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MISC 2009125842

FEE 108.00 FB see below
BKP _____ C/O _____ COM by DW
DEL _____ SCAN _____ FV _____



NOV 23 2009 14:18 P 2

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
11/23/2009 14:18:57.65



SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS AMENDMENT is entered into this 19 day of November, 2009 by NS - THE HERITAGE LLC, a Nebraska limited liability company, hereinafter referred to as "Declarant".

RECITALS

WHEREAS, A Declaration of Covenants, Conditions and Restrictions dated the 6th day of November, 2006 and recorded against the Property in the Register of Deeds, Douglas County, Nebraska as Instrument No. 2006127732, hereinafter referred to as "Declaration".

WHEREAS, The Property is subject to the Declaration and Article IV Paragraph 2 of the Declaration gives the Declarant the right to make amendments to the Declaration and Declarant desires to make additional covenants, conditions and restrictions upon the Property.

WHEREAS, The Property subject to this Amendment is legally described as:

05-16143 → Lots 1 through 105, inclusive, 112 through 115, inclusive, 119 through 129, inclusive, and 133 through 194, inclusive, all in The Heritage, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska together with Lots 1 through 3, 05-16144 inclusive, The Heritage Replat One, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, together with Lots 1 through 7, inclusive, The Heritage Replat 2, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, together with Lots 1 and 2, inclusive, The Heritage Replat 3, 05-16145 a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, and together with Lots 1 through 3, inclusive, The Heritage Replat 4, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (hereinafter collectively referred to as the "Property"). 05-16147

RETURN TO:
FULLENKAMP, DOYLE & JOBEUN
11440 WEST CENTER ROAD
OMAHA, NEBRASKA 68144-4482
ATTN: BLO

1258

NOW, THEREFORE, Declarant declares that the Property described hereinabove is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions and restrictions set forth below:

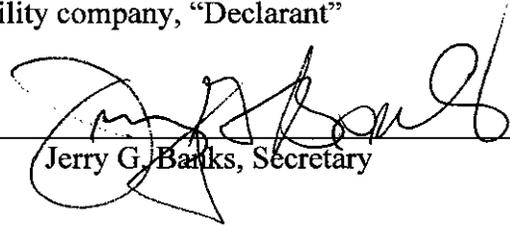
The Property is subject to a one-time assessment for mailboxes. The Assessment shall be \$100.00 and shall be paid at closing by the initial owner who is not a preferred builder as defined by the Declarant or the Declarant. The Assessment shall not be considered as dues under Article II – Homeowners Association of the Declaration and shall not be subject to those limitations contained therein. The Assessment shall not be considered an assessment for extraordinary costs Article II – Homeowners Association of the Declaration and shall not be subject to those limitations contained therein.

IN WITNESS WHEREOF, the Declarant hereby executed this Amendment on the day first written hereinabove.

DECLARANT:

NS - THE HERITAGE, LLC, a Nebraska limited liability company, "Declarant"

By:


Jerry G. Banks, Secretary

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

The foregoing instrument was acknowledged before me this 19 day of November 2009 by Jerry G. Banks, as Secretary of NS - The Heritage, LLC, a Nebraska limited liability company, on behalf of said limited liability company.


Notary Public

