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Register of Deeds, Douglas County, NE
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2010051708

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Return To: Corey Spader
3716 Pacific St.
Omaha, NE 68105

Check Number
2229

**FOURTH AMENDMENT TO
DECLARATION OF CONDOMINIUM
FOR BEEBE & RUNYAN CONDOMINIUM**

THIS FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM FOR BEEBE & RUNYAN CONDOMINIUM is made as of this 9th day of June, 2010, by **BOCA DEVELOPMENT, LLC**, a Nebraska limited liability company (the “**Declarant**”).

All of the capitalized terms in this Fourth Amendment shall have the same meaning as the meaning assigned to such terms in that certain Declaration of Condominium for Beebe & Runyan Condominium dated as of March 16, 2006, and recorded on March 16, 2006 as Document No. 2006 029801 in the office of the Register of Deeds of Douglas County, Nebraska (the “original Declaration”), as amended by First Amendment to Declaration of Condominium Beebe & Runyan Condominium 105 S. Ninth Street, Omaha, Nebraska, filed February 25, 2008, in the records of the Register of Deeds of Douglas County, Nebraska as instrument no. 2008 017760 (the “First Amendment”), as further amended by Second Amendment to Declaration of Condominium For Beebe & Runyan Condominium filed on August 6, 2009 in the records of the Register of Deeds of Douglas County, Nebraska, as instrument no. 2009 086040 (the “Second Amendment”), as further amended by Cancellation of Second Amendment to Declaration of Condominium For Beebe & Runyan Condominium filed on October 27, 2009 in the records of the Register of Deeds of Douglas County, Nebraska as instrument no. 2009 115668 (the “Cancellation”), as further amended by Third Declaration dated June 8, 2010 filed contemporaneously with the filing of this Fourth Amendment (the “Third Amendment”). The original Declaration, as amended by the First Amendment, as further Amended by the Second Amendment, as further amended by the Cancellation, and as further Amended by the Third Amendment is herein referred to as the “Declaration.”

Recitals of Fact

A. Declarant is the declarant under the Declaration. The transfer of the management and control of the Common Areas, as defined in the Declaration, has not yet occurred.

B. Article VII of the Articles of Incorporation (the “Articles”) filed with the Nebraska Secretary of State of Nebraska on March 22, 2006 for B.B.&R. Condominium Association, the non profit corporation created by Declarant for the Beebe & Runyan Condominium Regime (the “Association”), state in pertinent part that:

[t]he Declarant has reserved certain Development Rights and certain Special Declarant Rights according to and as defined in the Declaration, including but not limited to the right to add or to remove property to the Condominium, to create Units, Common Elements or Limited Common Elements, to subdivide Units or

convert Units into Common Elements, to use the Common Elements or easements relating thereto for exercising such rights, to maintain one or more sales or leasing offices, and to lease portions of the Common Elements.

The original Declaration erroneously failed to include a specific provision reserving to the Declarant the aforescribed Development Rights and Special Declarant Rights identified in Article VII of the Articles.

C. Section 76-847 of the Nebraska Condominium Act permits a Declarant to prepare, execute and record an amendment to a Declaration of Condominium in order to exercise a development right of the Declarant, including the development right to "create units, common elements or limited common elements within a condominium."

D. In addition, under the provisions of Section 14.14 of the Declaration, the Declarant is permitted to amend the Declaration if circumstances have changed since the time the Declaration was recorded, or in order to comply with the requirements of FHLMC (Freddie Mac), FNMA (Fannie Mae), the Federal Home Administration (FHA) or the Veterans Administration (VA) in connection with the financing or refinancing of units.

E. In order to correct the original mistake, Declarant has filed a Counterclaim and Cross Claim in the District Court of Douglas County, Nebraska in proceedings pending at Doc. 1103 No. 659 (the "Reformation Action") to reform the original Declaration to include a provision expressly reserving to the Declarant the development rights and special declarant rights specifically described in Article VII of the Articles which were erroneously omitted from the original Declaration. This reformation will be retroactive to March 16, 2006.

F. The Declarant wishes to exercise such development rights by amending the Declaration to create two additional Units of the Condominium and to reallocate the Common Element interests of the Units of the Condominium so as to account for the addition of the two new Units.

G. In addition, this amendment is made because of changed circumstances which have occurred since the original Declaration was filed, and in order to comply with the requirements of FHLMC (Freddie Mac), FNMA (Fannie Mae), the Federal Home Administration (FHA) or the Veterans Administration (VA) in connection with the financing or refinancing of units, in particular making an accurate description of all Units in the Condominium and the common element interests applicable to each.

Amendment

For the reasons stated above, Declarant hereby amends the Declaration as follows, all of such amendments to supersede any inconsistent provisions in the Declaration:

1. **Effective Date of Amendment.** This Amendment shall become effective as of the date of the filing of this instrument with the Douglas County, Nebraska Register of Deeds.

