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SUBMITTED GREAT WESTERN BANK - HARVE

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2015-02434
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Sheryl J. Dowling
REGISTER OF DEEDS



WHEN RECORDED MAIL TO:
GREAT WESTERN BANK
Harvey Oaks
14545 W Center Rd
Omaha, NE 68144

FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST



THIS MODIFICATION OF DEED OF TRUST dated 2-5-14, is made and executed between B. H. I. DEVELOPMENT, INC., whose address is 11205 S 150TH STREET SUITE 100, OMAHA, NE 68138; A NEBRASKA CORPORATION ("Trustor") and GREAT WESTERN BANK, whose address is Harvey Oaks, 14545 W Center Rd, Omaha, NE 68144 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated December 15, 2014 (the "Deed of Trust") which has been recorded in SARPY County, State of Nebraska, as follows:

MODIFICATION OF CONSTRUCTION DEED OF TRUST RECORDED JANUARY 23, 2015 AS INSTRUMENT NO. 2015-01486 OF THE RECORDS OF SARPY COUNTY, NEBRASKA.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in SARPY County, State of Nebraska:

See EXHIBIT "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 192ND STREET & HWY 370, GRETNA, NE. The Real Property tax identification number is 010431349.

MODIFICATION. Lender and Trustor hereby modify the Deed of Trust as follows:

CHANGE THE ADDRESS ON THE PROPERTY TO 192ND STREET AND HWY 370, GRETNA, NE.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

TRUSTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND TRUSTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED 2-5-14.

TRUSTOR:

B. H. I. DEVELOPMENT, INC.

By: *Gerald L. Torczon*
GERALD L. TORCZON, President of B. H. I. DEVELOPMENT, INC.

LENDER:

GREAT WESTERN BANK

x *Kent A. Schnelder*
Kent A. Schnelder, Vice President

MODIFICATION OF DEED OF TRUST
(Continued)

CORPORATE ACKNOWLEDGMENT

STATE OF Nebraska)
) SS
COUNTY OF Douglas)

On this 5th day of FEBRUARY, 20 15, before me, the undersigned Notary Public, personally appeared GERALD L. TORCZON, President of B. H. I. DEVELOPMENT, INC., and known to me to be an authorized agent of the corporation that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the corporation, by authority of its Bylaws or by resolution of its board of directors, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the corporation.



By Dixie L. Nelson
Printed Name: DIXIE L NELSON
Notary Public In and for the State of NE
Residing at Omaha NE
My commission expires 6-5-18

LENDER ACKNOWLEDGMENT

STATE OF NEBRASKA)
) SS
COUNTY OF Douglas)

On this 5th day of FEBRUARY, 20 15, before me, the undersigned Notary Public, personally appeared Kent A. Schnelder, and known to me to be the Vice President, authorized agent for GREAT WESTERN BANK that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of GREAT WESTERN BANK, duly authorized by GREAT WESTERN BANK through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of GREAT WESTERN BANK.



By Dixie L. Nelson
Printed Name: DIXIE L NELSON
Notary Public In and for the State of NE
Residing at Omaha NE
My commission expires 6-5-18

EXHIBIT "A"

the land referred to herein is described as follows:

Tract I:

The East Half of the Southwest Quarter (E1/2 SW1/4) EXCEPT that part taken for highway purposes in Section 29, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Commencing at the Southeast Corner of said East Half of the Southwest Quarter of Section 29; Thence North 02 degrees 47 minutes 15 seconds West (bearing referenced to the Nebraska State Plane System NAD 83) for 97.34 feet along the East line of said East Half of Section 29 to the North right-of-way line of Nebraska Highway 370 and the true point of beginning; Thence South 86 degrees 43 minutes 28 seconds West for 165.35 feet along said North right-of-way line; Thence South 83 degrees 46 minutes 30 seconds West for 300.69 feet along said North right-of-way line; Thence South 86 degrees 37 minutes 12 seconds West for 853.31 feet along said North right-of-way line to the West line of said East Half of the Southwest Quarter of Section 29; Thence North 02 degrees 45 minutes 35 seconds West for 2,681.09 feet to the Northwest Corner of said East Half of the Southwest Quarter of Section 29; Thence North 87 degrees 19 minutes 57 seconds East for 1,317.40 feet to the Northeast Corner of said East Half of the Southwest Quarter of Section 29; Thence South 02 degrees 47 minutes 15 seconds East for 2,549.99 feet along the East line of said East Half of the Southwest Quarter of Section 29 to the point of beginning; and EXCEPT a tract of land located in the Southwest Quarter of Section 29, Township 14 North, Range 11 East of the Sixth Principal Meridian, Sarpy County, Nebraska described as follows: Referring to the Southeast corner of said Southwest Quarter; thence Northerly a distance of 187.89 feet along the East line of said quarter section; thence Westerly deflecting 086 degrees, 47 minutes, 24 seconds Left, a distance of 76.08 feet; thence Westerly deflecting 009 degrees, 28 minutes, 43 seconds Left, a distance of 100.60 feet to the point of beginning; thence Westerly deflecting 000 degrees, 00 minutes, 00 seconds, a distance of 31.66 feet; thence Southerly deflecting 060 degrees, 11 minutes, 00 seconds Left, a distance of 94.60 feet; thence Easterly deflecting 116 degrees, 59 minutes, 40 seconds Left, a distance of 30.04 feet; thence Northerly deflecting 062 degrees, 38 minutes, 19 seconds Left, a distance of 96.66 feet to the point of beginning.

