



MISC 2006052775



MAY 11 2006 13:24 P 3

F

3/140 misc

FEE	85.00	FB	07-37845
BKP		C/O	COMP <i>02</i>
DEL		SCAN	FV

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 5/11/2006 13:24:23.31



2006052775

**FIRST AMENDMENT TO DECLARATION
 OF COVENANTS, CONDITIONS, RESTRICTIONS
 AND EASEMENTS OF VALLEY SHORES, A SUBDIVISION
 IN DOUGLAS COUNTY, NEBRASKA**

THIS FIRST AMENDMENT to the Declaration of Covenants, Conditions, Restrictions and Easements of Valley Shores, a Subdivision in Douglas County, Nebraska, dated and recorded on June 07, 2004 in Instrument No. 2004073712 at page 11 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (the "Declaration"), is made on the date shown on the close of this instrument, by Three Points Lake Development, L.L.C., a Nebraska limited liability company, who is the owner of the real property herein described and who is the Declarant under the Declaration.

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in Douglas County, Nebraska, which was made subject to the Declaration and is more particularly described as follows:

Lots 1 thru 140 in Valley Shores, a Subdivision in Douglas County, Nebraska (the "Property").

WHEREAS, Declarant desires to amend the Declaration and make the Property subject to the following amendments to the covenants, conditions, restrictions and easements set forth in the Declaration;

NOW THEREFORE, Declarant hereby declares that all of the Property hereinabove described shall be held, sold and conveyed subject to the following amendments to the easements, restrictions, covenants, and conditions set forth in the Declaration and as amended herein, for the purpose of protecting the value and desirability of, and which shall run with all of said Property, and shall be binding on all parties having any right, title or interest in said Property or any part thereof, and their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

The Declaration is amended as follows:

1. Paragraph 3, shall be amended in its entirety to read as follows:
 3. No part of any residence on Lots 1 – 101, except as hereinafter provided for, may be erected or maintained on any of the Lots nearer to the front street

*Three Points Lake
 1505 North 203 St.
 Elkhorn, Ne 68022
 Pels 29*

1

1154

right-of-way ("R.O.W.") than twenty-five (25) feet, nor nearer to the rear Lot line than sixty (60) feet, nor nearer to the side Lot line than five (5) feet. Additionally, no part of any residence on Lots 102 – 140, except as hereinafter provided for, may be erected or maintained on any of the Lots nearer to the front street right-of-way ("R.O.W.") than thirty (30) feet, nor nearer to the rear Lot line than thirty-five (35) feet, nor nearer to the side Lot line than ten (10) feet. However, that Declarant shall have and does hereby reserve the right with the consent in writing of the record owner of the fee simple title to any such Lot, to change any building line on any such lot or lots, so long as the change conforms to the City of Valley, Nebraska Zoning Ordinances.

2. Paragraph 8, shall be amended in its entirety to read as follows:

8. A public sidewalk shall be constructed of concrete four (4) feet wide by four (4) inches thick in front of each Lot and upon each street side of each corner Lot. The sidewalk shall be placed six (6) feet back of the curb line and shall be constructed by the Owner of the Lot prior to the time of completion of the main structure and before occupancy thereof.

3. Paragraph 11, subparagraph a and c, shall be amended in its entirety to read as follows:

a. The first fifty (50) feet of the rear lot line must remain in sand.

c. Erosion Control must be maintained during the construction period and until vegetation is established on the lot, to avoid run off of excavation and lot grading material to flow into the lake. A silt fence must be installed at the rear of the Lot along the beach line, and must be maintained during construction. All front-yard exterior drain spouts should be discharged to the street. Any exterior drain spouts discharged to the rear-yard should be installed underground and released to the waters edge. Any type of wall or terrace installed to minimize beach erosion must be at least fifty (50) feet from the rear Lot line.

4. Paragraph 19, shall be amended in its entirety to read as follows:

19. All fences and landscaping must be approved by the DRB or its assigns. On Lots 1-101, fence types allowed are wrought iron or PVC of a non privacy type. Fences are allowed on side yards from the front dwelling line to no nearer than fifty (50) feet from rear lot line and have a height of not more than thirty-six (36) inches. Fences will be allowed across the rear yard no nearer than fifty (50) feet from the rear lot line and have a height of not more than thirty-six (36) inches.

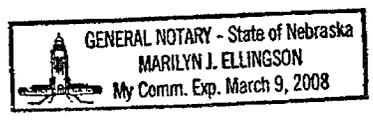
IN WITNESS WHEREOF, the undersigned, being the Declarant, hereby adopts this first amendment to the Covenants, Conditions, Restrictions and Easements of Valley Shores, a subdivision in Douglas County, Nebraska described herein on this 28 day of April, 2006.

THREE POINTS LAKE DEVELOPMENT L.L.C.,
a Nebraska limited liability company

By: Frank R. Krejci
Frank R. Krejci, Managing Member

STATE OF NEBRASKA)
)ss:
COUNTY OF DOUGLAS)

On this 28 day of April, 2006, before me, a Notary Public in and for the State of Nebraska, personally appeared Frank R. Krejci, to me personally known, who being by me duly sworn, did say that he is the Managing Member of Three Points Lake Development, L.L.C., a Nebraska limited liability company by authority of the limited liability company, and its member and that he as the officer acknowledged execution of the instrument to be the voluntary act and deed of the Corporation and the limited liability company by it and by the officer voluntarily executed.



Marilyn J. Ellingson
Notary Public