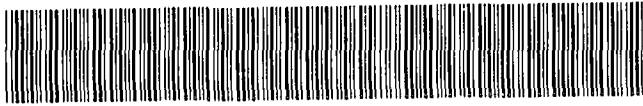




MISC 2014065374



AUG 21 2014 14:31 P 19

misc
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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
8/21/2014 14:31:53.94



2014065374

PLEASE RECORD & RETURN TO:

Kathleen M. Foster
Laughlin, Peterson & Lang
11718 Nicholas Street, #101
Omaha, NE 68154

✓ 025561

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

This SIXTH AMENDMENT TO DECLARATION OF CONDOMINIUM FOR BEEBE & RUNYAN CONDOMINIUM ("Sixth Amendment") is made this 14th day of August, 2014, by BB&R Condominium Association (hereinafter referred to as "Declarant").

All of the capitalized terms in this Sixth 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").
6. Fifth Amendment of Declaration of Condominium of Beebe & Runyan Condominium, 105 S. Ninth Street, Omaha, Nebraska, filed May 2, 2012 in the records of the Register of Deeds of Douglas County, Nebraska as instrument number 2012 042276 (the "Fifth Amendment").
7. Cancellation of the Fourth Amendment of Declaration of Condominium of Beebe & Runyan Condominium, 105 S. Ninth Street, Omaha, Nebraska, filed April 17, 2014, in the records of

the Register of Deeds of Douglas County, Nebraska as instrument number 2014 027762 (the "Cancellation of Fourth Amendment").

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

RECITALS OF FACT

- 1) Beebe & Runyan Condominium Association is the Declarant under the Declaration of Condominium pursuant to the termination of the control period of the designated Declarant which control was transferred to Beebe & Runyan Condominium Association on April, 2, 2011; and
- 2) On June 14, 2010 Boca Development, LLC, the former Declarant, filed a Fourth Amendment to the Declaration in the Records of the Register of Deeds of Douglas County, Nebraska as Instrument Number 2010051708 Boca Development, LLC, the then Declarant under the Declaration created two new units in the Condominium, known as Unit 309 and Unit 310 on the third floor of the Condominium and recorded therewith a new plat of the Condominium; and
- 3) On February 11, 2013 the District Court of Douglas County, Nebraska entered a judgment that "THE FOURTH AMENDMENT TO THE DECLARATION IS HEREBY DECLARED VOID *AB INITIO* AND WITHOUT LEGAL EFFECT". The Court declared that "THE DISPUTED UNITS WERE NEVER CREATED AND THAT THE AREA DESCRIBED BY BOCA AS UNIT 309 AND UNIT 310 ARE AND ALL TIMES SINCE THE FILING OF THE DECLARATION WERE, COMMON ELEMENTS AS DESCRIBED IN THE DECLARATION". A certified copy of the judgment of the District Court was filed with the Register of Deeds on April 17, 2014 as Instrument Number 2014027648; and
- 4) The Court quieted title in the Common Elements described in the Fourth Amendment as Unit 309 and Unit 310 in favor of the Condominium Unit Owners; and
- 5) Beebe & Runyan Condominium Association as Declarant wishes to recreate the two additional units of the Condominium and to reallocate the Common Element interest of the units of the Condominium so as to account for the addition of the Two units consistent with the terms and conditions of the Declaration; and

6) WHEREAS Section 14.14(b) states that the Declaration may be amended to increase the number of Units, or change the boundaries of any Unit or the Common Element interests of a Unit with the unanimous consent of the Unit Owners by recording a written instrument that has been signed and acknowledged by one hundred percent (100%) of the Members of the Association; and

7) WHEREAS, on August 4th, 2014 100% Unit Owners unanimously voted in favor of an Amendment to increase the number of Units by adding Units 314 and 315 and reallocating the Common Element interest of the Units of the Condominium so as to account for the addition of the two new Units

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 Register of Deeds.

2. Creation of Units 314 and 315. Consistent with the unanimous vote of the Members of Beebe & Runyan Condominium Association, Declarant hereby creates two new Units in the Condominium, to be known as Units 314 and 315 on the Third Floor of the Condominium particularly shown on the new Plat of Condominium which is attached as Exhibit "A" hereof and which is incorporated herein by this reference. Units 314 and 315 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". Declarant hereby adopts a new Plat of the Condominium, which shall be filed on or about the same date as the date this Sixth 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 Sixth 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 314 and 315 shall be as set forth in Exhibit "B".

Exhibit "B" attached hereto supersedes 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 prior Amendments and cancellations, the Declaration shall remain in full force and effect without change.

IN WITNESS WHEREOF, the Declarant has caused this Sixth Amendment to Condominium Declaration this 14 day of August, 2014.

BEEBE & RUNYAN CONDOMINIUM
ASSOCIATION, a Nebraska Non-Profit Corporation
("Declarant")

By: Tony W Wilson
Its President

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 14th day of August, 2014, before me appeared Tony W Wilson, on behalf of, and as the duly elected President of Beebe & Runyan Condominium Association and is either personally known to me or was identified by me through satisfactory evidence.

