



MISC 2016099504



NOV 30 2016 08:41 P 28

Fee amount: 172.00  
FB: M1-40592  
COMP: CC

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
11/30/2016 08:41:43.00



2016099504

After recording, please return to:

John M. Prosocki, Esq.  
Dvorak & Donovan  
13625 California Street, Suite 110  
Omaha, Nebraska 68154

**THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS OF WALNUT LAKE, A SUBDIVISION IN  
DOUGLAS COUNTY, NEBRASKA**

This Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska is made on the date hereinafter set forth by Pacesetter Homes, Inc. a Nebraska corporation (the "Declarant"), and the other undersigned owners of Lots (as defined in the Declaration) in Walnut Lake Replat I, a subdivision as surveyed platted and recorded in Douglas County, Nebraska, which Declarant and other owners constitute the owners of not less than seventy-five percent (75%) of the Lots subject to the Declaration.

1. The Declarant executed a Declaration of Covenants, Conditions, Restrictions and Easements (the "Declaration") covering the real property described as: Lots 1 through 57, inclusive, and Outlots A, B and C, in Walnut Lake Replat I, a Subdivision in Douglas County, Nebraska. The Declaration was dated November 20, 2001, land was filed for record in the Office of the Register of Deeds of Douglas County, Nebraska on November 29, 2001 in Book 1410 at Pages 495 through 514, inclusive. Declarant previously amended the Declaration pursuant to a First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska dated June 6, 2002 and recorded June 10, 2002 in the Office of the Register of Deeds of Douglas County, Nebraska in Book 1444 at Pages 237 through 238, inclusive, and pursuant to a Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska recorded July 11, 2013 in the Office of the Register of Deeds of Douglas County, Nebraska as Instrument No. 2013070232.

2. Under the terms and conditions of Article IV, Section 2 of the Declaration, the Declaration can be amended with the written consent of the owners of not less than seventy-five percent (75%) of the Lots subject to the Declaration.

3. Pursuant to the power reserved in Article IV, Section 2 of the Declaration, the Declarant and other undersigned owners (constituting the owners of not less than seventy-five percent (75%) of the Lots covered by the Declaration), desire to amend the Declaration as hereinafter set forth.

4. Article I, Section 4 of the Declaration is hereby amended by deleting the third sentence thereof, and replacing such sentence with the following language:

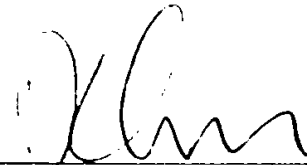
The roofs of all improvements shall be covered with wood cedar shingles, wood shakes or DaVinci Bellaforte Shake roofing in the color of "Mountain." If the DaVinci Bellaforte Shake roofing material is not available and/or the color "Mountain" is not available, then any substitute is subject to the approval of the Declarant at the time of the replacement of the roof or when a house is being built.

5. In all other respects, the Declaration heretofore executed, as previously amended, is hereby ratified and confirmed in its original form.

IN WITNESS WHEREOF, the Declarant and the other undersigned owners have executed this Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska effective as of the date of the last of the signatures below.

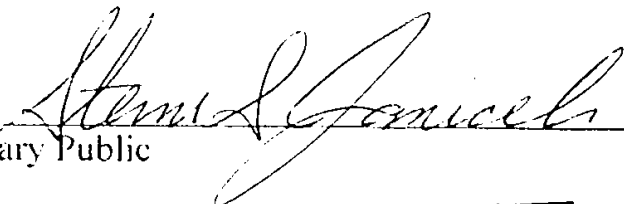
Lot Numbers: 1, 2, 5, 7, 10, 12,  
15, 16, 17, 19, 20, 21, 22,  
31, 41, 44

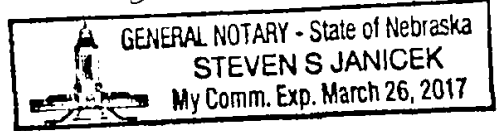
PACESETTER HOMES, INC., a Nebraska corporation

By:   
Dennis Van Moorlegem, President

STATE OF NEBRASKA        )  
  ) SS:  
DOUGLAS COUNTY         )

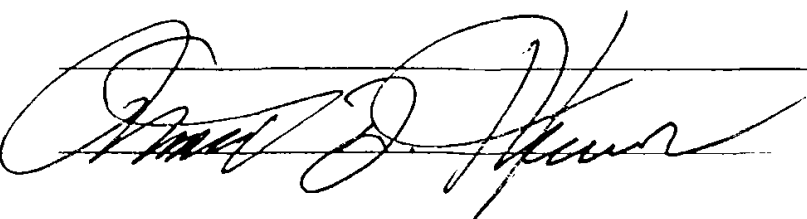
The foregoing instrument was acknowledged before me this 9 day of Sept, 2016 by Dennis Van Moorlegem, personally known to me to be the President of Pacesetter Homes, Inc., a Nebraska corporation, and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said corporation.

