



MISC 2009039528



APR 24 2009 10:15 P 3

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Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 4/24/2009 10:15:34.07



2009039528

EXTENSION AND LOAN MODIFICATION AGREEMENT

STATE OF ARKANSAS)
) SS:
 COUNTY OF SEBASTIAN)

Note #2472706

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

SEE EXHIBIT "A" ATTACHED

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 **\$1,729,358.09** in Principal; and the undersigned hereby promise to pay said indebtedness with interest at the rate of **FIRST NATIONAL BANK BASE RATE adjusted monthly with a 5.00% Floor and a 7.50% Ceiling** 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 TWELVE THOUSAND SIX HUNDRED THREE DOLLARS AND 98/100 (\$12,603.98) and one final payment of all principal and interest and any accrued late charges on March 11, 2010. The first payment is due on April 11, 2009, and all subsequent payments are due on the same day of each Month thereafter.

LATE CHARGE: If a payment is more than ten (10) days late, Borrower will be charged a late fee of 10.00% of the payment or \$100.00, whichever is less.

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, 2009.

WALLY PROPERTIES, LLC

By: *John D Alford*
 John D Alford, Operating Manager

√ 0000834418

ACCEPTED THIS 11th DAY OF March, 2009.

FIRST NATIONAL BANK OF FORT SMITH

By: [Signature]
Vice President

ATTEST:

[Signature]
Assistant Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss:
COUNTY OF CRAWFORD)

On this 11th day of March, 2009, 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 IS subscribed to the within instrument, and WAS authorized to execute the foregoing instrument and acknowledged that HE 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 March, 2009.

ALLISON TAYLOR
NOTARY PUBLIC STATE OF ARKANSAS
CRAWFORD COUNTY
My Commission Expires 8-15-2011

[Signature], Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss:
COUNTY OF CRAWFORD)

ON THIS 11th day of March, 2009, 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 Jim Haemon 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 March, 2009.

[Signature], Notary Public

My commission expires: 11-01-10

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.