Notary Public

Rochelle Buhrman
8/14/2014



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

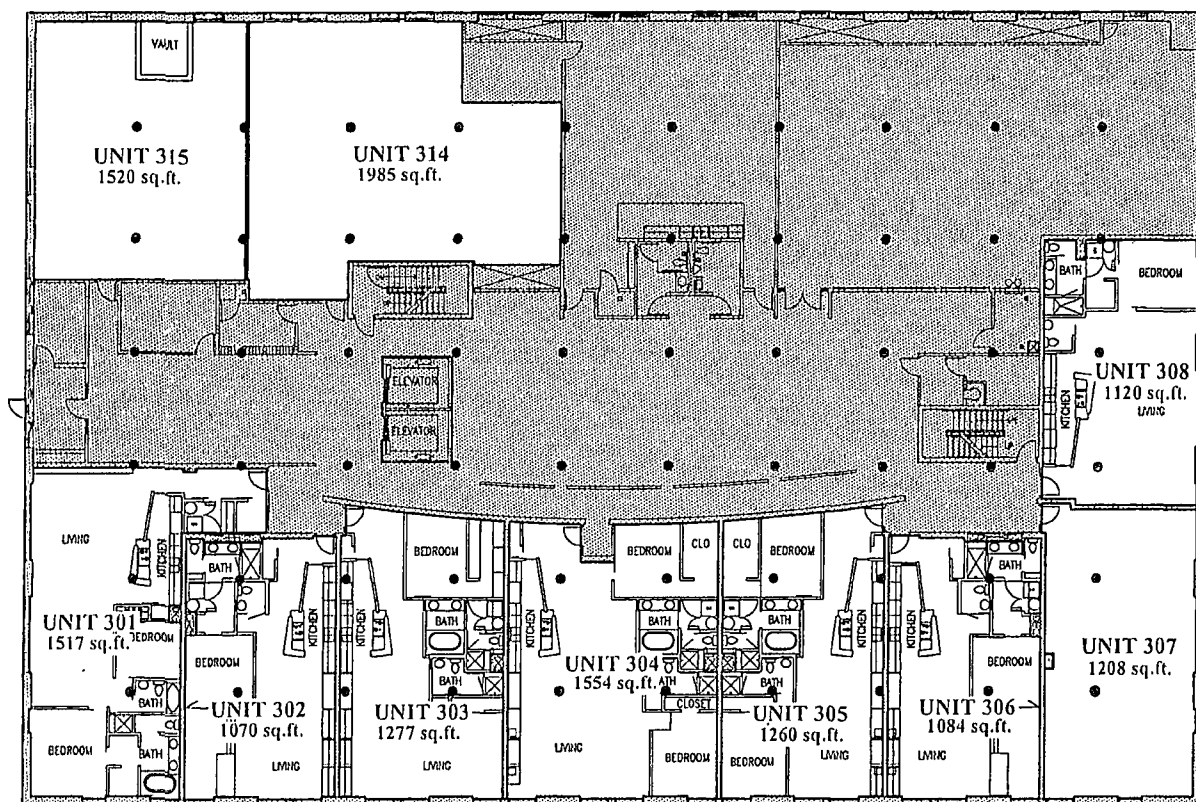
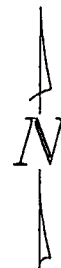
REVISED 08/04/14

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



COMMON ELEMENT

SCALE: 1" = 30'



THIRD FLOOR

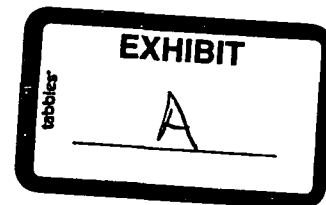
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BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

TACKETT COMPANIES

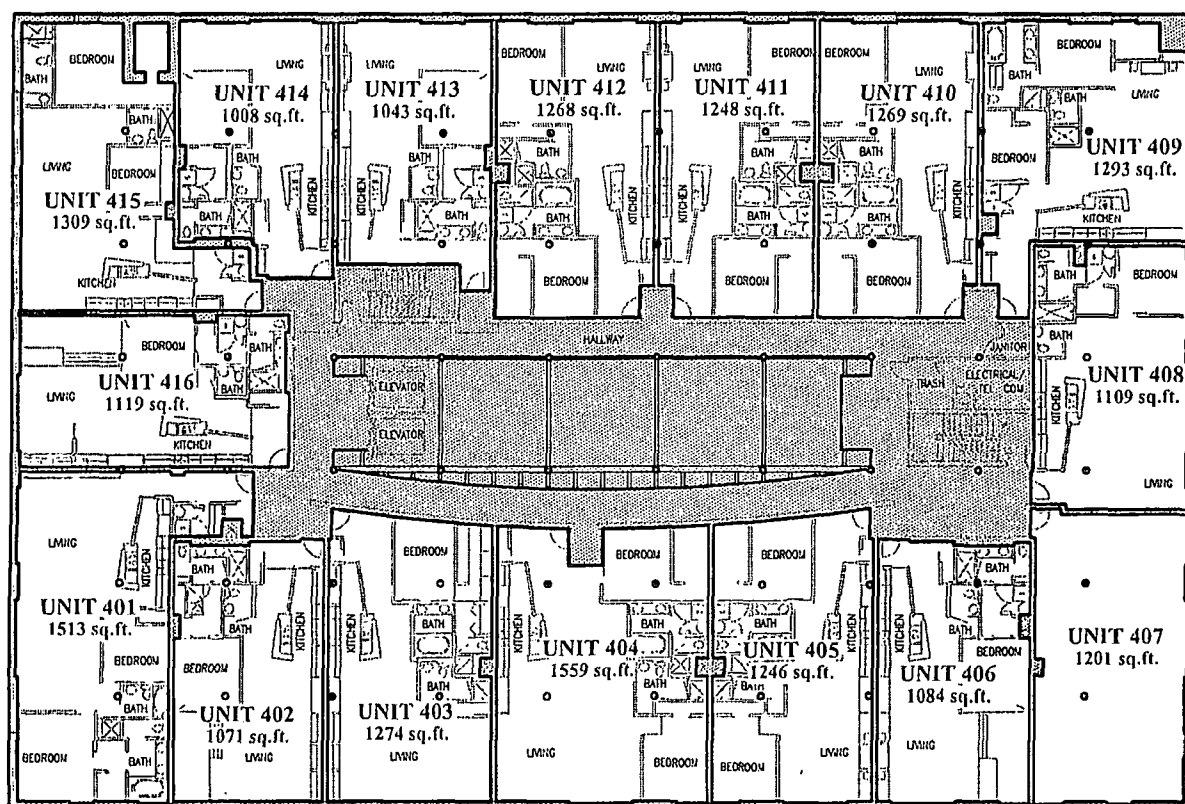
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860