  
Notary Public



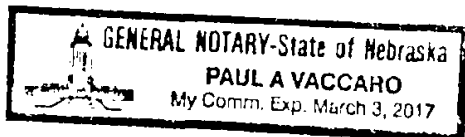
**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

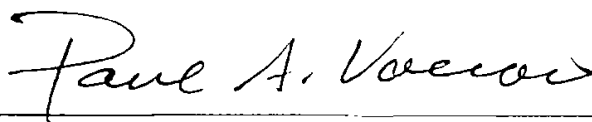
Lot Number: 3 Printed Name(s): Robert D Hanlon

Signature(s): 

STATE OF NEBRASKA        )  
  ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 10<sup>TH</sup> day of AUGUST,  
2016, by ROBERT D HANLON



  
Notary Public

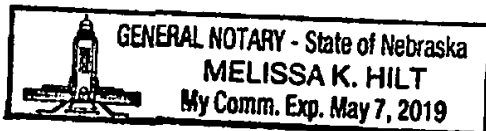
**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 4 Printed Name(s): Beverly June Cose  
Terry Dean Cose

Signature(s): Beverly June Cose  
Terry Dean Cose

STATE OF NEBRASKA )  
COUNTY OF Douglas ) SS:

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of July,  
2016, by Beverly and Jerry Cose



Melissa K. Hilt  
Notary Public

**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 6 Printed Name(s): Kenneth E. Havick  
Mary Jane Havick  
Signature(s): Kenneth E. Havick  
Mary Jane Havick

STATE OF NEBRASKA )  
COUNTY OF Douglas ) SS:

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of July,  
2016, by Kenneth E. Havick and Mary Jane Havick.



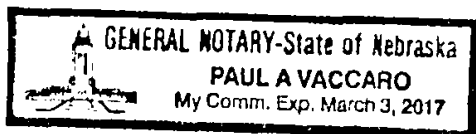
Lynette Stephens  
Notary Public

Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska

Lot Number: 18 Printed Name(s): Richard E Westcott  
Barbara J Westcott  
Signature(s): [Handwritten Signatures]  
Richard E Westcott  
Barbara J Westcott

STATE OF NEBRASKA )  
COUNTY OF Douglas ) SS:

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of July,  
2016, by Richard E Westcott & Barbara J Westcott



Paul A. Vaccaro  
Notary Public

**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska.**

Lot Number: 24

Printed Name(s): LARRY KOOM

Georgine Koom

Signature(s): Larry Koom

Georgine Koom

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF Douglas    )

The foregoing instrument was acknowledged before me on this 21 day of October,  
2016 by Larry Koom Georgine Koom.

Teri Moore  
Notary Public



**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 25

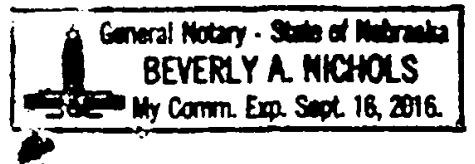
Printed Name(s): PAUL A. VACCARO  
SUSAN S. VACCARO

Signature(s): Paul A Vaccaro  
Susan S. Vaccaro

STATE OF NEBRASKA            )  
  ) SS:  
COUNTY OF Douglas        )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of July,  
2016, by Paul A Vaccaro and Susan S Vaccaro

Beverly A. Nichols  
Notary Public





**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 26 Printed Name(s): Cleo W. Robinson Jr  
Carol Diane Robinson

Signature(s): *Cleo W. Robinson Jr*  
*Carol Diane Robinson*

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS:

The foregoing instrument was acknowledged before me this 18<sup>TH</sup> day of JULY  
2016, by CLEO W. ROBINSON & CAROL DIANE ROBINSON



*Paul A. Vaccaro*  
Notary Public

**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska.**

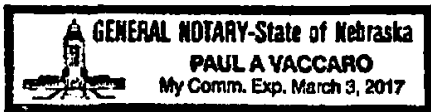
Lot Number: 27

Printed Name(s): MARCIA V CLARK, TRUSTEE  
MARCIA V CLARK REVOCABLE TRUST

Signature(s): Marcia V Clark, Trustee  
Marcia V Clark Revocable Trust

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me on this 26<sup>TH</sup> day of OCTOBER,  
2016 by MARCIA V. CLARK TRUSTEE MARICA V. CLARK  
REVOCABLE TRUST.



