

CASH 11435 BK 1071 R Comp FB MC-16531
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 FEE 17.00 OF Misc LEGL PG 269 MC — FV —
FIRST AMENDMENT TO DECLARATION

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MAY 10 3 25 PM '93

 GEORGE J. BUGLEWICZ
 REGISTER OF DEEDS
 DOUGLAS COUNTY, NE

This First Amendment to Declaration is made on the date hereinafter set forth by MAPLE JOINT VENTURE, a Nebraska general partnership, hereinafter referred to as the "Declarant".

PRELIMINARY STATEMENT

By Declaration dated November 20, 1992 and recorded at Book 1051, Page 592 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (hereinafter referred to as the "Declaration"), Declarant subjected the following described lots to certain easements, covenants and restrictions:

Lots 1, 4, 5 and 12, Hillsborough Replat I, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Section 9.2 of the Declaration provides as follows:

9.2 Amendment and Termination. Except as provided below, this Declaration and any provision herein contained may be terminated, extended or amended as to any parcel only with both (a) the express written consent of all the owners of the parcels thereby affected and (b) the express written consent of the owner of Lot 12. No tenant, licensee or other person having a possessory interest in a parcel is required to join in the execution of or consent to any action of the owner of such parcel taken pursuant to this Declaration.

Declarant as the record owner of Lots 1, 4, 5 and 12, Hillsborough Replat 1, does hereby substitute, amend and restate the Declaration in the following particulars only:

1. The Declarant does hereby restate and substitute for Section 2.1 (b) 2. the following amendment:

2. Access to 135th Drive from Lots 1 and 4 shall be limited to such entrance-exits at the respective east property lines of Lots 1 and 4, in size, number, and location, as determined by the Owner of Lot 12 in its sole discretion but in no event fewer than two (2)

entrance-exits for each of such Lots. The respective Permittees of Lots 1, 4 and 5 shall have a non-exclusive easement over the portion, if any, of Lot 12, which is the width of any approved entrance-exit and which lies between the approved entrance-exits of Lots 1 and 4 and 135th Drive for the purpose of providing ingress, egress, and access to 135th Drive; such easement areas shall be improved and maintained by the Owner of the Parcel upon which such entrance-exits are located and shall be constructed in a manner and with materials approved by the Owner of Lot 12.

2. The Declaration is in all other matters ratified and affirmed.

The Declarant has executed this First Amendment to Declaration as of this 4th day of May, 1993.

MAPLE JOINT VENTURE, a Nebraska General Partnership, Seller

By: LERNER MAPLE PARTNERSHIP, a Nebraska General Partnership, Partner

By: Jay R. Lerner, Partner

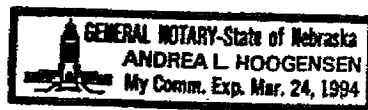
By: Salvadore Carta, Partner

By: VENTURE-50, INC., a Nebraska Corporation, Partner

By: Daryl E. Wikoff, Vice-President

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

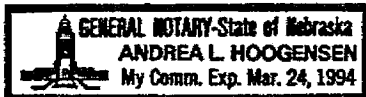
The foregoing instrument was acknowledged before me this 4th day of May, 1993, by JAY R. LERNER, Partner of LERNER MAPLE PARTNERSHIP, a Partner of MAPLE JOINT VENTURE, a Nebraska general partnership, on behalf of the partnership.



Andrea L. Hoogensen
Notary Public

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

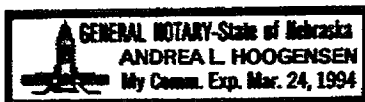
The foregoing instrument was acknowledged before me this 4th day of May, 1993, by SALVADORE CARTA, Partner of LERNER MAPLE PARTNERSHIP, a Partner of MAPLE JOINT VENTURE, a Nebraska general partnership, on behalf of the partnership.



Andrea L. Hoogensen
Notary Public

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

The foregoing instrument was acknowledged before me this 4th day of May, 1993, by DARYL E. WIKOFF, Vice-President of VENTURE-50, INC., a Nebraska corporation, a Partner of MAPLE JOINT VENTURE, a Nebraska general partnership, on behalf of the corporation.



Andrea L. Hoogensen
Notary Public