2. **Exercise of Development Right to Create Units 309 and 310.** Declarant hereby exercises the development rights and special declarant rights to create units. In pursuance of such exercise, Declarant hereby creates two new Units in the Condominium, to be known as Units 309 and 310 on the Third Floor of the Condominium, as more particularly shown on the new Plat of Condominium which is attached as **Exhibit "A"** hereof and which is incorporated herein by this reference. Units 309 and 310 shall be subject to all of the same restrictions and provisions governing the use of Units in the Condominium as are applicable to all other Units in the Condominium.

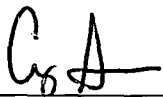
3. **Substitution of New Exhibit "A".** Developer hereby adopts a new Plat of the Condominium, which shall be filed on or about the same date as the date this Fourth Amendment is filed. A copy of the new Plat of Condominium is attached as **Exhibit "A"** hereof and is incorporated herein by this reference. Declarant hereby substitutes the **Exhibit "A"** which is attached to this Fourth Amendment for the exhibit which was attached to the Declaration as amended. The new **Exhibit "A"** shall supersede the prior exhibit(s) in all respects.

4. **Share of Common Element Interest and Liability.** The table of Units and the respective shares of the Common Element Interest and Liability for the Units which is attached hereto as **Exhibit "B"** is hereby incorporated herein by this reference and made a part of the Declaration. The allocation of the Common Element Interest and Liability to Units 309 and 310 shall be as set forth in **Exhibit "B."** **Exhibit "B"** attached hereto supercedes all prior allocations of the Common Element Interest and Liability to the Units.

5. **No Other Amendments.** Except as specifically set forth herein and in the Reformation Action, the Declaration shall remain in full force and effect without change.

IN WITNESS WHEREOF, the Declarant has duly executed this Fourth Amendment to Condominium Declaration this 9th day of June, 2010.

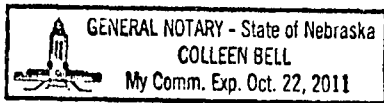
BOCA DEVELOPMENT, LLC, a
Nebraska limited liability company

By: 
Corey Spader, Its Authorized Agent

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 9th day of June, 2010, before me personally appeared Corey Spader, to me personally known, who being by me duly sworn did say that he is the Authorized Agent of BOCA Development, LLC, a Nebraska limited liability company, that the foregoing Amendment was signed and delivered on behalf of said limited liability company, and acknowledged to me that he executed the same as the free act and deed of said limited liability company.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.




NOTARY PUBLIC

My Commission Expires:

10-22-10

Exhibit “A”

Copy of Revised Condominium Plat for Beebe & Runyan Condominiums

[see attached pages]

I HEREBY CERTIFY THAT THIS DRAWING WAS MADE UNDER MY
DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY
REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE
OF NEBRASKA.



