

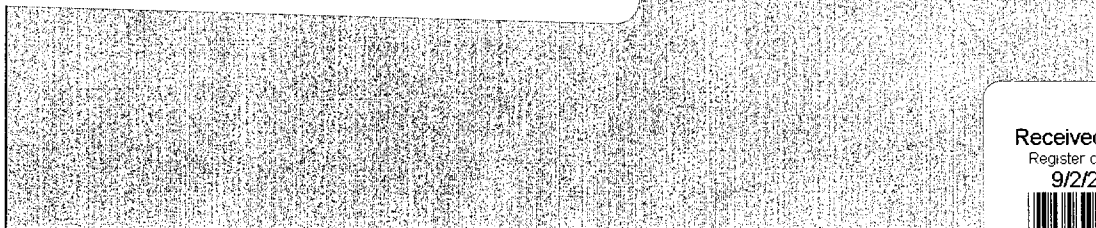


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Received - DIANE L. BATTIATO

Register of Deeds, Douglas County, NE

9/2/2005 15:10:02.67



2005109765

AMENDMENTS TO DECLARATION

AMENDMENTS TO DECLARATION made on the date hereinafter set forth by more than two-thirds of the lot owners in good standing as of the date hereof as required by the by-laws of the Escalante Hills Property Owners Association, Inc.

WITNESSETH:

WHEREAS, the lot owners in Escalante Hills Property Owners Association, Inc., in order to preserve and promote the private residential character of the premises in accordance with the plan of development as expressed in the original Declaration and all supplemental Declarations and Amendments, are desirous of amending the covenants contained with the Declarations, supplemental Declarations and Amendments.

WHEREAS, the lot owners in Escalante Hills Property Owners Association, Inc., have been charged with certain responsibilities for maintenance of the Common Area and each dwelling by previous Declarations, supplemental Declarations and Amendments and are desirous of amending those responsibilities.

WHEREAS, the following amendments were approved by the homeowners of the Escalante Hills Homeowners Property Owners Association, Inc., on December 9, 2004. Twenty-five (25) homes in good standing voted to approve the change to the covenants. Four (4) voted against.

NOW THEREFORE, in consideration of the foregoing preamble, the undersigned declare that the following to be the desired amendments to the covenants contained in the Declaration, any supplement or amendment thereto:

**ARTICLE I
DEFINITIONS**

R&R
Jason C. Demman
10855 W. Dodge Rd, #100
Omaha, NE 68154

L Misc 63-11350.
137.50. FD 63-11351 - Replat.
24 79-155
79-231 ✓ C/O COMP Sm
35. PN SCAM FI

Section 4. In addition, "Common Area" shall not mean what are commonly referred to as 'common elements', including any portion of the walls, floors or ceilings. Nor shall common area mean any portion of any chute, flue, duct, wire, conduit, bearing wall, bearing column or any other fixture lying partially within and partially outside the designated boundaries. Nor shall common area mean any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, exterior doors and windows or other fixtures designed to serve a single unit, but located outside the unit's boundaries. It is understood that this definition is in contrast to Neb. Rev. Stat. §76-839 (Reissue 1996) providing for common elements and unit boundaries.

ARTICLE V

Section 1. Maintenance on Dwellings

In addition to maintenance upon the Common Area, the Association shall provide exterior maintenance upon each Lot which is subject to assessment for exterior maintenance hereunder, including but not in limitation of the foregoing, **clear driveways and walks of snow and apply chemicals or sand thereto.** Exterior maintenance shall not include painting, repair, replacement and care of roofs, gutters, downspouts, exterior building surfaces, glass surfaces, doors, garage doors, mechanical garage door openers, or any mechanical equipment such as air conditioning condensers and related appliances and mechanical equipment. In the event that the need for maintenance or repair is caused through the willful or negligent act of the Owner, his family, guests, or invitees, the cost of such maintenance of repairs shall be added to and become part of the Regular assessment to which such Lot is subject. The Association, its employees and agents shall have to the right to go on any Lot or into or upon any dwelling or a Lot in the properties for the purpose of performing maintenance and is hereby granted a specific easement for such purpose.

Section 2. Exterior Maintenance Deadline

(1) By February 1, 2005, each Owner will present to the Board a written list of requested exterior maintenance required to be made by and at the expense of the Association under the previous Declarations and By-laws and in particular, the Declarations adopted on March 3, 1993, for exterior maintenance upon each Lot which is subject to assessment for exterior maintenance hereunder, including but not in limitation of the foregoing, the painting, repairs, replacement and care of roofs, gutters, downspouts, exterior building surfaces.

(2) The written list of requested exterior maintenance shall be generated by an inspection conducted by the Owner and a contractor approved by the Board. Upon receipt of the written list of requests, the Board will review the Owner's written list of requested exterior maintenance for applicability and approval under the previous Declarations and By-laws as mentioned in Paragraph (1) above. The Board will allocate the funds available to the exterior maintenance of the Lots in the order that the written lists of requested exterior maintenance were received.

