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**FIRST AMENDMENT TO THE  
DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR GAVIIDAE**

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR GAVIIDAE is made this 23<sup>rd</sup> day of September, 2009, by PBK VALLEY, LLC, a Nebraska limited liability company (hereinafter referred to as the "Declarant").

**RECITALS:**

WHEREAS, this First Amendment is pursuant to the Declaration of Covenants, Conditions, Restrictions and Easements for Gaviidae, dated August 5, 2009, and recorded in the Office of the Douglas County Register of Deeds on August 20, 2009, Instrument No. 2009091751, (referred to herein as the "Declaration"), and shall be recorded against the Property legally described on Exhibit A, attached hereto and incorporated herein by this reference.

WHEREAS, pursuant to Section 13.2 of the Declaration, the Declarant desires to amend the Declaration to define the allowable and prohibited watercrafts on the lake within the Gaviidae Subdivision.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

1. Definitions. Terms used in this Amendment shall have the meanings set forth in the Declaration except as otherwise defined herein.
2. Amendments. Pursuant to Sections 13.2 of the Declaration, the Declarant hereby amends Section 9.2 of the Declaration to include the following provisions:

**9.2.7 Lake Rules; Restricted Watercraft.** All boats operating on the lake must comply with all the rules and regulations as well as regulations established by the State of Nebraska for boating. All boats on the lake must be owned by Lot Owners, registered with the Association and contain the appropriate and current Association sticker. No other boats shall be permitted on the lake. All boats must display the Owner's Lot number and the Association sticker in the size established by the

RJR  
FULLENKAMP, DOYLE & JOBEUN  
11440 WEST CENTER ROAD  
OMAHA, NE 68144-4482  
cblaj

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Association in a visible position on the starboard aft (right rear) side. Air boats, jet-powered boats, jet-powered watercraft classified as jet skis, wave runners, or any other jet-powered personal watercraft of any brand, make or model, and any boat with above-water exhaust systems are prohibited. The Declarant and/or Association shall establish the boat speed limit on the lake, said speed limit also being set forth in the rules and regulations. Speed in the launching, dock and shore areas are always NO WAKE; this also applies for the time between sundown and sunrise. All boats, skiers and others being pulled by a boat must remain a minimum of fifty (50) feet from the shore and/or docks. The rules of the lake shall also be subject to the rules and regulations, as amended from time to time.

3. No Other Amendments. Except as set forth herein, the Declaration shall remain in full force and effect.

*1* IN WITNESS WHEREOF, this second amendment was executed by the Declarant this 22 day of September, 2009.

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*[Signature on following page]*

DECLARANT:

PBK VALLEY, LLC, a Nebraska limited  
liability company,

By: Brian Hellasik  
Its: Chief Manager

Minnesota  
STATE OF NEBRASKA )  
Minneapolis ) ss.  
COUNTY OF DOUGLAS )

Before me, a notary public, in and for said county and state, personally came Brian Hellasik, Chief Manager of PBK Valley, LLC, a Nebraska limited liability company, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said limited liability company.

Witness my hand and Notarial Seal this 23<sup>rd</sup> day of September, 2009.

[Seal]

Susan A. Cross  
Notary Public



**EXHIBIT A**  
**LEGAL DESCRIPTION OF THE**  
**GAVIIDAE SUBDIVISION**

Lots 1 thru 37, inclusive, and Outlots 1 thru 8, all in Gaviidae, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.