Paul A. Vaccaro  
Notary Public





**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 32

Printed Name(s): David A. Guthrie

Renee E. Guthrie

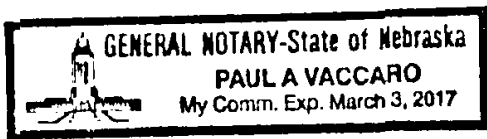
Signature(s):

*David A. Guthrie*

*Renee E. Guthrie*

STATE OF NEBRASKA            )  
  ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 27<sup>TH</sup> day of JULY,  
2016, by DAVID A. GUTHRIE & RENEE E. GUTHRIE.



*Paul A. Vaccaro*  
Notary Public

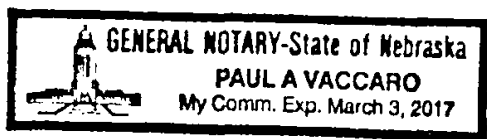
**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number:   15   Printed Name(s): Dennis A Gray  
Linda A Gray

Signature(s): Dennis A. Gray  
Linda A. Gray

STATE OF NEBRASKA        )  
                                  ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of July,  
2016, by DENNIS A. GRAY & LINDA A. GRAY.



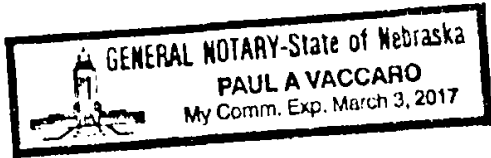
Paul A. Vaccaro  
Notary Public

**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 36 Printed Name(s): STEVEN A. RILEY  
KATHY E. RILEY  
Signature(s): *Steven A. Riley*  
*Kathy E. Riley*

STATE OF NEBRASKA        )  
  ) SS:  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 27<sup>TH</sup> day of JULY,  
2016, by STEVEN A RILEY & KATHY E RILEY.



*Paul A. Vaccaro*  
Notary Public

**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

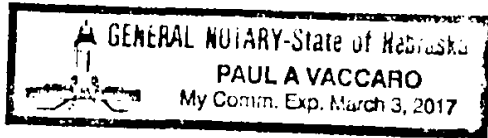
Lot Number: 37

Printed Name(s): LINDA K. SCHREIBER

Signature(s): Linda K. Schreiber

STATE OF NEBRASKA            )  
  ) SS:  
COUNTY OF DOUGLAS        )

The foregoing instrument was acknowledged before me this 30<sup>TH</sup> day of JULY,  
2016, by LINDA K. SCHREIBER.



Paul A. Vaccaro  
Notary Public



Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska.

Lot Number: 38

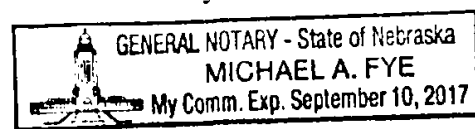
Printed Name(s): David M Anderson  
Melissa A. Anderson

Signature(s): David M Anderson  
Melissa A. Anderson

STATE OF NEBRASKA )  
COUNTY OF Douglas ) ss.

The foregoing instrument was acknowledged before me on this 17 day of October,  
2016 by David M Anderson and Melissa A. Anderson

Michael A. Fye  
Notary Public

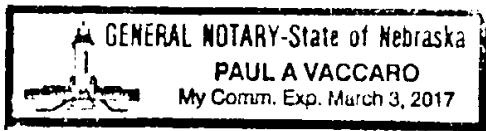


**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 39 Printed Name(s): David E. Weaver  
Laura L. Weaver  
Signature(s): David E. Weaver  
Laura L. Weaver

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS:

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of JULY,  
2016, by DAVID E. WEAVER & LAURA L. WEAVER.



Paul A. Vaccaro  
Notary Public

Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska

poor copy

Lot Number:

  7  

Printed Name(s):

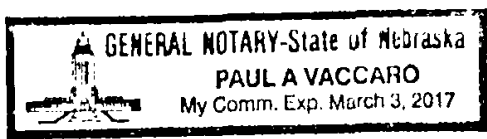
WAYNE EARLY GATES  
M. Kathleen Gates

Signature(s):

Wayne Early Gates  
M. Kathleen Gates

STATE OF NEBRASKA            )  
  ) SS:  
COUNTY OF DOUGLAS        )

The foregoing instrument was acknowledged before me this 27<sup>TH</sup> day of JULY,  
2016, by WAYNE EARLY GATES & M. KATHLEEN GATES



Paul A. Vaccaro  
Notary Public



**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska.**

Lot Number: 45

Printed Name(s): Judith K Freeland  
Michael W. Freeland

Signature(s): Judith K Freeland  
Michael W Freeland

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF Douglas )

The foregoing instrument was acknowledged before me on this 21 day of October,  
2016 by Judith K Freeland & Michael W Freeland.