(3) This deadline does not affect the Association's obligation to maintain such insurance on the exterior of the Lots in accordance with the Declarations and By-Laws of this Association, as from time to time amended, and under the laws of the State of Nebraska.

That except as hereinabove amended, all other provisions of said Declaration, and the subsequent Supplementary Declarations and Amendments thereto, are to remain in full force and effect with said exception.

IN WITNESS WHEREOF, the undersigned hereunto set their hands and seals this 2 day of September, 2005.

Escalante Hills Replat

✓ **Lot 101, Escalante Hills Replat, an Addition to the City of Omaha, Douglas County, Nebraska**

Duane E. Waltke
Duane Waltke

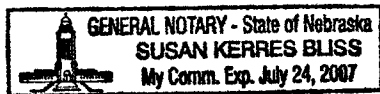
Linda A. Waltke
Linda Waltke

Amanda Waltke
Amanda Waltke

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 13 day of AUGUST, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came DUANE WALTKE, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

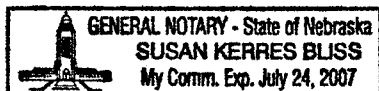


Susan Kerres Bliss
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 13 day of AUGUST, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came LINDA WALTKE, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

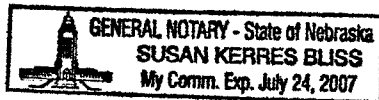


Susan Kerres Bliss
Notary Public

[illegible]

On this 4 day of AUGUST, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came AMANDA WALTER, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed.


Witness my hand and notarial seal the day and year last above written.



Susan L. R. R. R. R. R.
Notary Public

Lot 102, Escalante Hills Replat, an Addition to the City of Omaha, Douglas County, Nebraska

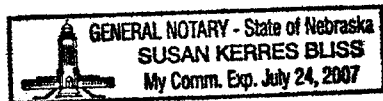
County, Nebraska


Ronald Bradstreet

[illegible]

On this 2 day of August, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
RONALD BEADSTREET, to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.



Susan Herres Bliss
Notary Public

**Lot 103, Escalante Hills Replat, an Addition to the City of Omaha, Douglas
County, Nebraska**

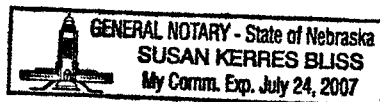
Colleen Sylvester
Colleen Sylvester

Tim Burkhardt
Tim Burkhardt

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 24 day of AUGUST, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
Colleen Sylvester to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

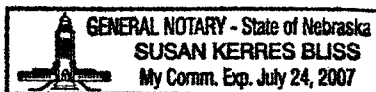


Susan Kerres Bliss
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 24 day of AUGUST, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
Tim Burkhardt, to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.



Susan Kerres Bliss
Notary Public

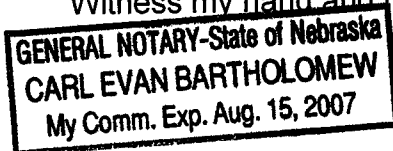
Lot 104, Escalante Hills Replat, an Addition to the City of Omaha, Douglas County, Nebraska

Melissa E. Crowley
Melissa Crowley

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 6th day of August, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came Melissa E. Crowley, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.



Carl Evan Bartholomew
Notary Public

Lot 105, Escalante Hills Replat, an Addition to the City of Omaha, Douglas County, Nebraska

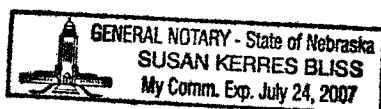
Steve A. Brown

Steve A. Brown
Trustee of the Steve A. Brown Revocable Trust

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 4 day of AUGUST, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came STEVE A. BROWN, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed as trustee.

Witness my hand and notarial seal the day and year last above written.



Susan Kerres Bliss
Notary Public

**Lot 106, Escalante Hills Replat, an Addition to the City of Omaha, Douglas
County, Nebraska**

Susan Brooking

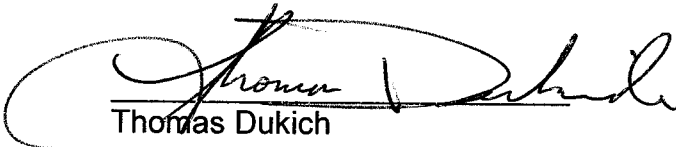
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this _____ day of _____, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
_____, to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

Notary Public

**Lot 107, Escalante Hills Replat, an Addition to the City of Omaha, Douglas
County, Nebraska**

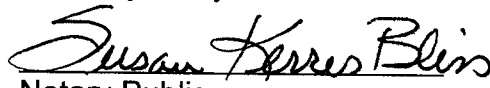

Thomas Dukich

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 2 day of AUGUST, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
THOMAS DUKICH, to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.




Notary Public

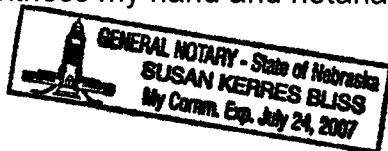
Lot 108, Escalante Hills Replat, an Addition to the City of Omaha, Douglas County, Nebraska

Annette M. Brown
Annette Brown

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 2 day of August, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came ANNETTE BROWN, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.



