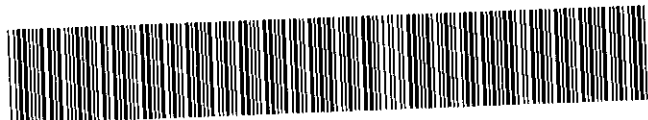


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Register of Deeds, Douglas County, NE  
7/9/2009 10:17:10.22



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**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS  
AND EASEMENTS OF CASTLE CREEK,  
A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA  
(Lots 1 through 317, inclusive and Outlots "A", "B" and "C")**

This Amendment to Declaration is made the 6<sup>th</sup> day of July, 2009, by CASTLE CREEK DEVELOPMENT, LLC, a Nebraska limited liability company, hereinafter referred to as the "Declarant."

**PRELIMINARY STATEMENT**

By Declaration of Covenants, Conditions, Restrictions and Easements of Castle Creek, dated August 23, 2005, and recorded on September 15, 2005 as Instrument No. 2005-115495 of the miscellaneous records of Douglas County, Nebraska (herein the "Declaration"), the Declarant imposed covenants, conditions and restrictions on Lots 1 through 317 and Outlots "A", "B" and "C", inclusive, in Castle Creek, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Declarant is desirous of amending the Declaration as it relates **only** to:

Lots 1 through 8, inclusive, Castle Creek, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska;

pursuant to the terms of Article V, General Provisions, Paragraph 2:

The covenants and restrictions of this Declaration shall run with and bind the land for eighty-nine years after the recording of this Declaration. This Declaration may be amended by Castle Creek Development, LLC, a Nebraska limited liability company, or any person, firm, corporation, partnership, or entity designated in writing by Castle Creek Development, LLC, a Nebraska limited liability company, in any manner which it may determine in its full and absolute discretion for a period of five (5) years from the date hereof. Thereafter this Declaration may be amended by an instrument signed by the owners of not less than seventy-five percent (75%) of the Lots covered by this Declaration.

**RETURN:** Pansing Hogan  
10250 Regency Circle Suite 200  
Omaha, NE 68114

(C)

2008137

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

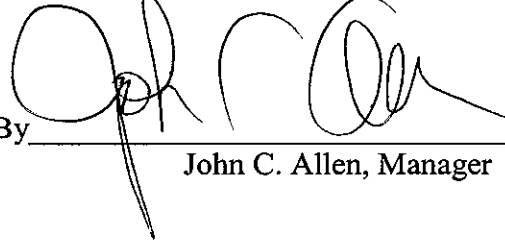
1. The Declarant does hereby delete the last sentence of Article I, Restrictions and Covenants, Paragraph 11 beginning, "No fence of any type shall be permitted within the Landscape Easement recorded on August 24, 2005, Instrument No. 2005104847 of the Miscellaneous Records of Douglas County, Nebraska affecting Lots 1 through 8, inclusive, and Lots 296 through 309, Castle Creek" and does hereby substitute the following:

11. No fence shall be permitted within the Landscape Easement recorded on August 24, 2005, Instrument No. 2005104847 of the Miscellaneous Records of Douglas County, Nebraska affecting Lots 1 through 8, inclusive, and Lots 296 through 309, Castle Creek without the written permission of the Declarant.

Except as amended herein, the Declaration shall remain in full force and effect as previously recorded.

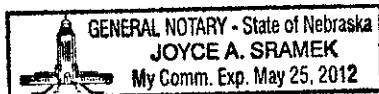
IN WITNESS WHEREOF, the Declarant has caused this Amendment to Declaration to be executed on the date and year first written above.

CASTLE CREEK DEVELOPMENT, LLC, a  
Nebraska limited liability company

By   
John C. Allen, Manager

STATE OF NEBRASKA     )  
                                      ) ss.  
COUNTY OF DOUGLAS    )

On this 6<sup>th</sup> day of July, 2009, before me, a Notary Public, personally came JOHN C. ALLEN, Manager of CASTLE CREEK DEVELOPMENT, LLC, a Nebraska limited liability company, on behalf of the Company.



  
Notary Public