COMMON ELEMENT

SCALE: 1" = 30'



FOURTH FLOOR

SHEET 2 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

TACKETT COMPANIES

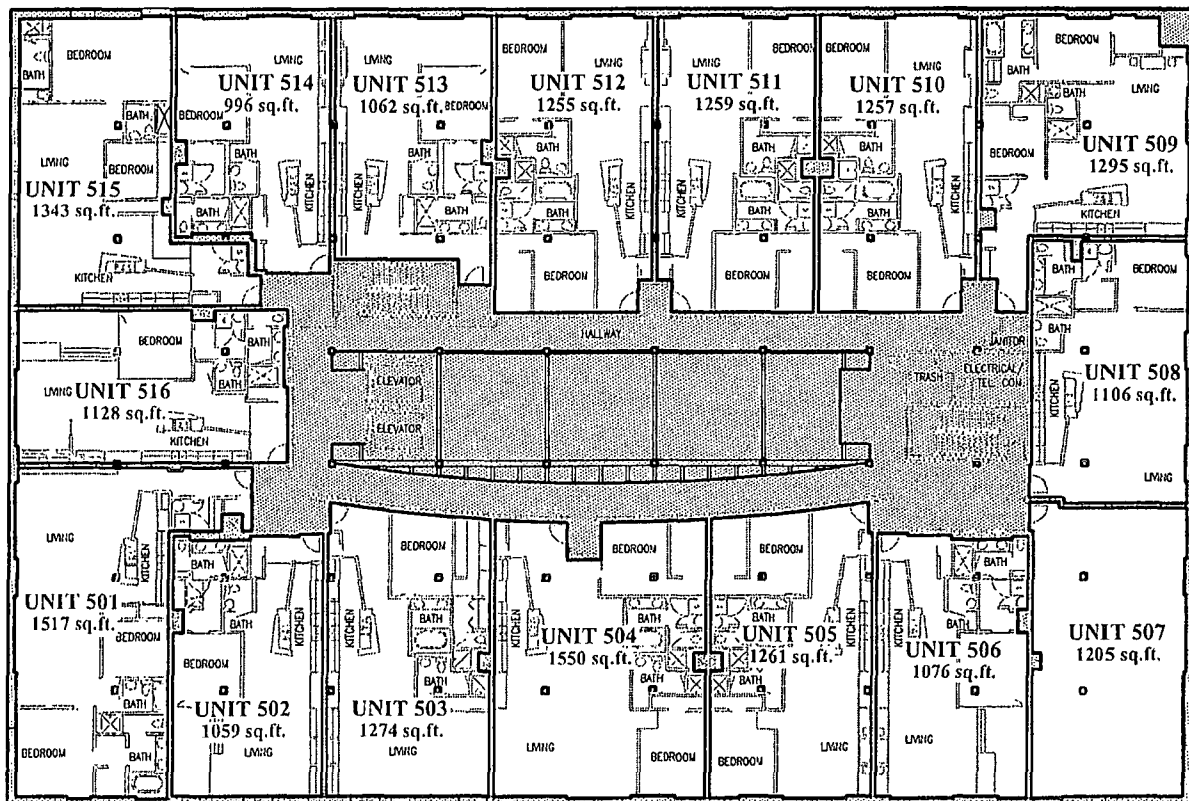
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



COMMON ELEMENT



SCALE: 1" = 30'



