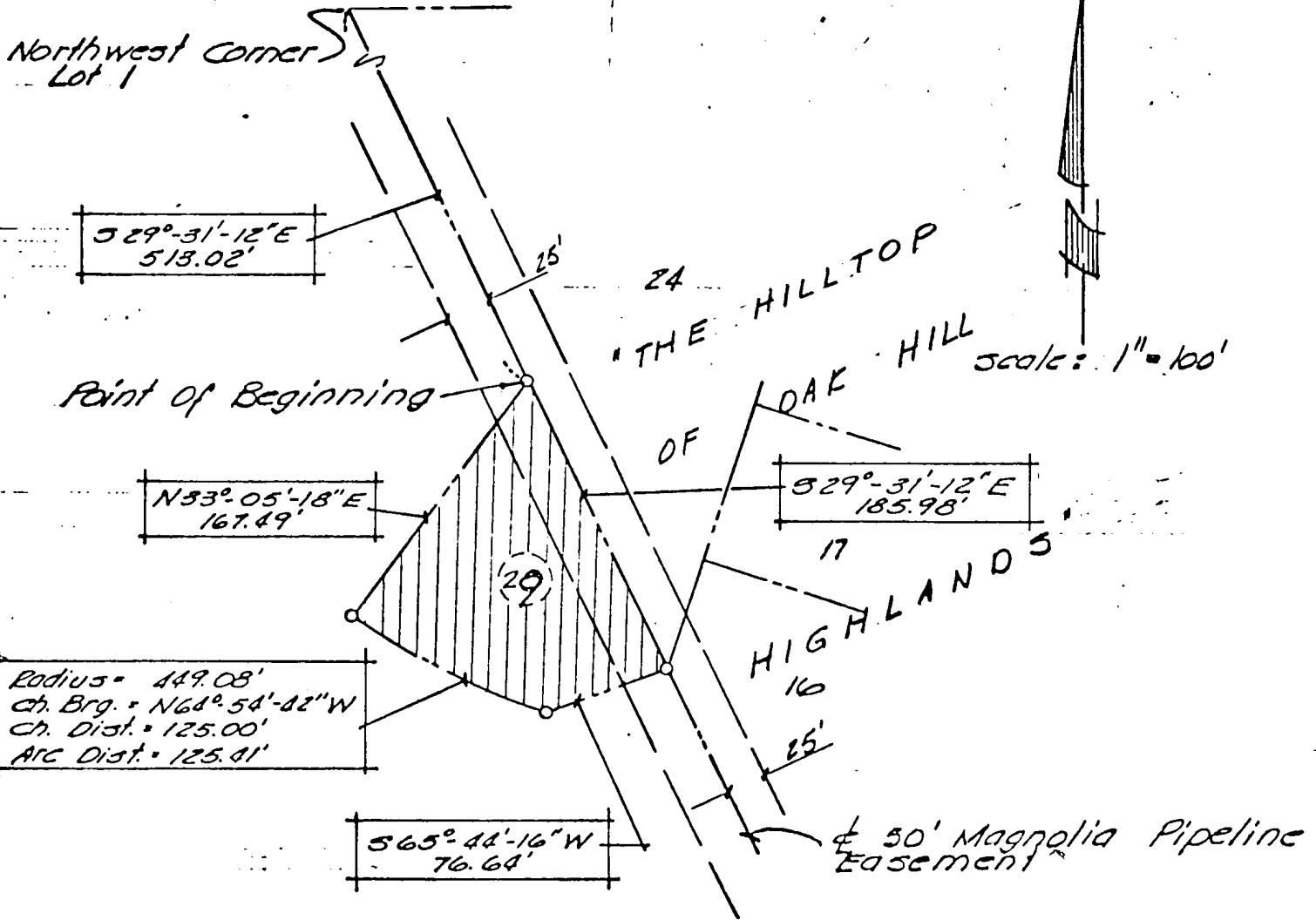
Field Notes:

LEGAL DESCRIPTION

That part of vacated Oak Hills of Millard II, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska described as follows: Commencing at the Northwest corner of Lot 1, The Hilltop of Oak Hills Highlands, a subdivision as surveyed, platted and recorded; thence S 29° 31' 12" E (Assumed bearing) on the Westerly line of Lots 1, 23 and 24, said The Hilltop of Oak Hills Highlands, 513.02 feet to the point of beginning; thence continuing S 29° 31' 12" E on the Westerly line of said Lot 24, 185.98 feet to the most Southerly corner of said Lot 24; thence S 65° 44' 16" W, 76.64 feet; thence Northwesterly on a curve to the right (Radius being 449.08 feet, chord bearing N 64° 54' 42" W, chord distance 125.00 feet), an arc distance of 125.41 feet; thence N 33° 05' 18" E 167.49 feet to the point of beginning.  
(Containing 17,828 square feet more or less)

(To be known as Lot 29, The Hilltop of Oak Hills Highlands ~~Subdivision~~)

Plat to scale showing tract surveyed with all pertinent points.



