



MISC 2011020329



MAR 02 2011 14:30 P 2

*misc 2/13*

FEE 66.50 FB see below  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMA \_\_\_\_\_  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_  
*D*

RETURN RECORDED DOCUMENT TO:

**MICHAEL C. CARTER, ESQ.**  
 11506 Nicholas Street, Suite 200  
 Omaha, NE 68154

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 3/2/2011 14:30:44.22



2011020329

This Instrument Prepared by: Michael C. Carter, Esq., 11506 Nicholas St., Suite 200, Omaha, NE 68154

**SECOND AMENDMENT TO  
 DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS  
 AND EASEMENTS FOR THE HOMES AT RIVER ROAD**

THIS SECOND AMENDMENT TO DECLARATION, made on this 25th day of February, 2011 pursuant to that certain Declaration of Covenants, Conditions, Restrictions and Easement dated March 1, 2004 and filed with the Register of Deeds in Douglas County, Nebraska at MISC. 2004028337 on March 4, 2004, (the "Declaration") and whose First Amendment was filed in the Miscellaneous #2004147719 on November 12, 2004, in the office of the Registrar of Douglas County, Nebraska, by Homes at River Road L.L.C., a Nebraska limited liability company, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in the County of Douglas, State of Nebraska, which is more particularly described as:

*OW-17343*  
 Lots 1 - 5, 7A, 7B, 8A, 8B, 9-11, 20 - 53 The Homes at River Road, a subdivision as surveyed; and Lots 6A and 6B Homes at River Road Replat 1, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and Lots ~~1-5~~ *OW-17342* Homes at River Road Replat 1, being a replat of Lots 12 - 19 Homes at River Road, a subdivision as surveyed, platted and recorded in Douglas County Nebraska; Lots 54 - 73, 74A, 74B, 75A, 75B, 77A, ~~77B~~ *SPH* 78 - 88, 89A, 89B, 90 - 110 Homes at River Road First Addition.

WHEREAS, the Developer desires to make an amendment to the aforementioned Declaration allowing for single car garages on the duplexes in the Development. *OW-17344*

NOW THEREFORE, Notwithstanding anything contained in the Declaration to the contrary, Declarant hereby declares that all duplexes located and built within the subdivisions listed above shall be allowed to have single car garages adjoining each half of a duplex, subject to existing recorded easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal on the day and date first set forth hereinabove.

*✓ 5989*

Homes at River Road, L.L.C., a Nebraska limited liability company, Declarant

By:   
Donald F. Day, Manager

State of Nebraska       )  
                                  ) ss.  
County of Douglas       )

Before me, a Notary Public, in and for said county and state, personally came Donald F. Day, Manager of Homes at River Road, L.L.C., 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.

Dated this 25<sup>th</sup> day of February, 2011.



  
Notary Public