FIFTH FLOOR

SHEET 3 OF 11

BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

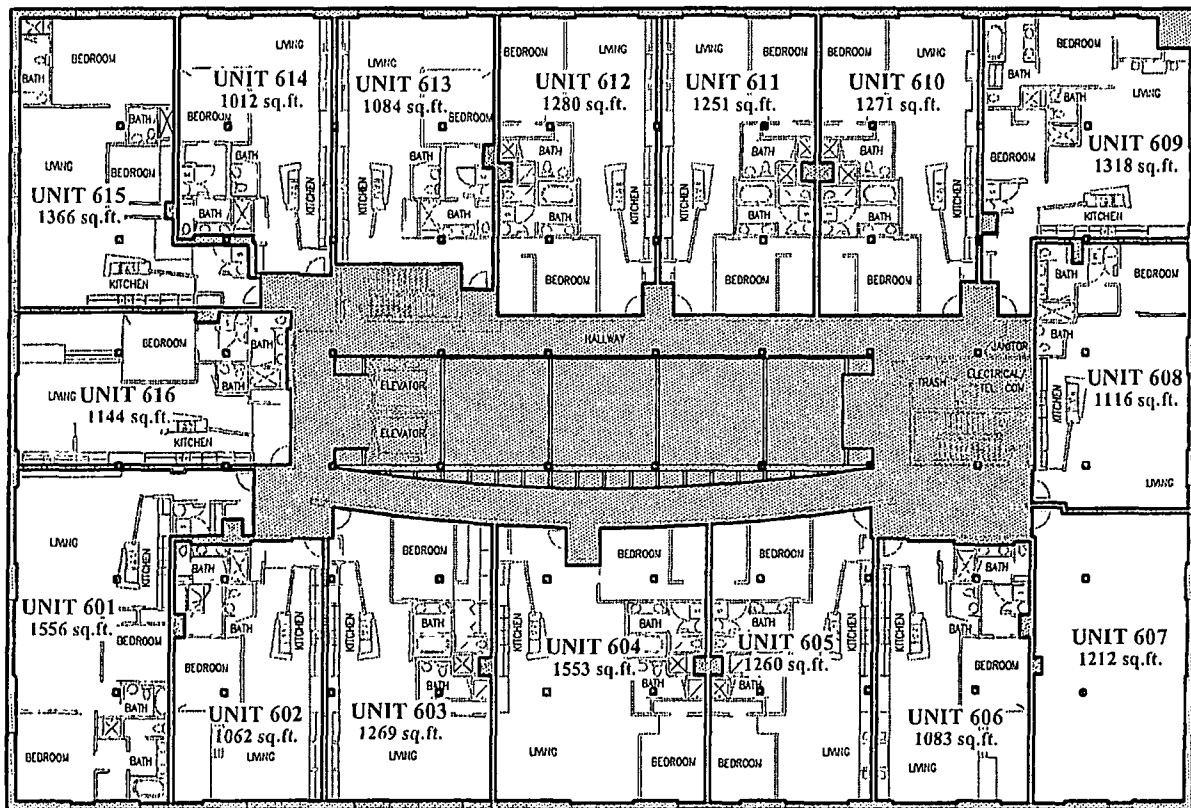
TACKETT COMPANIES

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

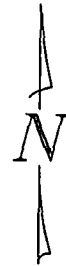
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TACKETT COMPANIES

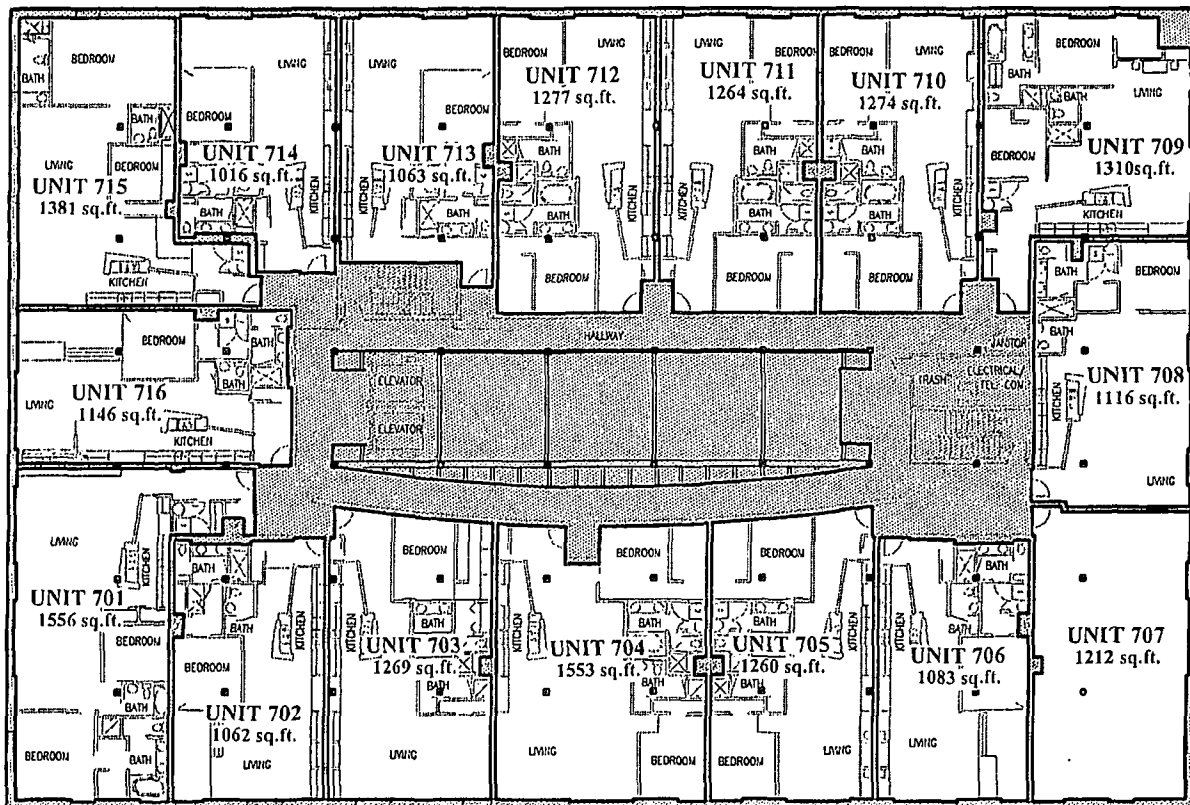
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



COMMON ELEMENT



SCALE: 1" = 30'



SEVENTH FLOOR

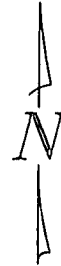
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BEEBE RUNYAN CONDOMINIUMS

