



MISC Inst. # 2023007060, Pg: 1 of 7
Rec Date: 02/01/2023 13:09:20.260
Fee Received: \$46.00 By: MLS
NE Doc Stamp Tax Fee:
Douglas County, NE, Assessor
Register of Deeds Walter E. Pfeffer

**2022 AMENDMENT TO THIRD AMENDMENT TO
AND RESTATEMENT OF DECLARATION OF COVENANTS,
CONDITIONS and RESTRICTIONS OF INDIAN POINTE,
A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA**

THIS 2022 AMENDMENT TO THIRD AMENDMENT TO AND RESTATEMENT AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF INDIAN POINTE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA ("2022 Amendment") is made this 27th day of December, 2022, by FRK Development, LLC, a Nebraska limited liability company ("**Declarant**") and amends that certain Third Amendment to and Restatement of Declaration of Covenants, Conditions and Restrictions of Indian Pointe, a subdivision in Douglas County, Nebraska as recorded in the records of the Douglas County Register of Deeds at Instrument No. 2019062144 (the "**Declaration**").

PRELIMINARY STATEMENT

The Declaration previously governed the ownership and use of the real estate legally described on Exhibit "A-1" attached hereto and incorporated by referenced herein and is now amended to govern the ownership and use of the real estate legally described on Exhibit "A-2" (the "**Properties**"). In particular, the Declaration contemplates that the Declarant may construct the Indian Pointe Club, as defined in Article I, Section 9 of the Declaration under the terms set forth in Article II of the Declaration. The Declarant has determined that it does not wish to construct the Indian Pointe Club. Article I, Section 5 of the Declaration provides that the Declarant may assign its rights thereunder.

The Declaration also establishes rights and obligations of The Indian Pointe Homeowners Association, Inc., a Nebraska not-for-profit corporation (the "Association"), as defined in Article I, Section 1 thereof. The Association, having determined by consideration of its Board of Directors that the Indian Pointe Club would be a benefit to the Members of the Association, has made arrangements to purchase the real estate upon which the Indian Pointe Club was originally intended to be constructed. As such, the Declarant and Association wish for the rights of the Declarant with respect to the Indian Pointe Club be transferred to the Association, consistent with the provisions set forth herein.

RETURN: James F Lang, Lang Law LLC
8526 F Street
Omaha, NE 68127

When recorded return to:
Mark J. LaPuzza
Pansing Hogan Ernst & Bachman, LLP
10250 Regency Circle, Suite 300
Omaha, Nebraska 68114

NOW, THEREFORE, IN CONSIDERATION of the foregoing, and in further consideration of the terms set forth above, the Declarant amends the Declaration as set forth herein:

1. Definitions. Capitalized terms used herein shall be ascribed the same meaning as set forth in the Declaration unless context clearly requires otherwise.

2. Amendment. The Declaration is hereby amended specifically as follows:

a. Article II, Section 3 of the Declaration is hereby added, immediately following Article II, Section 2 of the Declaration and provides as follows:

SECTION 3. CONSTRUCTION AND OPERATION OF THE INDIAN POINTE CLUB BY THE ASSOCIATION. In the event that the Association purchases from Declarant all or a part of the Properties contemplated for use in the operation of the Indian Pointe Club, the provisions of this Article II, Section 3 shall apply. For avoidance of any doubt, the real estate intended for use as the Indian Pointe Club as set forth on Exhibit "A-3" and incorporated by referenced herein. With respect to any portion of the Properties owned by the Association, the Association is hereby named as Assignee of the rights of Declarant, but only those rights of Declarant as set forth in Article II of the Declaration. By way of example, and not by way of limitation, the Association shall be entitled to collect membership dues in an amount determined by the Board of Directors of the Association in addition to any and all other fees, dues or assessments otherwise payable to the Association under the Declaration.

3. Limitation and Reaffirmation. Except as expressly set forth herein, the Declaration shall continue in full force and effect according to its terms. Rights of the Declarant not expressly assigned or modified by this 2022 Amendment shall continue to be held by the Declarant.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the undersigned being the Declarant herein has executed this Declaration effective as of the 27 day of December, 2022.

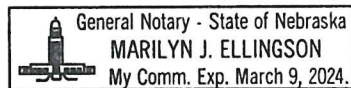
FRK DEVELOPMENT, LLC,
a Nebraska limited liability company,

By: [Signature]
Print: Lori M Kroger
Title: Manager

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 27 day of December, 2022, by Lori M Kroger, Manager of FRK DEVELOPMENT, LLC, a Nebraska limited liability company, on behalf of the company.

[Signature]
Notary Public



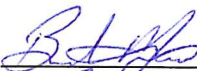
ACKNOWLEDGMENT AND CONSENT

The undersigned owner of the real estate legally described as follows hereby acknowledges and consents to the recording of this Amendment and hereby consents to and agrees to the terms and conditions thereof:

Lots 1 through 4, Indian Pointe Replat Four, being a replat of Lot 394, Indian Pointe, a subdivision in Douglas County, Nebraska.

OWNER:

TRADEMARK HOMES, INC.,
a Nebraska corporation

By: 
Name: Brandon Myers
Title: Owner/President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 20th day of December, 2022, by Brandon Myers, President of Trademark Homes, Inc., a Nebraska corporation.

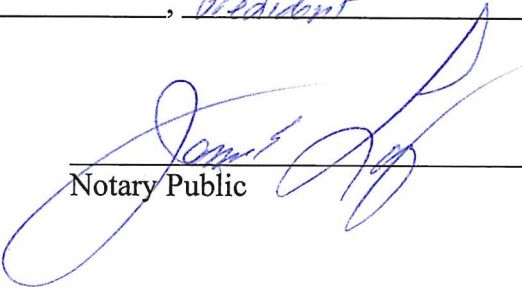

Notary Public

EXHIBIT "A-1"

Lots 1 through 304, Lots 307 through 393, and Lots 395 through 560, Indian Pointe, Outlots B through P, Indian Pointe, and Outlots A, B and C, Indian Pointe Replat One, being a replat of Outlot A, Indian Pointe, and Lots 1, 2 and Outlot A, Indian Pointe Replat Two, being a replat of Lots 305 and 306, Indian Pointe, all of which are within Indian Pointe, a subdivision located in Douglas County, Nebraska, as surveyed, platted and recorded and Lots 1 through 8 and Outlot A, Indian Pointe West, a subdivision located in Douglas County, Nebraska, platted and recorded.

EXHIBIT "A-2"

Lots 1 through 304, Lots 307 through 393, Lots 395 through 516, and Lot 560, Indian Pointe, Outlots B through P, Indian Pointe, Outlots A, B and C, Indian Pointe Replat One, being a replat of Outlot A, Indian Pointe, Lots 1, 2 and Outlot A, Indian Pointe Replat Two, being a replat of Lots 305 and 306, Indian Pointe, Lots 1, 2 and 3, Indian Pointe Replat Three, being a replat of Lots 517, 518 and 519, Indian Pointe, and Lots 1 through 4, Indian Pointe Replat Four, being a replat of Lot 394, Indian Pointe, all of which are within Indian Pointe, a subdivision located in Douglas County, Nebraska, as surveyed, platted and recorded and Lots 1 through 8 and Outlot A, Indian Pointe West, a subdivision located in Douglas County, Nebraska, as surveyed, platted and recorded.

EXHIBIT "A-3"

Lot 5, Indian Pointe Replat Four, being a replat of Lot 394, Indian Pointe, a Subdivision in Douglas County, Nebraska.