



MISC 2012073341



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
7/27/2012 09:35:44.03



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2012073341

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 **\$1,667,695.14** 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:

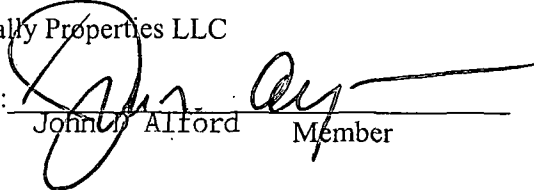
PAYMENT: This note is due on demand, or if no demand is made, principal and interest payable in 17 installments in the amount of **EIGHTEEN THOUSAND FIVE HUNDRED NINETY SIX DOLLARS AND 95/100 (\$18,596.95)** and one final payment of all principal and interest and any accrued late charges on January 11, 2014. The first payment is due on August 11, 2012, 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 \$150.00, 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 17th day of July, 2012.

Wally Properties LLC

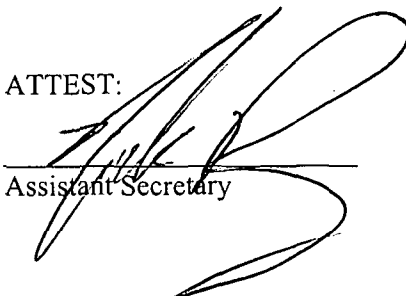
By: 
 Johnny Alford Member

ACCEPTED THIS 17th DAY OF July, 2012.

FIRST NATIONAL BANK OF FORT SMITH

By: 
 Vice President

ATTEST:


 Assistant Secretary

First National Bank Fort Smith
 P O BOX 7
 Fort Smith, AR 72902-9943

v 0000 918549

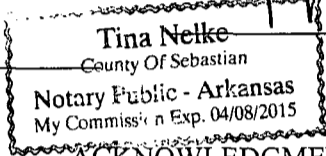
ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss:
COUNTY OF CRAWFORD)

On this 17th day of July, 2012, before me, the undersigned Notary Public, personally appeared Charles G Palmer, Member 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 17th day of July, 2012.

My Commission Expires: _____



Tina Nelke

Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss:
COUNTY OF CRAWFORD)

ON THIS 17th day of July, 2012, before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the above County and State, appeared in person John Johnson and Tick Remy 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 17th day of July, 2012.

Vickie R. Orick-Harris

Notary Public

My commission expires: 11-1-2020

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

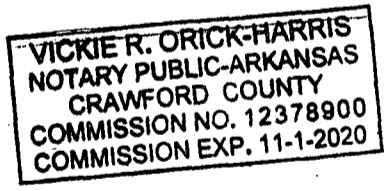


EXHIBIT "A"

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 31 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 25.50 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.