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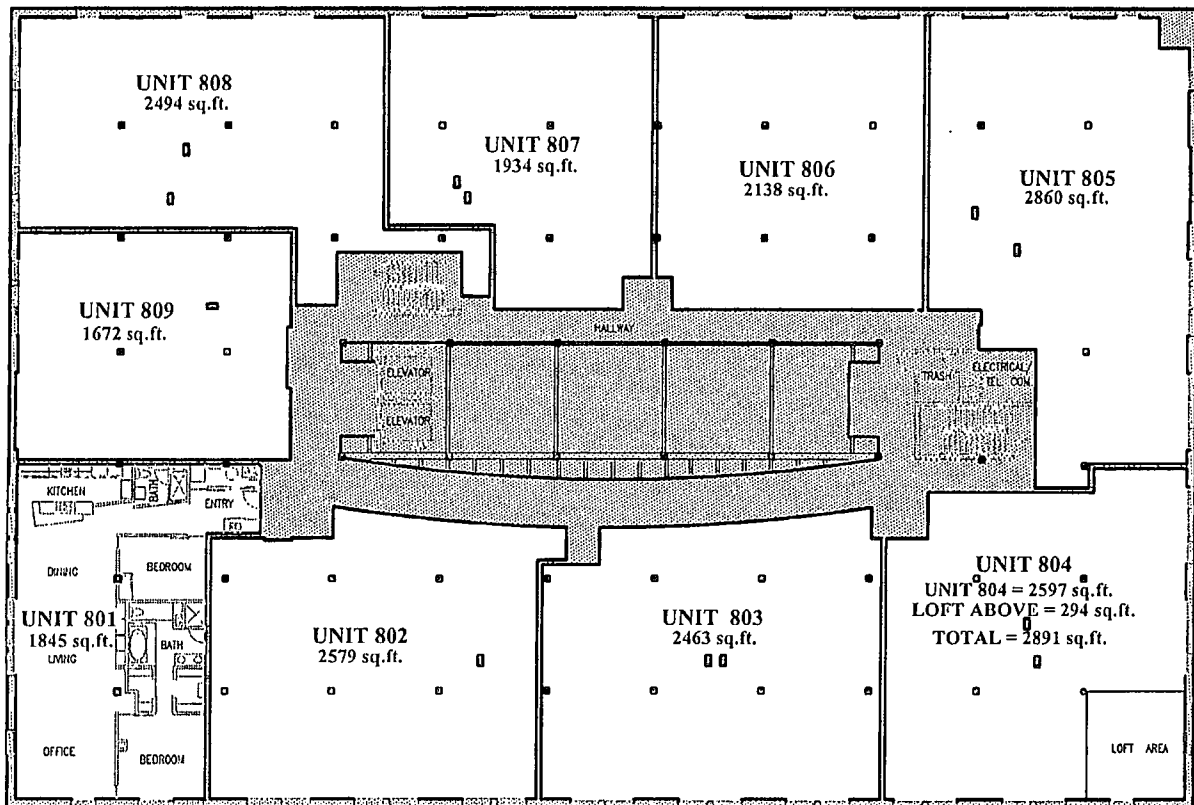
TACKETT COMPANIES

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



COMMON ELEMENT

SCALE: 1" = 30'