Susan Kerres Bliss
Notary Public

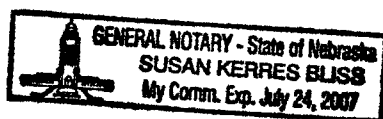
Lot 109, Escalante Hills Replat, an Addition to the City of Omaha, Douglas County, Nebraska

Pat Hopkins
Pat Hopkins

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

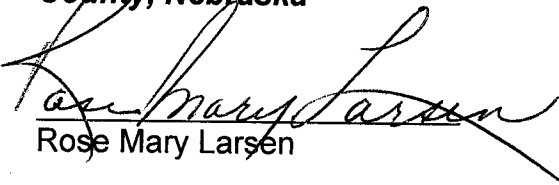
On this 2 day of August, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came PAT HOPKINS, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.



Susan Kerres Bliss
Notary Public

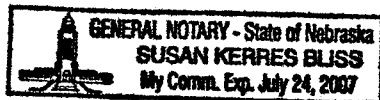
**Lot 110, Escalante Hills Replat, an Addition to the City of Omaha, Douglas
County, Nebraska**

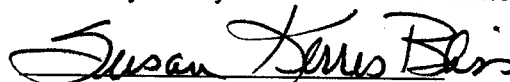

Rose Mary Larsen

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

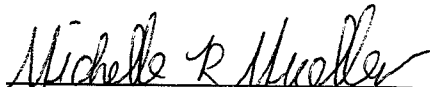
On this 2 day of AUGUST, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
ROSEMARY LARSEN to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.




Notary Public

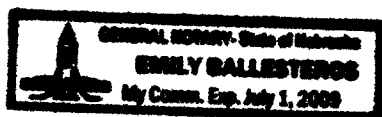
**Lot 121, Escalante Hills Replat, an Addition to the City of Omaha, Douglas
County, Nebraska**


Michelle R. Mueller

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

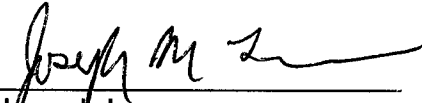
On this 2nd day of August, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
Michelle R. Mueller to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.




Notary Public

**Lot 122, Escalante Hills Replat, an Addition to the City of Omaha, Douglas
County, Nebraska**

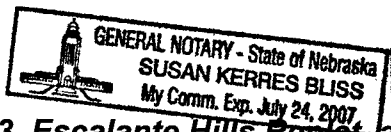


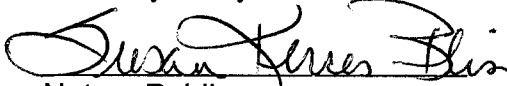
Joseph Lee

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 24 day of AUGUST, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
JOSEPH LEE, to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
his voluntary act and deed.

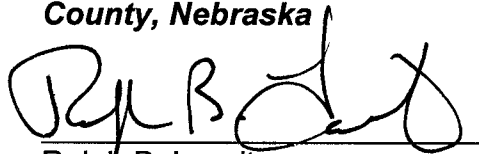
Witness my hand and notarial seal the day and year last above written.



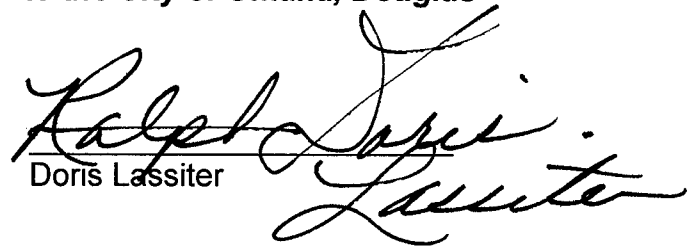


Notary Public

**Lot 123, Escalante Hills Replat, an Addition to the City of Omaha, Douglas
County, Nebraska**



Ralph B. Lassiter

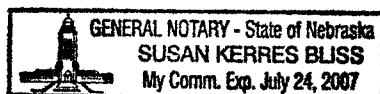



Doris Lassiter

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 2 day of AUGUST, 2005, before me, a Notary Public, duly
commissioned and qualified in and for said county, personally came
RALPH LASSITER, to me personally known to be the identical person who
signed the foregoing instrument and acknowledged the execution thereof to be
his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.



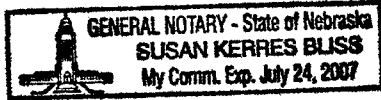


Notary Public

[illegible]

On this 2 day of AUGUST, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came DORIS LASSITER, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.



Susan Kress Bliss
Notary Public

Lot 124, Escalante Hills Replat, an Addition to the City of Omaha, Douglas County, Nebraska

Michael Y. Peprah

[illegible]

On this _____ day of _____, 2005, before me, a Notary Public, duly commissioned and qualified in and for said county, personally came _____, to me personally known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

Notary Public