



MISC 2004110862



AUG 19 2004 13:36 P 2

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS
FOR A PART OF STONE CREEK, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
8/19/2004 13:36:17.72



2004110862

This First Amendment is made to the Declaration of Covenants, Conditions Restrictions and Easements of Stone Creek, a Subdivision in Douglas County, Nebraska (the "Declaration"), dated August 6, 2001, and recorded with the Douglas County Register of Deeds on August 9, 2001, in Book 1394 at Page 56, Miscellaneous Records, by Horgan Development Company, a Nebraska corporation (the "Declarant").

Preliminary Statement

The Declaration was made by Declarant in connection with the development of the real estate legally described as follows:

150

Lots 541 through 600, inclusive, Stone Creek, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot."

Declarant has considered amendment of the Declaration for purposes of amending Article IV, Section 6. Article VI, Section 2, allows the Declarant to amend the Declaration in any manner in which it may determine, in its full and absolute discretion, for a period of five (5) years from the date of the Declaration. Declarant has investigated the impact which the proposed amendment to the Declaration would have on the Lots and has concluded that the amendments would further the preservation of Stone Creek, would further the maintenance of the character and residential integrity of Stone Creek, and would further the benefits protection afforded to the Lots by the Declaration.

NOW, THEREFORE, pursuant to the authority granted to Declarant in Article VI, Section 2, of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

- 1. Article IV, Section 6, is amended and replaced in its entirety to provide as follows:

6. Abatement of Dues and Assessments. Notwithstanding any other provision of this Declaration, the Board of Directors may abate all or part of the dues or assessments due in respect of any Lot, and shall abate all dues and assessments due in respect of any Lot: (i) during the period such Lot is owned by the Declarant; and (ii) until such time as a house is constructed on such Lot and is first occupied. Lots owned by the Declarant on which a house has not been constructed and first occupied shall not be subject to an imposition of dues, assessments or Association liens.

Return Address:
Danning, Horgan, Ernst
10250 Regency Cir. #300
Omaha NE 68114

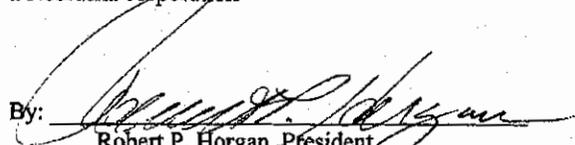
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2. Except as amended and modified herein, the Declaration shall remain in full force and effect according to its terms.

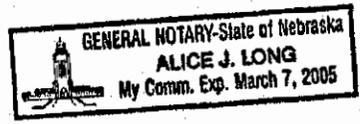
IN WITNESS WHEREOF, the Declarant has executed this First Amendment as of the ___ day of August, 2004.

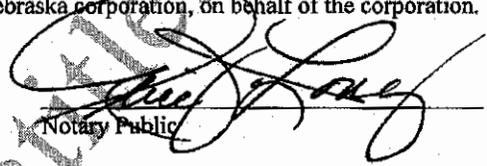
HORGAN DEVELOPMENT COMPANY,
a Nebraska corporation

By: 
Robert P. Horgan, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 18th day of August, 2004, by Robert P. Horgan, President of Horgan Development Company, a Nebraska corporation, on behalf of the corporation.




Notary Public

00202685

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