

198

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CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
BLAIR, NEBRASKA

FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This corrects the Fourth Amendment and is now the Fifth Amendment to Declaration of Covenants, Conditions and Restrictions is made and executed as of the 13th day of August, 2005 by Crest Co., Inc., a Nebraska Corporation, hereinafter referred to as the "Declarant", WITNESSETH:

WHEREAS, on January 13, 2000, Declarant executed a certain Declaration of Covenants, Conditions, and Restrictions (hereinafter the "Declaration") pursuant to which certain protective covenants, conditions, restrictions, reservations, liens and charges, all as more particularly set forth in the Declaration, were imposed on Lots 1-32, inclusive, in Crest Ridge Subdivision, a subdivision of Washington County, Nebraska, and

WHEREAS, the Declaration was recorded on March 1, 2000 in Record Book 314, Pages 228-236 of the Records of the County Clerk of Washington County, Nebraska, ex-officio Register of Deeds, and

WHEREAS, the Declaration reserves to the Declarant the exclusive right to modify or waive the Restrictions of the Declaration and, further, provides for amendment to said Restrictions by the affirmative vote of the Owners of the majority of the Lots comprising the real estate described hereinabove, and

WHEREAS, Declarant was the Declarant in the Declaration and, further, as of the date hereof, is the Owner of a majority of the lots described hereinabove as shown in the Deed Records of the County Clerk of Washington County, Nebraska, ex-officio Register of Deeds, and has voted affirmatively to modify certain terms of the Declaration set forth hereinbelow, and

WHEREAS, Declarant wishes to modify and amend certain of the terms and provisions of the Declaration as more particularly set forth hereinbelow.

NOW, THEREFORE, in consideration of the premises, Declarant herewith amends the Declaration by adding thereto the following:

1. "Lots 14, 15, 16, 17, 26, 27, 28 and 29, individually or collectively, in Crest Ridge Subdivision, a Subdivision of Washington County, Nebraska, shall no longer be subject to the terms and conditions of the Declaration and shall be released from the protective covenants, conditions, restrictions, reservations, liens and charges set forth therein upon the occurrence of the following condition precedent:

As to each said lot, the rezoning of the same from the current residential classification to any commercial use classification as provided by the zoning regulations of Washington County, Nebraska. Removal of said lot or lots from the Declaration shall automatically occur upon the approval and recording of said rezoning without further action on the part of the Declarant, its successors and assigns."

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