AUGUST 15, 2008

DATE

REVISED 05/01/09

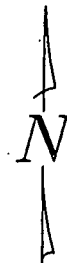
REVISED 05/20/09

REVISED 11/05/09

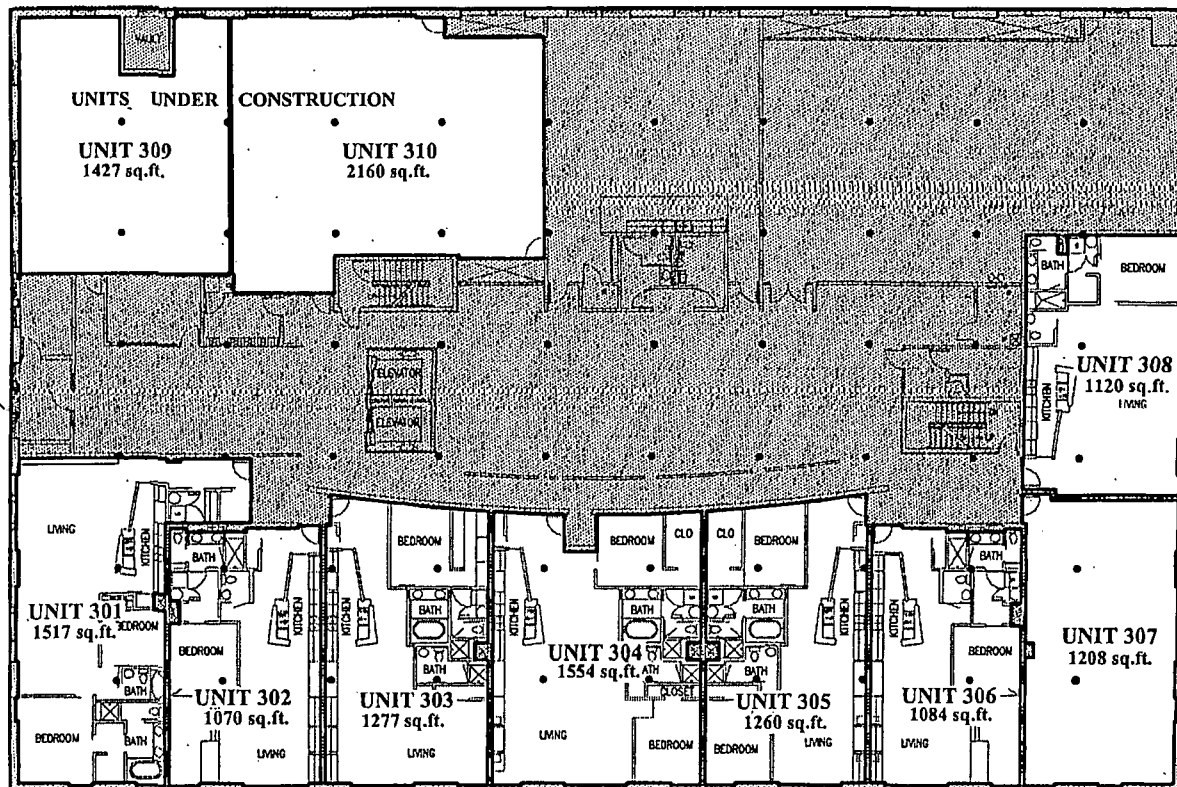
MICHAEL J. SMITH
NEBRASKA R.L.S. 565



COMMON ELEMENT



SCALE: 1" = 30'



THIRD FLOOR

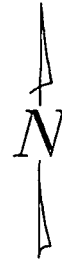
SHEET 1 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

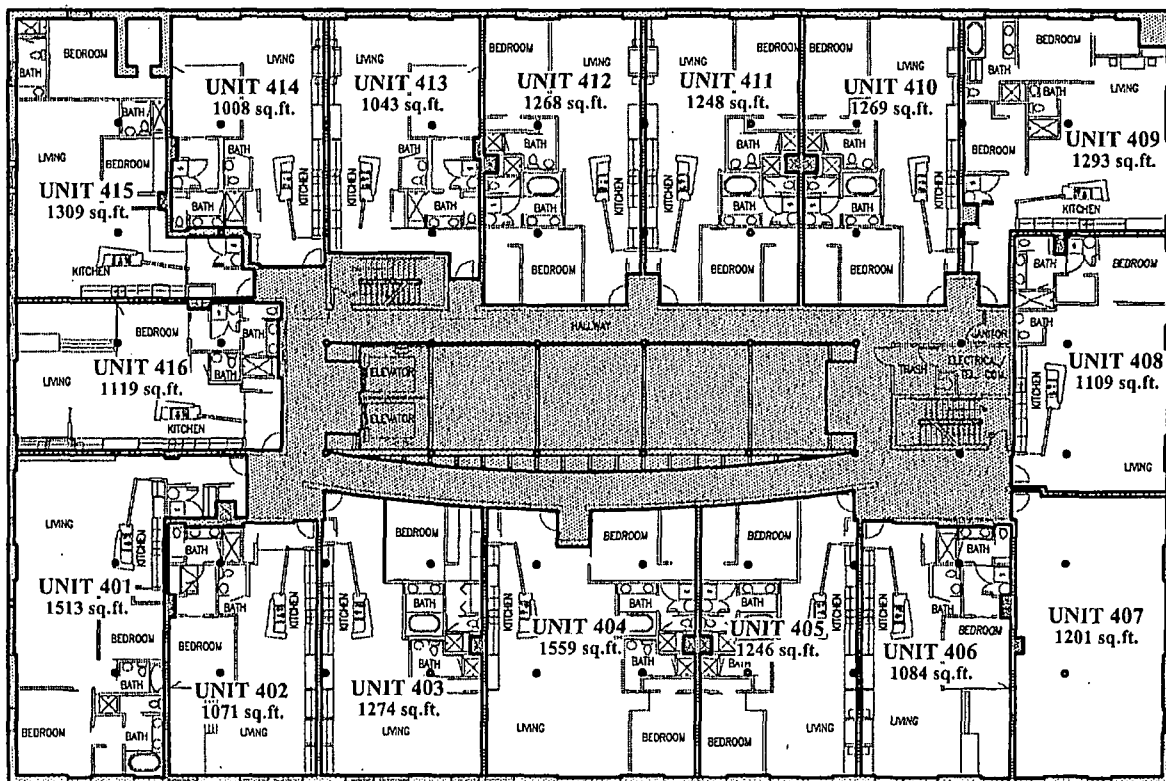
TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



COMMON ELEMENT

SCALE: 1" = 30'



