

GAINES, MULLEN, PANSING &
HOGAN
10050 REGENCY CIRCLE, SUITE 200
OMAHA, NEBRASKA 68114

RECEIVED

MAR 21 2 45 PM '96

GEORGE J. PUNLUVY
REGISTER OF DEEDS
DOUGLAS COUNTY



**DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF TORREY PINES, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA, AND
TORREY PINES REPLAT 1, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

THIS DECLARATION, made on the date hereinafter set forth, is made by BENNINGTON COMPANY, a Nebraska corporation, hereinafter referred to as the "Declarant".

PRELIMINARY STATEMENT

The Declarant is the owner of certain real property located within Douglas County, Nebraska and described as follows:

Lots 1 through 7, inclusive, and Lots 46 through 172, inclusive, in Torrey Pines, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; and Lots 1 through 31, inclusive, in Torrey Pines Replat 1, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

mc-38763

mc-38764

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot".

The Declarant desires to provide for the preservation of the values and amenities of Torrey Pines and Torrey Pines Replat 1 (hereinafter collectively referred to as "Torrey Pines"), for the maintenance of the character and residential integrity of Torrey Pines, and for the acquisition, construction and maintenance of Common Facilities for the use and enjoyment of the residents of Torrey Pines.

NOW, THEREFORE, the Declarant hereby declares that each and all of the Lots shall be held, sold and conveyed subject to the following restrictions, covenants, conditions and easements, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Lots, and the enjoyment of the residents of the Lots. These restrictions, covenants, conditions and easements shall run with such Lots and shall be binding upon all parties having or acquiring any right, title or interest in each Lot, or any part thereof, as is more fully described herein. The Lots, and each Lot is and shall be subject to all and each of the following conditions and other terms:

**ARTICLE I.
RESTRICTIONS AND COVENANTS**

1. Each Lot shall be used exclusively for single-family residential purposes, except for such Lots or parts thereof as may hereafter be conveyed or dedicated by Declarant, or its successors or assigns, for use in connection with a Common Facility, or as a church, school, park, or for other non-profit use.

0.3062
12722 COMP For See Above
DEL. C/O per
LEGAL PG

*Don't Show on
Torrey Pines
Replat 5 lots
They were released
by Amendment
attached RA*



1299 183 MISC



10006 99 183-184

Nebr Doc
Stamp Tax

Date

\$

By

RICHARD H TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

99 JUL -1 PH 2:33

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FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF TORREY PINES, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA

This First Amendment to Declaration is made on the date hereinafter set forth by BENNINGTON COMPANY, a Nebraska corporation, hereinafter referred to as the "Declarant."

PRELIMINARY STATEMENT

By Declaration for Torrey Pines, a Subdivision in Douglas County, Nebraska, dated March 20, 1996, filed March 21, 1996, in Book 1171 at Page 678 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, (herein referred to as the "Declaration"), Declarant subjected the following described lots to restrictions, covenants, conditions and easements:

Lots 1 through 7, inclusive, Lots 46 through 80, inclusive, Lots 83 through 172, in Torrey Pines, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and Lots 1 through 31, inclusive, in Torrey Pines Replat 1, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; Lots 1 and 2, inclusive, in Torrey Pines Replat 2, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

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Declarant does hereby substitute, amend and restate the Declaration in the following particulars only:

1. The Declarant does hereby amend, restate and remove the following described lots from the restrictions, covenants, conditions and easements:

10006
FEE 46.50 FB
C/P C/O COMP
DEL SCAN FV