EIGHT FLOOR

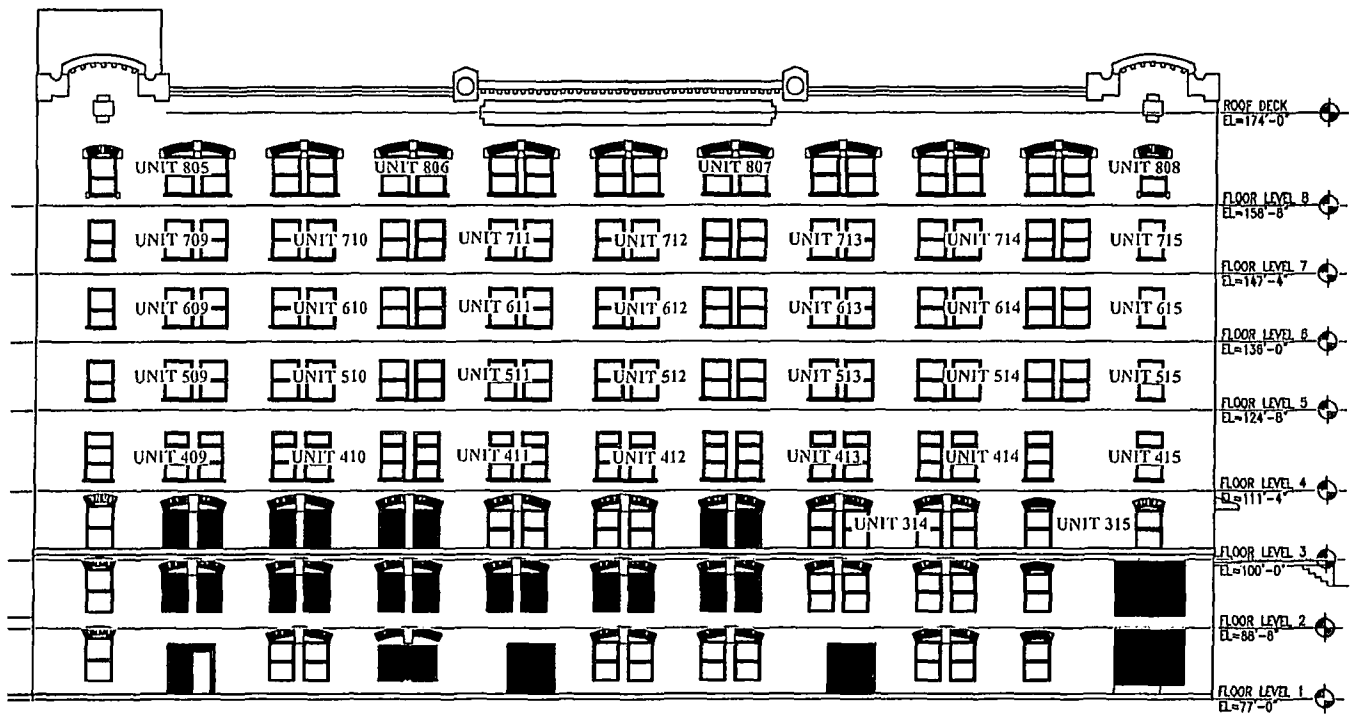
SHEET 6 OF 11

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

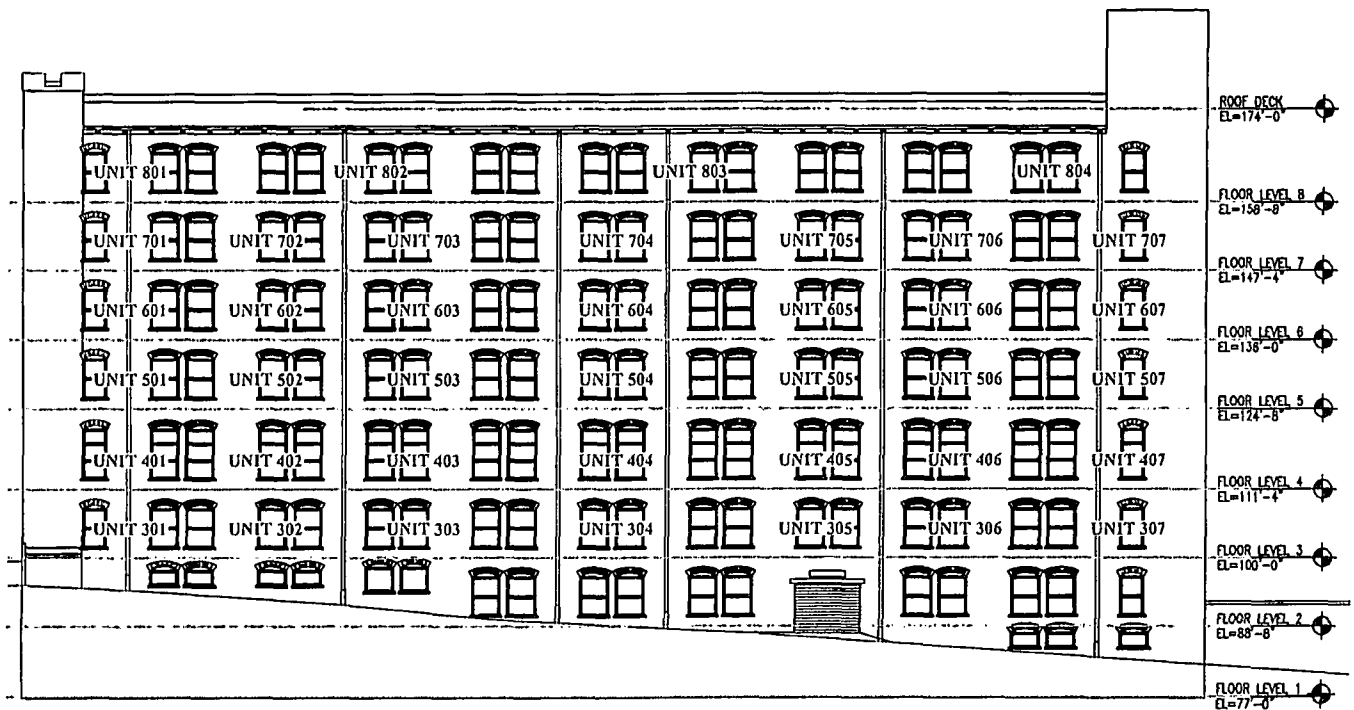
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BEEBE RUNYAN CONDOMINIUMS

