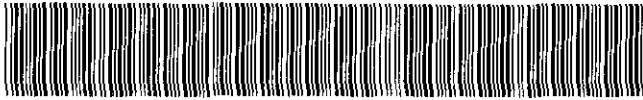





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 4 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP JDS  
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Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 9/15/2008 08:35:50.33  
  
 2008090403

THE ABOVE SPACE IS FOR THE REGISTER OF DEEDS RECORDING INFORMATION

RETURN TO: CENTURY DEVELOPMENT COMPANY, 1505 NORTH 203<sup>RD</sup> STREET, ELKHORN, NE 68022

**LEGAL DESCRIPTION:**

**Lot 1, West Shores Replat 2, being a replat of Lots 178 and 179, West Shores; and Lots 1 through 177, Lots 180 through 242, and Lots 246 through 294, West Shores, both being subdivisions in Douglas County, Nebraska**

11614

FOURTH AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS  
AND EASEMENTS OF WEST SHORES, A SUBDIVISION  
IN DOUGLAS COUNTY, NEBRASKA

THIS FOURTH AMENDMENT to the Declaration of Covenants, Conditions, Restrictions and Easements of West Shores, a subdivision in Douglas County, Nebraska, dated February 15, 2001, and recorded on February 22, 2001 in Book 1370 at Pages 1-16 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska as amended by the First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements of West Shores, a Subdivision in Douglas County, Nebraska dated October 9, 2001 and recorded on October 11, 2001 in Book 1402 at Pages 643-646 of the miscellaneous records of the Register of Deeds of Douglas County, Nebraska, and amended by the Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of West Shores, a Subdivision in Douglas County, Nebraska, dated November 21, 2002 and recorded on January 23, 2003 in Book 1488 at Pages 454-456 of the miscellaneous records of the Register of Deeds of Douglas County, Nebraska and amended by the Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of West Shores, a Subdivision in Douglas County, Nebraska, dated September 8, 2005 and recorded on September 19, 2005 as Instrument Number 2005117114 in the office of the Register of Deeds of Douglas County, Nebraska (together the "Declaration"), is made on the date shown on the close of this instrument, by Century Development, L.L.C., a Nebraska limited liability company, who is the owner of the real property herein described and who is the Declarant under the Declaration.

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in Douglas County, Nebraska, which was made subject to the Declaration and is more particularly described as follows:

Lot 1, West Shores Replat 2, being a replat of Lots 178 and 179, West Shores; and Lots 1 through 177, Lots 180 through 242, and Lots 246 through 294, West Shores, both being subdivisions in Douglas County, Nebraska (Property).

WHEREAS, Declarant desires to amend the Declaration and make the Property subject to the following amendments to the covenants, conditions, restrictions and easements set forth in the Declaration:

NOW, THEREFORE, Declarant hereby declares that all of the Property hereinabove described shall be held, sold and conveyed subject to the following

amendments to the easements, restrictions, covenants and conditions set forth in the Declaration and as amended herein, for the purpose of protecting the value and desirability of, and which shall run with all of said Property, and shall be binding on all parties having any right, title or interest in said Property or any part thereof, and their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

The Declaration is amended as follows:

1. Article I, Paragraph 2(a) shall be amended in its entirety to read as follows:

- a. An Owner desiring to erect an Improvement to any Lot shall deliver two sets of construction plans, landscaping plans and site plans with grade elevations showing drainage (herein collectively referred to as the "plans") to the DRB with a \$250.00 nonrefundable review fee and a \$2,500.00 construction impact deposit made payable to the West Shores Homeowners Association (the "Association"). DRB shall transmit the construction impact deposit to Association within three (3) days of receipt. Such plans shall include a description of type, quality, color and use of materials proposed for the exterior of such improvement. Concurrent with submission of the plans, Owner shall notify the DRB of Owner's mailing address. The construction impact deposit will be deposited into Association's operating account and any interest shall accrue for the benefit of Association only. If, in the sole and absolute discretion of DRB or Association, Owner or its employees, independent contractors, successors or assigns, fail to adequately maintain Owner's Lot and surrounding areas free of debris, construction materials, dirt and other impacts from said construction, then the construction impact deposit may be used by DRB or Association, in their sole and absolute discretion, for upkeep and maintenance of the Owner's Lot and surrounding Lots which may be impacted by construction activities on Owner's Lot, which may include but is not limited to the following: removing trash, installing silt fence, cleaning the street, removing silt and re-seeding surrounding lots. Owner, by submission of plans to DRB grants all necessary approvals, easements and licenses to DRB, Association and any of their respective representatives or contractors to carry out the intentions of this paragraph. In the event that DRB, in its sole and absolute discretion, or Association if appointed by DRB, undertakes any actions due to impact by construction activities from Owner's Lot, Owner agrees to hold DRB, Association and their respective representatives and contractors harmless from any and all claims,

