

AMENDMENT NO. 1  
TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR APPLEWOOD HEIGHTS  
LOT 366 THROUGH 523, INCLUSIVE

THIS AMENDMENT NO. 1 to Declaration, made on the date hereinafter set forth, by HARRISON STREET JOINT VENTURE, a Nebraska Joint Venture, hereinafter referred to as “Declarant”.

W I T N E S S E T H :

WHEREAS, the Declarant did execute that certain Declaration of Covenants, Conditions and Restrictions for Applewood Heights, Lots 366 through 523, Inclusive, on September 22, 1987, and filed September 28, 1987, in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, at Book 827, Pages 536 through 543, inclusive (the “Declaration”);

WHEREAS, Article VI, Paragraph B of the Declaration provides that the Declaration may be amended by the Declarant in any manner it shall determine in its full and absolute discretion for a period of five (5) years from the date the Declaration was recorded; and

WHEREAS, it is within said five (5) year period, and the Declarant desires to amend the Declaration as hereinafter set forth.

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

ARTICLE I.  
AMENDMENTS

A. The second sentence of Paragraph G of Article III of the Declaration is hereby amended to read as follows:

“All dwellings shall be roofed with wood shakes or wood shingles or shakes or shingles manufactured primarily from bounded wood fibers.”

B. Paragraph Q of Article III of the Declaration is hereby amended to delete the last sentence of said Paragraph.

ARTICLE II.  
RATIFICATION

The Declarant hereby ratifies and affirms the Declaration, as amended herein, and declares that all of the lots described above shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration, as amended herein. Said easements, covenants, restrictions and conditions shall run with said real property and shall be binding upon all parties having or acquiring any right, title or interest in the above described real property, or any part thereof, and they shall inure to the benefit of each owner thereof.

IN WITNESS WHEREOF, the undersigned, being the Declarant under the Declaration, has executed this Amendment No. 1 to Declaration of Covenants, Conditions and Restrictions for Applewood Heights Lots 366 through 523, Inclusive, this 21<sup>st</sup> day of July, 1988.