TD2 JOB NUMBER: 1215-111-2

TACKETT COMPANIES

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



SOUTH ELEVATION

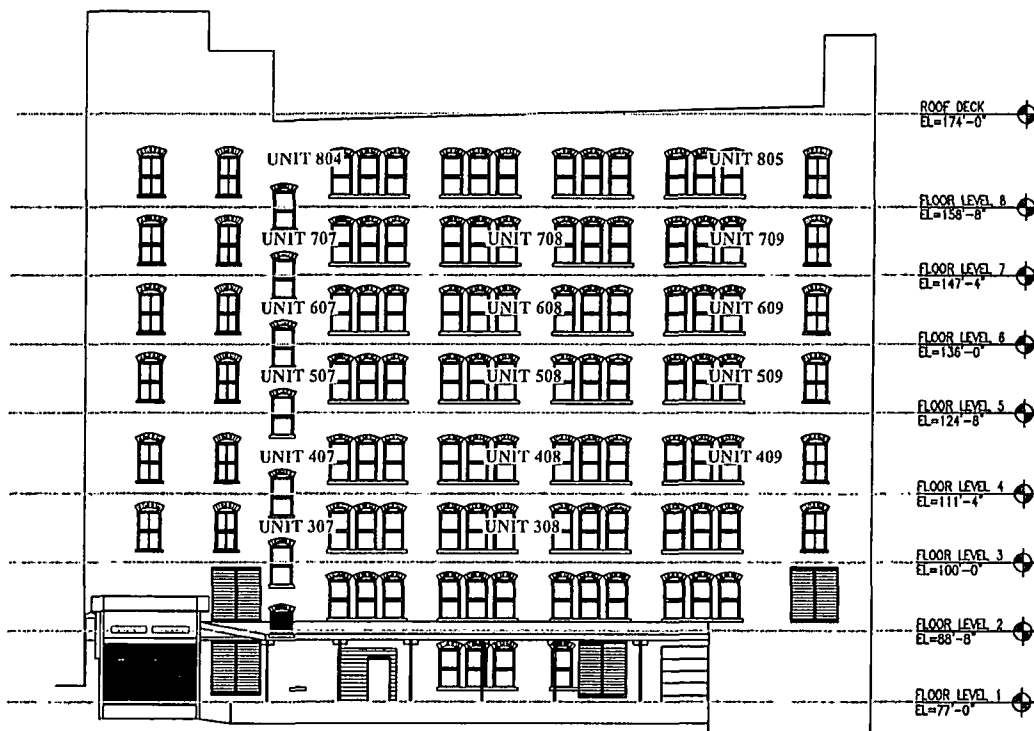
SHEET 8 OF 11

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

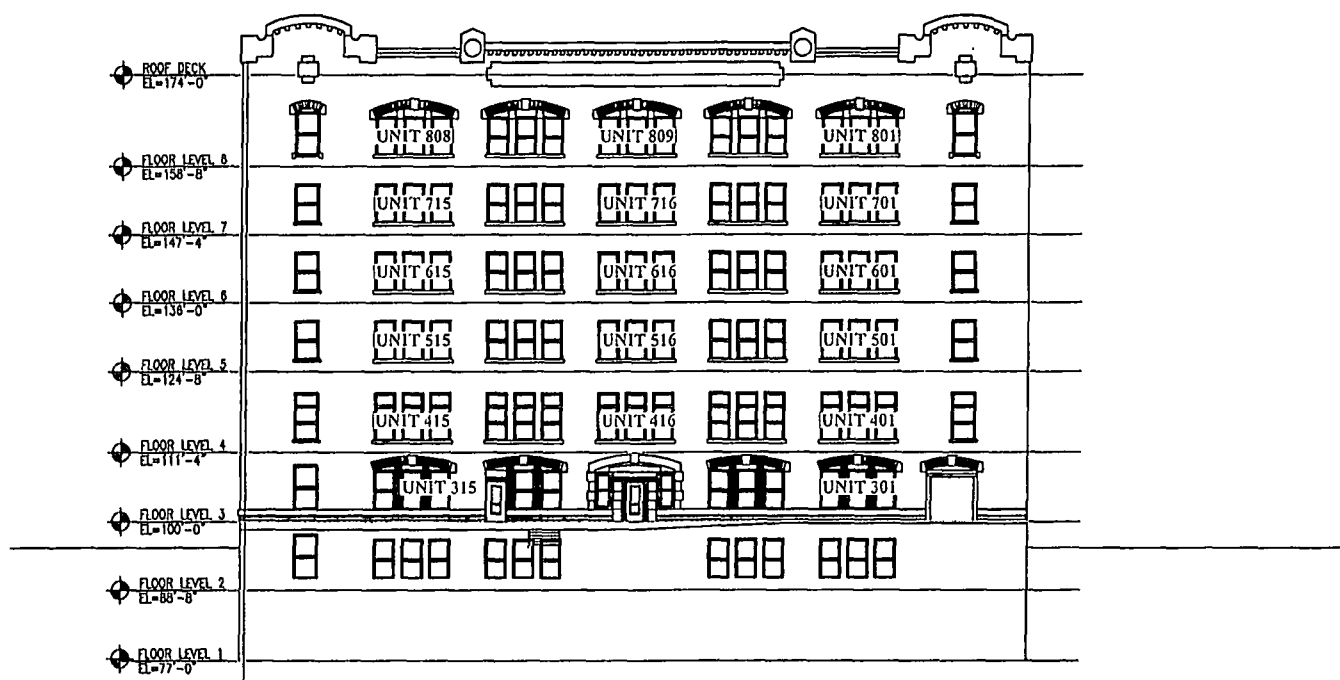
SHEET 9 OF 11

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

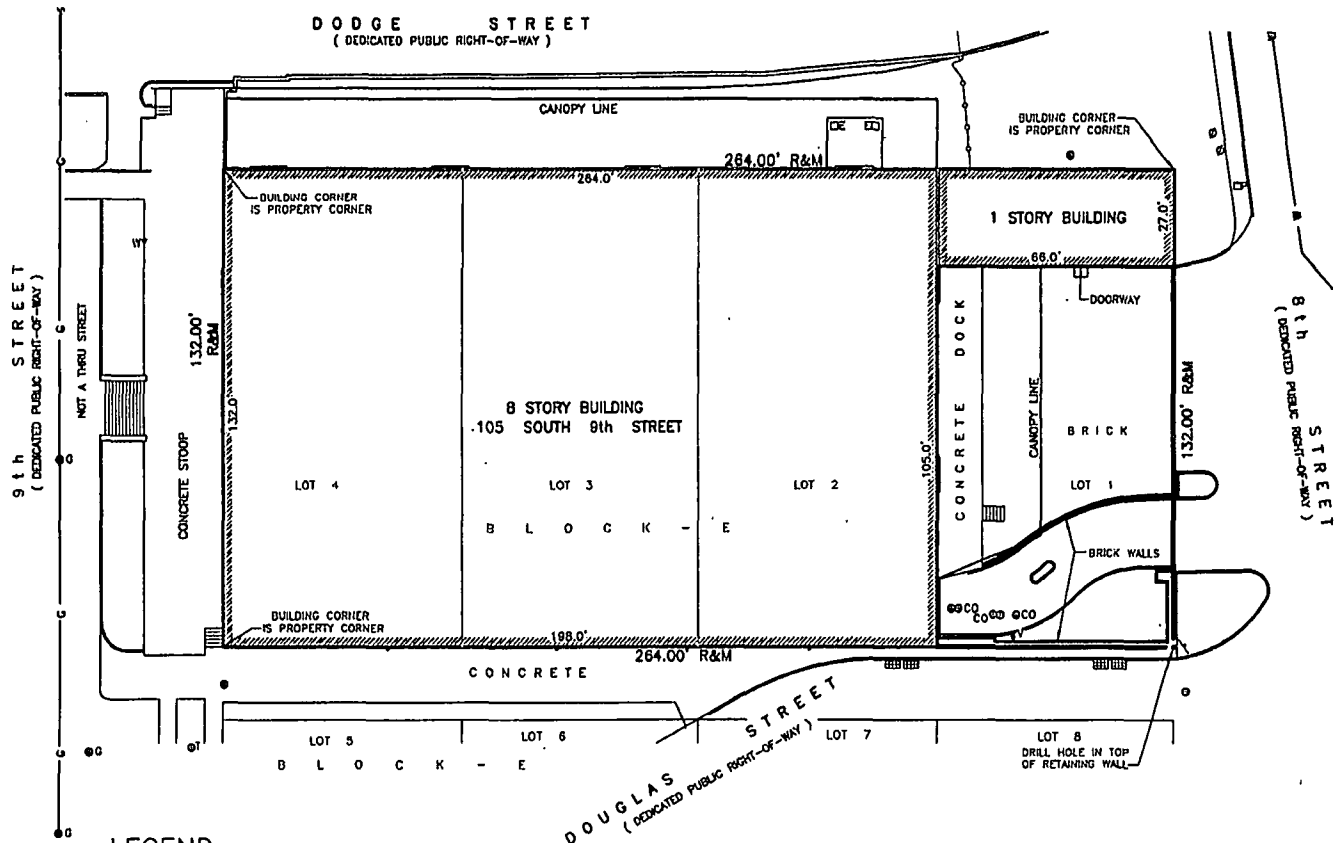
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TACKETT COMPANIES

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

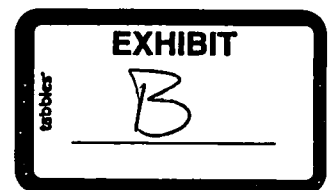
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REF. GRID BOOK 71, PAGE: 16

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	1517	1.3377%
302	1070	0.9435%
303	1277	1.1260%
304	1554	1.3703%
305	1260	1.1110%
306	1084	0.9558%
307	1208	1.0652%
308	1120	0.9876%
314	1985	1.7503%
315	1520	1.3403%
401	1513	1.3341%
402	1071	0.9444%
403	1274	1.1234%
404	1559	1.3747%
405	1246	1.0987%
406	1084	0.9558%
407	1201	1.0590%
408	1109	0.9779%
409	1293	1.1401%
410	1269	1.1190%
411	1248	1.1005%
412	1268	1.1181%
413	1043	0.9197%
414	1008	0.8888%
415	1309	1.1542%
