

FIFTH AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS FIFTH AMENDMENT to Declaration of Covenants, Conditions and Restrictions made on the date hereinafter set forth by the owners as of the date hereof of more than ninety percent (90%) of all the lots contained in the following-described real estate, to-wit:

Lots 300 through 325, inclusive, and Outlots 1 through 4, inclusive, all in Woodhaven Replat II, a subdivision in Douglas County, Nebraska, being a replat of Lot 267, Woodhaven, a subdivision (sometimes hereinafter called "Properties"),

WITNESSETH:

WHEREAS, a certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS was duly executed on the 12th day of July, 1977, (hereinafter referred to as "Declaration") pertaining to and made binding upon said above-described real estate according to the terms and provisions thereof, which said Declaration was recorded on the 18th day of July, 1977, in Book 583 at Pages 727 to 734, inclusive, of the Miscellaneous Records in the Office of the Register of Deeds for Douglas County, Nebraska, and

WHEREAS, said Declaration was subsequently amended by the due execution and recording of the hereinafter described amendments thereto:

1. First Amendment By Addendum, dated October 24, 1977, recorded November 2, 1977, in Book 588 at Pages 691 to 692, inclusive, of said Miscellaneous Records.

2. Second Amendment dated December 15, 1977, recorded January 13, 1978, in Book 592 at Pages 249 to 251, inclusive, of said Miscellaneous Records.

3. Third Amendment dated June 6, 1978, recorded June 9, 1978, in Book 598 at Pages 481 to 483, inclusive, of said Miscellaneous Records.

4. Fourth Amendment dated September 29, 1978, recorded October 2, 1978, in Book 604 at Pages 18 to 20, inclusive, of said Miscellaneous Records,

and

WHEREAS, the undersigned are the owners of more than ninety percent (90%) of the lots subject to said Declaration and the above-noted Amendments thereto, and the undersigned now deem it desirable and necessary to make a further amendment to said Declaration by deleting from said First Amendment thereto the hereinafter cited provisions thereof which deal with restrictions on the occupancy of said properties by individuals having children in their care, custody or control.

NOW, THEREFORE, the undersigned hereby declare as follows:

1. Said First Amendment to said Declaration be and hereby is amended by wholly deleting and eliminating therefrom Paragraph No. 1 thereof in its entirety, including subparagraphs a) and b) of said Paragraph No. 1.

2. All provisions of this Fifth Amendment to said Declaration are hereby declared to be in addition and/or in amendment to the provisions of said Declaration and First, Second, Third and Fourth Amendments thereto and made a part thereof, and are to be in force for the same period of time and enforced in the same manner as set forth in the Declaration for the covenants, conditions and restrictions therein contained. Except as herein expressly amended, modified or changed, all provisions, covenants, conditions, restrictions and easements contained in said Declaration and in said First, Second, Third and Fourth Amendments thereto shall be and remain in full force and effect.

EXECUTED this _____ day of April, 1980.

BYRON REED COMPANY, INC., Declarant and Owner of Lots 300 to 305, inclusive; 307, 308, 310, 313 to 321, inclusive; 324 and 325, all in said Woodhaven Replat II, a subdivision.

By: Charles E. Peterson
President

WOODHAVEN TOWNHOMES, INC., Owner of Lot 306 and Outlots 1 to 4, inclusive, in said Woodhaven Replat II, a subdivision.

By: Charles E. Peterson
President

Thomas R. Flynn

Maria L. Flynn
Owner(s) of Lot 309, in said Woodhaven Replat II, a subdivision.

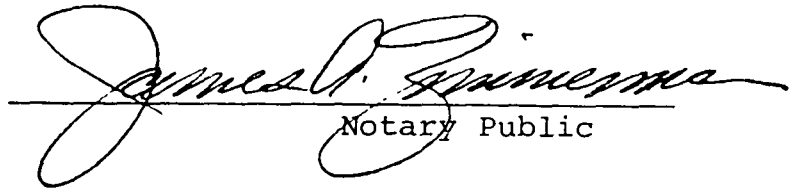
Wayne Chamberlain

Margie Chamberlain
Owner(s) of Lot 312, in said Woodhaven Replat II, a subdivision.

STATE OF NEBRASKA)
) ss. On the date last above written, before me,
COUNTY OF DOUGLAS) the undersigned a Notary Public in and for
 said County, personally came _____
 Wayne Chamberlin and _____
 Maxine Chamberlin, husband and wife, to me personally known to
 be te identical persons whose names are affixed to the above Fifth
 Amendment To Declaration of Covenants, Conditions and Restrictions,
 and acknowledged the execution thereof to be their voluntary act and
 deed.

WITNESS my hand and Notarial Seal at Omaha in said County
 on the date last above written.

GENERAL NOTARY - State of Nebraska
JAMES A. ZIMMERMAN
My Comm. Exp. Feb. 24, 1981


Notary Public

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C. HAROLD OSTLIE
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

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