FOURTH FLOOR

SHEET 2 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

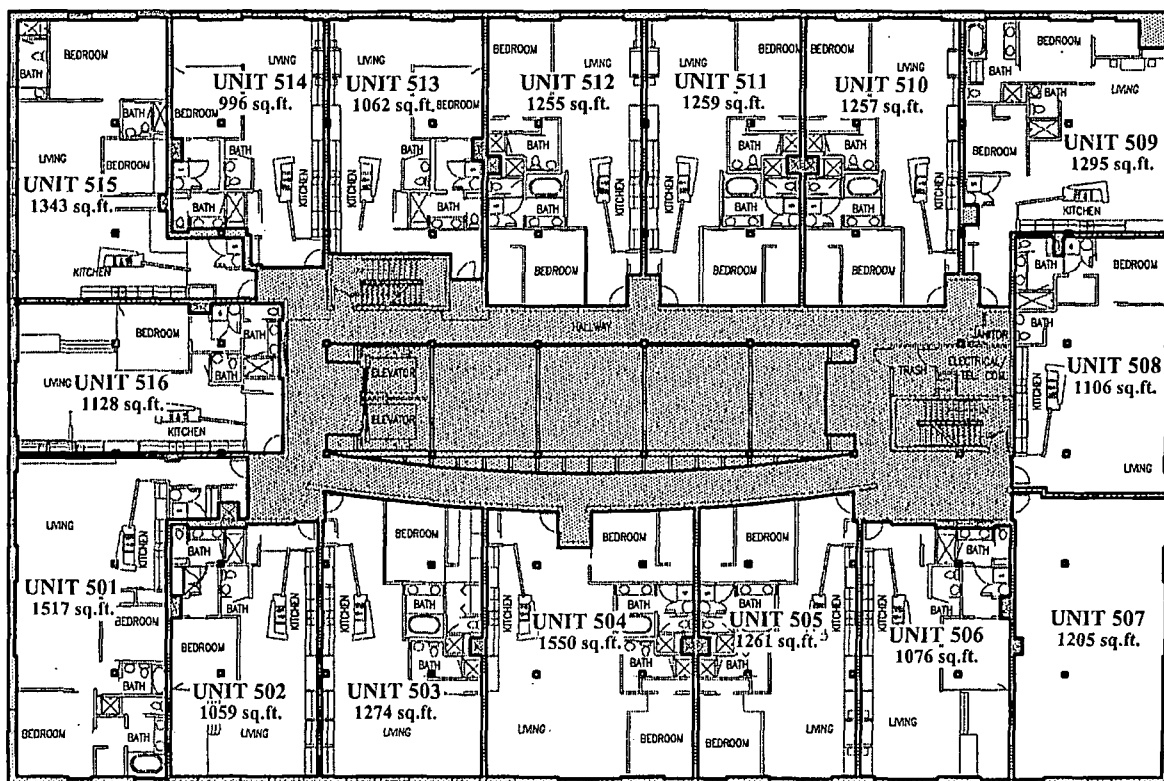
TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



COMMON ELEMENT

SCALE: 1" = 30'



FIFTH FLOOR

SHEET 3 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

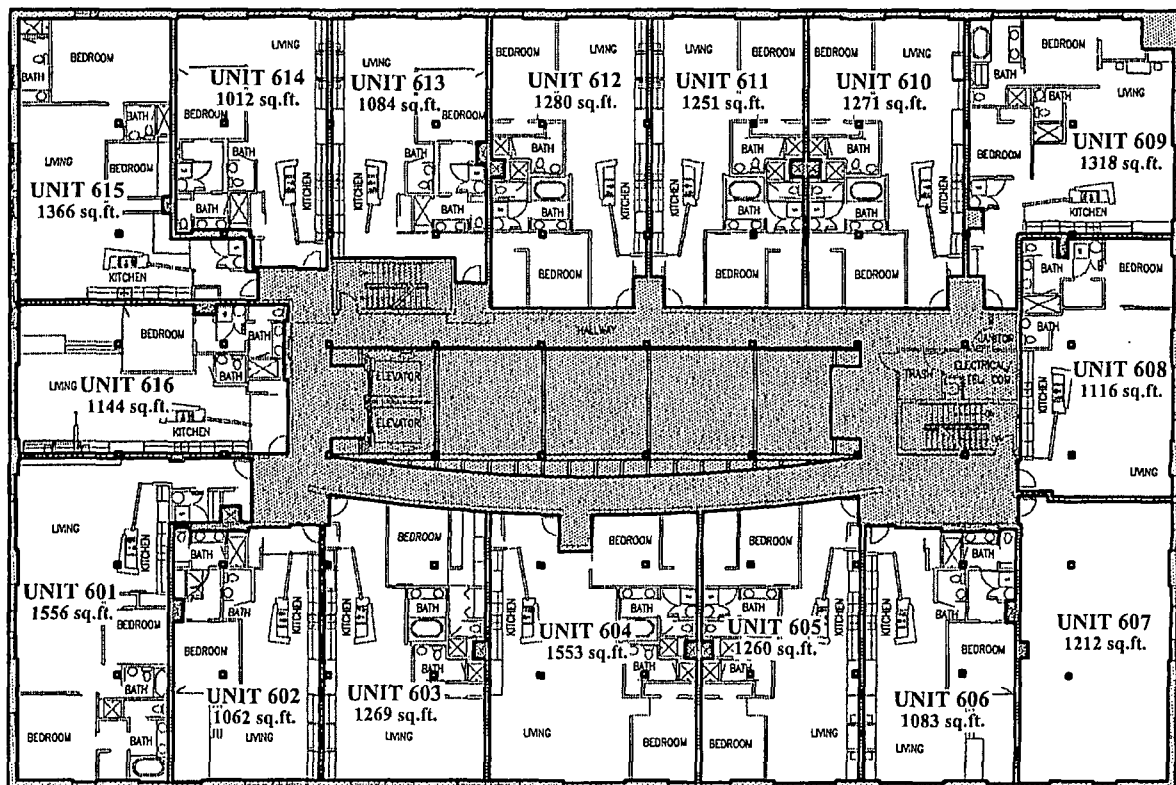
TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



