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FIRST AMENDMENT TO
 DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
 AND EASEMENTS
 FOR
 WEST BAY WOODS 2, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA

THIS FIRST AMENDMENT to Declaration of Covenants, Conditions, Restrictions and Easements for West Bay Woods 2 ("First Amendment") is made the 11th day of May, 2012, by DAVID F. LANOHA, Trustee of the DAVID F. LANOHA REVOCABLE TRUST dated March 2, 2004 (hereinafter referred to as the "Declarant").

PRELIMINARY STATEMENT

Declarant, David F. Lanoha, Trustee of the David F. Lanoha Revocable Trust dated March, 2, 2004 executed that certain Declaration of Covenants, Conditions, Restrictions and Easements for West Bay Woods 2, recorded with the Douglas County Register of Deeds on July 29, 2011 as Instrument No. 2011063908 ("Declaration") which encumbers Lots 92 through 180, inclusive, in West Bay Woods 2, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

Pursuant to Article IV, Section 3, of the Declaration, the Declarant retains for a period of five (5) years from July 27, 2011, the right to waive, modify, or amend any or all of the covenants, conditions, restrictions, and easements as they apply to the Lots, in the Declarant's full and-absolute discretion, and that any such decision by the Declarant shall be final and there shall be no right to appeal.

Douglas County School District No. 10, which is also commonly known as the Elkhorn School District, has purchased Lots 92, 93, 94, 95, 96, and all of Lot 97 except the south approximate twenty-two feet thereof, and the Elkhorn School District is replatting the same to be

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part of a new plat to be included within Lot 1 of West Bay West, and the Elkhorn School District has requested a waiver, modification, or amendment so that the Lots it has purchased are no longer subject to any of the covenants, conditions, restrictions, or easements set forth in the Declaration and are not subject to any homeowners association.

The Declarant has, after considering the benefits and detriments which such a waiver, modification, or amendment to the Declaration will have on West Bay Woods 2 subdivision and the Elkhorn School District, has decided that such a waiver, modification, or amendment is proper and should be made.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Amendment. The Declaration is hereby amended to remove West Bay Woods 2 Lots 92, 93, 94, 95, 96, and all of Lot 97 except the south twenty-two feet thereof, from any and all governments, coverage, provisions, terms, restrictions, and requirements of the Declaration, including membership in and dues, assessments, or governments of the West Bay Woods 2 Homeowners Association.
2. Limitation of Amendment. Except as expressly set forth herein, the Declaration shall continue in full force and effect according to its terms, as amended from time to time.

IN WITNESS WHEREOF, the Declarant has caused this First Amendment To Declaration Of Covenants, Conditions, Restrictions And Easements, to be executed and made effective as of the date and year first written above.


DAVID F. LANOHA, Trustee of the David F. Lano
Lano Revocable Trust dated March 2, 2004

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 11th day of May, 2012 by DAVID F. LANOHA, Trustee of the David F. Lano Revocable Trust dated March 2, 2004, on behalf of the Trust.


NOTARY PUBLIC