416	1119	0.9867%
501	1517	1.3377%
502	1059	0.9338%
503	1274	1.1234%
504	1550	1.3668%
505	1261	1.1119%



Unit Number	Square Footage	Common Element Interest
506	1076	0.9488%
507	1205	1.0625%
508	1106	0.9752%
509	1295	1.1419%
510	1257	1.1084%
511	1259	1.1102%
512	1255	1.1066%
513	1062	0.9365%
514	996	0.8783%
515	1343	1.1842%
516	1128	0.9946%
601	1556	1.3720%
602	1062	0.9365%
603	1269	1.1190%
604	1553	1.3694%
605	1260	1.1110%
606	1083	0.9550%
607	1212	1.0687%
608	1116	0.9841%
609	1318	1.1622%
610	1271	1.1207%
611	1251	1.1031%
612	1280	1.1287%
613	1084	0.9558%
614	1012	0.8924%
615	1366	1.2045%
616	1144	1.0088%
701	1556	1.3720%
702	1062	0.9365%
703	1269	1.1190%
704	1553	1.3694%
705	1260	1.1110%
706	1083	0.9550%
707	1212	1.0687%
708	1116	0.9841%
709	1310	1.1551%

Unit Number	Square Footage	Common Element Interest
710	1274	1.1234%
711	1264	1.1146%
712	1277	1.1260%
713	1063	0.9373%
714	1016	0.8959%
715	1381	1.2177%
716	1146	1.0105%
801	1845	1.6269%
802	2579	2.2741%
803	2463	2.1718%
804	2891	2.5492%
805	2860	2.5219%
806	2138	1.8852%
807	1934	1.7054%
808	2494	2.1992%
809	1672	1.4743%
TOTAL	113,407	100.0%