COMMON ELEMENT

SCALE: 1" = 30'



SIXTH FLOOR

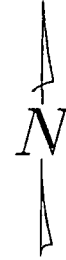
SHEET 4 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

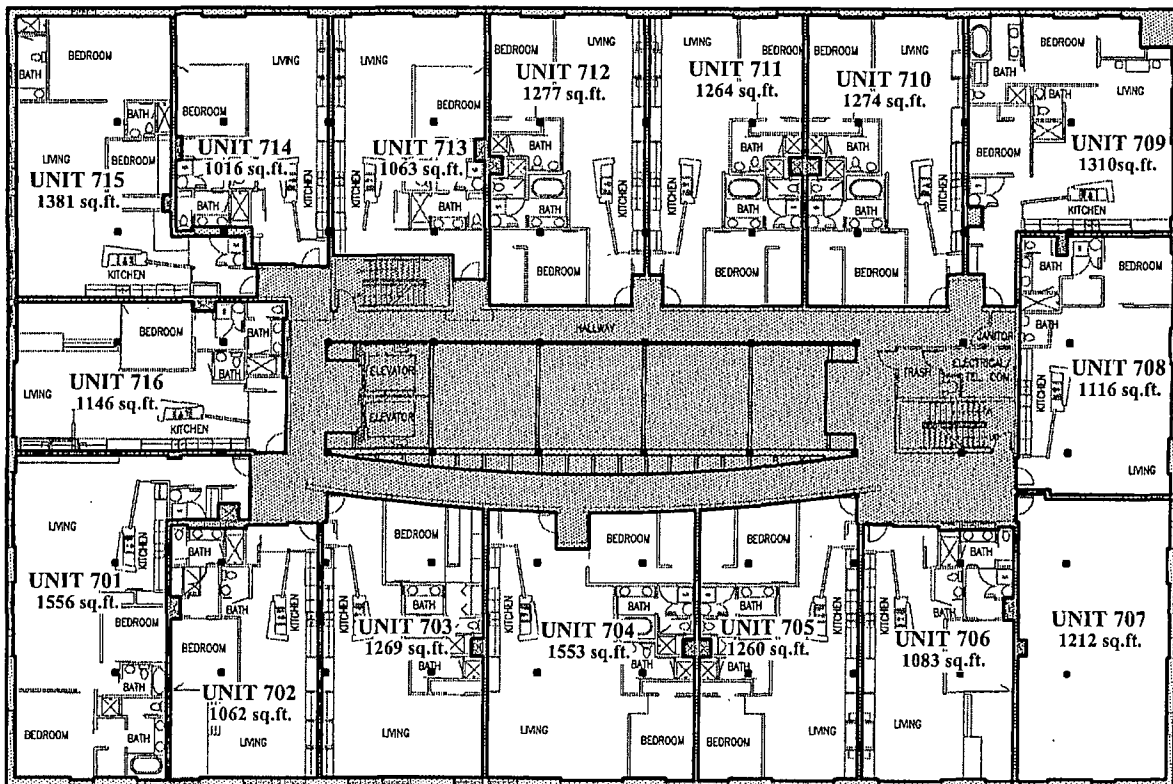
TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



COMMON ELEMENT

SCALE: 1" = 30'



