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By

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BRIAR HILLS, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA

This Third Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements of Briar Hills, a subdivision in Douglas County, Nebraska, filed July 27, 1998, in Book 1257 at Page 1 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, the First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements filed August 23, 2000 in Book 1349, at Page 187 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, and the Second Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements dated August 31, 2000, filed in Book 1352, at Page 156 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska by Briar Hills Development, L.L.P., a Nebraska limited liability partnership, (hereinafter referred to as the "Declarant").

PRELIMINARY STATEMENT

A. The Declarant is the owner of certain real property located within Douglas County, Nebraska and described as follows:

Lots 1 through 295, inclusive, of Briar Hills, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot".

B. Declarant is the owner of additional residential lots adjacent to the Declaration Lots, which are legally described as follows:

Lots 296 through 386, inclusive, in Briar Hills, Second Platting, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (the "Additional Lots").

C. Declarant desires to amend the Declaration for purposes of including the Additional Lots as "Lots" subject to the Declaration, adding lots subject to the landscape buffer, and subject to each and all of the covenants, restrictions and easements as set forth in the Declaration.

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DEL ____ SCAN ✓ FV ____

D. Declarant desires to provide for the preservation of the values and amenities of the Additional Lots, and for the maintenance of the character and residential integrity of the Additional Lots by encumbering and subjecting the Additional Lots to the covenants, conditions, restriction and easements set forth in the Declaration.

NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article V, Paragraph 2 of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. Lots 296 through 386, inclusive, Briar Hills, Second Platting, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, shall be subject to the Declaration and to each and all of the covenants, conditions, restrictions, and easements as set forth in the Declaration, and shall hereby be deemed to be "Lots" as such term is defined in the Declaration.

2. Aticle II, Section I shall be amended to include Lots 307, 308, 317 through 319, inclusive, 324 through 326, inclusive, 329 and 330.

3. Article III, Section II shall be amended to include Lots 295 through 386 in the membership of the Homeowner's Association.

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

5. Invalidation of any covenant by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

The Declarant has executed this Third Amendment to Declaration as of this 4th day of October, 2000.

BRIAR HILLS DEVELOPMENT, L.L.P., a Nebraska limited liability partnership

By: BHD, L.L.C., a Nebraska limited liability company

By: Maurice M. Udes
Maurice M. Udes, Manager

By: BHD II, L.L.C., a Nebraska limited liability company

By: Maurice M. Udes
Maurice M. Udes, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 4th day of October, 2000, before me, the undersigned, a Notary Public in and for said County, personally appeared the above-named Maurice M. Udes, Manager of BHD, L.L.C., a Nebraska limited liability company, and Manager of BHD II, L.L.C., a Nebraska limited liability company, Partners of BRIAR HILLS DEVELOPMENT, L.L.P., a Nebraska limited liability partnership, to me known to be the identical person named in the foregoing document and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of each of the limited liability companies.

GENERAL NOTARY-State of Nebraska
MARY F. GOSTOMSKI
My Comm. Exp. March 31, 2001

Mary F. Gostomski
Notary Public

RETURN: Scott Brown
Brown and Wolff
One Bennington Place
1925 North 120th St.
Omaha, Neb 68154