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State of Nebraska, County of Hamilton
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Book 51 Page 296
Jill M Dimas, County Clerk

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COMPARED _____
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**FIRST AMENDMENT TO DECLARATION AND ESTABLISHMENT
OF COVENANTS, CONDITIONS, RESERVATIONS,
RESTRICTIONS AND EASEMENTS
FOR MARIPOSA LAKE SUBDIVISION**

THIS FIRST AMENDMENT TO DECLARATION AND ESTABLISHMENT OF COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS AND EASEMENTS FOR MARIPOSA LAKE SUBDIVISION ("Amendment") is made and entered into effective as of September 13, 2016.

WHEREAS, OL Properties, LLC, a Nebraska limited liability company ("Declarant"), previously executed a Declaration and Establishment of Covenants, Conditions, Reservations, Restrictions and Easements for Mariposa Lake Subdivision dated as of November 26, 2013, recorded November 26, 2013 in Book 50, Page 160 of the Records of the Clerk's Office of Hamilton County, Nebraska (the "Declaration"), which Declaration was recorded against that certain property located in Hamilton County, State of Nebraska, legally described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, Declarant desires and intends to amend the Declaration to require approval of Owners prior to any replatting of lots;

WHEREAS, Section 12(c) of the Declaration provides that it may be amended by duly recording an instrument executed and acknowledged by two thirds (2/3) of all the votes of all classes of Members entitled to vote (as defined therein); and

WHEREAS, Declarant and the undersigned Members, being currently the only Members of the Association, desire to amend the Declaration as set forth herein.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, Declarant does hereby declare that the Property and all present and future owners and occupants of any lot, or any portion thereof, within the Property shall be and hereby are subject to the terms, covenants, easements, restrictions and conditions hereinafter set forth in this Declaration, so that the Property shall be maintained, kept, sold and used in full compliance with and subject to this Declaration and, in connection therewith, Declarant covenants and agrees as follows:

WHEN RECORDED PLEASE RETURN TO:
Max J. Burbach
Koley Jessen P.C., L.L.O.
1125 South 103rd Street, Suite 800
Omaha, NE 68124

1. **Definitions.** For the purposes hereof, capitalized terms used but not defined herein shall have the meaning given to such terms in the Declaration.

2. **Amendment.** Section 12(c) of the Declaration is hereby deleted in its entirety and replaced with the following:

“(c)” This Declaration may be amended at a regular or special meeting of the Members by approval of not less than two-thirds (2/3) of the Class A Members and not less than two-thirds (2/3) of the Class B and Class C Members. At such time as Class B Membership ceases to exist, these By-Laws may be amended at a regular or special meeting of the Members by approval of not less than two-thirds (2/3) of all classes of the Members.”

3. **Member Approval.** The following is hereby added as new Section 12(f) of the Declaration:

“(f) During the period where Class B Membership exists, Declarant, the Architectural Control Committee, and/or the Association shall not, without the prior written approval of no less than two-thirds (2/3) of the Class A Members:

i. Approve of the construction of any home with less than 1200 square feet of living space on the main floor with garages, carports, sun porches and basements excluded.

ii. Plat or replat any Lot to a size smaller than 43,560 total square feet (*i.e.*, 1 acre). No approval of the Class A Members shall be required for any plat or replat where every Lot created or resulting from such plat or replat is at least 43,560 total square feet (*i.e.*, 1 acre) in size.

iii. Modify, amend or approve a variance or waiver of the Architectural Control provisions of Section 8 or the Use Restrictions of Section 9 of this Declaration.”

4. **Full Force and Effect.** Except as modified and amended herein, all other terms and conditions of the Declaration shall remain unchanged and in full force and effect.

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EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land comprising a part of Government Lots 2 and 4, and a part of Section 23, Township 13 North, Range 6 West of the 6th P.M., Hamilton County, Nebraska, described as follows: commencing at the SW Corner of the SW ¼; thence N03°06'08"W, and on the West line of said SW ¼, 70.00 feet to the point of beginning; thence N03°06'08"W, and on the West line of said SW ¼, 1602.54 feet to a ¾" iron pipe; thence N63°57'37"E, 832.69 feet to a ¾" iron pipe; thence N58°34'37"E, 757.50 feet to a ¾" iron pipe; thence N71°20'43"E, 783.96 feet to a ¾" iron pipe; thence S24°56'21"E, 357.40 feet to a 5/8" rebar with cap; thence N57°24'17"E, 1549.11 feet to a 5/8" rebar with cap; thence N90°00'00"W, 169.47 feet to a 5/8" rebar with cap; thence S46°33'55"E, 206.30 feet to a 5/8" rebar with cap; thence S02°38'25"E, 907.78 feet to a 5/8" rebar with cap; thence S21°43'55"W, 641.67 feet to a 5/8" rebar with cap; thence S29°39'22"W, 746.92 feet to a 5/8" rebar with cap; thence S40°40'45"W, 566.33 feet to a 5/8" rebar with cap; thence S88°37'25"W, 223.99 feet to a 5/8" rebar with cap; thence S05°53'46"W, 330.92 feet to a 5/8" rebar with cap on the North R.O.W. line of Highway #66; thence S88°36'26"W, 2634.08 feet to the point of beginning and containing 189.10 acres more or less of which 1.22 acres more or less is occupied by county road R.O.W.

**FIRST AMENDMENT TO THE BY-LAWS
OF MARIPOSA LAKE ASSOCIATION**

THIS FIRST AMENDMENT TO THE BY-LAWS OF MARIPOSA LAKE ASSOCIATION ("Amendment") is made and entered into effective as of 9/13, 2016.

1. For the purposes hereof, capitalized terms used but not defined herein shall have the meaning given to such terms in the By-Laws of Mariposa Lake Association dated November 26, 2013 (the "By-Laws").

2. In accordance with the provisions of the By-Laws, on September 13, 2016, at a special meeting called by the President of the Board of Directors of the Association, and after proper notice of the meeting had been duly provided and timely given, 100% percent (100%) of the Members affirmatively voted in person or by proxy to amend the By-Laws as provided herein.

3. Article XIV, Section 1 is hereby deleted in its entirety and replaced with the following:

"Section 1. Amendment. These By-Laws may be amended, at a regular or special meeting of the Members, by approval of not less than two-thirds (2/3) of the Class A Members and not less than two-thirds (2/3) of the Class B and Class C Members. At such time as Class B Membership ceases to exist, these By-Laws may be amended at a regular or special meeting of the Members by approval of not less than two-thirds (2/3) of all classes of the Members."

4. In all other respects, the By-Laws are hereby reaffirmed and ratified in its entirety.

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