SEVENTH FLOOR

SHEET 5 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

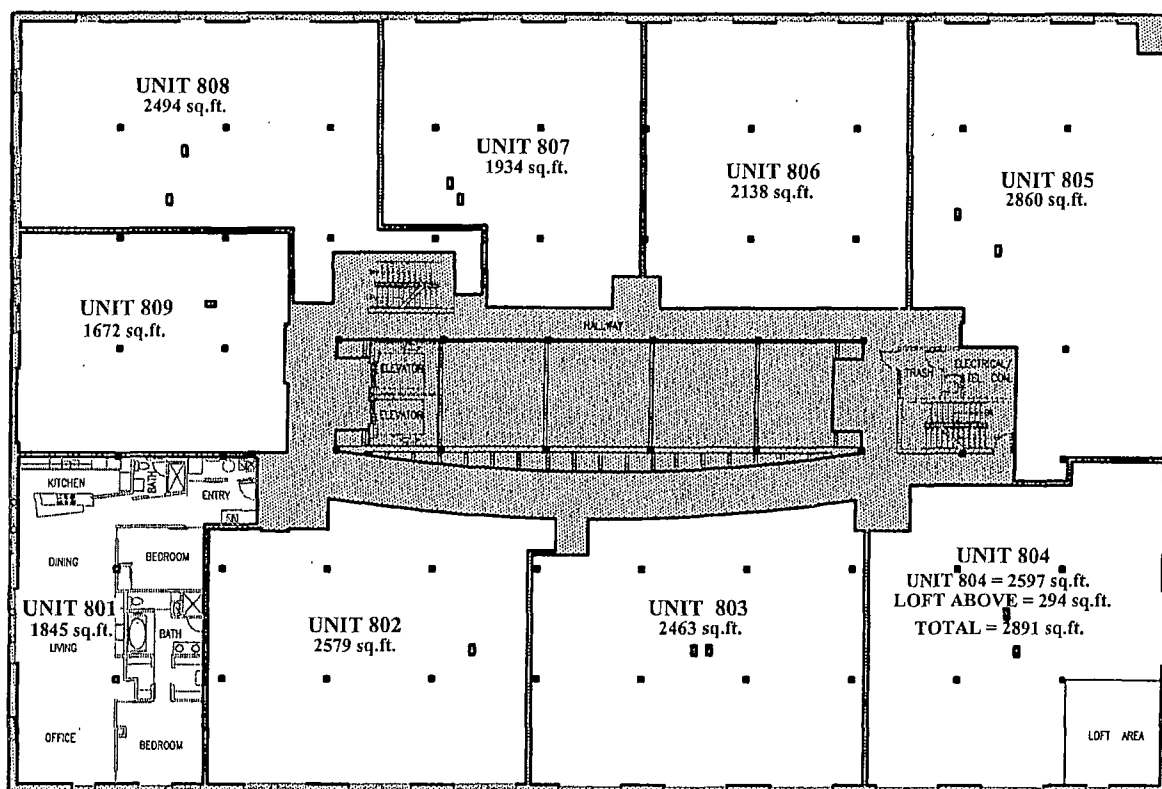
TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



COMMON ELEMENT

SCALE: 1" = 30'



EIGHT FLOOR

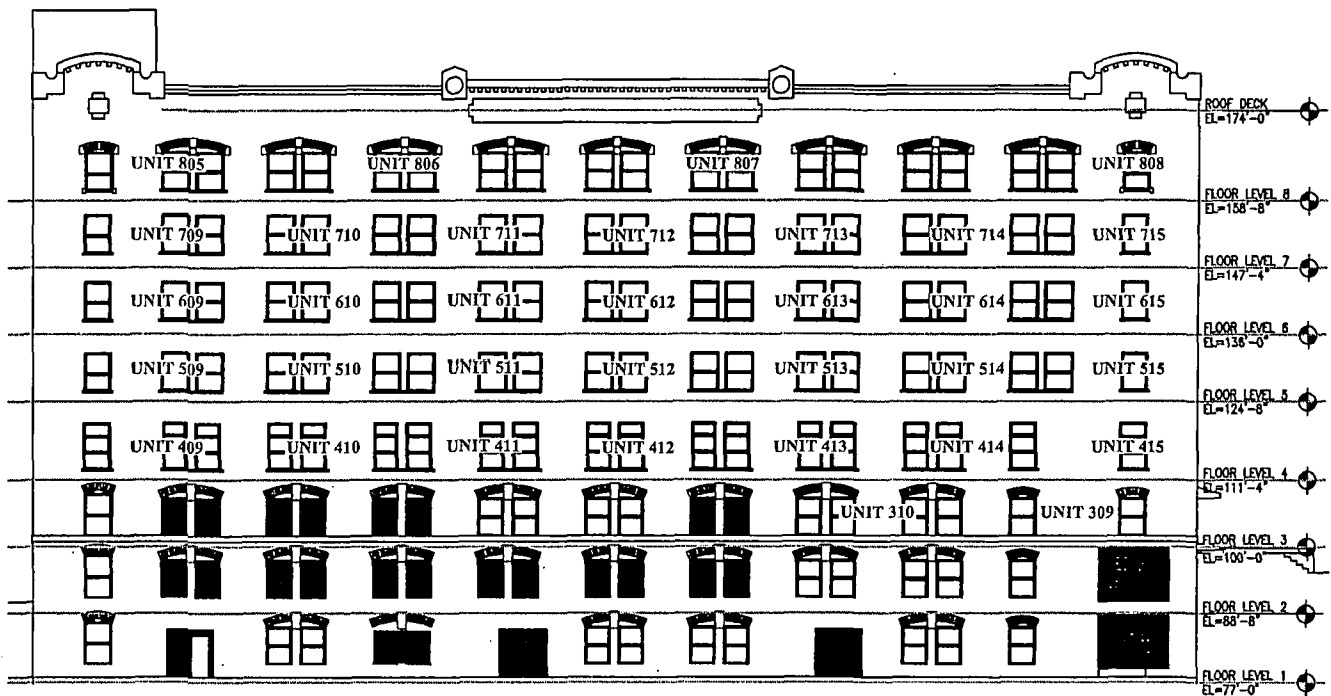
SHEET 6 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