Tract II:

The West Half of the Southwest Quarter (W1/2 SW1/4) EXCEPT that part taken for highway purposes in Section 29, Township 14 North, Range 11 East of the 6th P.M. in Sarpy County, Nebraska, described as follows:

Commencing at the Southwest Corner of said West Half of the Southwest Quarter of Section 29; Thence North 02 degrees 43 minutes 54 seconds West (bearing referenced to the Nebraska State Plane System NAD 83) for 69.01 feet along the West line of said West Half of Section 29 to the North right-of-way line of Nebraska Highway 370 and the true point of beginning; Thence North 02 degrees 43 minutes 54 seconds West for 2,587.61 feet to the Northwest Corner of said West Half of the Southwest Quarter of Section 29; Thence North 87 degrees 19 minutes 57 seconds East for 1,317.40 feet to the Northeast Corner of the West Half of the Southwest Quarter of Section 29; Thence South 02 degrees 45 minutes 35 seconds for 2,681.09 feet along the East line of said West Half of the Southwest Quarter of Section 29 to the North right-of-way line of Nebraska Highway 370; Thence North 87 degrees 11 minutes 40 seconds West for 463.90 feet along said North right-of-way line; Thence South 82 degrees 23 minutes 21 seconds West 586.20 feet along said North right-of-way line; Thence South 87 degrees 16 minutes 51 seconds West 272.85 feet along said North right-of-way line to the point of beginning.

To include Lots I, through I60, inclusive and Outlots A through F, inclusive, Aspen Creek, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

AND

Also EXCEPTING from Tracts I and II: A tract of land located in the Southwest Quarter of Section 29, Township 14 North, Range 11 East of the Sixth Principal Meridian, Sarpy County, Nebraska described as follows:

Referring to the Southwest corner of said Southwest Quarter; thence Northerly a distance of 677.66 feet along the West line of said quarter section; thence Easterly deflecting 090 degrees, 00 minutes, 00 seconds Right, a distance of 33.00 feet to a point on the Easterly existing county road also known as 192nd Street right of way line; thence Southerly deflecting 090 degrees, 00 minutes, 00 seconds Right, a distance of 351.99 feet along said right of way line to the point of beginning; thence Southerly deflecting 000 degrees, 00 minutes, 00 seconds, a distance of 266.67 feet along said right of way line to a point on the Northerly existing Highway 370 right of way line; thence Easterly deflecting 089 degrees, 59 minutes, 05 seconds Left, a distance of 239.85 feet along said right of way line; thence Easterly deflecting 004 degrees, 53 minutes, 29 seconds Left, a distance of 686.20 feet along said right of way line; thence Easterly deflecting 010 degrees, 24 minutes, 18 seconds Right, a distance of 464.85 feet along said right of way line; thence Easterly deflecting 006 degrees, 10 minutes, 27 seconds Left, a distance of 863.31 feet along said right of way line; thence Easterly deflecting 002 degrees, 54 minutes, 42 seconds Left, a distance of 300.69 feet along said right of way line; thence Easterly deflecting 002 degrees, 51 minutes, 17 seconds Right, a distance of 164.47 feet along said right of way line to a point on the East line of said quarter section; thence Northerly deflecting 089 degrees, 24 minutes, 29 seconds Left, a distance of 90.24 feet along the East line of said quarter section; thence Westerly deflecting 086 degrees, 47 minutes, 24 seconds Left, a distance of 76.08 feet; thence Westerly deflecting 009 degrees, 28 minutes, 43 seconds Left, a distance of 100.60 feet; thence Southerly deflecting 069 degrees, 48 minutes, 59 seconds Left, a distance of 96.66 feet to a point on the Northerly existing Highway 370 right of way line; thence Westerly deflecting 062 degrees, 30 minutes, 19 seconds Right, a distance of 249.86 feet along said right of way line; thence Westerly deflecting 008 degrees, 18 minutes, 42 seconds Right, a distance of 110.85 feet; thence Westerly deflecting 007 degrees, 13 minutes, 25 seconds Left, a distance of 340.17 feet; thence Northwesterly deflecting 035 degrees, 56 minutes, 34 seconds Right, a distance of 72.49 feet; thence Southwesterly deflecting 060 degrees, 42 minutes, 24 seconds Left, a distance of 67.08 feet; thence Westerly deflecting 025 degrees, 46 minutes, 05 seconds Right, a distance of 340.03 feet to a point on the Northerly existing Highway 370 right of way line; thence Westerly deflecting 006 degrees, 56 minutes, 40 seconds Right, a distance of 407.47 feet along said right of way line; thence Westerly deflecting 009 degrees, 57 minutes, 01 seconds Right, a distance of 41.42 feet; thence Westerly deflecting 020 degrees, 22 minutes, 34 seconds Left, a distance of 348.30 feet; thence Westerly deflecting 007 degrees, 27 minutes, 22 seconds Right, a distance of 416.61 feet; thence Northerly deflecting 082 degrees, 39 minutes, 07 seconds Right, a distance of 166.88 feet; thence Northerly deflecting 002 degrees, 56 minutes, 12 seconds Left, a distance of 51.03 feet to a point on the Easterly existing county road also known as 192nd Street right-of-way line to the point of beginning.