

78-1781

Timbercrest 1st Add

1089 COMPARED

SECOND AMENDMENT

TO

Dorothy Etter

Memorandum

Rebuttal

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

FOR TIMBERCREST FIRST ADDITION

IN THE CITY OF COUNCIL BLUFFS, IOWA

WHEREAS, Timbercrest Venture, Ltd., an Iowa limited partnership, as the "Declarant", placed of record certain covenants, conditions and restrictions on certain real property, which is more particularly described as follows:

Lots 1 through 56, inclusive, in Timbercrest First Addition, in Council Bluffs, as surveyed, platted and recorded in Pottawattamie County, Iowa,

WHEREAS, said Covenants, Conditions and Restrictions for Timbercrest First Addition, dated the 1st day of May, 1976, were recorded in Book 76 at Page 21188, in the Office of the Recorder of Pottawattamie County, Iowa, said Covenants, Conditions and Restrictions hereinafter referred to as the "Covenants, and

WHEREAS, Article I of the Covenants, provided for certain "Use Restrictions", and

WHEREAS, the undersigned, Timbercrest Venture, Ltd., the "Declarant" of the Covenants, now desire to amend Article I of the Covenants, pursuant to Article III, Paragraph B of the Covenants, by the addition of a paragraph "U." to said Article I of the Covenants, which paragraph U. shall read as follows:

"U. Sidewalks constructed, in accordance with the City of Council Bluffs requirements, shall be the responsibility of the home builder."

NOW, THEREFORE, Timbercrest Venture, Ltd., the "Declarant" of the Covenants, Conditions and Restrictions for Timbercrest First Addition in the City of Council Bluffs, Iowa, does hereby amend said Covenants, recorded in Book 76 at Page 21188 in the Office of the Recorder of Pottawattamie County, Iowa, by adding to Article I a Paragraph U., said paragraph U. to read as follows:

"U. Sidewalks constructed, in accordance with the City of Council Bluffs requirements, shall be the responsibility of the home builder."

Except as herein amended, and any prior amendments, all provisions of said Covenants, Conditions and Restrictions for Timbercrest First Addition, shall remain in full force and effect.

EXECUTED this 20th day of July, 1977.

TIMBERCREST VENTURE, LTD.,
an Iowa Limited Partnership

By CREATIVE LAND CONSULTANTS, INC.,
a Nebraska corporation, General
Partner

By Glenn L. Buck
Glenn L. Buck, President

ATTESTED

By E.M. Gollehon
E.M. Gollehon, Secretary

COMPARED

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)
) SS
)

On the date last above written, before me, the undersigned, a Notary Public in and for said County, personally came Glenn L. Buck, President of Creative Land Consultants, Inc., a Nebraska corporation, which corporation is to me personally known to be the General Partner of Timbercrest Venture, Ltd., an Iowa limited partnership, and said Glenn L. Buck, the identical person whose name is affixed to the foregoing Amendment, acknowledged the execution thereof to be his voluntary act and deed on behalf of said Corporation for said Limited Partnership.

Witness my hand and notarial seal in Omaha, in said County, on the day last above written.

Ranee D. Pettijohn
Notary Public

