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RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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

This Fourth 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 and the Third Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements dated October 4, 2000, filed in Book 1356 Page 287 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (the Declaration and amendments thereto hereinafter referred to collectively as the "Declaration") all executed and filed 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 386, 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 desires to amend the Declaration for purpose of modifying paragraph 11 of Article I of the Declaration to allow wood fencing and PVC fencing within the subdivision if approved by Declarant and require black ornamental iron on certain lots backing onto Blondo Street.

C. Article V, Paragraph 2 of the Declaration grants Declarant the authority, in its full and absolute discretion until July 13, 2003.

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. By deleting therefrom Paragraph 11 of Article I and adding in its place and stead the following:

No fence shall be permitted to extend beyond the front line of a main residential structure. Lots 307, 308, 317 - 319, inclusive, 324 - 326, inclusive, 329 and 330, all in Briar Hills, shall be only

Please Return to: Jana McDonald, 11920 Burt St, Suite 165, Omaha, NE 68154

(402)614.9100.

composed of ornamental iron with the specifications shown in Exhibit "B," attached hereto and incorporated herein by this reference. With respect to all Lots except those required to have only ornamental iron as identified in the preceding sentence, fences shall be only composed of black vinyl chain link with the specifications shown in Exhibit "A," attached hereto and incorporated herein by this reference or ornamental iron with the specifications shown in Exhibit "B," unless written approval by the Declarant is granted allowing wood fencing or PVC fencing. No fence shall be below the height of four (4) feet or exceed the height of six (6) feet. No wall shall exist above ground.

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

3. 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 Fourth Amendment to Declaration as of this 3rd day of April 2002.

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 3rd day of April 2002, 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.

Jana L McDonald
Notary Public

GENERAL NOTARY-State of Nebraska
JANA L. McDONALD
My Comm. Exp. June 1, 2005