*James D. Warner*  
Signature of Land Surveyor

DATE RECEIVED: \_\_\_\_\_

Date: 12-17-76

OFFICIAL ADDRESS: \_\_\_\_\_

BLDG. PERMIT NO.: \_\_\_\_\_

EXHIBIT "E"



To The Office of  
**LOUIS E. LAMBERTY**  
County Surveyor and Engineer  
Douglas County

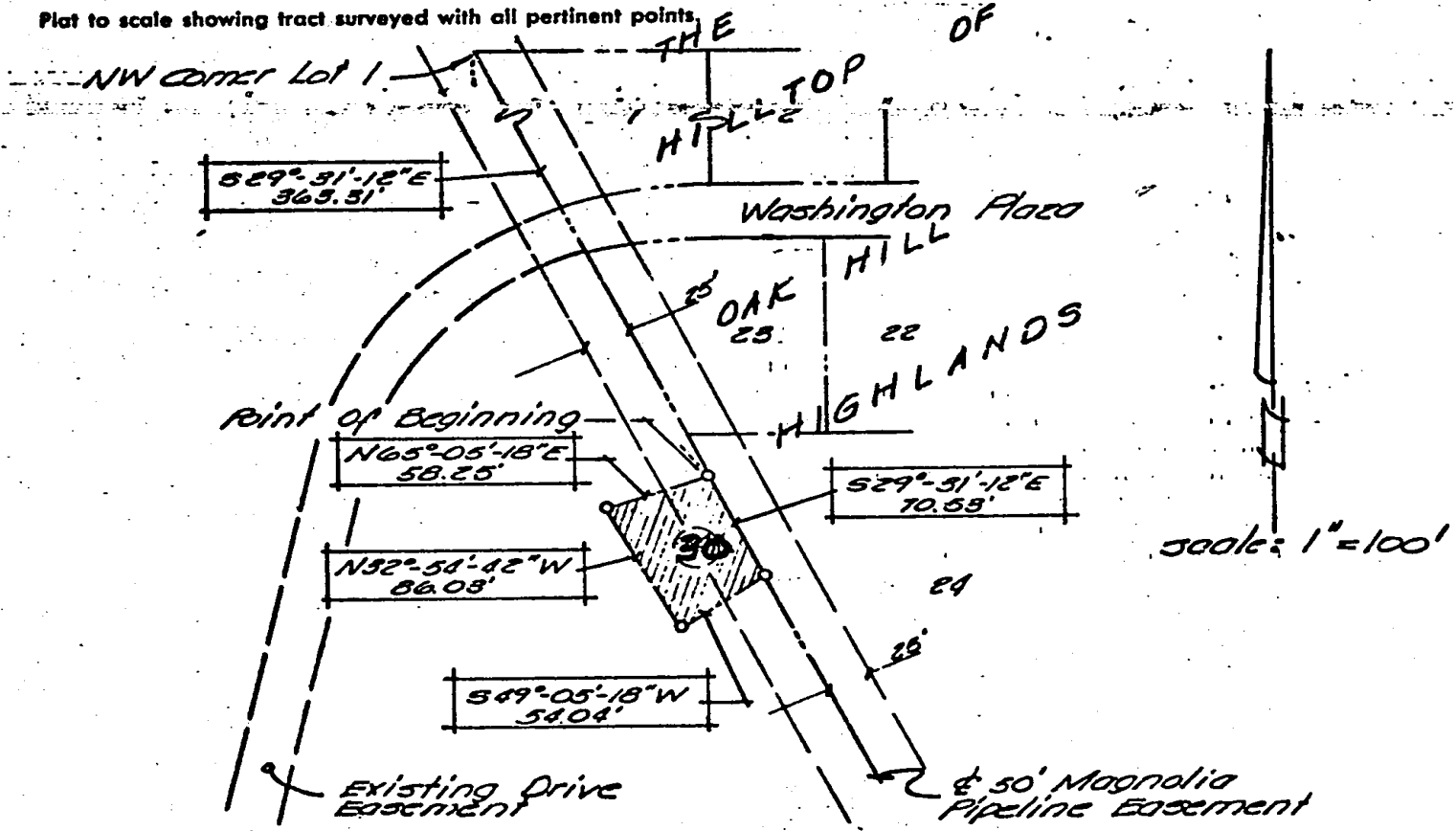
Field Notes:

LEGAL DESCRIPTION

That part of vacated Oak Hills of Millard II, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska described as follows: Commencing at the Northwest corner of Lot 1, The Hilltop of Oak Hills Highlands, a subdivision as surveyed, platted and recorded; thence S 29° 31' 12" E (Assumed bearing) on the Westerly line of Lots 1, 23 and 24, said The Hilltop of Oak Hills Highlands, 363.31 feet to the point of beginning; thence continuing S 29° 31' 12" E on the Westerly line of said Lot 24, 70.53 feet; thence S 49° 05' 18" W, 54.04 feet; thence N 32° 54' 42" W, 86.03 feet; thence N 65° 05' 18" E, 58.25 feet to the point of beginning. (Containing 4,349 square feet more or less.)

(To be known as Lot <sup>30</sup> ~~1~~ The Hilltop of Oak Hills Highlands ~~Subdivision~~)

Plat to scale showing tract surveyed with all pertinent points.

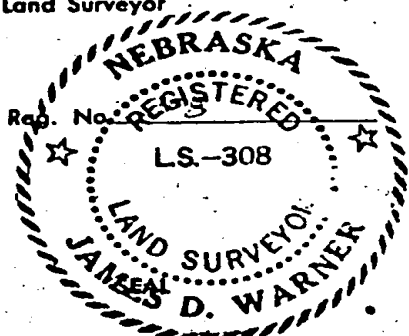


*James D. Warner*  
Signature of Land Surveyor

DATE RECEIVED: \_\_\_\_\_

Date: **DEC. 21, 1976**

Reg. No. \_\_\_\_\_



OFFICIAL ADDRESS: \_\_\_\_\_

BLDG. PERMIT NO.: **EXHIBIT "B"**

RECEIVED  
1977 FEB 24 AM 10:32  
C. HAROLD OSTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

Book **577**  
Page **92**  
of **Index**

Fee **2.45**  
Index \_\_\_\_\_  
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**9-14-76**  
**505-505**

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18