



MISC 2017001547



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COMP: AH

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
01/06/2017 14:12:52.00



2017001547

WHEN RECORDED MAIL TO:

GREAT WESTERN BANK
Lincoln Business Banking
1235 N Street
Lincoln, NE 68508

FOR RECORDER'S USE ONLY

**MODIFICATION OF DEED OF TRUST
AND ASSIGNMENT OF RENTS**



THIS MODIFICATION OF DEED OF TRUST dated December 29, 2016, is made and executed between Aksarben Lodging, LLC, a Nebraska limited liability company, whose address is 6007 Norman Road, Lincoln, NE 68512 ("Trustor") and GREAT WESTERN BANK, whose address is Lincoln Business Banking, 1235 N Street, Lincoln, NE 68508 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated August 23, 2016 (the "Deed of Trust") which has been recorded in DOUGLAS County, State of Nebraska, as follows:

CONSTRUCTION DEED OF TRUST DATED AUGUST 23, 2016 AND RECORDED AUGUST 23, 2016 AS INSTRUMENT NO. 2016068414 AT DOUGLAS COUNTY, NEBRASKA REGISTER OF DEEDS OFFICE.

ASSIGNMENT OF RENTS DATED AUGUST 23, 2016 AND RECORDED AUGUST 23, 2016 AS INSTRUMENT NO. 2016068415 AT DOUGLAS COUNTY, NEBRASKA REGISTER OF DEEDS OFFICE.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in DOUGLAS County, State of Nebraska:

LOT 3, AKSARBEN VILLAGE REPLAT 15, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

The Real Property or its address is commonly known as 6737 FRANCES STREET, OMAHA, NE 68106. The Real Property tax identification number is 0151 5204 05.

MODIFICATION. Lender and Trustor hereby modify the Deed of Trust as follows:

THE "NOTE" DESCRIPTION SET FORTH IN THE CONSTRUCTION DEED OF TRUST AND ASSIGNMENT OF RENTS REFERENCED ABOVE IS HEREBY DELETED IN ITS ENTIRETY AND THE FOLLOWING IS SUBSTITUTED THEREFORE:

The word "Note" means the promissory note dated December 29, 2016, in the principal amount of \$15,000,000.00 from Aksarben Lodging, LLC to Lender, together with all renewals of, extensions of, modifications of, re-financings of, consolidations of, and substitutions for the promissory notes referenced in this paragraph.

All other existing loan documents evidencing or securing said indebtedness are hereby ratified and shall remain in full force and effect.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

TRUSTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND TRUSTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED DECEMBER 29, 2016.

MODIFICATION OF DEED OF TRUST
(Continued)

TRUSTOR:

AKSARBEN LODGING, LLC

By: [Signature]
JOHN E KLIMPEL, Manager of AKSARBEN LODGING, LLC

By: [Signature]
JUSTIN S HERNANDEZ, Manager of AKSARBEN LODGING, LLC

By: [Signature]
JOHN M MOUNTJOY, Manager of AKSARBEN LODGING, LLC

LENDER:

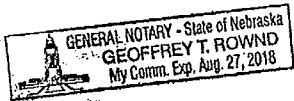
GREAT WESTERN BANK

X [Signature]
Geoff Rownd, VP Business Banker

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Nebraska)
) SS
COUNTY OF Lancaster)

On this 3rd day of January, 20 17, before me, the undersigned Notary Public, personally appeared JOHN E KLIMPEL, Manager of AKSARBEN LODGING, LLC, and known to me to be member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

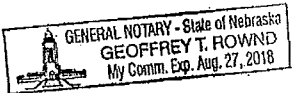


By: [Signature]
Printed Name: Geoffrey T. Rownd
Notary Public in and for the State of Nebraska
Residing at Lincoln, NE
My commission expires Aug. 27, 2018

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Nebraska)
) SS
COUNTY OF Lancaster)

On this 3rd day of January, 20 17, before me, the undersigned Notary Public, personally appeared JUSTIN S HERNANDEZ, Manager of AKSARBEN LODGING, LLC, and known to me to be member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.



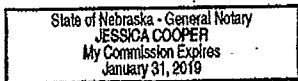
By: [Signature]
Printed Name: Geoffrey T. Rownd
Notary Public in and for the State of Nebraska
Residing at Lincoln, NE
My commission expires Aug. 27, 2018

MODIFICATION OF DEED OF TRUST
(Continued)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Nebraska)
) SS
COUNTY OF Douglas)

On this 28 day of December, 20 16, before me, the undersigned Notary Public, personally appeared JOHN M MOUNTJOY, Manager of AKSARBEN LODGING, LLC, and known to me to be member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

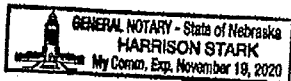


By Jessica Cooper
Printed Name: Jessica Cooper
Notary Public in and for the State of Nebraska
Residing at 110311 Shirley St Omaha
My commission expires _____

LENDER ACKNOWLEDGMENT

STATE OF Nebraska)
) SS
COUNTY OF Lancaster)

On this 6th day of 10 January, 20 17, before me, the undersigned Notary Public, personally appeared Geoff Rownd, and known to me to be the VP Business Banker, authorized agent for GREAT WESTERN BANK that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of GREAT WESTERN BANK, duly authorized by GREAT WESTERN BANK through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of GREAT WESTERN BANK.



By Harrison Stark
Printed Name: Harrison Stark
Notary Public in and for the State of Nebraska
Residing at Lincoln, NE
My commission expires 11/19/2020