NORTH ELEVATION

SHEET 7 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



SOUTH ELEVATION

SHEET 8 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



EAST ELEVATION

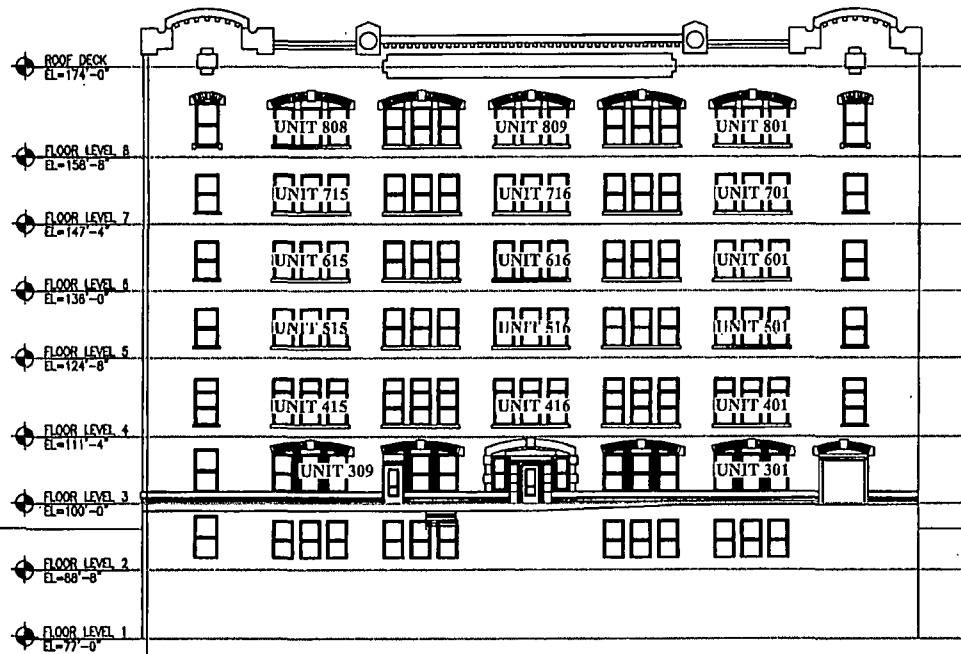
SHEET 9 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



WEST ELEVATION

SHEET 10 OF 11

BEEBE RUNYAN CONDOMINIUMS

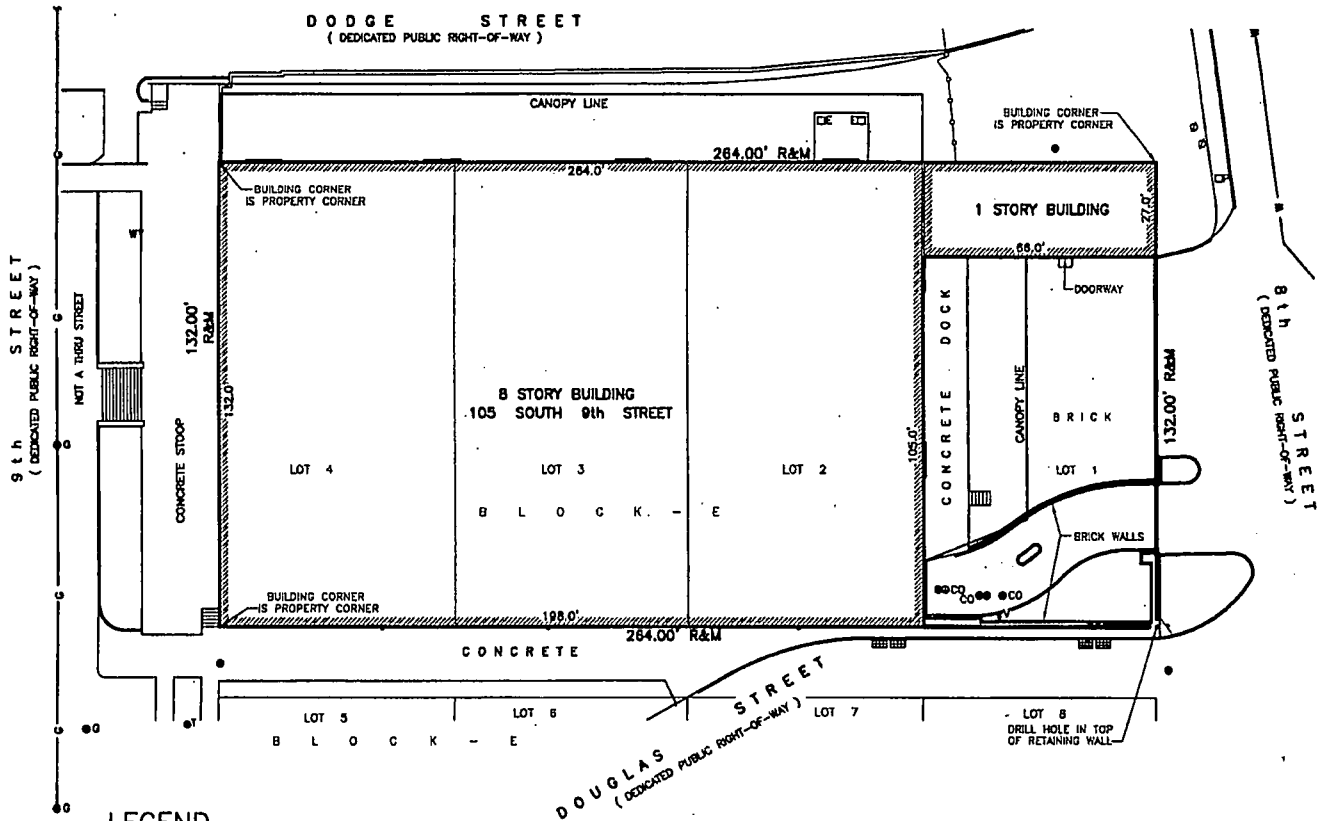
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TACKETT COMPANIES

