

MISC 2014094188



DEC 04 2014 08:34 P 4

Fee amount: 28.00 FB: 68-40344 COMP: MB

Received – DIANE L. BATTIATO Register of Deeds, Douglas County, NE 12/04/2014 08:34:10.00



### Poor Copy

### AIMENDIMENT TO DEVELOPER ACQUISITION RIGHTS AGREEMENT

This Amendment to Developer Acquisition Rights Agreement (the "Agreement") is entered into as of the  $\frac{13}{2}$  day of  $\frac{1002 \, mB2R}{2}$ , 2014, by and between REALTY TRUST GROUP, INC., a Delaware conponation, as Thustiee pursuant to that certain Realty Trust Agreement Dated May 12, 2000 ("Owner"), and 168th AND DODGE, i.i.P., a Nebraska limited partnership, ("Developer").

WHEREAS, Owner is the owner of the real property legally described as follows ("Property"):

Lot 1, Village Pointe Replat Two, a subdivision in Douglas County, Nebraska, according to the recorded plat thereof.

WHEREAS, Developer and Owner are parties to a Developer Acquisition Rights Agreement ("DARA") dated May 10, 2004 and recorded May 14, 2004 as Instrument No. 2004062136 with Douglas County, Nebraska, and the DARA encumbers the Property; and

WHEREAS, Developer and Owner desire to amend the DARA as set forth in this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- Except as amended herein, the DARA shall remain in full force and effect.
- Notwithstanding anything to the contrary contained in Section 1.3. of the DARA, Developer
  agrees not to exercise its option to re-purchase the Tract under Section 1 prior to December 31, 2015.

[REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

## Poor Copy

IN WITNESS WHEREOF, Owner and Developer have caused this Agreement to be executed effective as of the day and year above referenced.

"OWNER"

STATE OF <u>ALIFORNIA</u> ) SS. COUNTY OF <u>RIVERSIDE</u> )

My Commission Expires: \_\_\_\_\_\_ ATT Actico

year last above written.

REALTY TRUST GOUP, INC., a Delaware corporation As Trustee pursuant to that certain Realty Trust Agreement Dated May 12, 2000 By: Lotal Deigh Name: ROBERT WEIGHT Title: PRESENT

Date of Execution: November 13, 2014 Now on this 13 day of November, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came ROBERT WEIGHT , who is personally known to me to be the same person who executed the within instrument and who duly acknowledged the execution of the same to be his free act and deedl. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and

See Attacked for Way RV2 11/13/14 Notary Public

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

personally appeared    Weight   Weight	State of California  County of Riversity	
personally appeared    West   Septent   Septen		Llonzuela, Notara Robbo
be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she-fivey executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.    I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.    WITNESS my hand and official seal.   Signature	Date Here Insert Name and Title of the Officer	
Signature   Signature   Signature   Signature   Signature   Signature of Notary Public	Commission # 1956637 Notary Public - California Riverside County	be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.  Description of Attached Document  Title or Type of Document:  Document Date:  Signer(s) Other Than Named Above:  Capacity(ies) Claimed by Signer(s)  Signer's Name:  Individual  Corporate Officer — Title(s):  Partner — Limited General Attorney in Fact Trustee  Guardian or Conservator  Other:  Signer Is Representing:  Sign		
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.  Description of Attached Document  Title or Type of Document:  Document Date:  Signer(s) Other Than Named Above:  Capacity(ies) Claimed by Signer(s)  Signer's Name:  Individual  Corporate Officer — Title(s):  Partner — Limited General Attorney in Fact Trustee  Guardian or Conservator  Other:  Signer Is Representing:	Place Notary Seal Above	Signature of Notary Public
Title or Type of Document:  Document Date: Signer(s) Other Than Named Above:  Capacity(ies) Claimed by Signer(s)  Signer's Name: Individual Corporate Officer — Title(s): Partner — Limited General Attorney in Fact Trustee Guardian or Conservator Other: Signer Is Representing: Signer Is Representing: Signer Is Representing:  Number of Pages: Number of Pages:  Number of Pages:  Number of Pages:  Right: Humber of Pages:  Signer's Name: Individual Corporate Officer — Title(s): Partner — Limited General Attorney in Fact Guardian or Conservator Other: Signer Is Representing: Signer Is Representing:	Though the information below is not required by law, it may prove valuable to persons relying on the document	
Document Date:	Description of Attached Document	
Signer(s) Other Than Named Above:  Capacity(ies) Claimed by Signer(s)  Signer's Name:   Individual   Individual   Individual   Corporate Officer — Title(s):   Partner — Limited   General   Attorney in Fact   Trustee   Guardian or Conservator   Other:   Signer Is Representing:	Title or Type of Document:	
Capacity(ies) Claimed by Signer(s)  Signer's Name:   Signer's Name:   Individual   Individual   Corporate Officer — Title(s):   Corporate Officer — Title(s):   Partner — Limited   General   Attorney in Fact   Trustee   Trustee   Guardian or Conservator   Other:   Other:   Signer Is Representing:	Document Date:	Number of Pages:
Signer's Name:   Individual   I	Signer(s) Other Than Named Above:	
□ Individual       □ Individual         □ Corporate Officer — Title(s):       □ Corporate Officer — Title(s):         □ Partner — □ Limited □ General       □ Partner — □ Limited □ General         □ Attorney in Fact       □ Attorney in Fact         □ Trustee       □ Guardian or Conservator         □ Other:       □ Other:         □ Signer Is Representing:       □ Signer Is Representing:       Individual   □ Corporate Officer — Title(s):   Partner — □ Limited □ General   Attorney in Fact   OF SIGNER     Top of thumb here     Other:         □ Guardian or Conservator       □ Other:         □ Other:       □ Signer Is Representing:	Capacity(ies) Claimed by Signer(s)	
Signer Is Representing: Signer Is Representing:	☐ Individual ☐ Corporate Officer — Title(s): ☐ Partner — ☐ Limited ☐ General ☐ Attorney in Fact ☐ Trustee ☐ Guardian or Conservator ☐ Individual ☐ RIGHT THUMBPRINT OF SIGNER Top of thumb here	☐ Individual ☐ Corporate Officer — Title(s): ☐ Partner — ☐ Limited ☐ General ☐ Attorney in Fact ☐ Trustee ☐ Guardian or Conservator ☐ Other:
	Signer Is Representing:	1

### "DEVELOPER"

# 168th AND DODGE, L.P., a Nebraska limited partnership

By: RED DEVELOPMENT OF WEST DODGE, L.L.C, a Missouri limited liability company, its General Partner

By: RED Village Pointe, LLC, a Missouri limited liability company, its Manager

By: RED Consolidated Holdings, LLC, a Delaware limited liability company, its Managing Member

Ву:

Name: Michael L. Ebert Title: Vice President

STATE OF ARIZONA ) ss.
COUNTY OF MARICOPA )

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and

year last above written.

RAMONA ZAPUSTAS
Notary Public, State of Arizona
Maricopa County
My Commission Expires
February 03, 2017

Notary Public

My Commission Expires: 2.3.17