

MISC 2006042908



APR 18 2006 12:41 P 3

# EXTENSION AND LOAN MODIFICATION AGREEMENT

STATE OF ARKANSAS )  
 ) SS:  
COUNTY OF CRAWFORD )

Note #2472706

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NF  
4/18/2006 12:41:20.20



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 AND 00/100 (\$1,968,000.00) evidenced by Promissory Note Number 2472706 and mortgage covering:

SEE ATTACHED EXHIBIT "A"

recorded on December 16, 2003, Doc #2003241053 in the office of the County 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, principal and interest payable in 11 installments in the amount of EIGHTEEN THOUSAND FIVE HUNDRED TWENTY FOUR AND 31/100 (\$18,524.31) and one final payment of all principal and interest and any accrued late charges on March 11, 2007. The first payment is due on April 11, 2006, and all subsequent payments are due on the same day of each Month thereafter.

**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 March, 2006.

WALLY PROPERTIES, LLC

By: [Signature]  
John D Alford, Operating Manager

Return:  
First National Bank  
of Fort Smith - Vickie Duck  
P.O. Box 7  
Fort Smith, AR  
72902

3/3

MISC  
FEE 1650 FEE 67-36854  
BNP \_\_\_\_\_ C.O. \_\_\_\_\_ COMP CC  
DEL \_\_\_\_\_ FV \_\_\_\_\_  
747698



**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.**