



MISC 2016076038



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Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 9/15/2016 10:14:41.08

 2016076038

**FIRST AMENDMENT TO
 DECLARATION OF EASEMENTS, COVENANTS, AND RESTRICTIONS FOR LEAVENWORTH ROWS
 UPPER EAST END DEVELOPMENT**

THIS FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS, AND RESTRICTIONS FOR LEAVENWORTH ROWS UPPER EAST END DEVELOPMENT is made and entered into this 22nd day of August, 2016, by **UPTOWN PROPERTIES, LLC**, a Nebraska limited liability company, or its assigns ("Declarant") pursuant to a certain Declaration which was recorded as Instrument Number 2016020775 on March 24, 2016, pursuant to an Assignment of Declarant Interest which was recorded as Instrument Number 2016067704 on August 19, 2016; and

WHEREAS, Declarant desires to amend Section 1.5, 1.9, Exhibit A, and add Exhibit B.

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- Section 1.5. Common Area. Amend all of Section 1.5 which states:

Those portions of the Property or other real estate adjacent to the Property, burdened by an easement in favor of the Property that (i) may or may not be a part of a Rowhouse Parcel including, but not limited to, those portions of the Property which constitute the Drive Courts and Open Space, and/or (ii) may be designated by Declarant from time to time to be devoted to the common use and enjoyment of the Owners.

Return:

Uptown Properties LLC
 11506 Nicholas St Ste 100
 Omaha, NE 68154

And replace in its entirety with:

Those portions of the Property or other real estate adjacent to the Property, as described in Exhibit "B", burdened by an easement in favor of the Property that (i) may or may not be a part of a Rowhouse Parcel including, but not limited to, those portions of the Property which constitute the Drive Courts and Open Space, and/or (ii) may be designated by Declarant from time to time to be devoted to the common use and enjoyment of the Owners.

2. Section 1.9. Declarant. Amend all of Section 1.9 which states:

Little Marcy Redevelopment, LLC, a Nebraska limited liability company, its successors and assigns, or such other persons or entities as it may from time to time designate.

And replace in its entirety with:

Uptown Properties, LLC, a Nebraska limited liability company, its successors and assigns, or such other persons or entities as it may from time to time designate.

3. Exhibit A. Amend all of Exhibit A which states:

Lots 1-3, Bartletts Addition Replat 4, a subdivision in the City of Omaha, as Surveyed, platted and recorded in Douglas County, Nebraska.

And replace in its entirety with the Amended Exhibit A which is attached hereto and made a part hereof.

4. Exhibit B. Add Exhibit B which is attached hereto as Exhibit B and is made a part hereof.

Except as hereinbefore specifically provided and set forth, each and every other term, provision, and condition in and of said original Agreement thereto shall remain in full force and effect. This First Amendment shall be binding upon and inure to the benefit of the Declarant, its successors and assigns, and no modifications of or alterations to the same shall be valid unless in writing and signed by such party.

IN WITNESS WHEREOF, the Declarant has executed this Agreement the day and year first written above.

(Signature page to follow.)

Exhibit A

(Amended)

Lots 1-3, Bartletts Addition Replat 4, a subdivision in the City of Omaha, as Surveyed, platted and recorded in Douglas County, Nebraska. 19-01765

Lots 1-3, 31 Marcy North, a subdivision in the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska. 19-38329

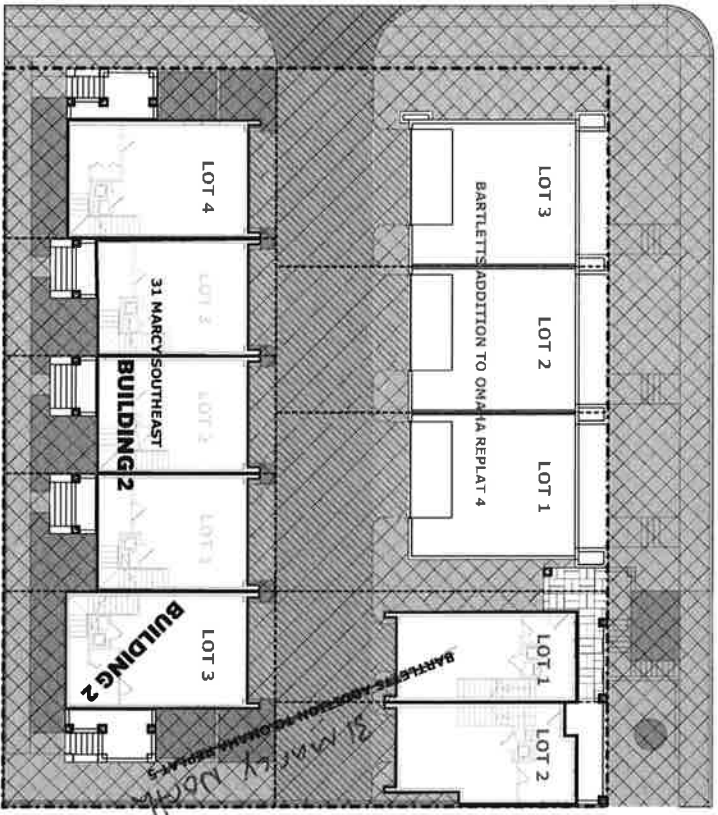
Lots 1-4, 31 Marcy Southeast, a subdivision in the City of Omaha, as Surveyed, platted and recorded in Douglas County, Nebraska. 19-38238



0' 10' 20'
1" = 20'

MARCY STREET

31ST STREET



Legend

- COMMON IMPROVEMENTS
- PROPERTY BOUNDARY
- COMMON AREA (COMMON IMPROVEMENTS LOCATED WITHIN THE BOUNDARIES OF THE PROPERTY)
- DRIVE COURTS (PART OF COMMON AREA & COMMON IMPROVEMENTS)
- OPEN SPACE (PART OF COMMON AREA & COMMON IMPROVEMENTS)
- ROW-HOUSE PARCEL BOUNDARIES (COMMON AREA/COMMON IMPROVEMENTS MAY BE LOCATED ON OR WITHIN ROW-HOUSE PARCEL BOUNDARIES)
- Front Porch Easement for Lots 1 & 2 of Bartlett's Addition To Omaha Replat 5



**LEAVENWORTH
ROWS**

Upper
East End



UPTOWN PROPERTIES, LLC
DBA UPTOWN URBAN DWELLINGS
11506 Nicholas St. STE 100
402.493.2800

POCKET NEIGHBORHOOD
LEAVENWORTH
ROWS

HOMEOWNERS ASSOCIATION
LEAVENWORTH ROWS
UPPER EAST END

ISSUE
4: 08/03/2015
5: 09/06/2016
6: 01/19/2016

DRAWN BY
STEVEN HELD

EXHIBIT "B"

LP.06