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After Recording Return to:
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402-392-0101

Document Title: Fifth Amendment to Declaration of Condominium
For Beebe & Runyan Condominium

Document Date: April 30, 2012

Declarant Name: BB&R Condominium Association

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PAGE DOWN FOR BALANCE OF INSTRUMENT

FIFTH AMENDMENT TO
DECLARATION OF CONDOMINIUM
FOR BEEBE & RUNYAN CONDOMINIUM

This FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM FOR BEEBE & RUNYAN CONDOMINIUM ("Fifth Amendment") is made this 30th day of April, 2012, by BB&R Condominium Association (hereinafter referred to as "Declarant").

All of the capitalized terms in this Fifth Amendment shall have the same meaning as 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:

1. First Amendment of Declaration of Condominium of 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 number 2008 017760 (the "First Amendment"), as further amended by
2. Second Amendment of Declaration of Condominium of Beebe & Runyan Condominium, 105 S. Ninth Street, Omaha, Nebraska, filed August 6, 2009, in the records of the Register of Deeds of Douglas County, Nebraska as instrument number 2009 086040 (the "Second Amendment"), as further amended by
3. Cancellation of the Second Amendment of Declaration of Condominium of Beebe & Runyan Condominium, 105 S. Ninth Street, Omaha, Nebraska, filed October 27, 2009, in the records of the Register of Deeds of Douglas County, Nebraska as instrument number 2009 115668 (the "Cancellation of Second Amendment"), as further amended by
4. Third Amendment of Declaration of Condominium of Beebe & Runyan Condominium, 105 S. Ninth Street, Omaha, Nebraska, filed June 8, 2010, in the records of the Register of Deeds of Douglas County, Nebraska as instrument number 2010 051707 (the "Third Amendment"), as further amended by
5. Fourth Amendment of Declaration of Condominium of Beebe & Runyan Condominium, 105 S. Ninth Street, Omaha, Nebraska, filed June 9, 2010, in the records of the Register of Deeds of Douglas County, Nebraska as instrument number 2010 051708 (the "Fourth Amendment").

The original Declaration, as amended by the First Amendment, Second Amendment, Cancellation of the Second Amendment, Third Amendment and Fourth Amendment is herein referred to as the "Declaration".

RECITALS OF FACT

- 1) WHEREBY as the Declarant Control Period has terminated and the management and control of the Common Areas, as defined in the Declaration, was transferred from BOCA Development, LLC to BB&R Condominium Association on April, 2, 2011, Declarant is BB&R Condominium Association; and
- 2) WHEREBY Article VI of the Declaration confers to the Members the express authority and control to effect necessary amendments, following the expiration of the Declarant Control Period; and
- 3) WHEREBY Section 14.14 states that the Declaration may be amended by recording a written instrument that has been signed and acknowledged by sixty-seven (67%) of the Members of the Association; and
- 4) WHEREBY on April 26, 2012, at least sixty-seven percent (67%) of the Members executed and acknowledged a desire to amend the Declaration as set forth below.

AMENDMENT

- 5) Effective Date of Amendment. This Amendment shall become effective as of the date of the filing of this instrument with the Douglas County, Register of Deeds.
- 6) Section 1.15. Declarant, shall be deleted and replaced in its entirety with the following:

“Declarant” shall mean BB&R Condominium Association, and its successors and assigns”.

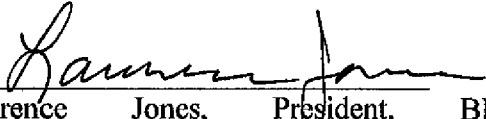
- 7) Section 3.07(a). Share of Common Element Interest and Common Expense Liability, shall be deleted and replaced in its entirety with the following:

“(a) The Declarant and each Unit Owner shall have and be deemed to own, by virtue of their respective ownership of a Unit or Units, a share or percentage of the undivided interests in all the Common Elements for the entire Condominium, based upon the relative square footage of a Unit owned by a particular Owner in relation to the relative square footage of all Units that have been created as of this date in the entire Condominium as described herein. The extent or amount of such ownership and liability shall be expressed as a common percentage of Common Element Interest or Common Expense Liability.”

8) No Other Amendments. Except as specifically set forth herein, the Declaration shall remain in full force and effect without change.

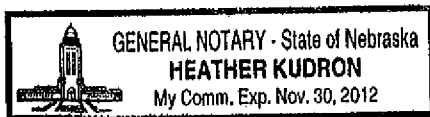
IN WITNESS WHEREOF, the Declarant has caused this Fifth Amendment to be executed on its behalf.