[Signature]  
Notary Public



**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 46<sup>d</sup>47 Printed Name(s): Jeanette McFarland

Signature(s): Jeanette McFarland

STATE OF NEBRASKA     )  
  ) SS:  
COUNTY OF DOUGLAS )



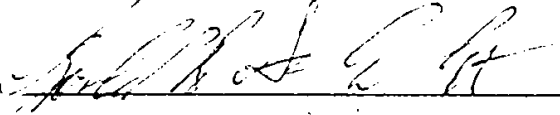
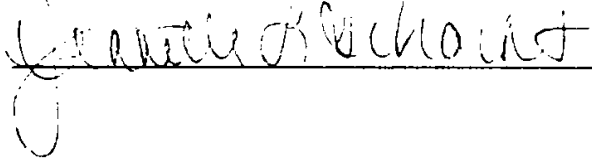
The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of July, 2016, by Jeanette McFarland.

Paula E. Gaston  
Notary Public

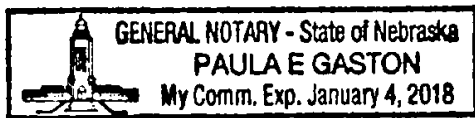
Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska.

Lot Number: 49

Printed Name(s): RONALD D SCHACHT  
Jeanette L. Schacht

Signature(s):   


STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF Douglas    )



The foregoing instrument was acknowledged before me on this 19 day of October,  
2016 by Ronald W Schacht Jeanette L Schacht

Paula E. Gaston  
Notary Public



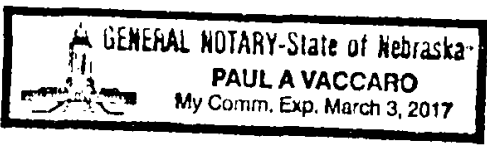


Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska

Lot Number: 52 Printed Name(s): J. RICHARD STANKO  
TRACY B. STANKO  
Signature(s): Richard Stanko  
Tracy B Stanko

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS:

The foregoing instrument was acknowledged before me this 21<sup>ST</sup> day of AUGUST,  
2016, by J. RICHARD STANKO & TRACY B. STANKO.



Paul Vaccaro  
Notary Public

**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

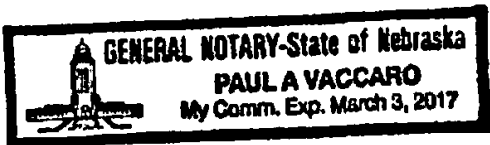
Lot Number: 55

Printed Name(s): John D. Anderson  
Kathy L. Anderson

Signature(s): John D. Anderson  
Kathy L. Anderson

STATE OF NEBRASKA            )  
  ) SS:  
COUNTY OF DOUGLAS        )

The foregoing instrument was acknowledged before me this 9<sup>TH</sup> day of AUGUST,  
2016, by JOHN D. ANDERSON & KATHY L. ANDERSON.



Paul A. Vaccaro  
Notary Public

**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska.**

Lot Number: 56

Printed Name(s): Connie M. Kibby, Trustee

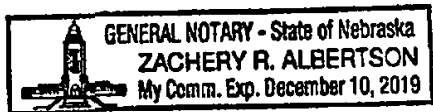
For the Connie M. Kibby amended  
and Restated Revocable Trust  
Agreement Dated April 22, 2005

Signature(s): Connie M. Kibby, Trustee

For the Connie M. Kibby  
amended and Restated  
Revocable Trust Agreement  
Dated April 22, 2005

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF Douglas    )

The foregoing instrument was acknowledged before me on this 20 day of October,  
2016 by Connie M. Kibby trustee for the Connie M. Kibby Amended and  
restated revocable trust agreement Dated April 22, 2005



Zachery R. Albertson  
Notary Public

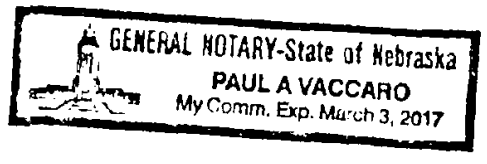
**Signature Page to Third Amendment to Declaration of Covenants, Conditions,  
Restrictions and Easements of Walnut Lake, a Subdivision in Douglas County, Nebraska**

Lot Number: 57 Printed Name(s): Amy Joy Friedman  
Sanford L. Friedman

Signature(s): Amy Joy Friedman  
Sanford L. Friedman

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS:

The foregoing instrument was acknowledged before me this 21<sup>ST</sup> day of 2016  
2016, by AMY JOY FRIEDMAN & SANFORD L. FRIEDMAN



Paul Vaccaro  
Notary Public