



MISC 2005005872



JAN 18 2005 10:03 P 3

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
1/18/2005 10:03:15.30



2005005872

Filed: AS RECEIVED

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Mortgagor(s):	Wally Properties, LLC	Mortgagee:	First National Bank of Fort Smith, Fort Smith, AR
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EXTENSION AND LOAN MODIFICATION AGREEMENT

STATE OF ARKANSAS)
) SS: Note #C2472706
 COUNTY OF SEBASTIAN)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, THE FIRST NATIONAL BANK OF FORT SMITH, Fort Smith, Arkansas, made a loan to Wally Properties, LLC in the amount of ONE MILLION NINE HUNDRED SIXTY EIGHT THOUSAND AND NO/100 (\$1,968,000.00) evidenced by Promissory Note Number C2472706 and mortgage covering:

See Attached Exhibit "A" **** FILED: AS IS**

recorded in Document #2003241053 in the office of the Clerk in Omaha, Douglas County, state of Nebraska; and

WHEREAS, the parties hereto, for mutual consideration, wish to modify the payment terms of said indebtedness.

THEREFORE, it is agreed that the unpaid balance of said indebtedness is **\$1,968,000.00** in Principal; and the undersigned hereby promise to pay said indebtedness with interest at the rate of **First National Bank base rate adjusted monthly** as follows:

PAYMENT: This note is due on demand, or if no demand is made, accrued interest payable in installments beginning January 11, 2005 and all subsequent payments due on the same day of each month thereafter. Principal plus all unpaid accrued interest and late charges are due in full on June 11, 2005.

LATE CHARGE: I agree to pay a late charge equal to 10.000% of the full amount of the scheduled payment made more than ten (10) days after it is due, up to a maximum of \$100.00.

In all other respects the said note and mortgage shall remain in full force and effect and the undersigned promises to pay said indebtedness as herein stated and to perform all of the obligations of said mortgage contract as herein revised.

ATTESTED, SEALED and DELIVERED, this 11th day of December, 2004.

Wally Properties, LLC
 by John D. Alford
 John D. Alford Operating Manager

by _____

ACCEPTED THIS 11th DAY OF December, 2004.

FIRST NATIONAL BANK OF FORT SMITH
 By: [Signature]
 Vice President

ATTEST:
[Signature]
 Assistant Secretary

Misc
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FEE 16.50 FB 67-36854
 BKP _____ C/O _____ COMP 118
 DEL _____ SCAN _____ FV _____

706660

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss:
COUNTY OF SEBASTIAN)

On this 11th day of December, 2004, before me, the undersigned Notary Public, personally appeared John D. Alford Operating Manager of Wally Properties, LLC, known to me to be the person whose name subscribed to the within instrument, and authorized to execute the foregoing instrument and acknowledged that had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth and I do so certify.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 11th day of December, 2004.

My Commission Expires: 4 8 0 5 [Signature], Notary Public

ACKNOWLEDGMENT

NOTARIAL SEAL
REGISTER OF DEEDS

STATE OF ARKANSAS)
) ss:
COUNTY OF SEBASTIAN)

ON THIS 11th day of December, 2004, before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the above County and State, appeared in person John S. Johnson and Jan Gattis Burd to me personally well known, who stated that they were the Vice President and Assistant Secretary of The First National Bank of Fort Smith, Fort Smith, Arkansas, a national banking association, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said Bank, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth and I do so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 11th day of December, 2004.

My commission expires: [Signature], Notary Public

NOTARIAL SEAL
REGISTER OF DEEDS

This instrument prepared by FIRST NATIONAL BANK OF FORT SMITH, P. O. BOX 7, FORT SMITH, ARKANSAS 72902.

EXHIBIT "A"

LOTS 2 AND 3, STARWOOD SOUTH REPLAT, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA. TOGETHER WITH AN ACCESS EASEMENT LYING IN LOT 1, STARWOOD SOUTH REPLAT AS SURVEYED, PLATTED, AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2; THENCE S 2 59'52" W A DISTANCE OF 41.99 FEET; THENCE S 87 00'08" E A DISTANCE OF 638.85 FEET; THENCE N 2 59'51" E A DISTANCE OF 281.45 FEET; THENCE N 51 38'42" E TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF REDICK CIRCLE A DISTANCE OF 42.99 FEET; THENCE N 57 14'40" W ALONG SAID RIGHT OF WAY A DISTANCE OF 25.60 FEET; THENCE CONTINUING ON SAID RIGHT OF WAY ON CURVE WITH A RADIUS OF 140.23 FEET AND ARC DISTANCE OF 74.10 FEET AND A CHORD BEARING N 72 22'27" W A DISTANCE OF 73.24 FEET; THENCE S 42 00'53" E A DISTANCE OF 26.62 FEET; THENCE S 2 59'52" W A DISTANCE OF 266.75 FEET; THENCE S 47 59'52" W A DISTANCE OF 19.09 FEET; THENCE N 87 00'08" W A DISTANCE OF 583.35 FEET ALONG THE SOUTHERLY LINE OF LOTS 2, 3, AND 4 TO THE POINT OF BEGINNING.

EASEMENT CONTAINS: 39,910.46 SQUARE FEET OR 0.92 ACRES MORE OR LESS