BB&R CONDOMINIUM ASSOCIATION
("Declarant")

By: 
Laurence Jones, President, BB&R
Condominium Association

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 30th day of April 2012, before me appears Laurence Jones, on behalf of, and as the duly elected President of BB&R Condominium Association and is either personally known to me or was identified by me through satisfactory evidence.




Notary Public

Beebe & Runyan Condominium Association
Special Meeting -- April 26, 2012

The undersigned have voted to ratify the Fifth Amendment to Declaration of Condominium for Beebe & Runyan Condominium to which this document is appended.

<u>Unit#</u>	<u>Name</u>	<u>Signature</u>	<u>Proxy Unit #</u>
301	Zellmer	<i>Kristine Zellmer</i>	301
302	Meola	<i>David Arthur</i>	716
303	Steinke	<i>William Steinke</i>	303
304	Millward	<i>David W Millward</i>	
305	Erdogmus	<i>Ellen Wood Jones</i>	607
306	Hieronymus		
307	Morley	<i>Jim Morley</i>	
308	Seiler	<i>[Signature]</i>	605
401	Ferer		
402	Kueker	<i>[Signature]</i>	602
403	Fitzgibbons		
404	Arter		
405	Fox	<i>Bejo Fox</i>	
406	Patterson	<i>[Signature]</i>	
407	P Peterson	<i>Ellen Wood Jones</i>	607
408	Park	<i>Sandra Park</i>	408
409	Kresha	<i>Lynn Ann</i>	607
410	White	<i>David Arthur</i>	716
411	Wettengell	<i>Kathleen Steinke</i>	303
412	Bean	<i>Sue Millward</i>	304
413	Arter		
414	Dippel	<i>Sandra KDippel</i>	
415	K Peterson	<i>Justine Pet</i>	
416	Plog		
501	Ferer		
502	W. Smith	<i>Lynn Ann</i>	607
503	Berens		

**Beebe & Runyan Condominium Association
Special Meeting -- April 26, 2012**

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<u>Unit#</u>	<u>Name</u>	<u>Signature</u>	<u>Proxy Unit #</u>
504	Rotella	Kathi & Lucia Rotella	
505	Forehead	Lyndy Forehead	
506	Nabity	Dann Gorn	607
507	Ball	Dann Gorn	607
508	Shinholser	Michael G. Shinholser	
509	Brush	Ane Willuad	304
510	Yang	Zarkash Chung	712
511	Kratochvil	Allen Wood Jones	607
512	Spatz	Ben Spatz	
513	Heyne	[Signature]	605
514	Ury	Dann Gorn	607
515	K Peterson	Rustad K Sandberger	
516	Olsen	Paul Olsen	
601	Schmitz		
602	Jung	[Signature]	
603	BOCA		
604	Markham		
605	J. Smith	[Signature]	
606	Lehan	Stephen Lehan	606
607	Jones	Dann Gorn	
608	Crowe	Dann Gorn	607
609	Lee		
610	Brennan/Pollack	Allen Wood Jones	607
611	Zambrano	Zarkash Chung	712
612	Kueker	[Signature]	602
613	George	Allen Wood Jones	607
614	Duerk	Dyer Duerk	

Beebe & Runyan Condominium Association
Special Meeting -- April 26, 2012

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<u>Unit#</u>	<u>Name</u>	<u>Signature</u>	<u>Proxy Unit #</u>
615	Perkins	<i>Elizabeth Perkins</i>	
616	Deal	<i>Ellen Wood Jones</i>	607
701	Kennedy		
702	O'Kane	<i>James D. O'Kane</i>	
703	Falcone		
704	McNally	<i>David W. McNally</i>	304
705	Tyrance	<i>Sue McNally</i>	304
706	Ryberg	<i>A. Ryberg</i>	
707	Leigh	<i>David Arthur</i>	716
708	Welsh	<i>Kristen Pelt</i>	415
709	Krzemien		
710	Kueker	<i>W. Kueker</i>	602
711	Maker	<i>Barbara H. Leung</i>	712
712	Leung	<i>Barbara H. Leung</i>	
713	Kueker	<i>W. Kueker</i>	602
714	Kueker	<i>W. Kueker</i>	602
715	Fogarty		
716	Arthur	<i>Lisa M. Arthur</i>	
801	Woodbridge		
802	BOCA		
803	BOCA		
804	Melchior		
805	Arter		
806	Maassen		
807	Hieronimus		
808	Hill/Wilson		
809	Voelte		