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

CERTIFICATION

THIS DRAWING SHOWS THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS ON LOTS 1, 2, 3 AND 4, BLOCK E, ORIGINAL CITY OF OMAHA IN DOUGLAS COUNTY, NEBRASKA.



LEGEND

•	CORNERS FOUND	⊗G	GAS MANHOLE
R	RECORDED DISTANCE	⊗W	WATER MANHOLE
M	MEASURED DISTANCE	⊗CO	SEWER CLEANOUT
⊙	POWER POLE	⊙V	VENT PIPE
⊙	LIGHT POLE	⊙A	FIRE HYDRANT
⊙E	ELECTRICAL PEDESTAL	⊙W	WATER VALVE
▼W	WATER METER	—○—	CHAIN LINK FENCE
—	SIGN	—	GRATE INLET
⊙P	PULL BOX	I.E.	INVERT ELEVATION
⊙	SEWER MANHOLE	—W—	WATER LINE
⊙T	TELEPHONE MANHOLE	—G—	GAS LINE
⊙E	ELECTRICAL MANHOLE	—	OVERHEAD DOORS
		—	ROOF DRAINS



SCALE 1" = 50'

SHEET 11 OF 11 BEEBE RUNYAN CONDOMINIUMS

TD2 NO.: 1215-111-2AB

BOOK: 06/12 PAGES: 14-16
REF. DRAWING: 12151041.DWG
REF. GRID BOOK 71, PAGE: 16

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

Exhibit "B"

**Table of Common Element Interests and
Common Element Liability**

Unit Number	Square Footage	Common Element Interest
301	1,517	1.34%
302	1,070	0.94%
303	1,277	1.13%
304	1,554	1.37%
305	1,260	1.11%
306	1,084	0.96%
307	1,208	1.06%
308	1,120	0.99%
309	1,427	1.26%
310	2,160	1.90%
401	1,513	1.33%
402	1,071	0.94%
403	1,274	1.12%
404	1,559	1.37%
405	1,246	1.10%
406	1,084	0.96%
407	1,201	1.06%
408	1,109	0.98%
409	1,293	1.14%
410	1,269	1.12%
411	1,248	1.10%
412	1,268	1.12%
413	1,043	0.92%
414	1,008	0.89%
415	1,309	1.15%
416	1,119	0.99%
501	1,517	1.34%
502	1,059	0.93%
503	1,274	1.12%
504	1,550	1.37%
505	1,261	1.11%
506	1,076	0.95%
507	1,205	1.06%
508	1,106	0.97%

Unit Number	Square Footage	Common Element Interest
509	1,295	1.14%
510	1,257	1.11%
511	1,259	1.11%
512	1,255	1.11%
513	1,062	0.94%
514	996	0.88%
515	1,343	1.18%
516	1,128	0.99%
601	1,556	1.37%
602	1,062	0.94%
603	1,269	1.12%
604	1,553	1.37%
605	1,260	1.11%
606	1,083	0.95%
607	1,212	1.07%
608	1,116	0.98%
609	1,318	1.16%
610	1,271	1.12%
611	1,251	1.10%
612	1,280	1.13%
613	1,084	0.96%
614	1,012	0.89%
615	1,366	1.20%
616	1,144	1.01%
701	1,556	1.37%
702	1,062	0.94%
703	1,269	1.12%
704	1,553	1.37%
705	1,260	1.11%
706	1,083	0.95%
707	1,212	1.07%
708	1,116	0.98%
709	1,310	1.15%
710	1,274	1.12%
711	1,264	1.11%
712	1,277	1.13%
713	1,063	0.94%
714	1,016	0.90%

Unit Number	Square Footage	Common Element Interest
715	1,381	1.22%
716	1,146	1.01%
801	1,845	1.63%
802	2,579	2.27%
803	2,463	2.17%
804	2,891	2.55%
805	2,860	2.52%
806	2,138	1.88%
807	1,934	1.70%
808	2,494	2.20%
809	1,672	1.47%
	113,489	100%