

20112642
WASHINGTON COUNTY, STATE OF NEBRASKA

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BOOK 571 PAGE(S) 962-964

Karen A. Madsen

REGISTER OF DEEDS

THIRD AMENDMENT

TO

COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS

FILED

2011 JUL 22 AM 11:47

KAREN A. MADSEN
WASHINGTON COUNTY
REGISTER OF DEEDS
BLAIR, NE

The undersigned, McGowan Properties, Inc., a Nebraska Corporation, being the owner of a majority of all lots and blocks of Southern Heights, a subdivision located in the City of Fort Calhoun, Washington County, Nebraska, which is the following described real estate, to-wit:

SOUTHERN HEIGHTS: A Subdivision of all of Tax Lot 53 and Tax Lot 131 and all lying in the NW 1/4 of the NE 1/4 of Section 14, Township 17 North, Range 12 East of the 6th P.M., Washington County, Nebraska;

that the above lots constitute a majority of the Southern Heights lots as of the date of execution of this Third Amendment.

WHEREAS, the undersigned desires to amend the Covenants, Conditions, Restrictions and Easements ("Restrictive Covenants") as to certain lots (a) reducing the minimum square footage from 1700 square feet to 1400 square feet; and (b) regarding additional lot purchases by an owner.

The undersigned do hereby declare that the Restrictive Covenants referred to hereinabove and file for record in Book 470 at Pages 706-710 of the Real Estate Records of the Washington County Clerk, the Amendment to Restrictive Covenants recorded in Book 485 at Pages 168-172 of the Real Estate Records of the Washington County Clerk, and the Second Amendment to Restrictive Covenants recorded in Book 516 at Pages 682-684 of the Real Estate Records of the Washington County Register of Deeds, are hereby amended as follows, to-wit:

Recorded	<u> </u>
General	<u> </u>
Numerical	<u> </u>
Photostat	<u> </u>
Proofed	<u> </u>
Scanned	<u> </u>

1. Paragraph 1. RESTRICTIONS of the Amendment to Restrictive Covenants pertaining to the square footage and building structure is hereby deleted and rescinded in its entirety and the following is hereby inserted in its place to be effective from and after date of execution of this Third Amendment, to-wit:

"1. Any and all lots shall be known and designated as residential building lots. No structures shall be erected, altered, placed or permitted to remain on any residential building lot other than one detached single-family dwelling not to exceed two stories in height and other out-buildings incidental to residential use of the lot. Any lot purchased as additional property to the residential lot shall not be subject to this paragraph's restrictions; however, the additional lot(s) shall be subject to all other covenants and conditions herein. All dwellings will contain not less than 1200 square feet of living area excluding garage, finished or unfinished basement, decks, stoops and patios. All dwellings shall have attached or detached, enclosed side-by-side garages which can accommodate at least 2 automobiles. Each structure must be completed within one year from the date that the building permit for that structure is issued. The exposed front foundation walls must be constructed of or faced with clay-fired brick or stone. All exposed side and rear foundation walls must be covered with clay brick, stone, siding, or shall be painted. Improvements shall be covered with asphalt shingles that are weathered wood in color. All homes must remain earth tone or white in color. All lots must have a sod yard prior to occupancy.

No mobile homes, modular homes, manufactured homes or pre-fabricated homes shall be permitted at any time unless by written consent of the Developer prior to all lots being sold and then thereafter by written consent of the Homeowners Association. Stick-built homes are allowed to be moved from residential lots into lots in Southern Heights provided that they receive written consent of the Developer before all lots are sold and then thereafter from the Homeowners Association."

Dated: July 22, 2011.

McGOWAN PROPERTIES, INC., A
Nebraska Corporation

By John M. McGowan
John M. McGowan, President

STATE OF NEBRASKA)
) :ss:
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me on 7-22-11, 2011, by John M. McGowan, President of McGowan Properties, Inc., a Nebraska Corporation, with authority and on behalf of the Corporation.

Sharon K Nelson
Notary Public

