



MISC 2014098351



DEC 18 2014 14:02 P 15

Fee amount: 94.00
FB: 16-25438
COMP: PN

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
12/18/2014 14:02:04.00



2014098351

**FIRST AMENDMENT TO THE
DECLARATION
OF
MIDTOWN CROSSING BUILDING 120 CONDOMINIUM**

THIS INSTRUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:

Kathryn Kovitz Arnold, Esq.
TAFT STETTINIUS & HOLLISTER LLP
111 East Wacker Drive, Suite 2800
Chicago, Illinois 60601

FIRST AMENDMENT TO THE DECLARATION OF
MIDTOWN CROSSING BUILDING 120 CONDOMINIUM

This First Amendment to the Declaration of Midtown Crossing Building 120 Condominium ("Amendment"), dated this 8th day of December, 2014, is made by East Campus Realty, LLC, a Nebraska limited liability company ("Declarant").

WITNESSETH:

WHEREAS, by that certain Declaration of Condominium of Midtown Crossing Building 120 Condominium (the "Declaration") recorded in the Office of the Register of Deeds of Douglas County, Nebraska on August 14, 2013 as Document No. 2013082650, the Declarant submitted certain real estate more particularly described on Exhibit 1 attached hereto and incorporated herein to the provisions of the Nebraska Condominium Act (the "Act");

WHEREAS, the Declaration provides for Special Declarant Rights pursuant to which the Declarant may reconfigure units and record an Amendment to the Declaration to evidence such combination; and

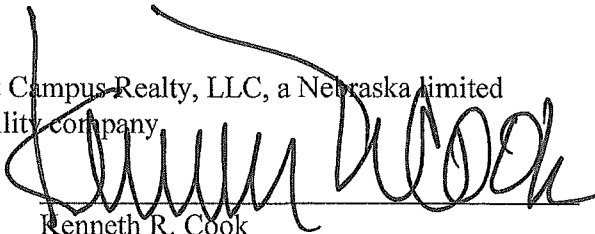
WHEREAS, Declarant wishes to move the dividing line between Units 5802 and 5804.

NOW THEREFORE, the Declarant, hereby amends the Declaration as follows:

1. Page 13 of Exhibit B to the Declaration which depicts Bldg 5–Eighth Floor is deleted in its entirety and replaced with Exhibit 2 attached to this Amendment and incorporated herein, which sets forth the updated delineation of Units 5802 and 5804.
2. Exhibit D – Allocated Interest – Common Expense Liability is deleted in its entirety and replaced with Exhibit 3 attached to this Amendment.
3. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the Declarant has caused its name to be signed to these presents on the day and year first written above.

East Campus Realty, LLC, a Nebraska limited liability company

By: 
Kenneth R. Cook
President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

I, Janice J. Packard Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Kenneth R. Cook of EAST CAMPUS REALTY, LLC, a Nebraska limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument as President, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of the company, for the uses and purpose therein set forth.

GIVEN, under my hand and Notarial Seal this of 8 day of December, 2014.

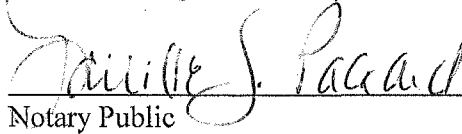

Notary Public



EXHIBIT 1

(EXHIBIT A TO THE DECLARATION)

LEGAL DESCRIPTION

SEE ATTACHED

Legal Description - Building 5, Floor B1-P2

That part of Lot 1, MIDTOWN CROSSING AT TURNER PARK, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, known as Building 5, from the bottom of slab of the floor of B1-P2 at elevation 1114.92 feet (NAVD 88) to the finished floor elevation of B2-P1 at 1133.20 feet (NAVD 88), described as follows:

Commencing at the northeast corner of said Lot 1;

Thence South 87°38'08" West (bearing referenced to the plat of MIDTOWN CROSSING AT TURNER PARK) for 63.34 feet along the north line of said Lot 1;

Thence North 02°21'52" West for 10.26 feet to the outside face of the wall of the parking garage of Building 5; and the TRUE POINT OF BEGINNING;

Thence South 02°21'39" East for 11.33 feet along the line separating the residential parking garage from the commercial loading dock;

Thence along said line the following fourteen (14) courses;

1. Thence South 87°45'07" West for 12.72 feet;
2. Thence South 02°41'46" East for 4.03 feet;
3. Thence South 87°45'07" West for 5.32 feet;
4. Thence South 02°20'47" East for 21.41 feet;
5. Thence North 87°00'32" East for 0.94 feet;
6. Thence South 02°47'26" East for 7.66 feet;
7. Thence North 87°49'17" East for 8.86 feet;
8. Thence North 03°17'34" West for 7.67 feet;
9. Thence North 87°34'25" East for 9.25 feet;
10. Thence South 02°19'14" East for 35.74 feet;
11. Thence South 78°40'10" West for 10.27 feet;
12. Thence North 15°47'33" West for 1.86 feet;
13. Thence South 79°27'18" West for 1.65 feet;
14. Thence South 12°45'08" East for 23.60 feet to the outside face of concrete wall of the parking garage;

Thence along said outside face of concrete wall the following ten (10) courses;

1. Thence South 75°52'17" West for 25.80 feet;
 2. Thence South 72°51'09" West for 24.05 feet;
 3. Thence North 18°15'00" West for 20.03 feet;
 4. Thence South 70°26'00" West for 31.04 feet;
 5. Thence South 67°12'36" West for 27.92 feet;
 6. Thence South 64°23'08" West for 27.92 feet;
 7. Thence South 59°50'24" West for 27.82 feet;
 8. Thence South 52°20'54" West for 29.82 feet;
 9. Thence South 44°49'56" West for 27.78 feet;
 10. Thence South 39°12'45" West for 9.06 feet;
- Thence North 50°57'55" West for 32.22 feet;
- Thence North 36°59'00" East for 4.63 feet;
- Thence North 49°55'50" West for 32.54 feet to the outside face of concrete wall of the parking garage;

Thence along said outside face of concrete wall the following nine (9) courses;

1. Thence North 43°53'59" East for 29.97 feet;
2. Thence North 48°58'54" East for 29.82 feet;
3. Thence North 54°58'30" East for 31.32 feet;
4. Thence North 02°21'39" West for 28.02 feet;
5. Thence North 87°38'21" East for 4.04 feet;

6. Thence North $02^{\circ}32'26''$ West for 42.10 feet;
7. Thence North $87^{\circ}38'21''$ East for 11.83 feet;
8. Thence North $02^{\circ}21'48''$ West for 0.43 feet;
9. Thence North $87^{\circ}38'21''$ East for 175.91 feet to the Point of Beginning.
Contains 23,820 square feet.

October 29, 2009
LAMP, RYNEARSON & ASSOCIATES, INC.
L:\ENG\03074\Survey\Text\Condo Legal BLDG 5.dpcx

Legal Description – Building 5, Floor B2-P1

That part of Lot 1, MIDTOWN CROSSING AT TURNER PARK, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, known as Building 5, from the finished floor of B2-P1 at elevation 1133.20 feet (NAVD 88) to the finished floor elevation of Floor 1 at 1144.98 feet (NAVD 88), described as follows:

Commencing at the northeast corner of said Lot 1;

Thence South 87°38'08" West (bearing referenced to the plat of MIDTOWN CROSSING AT TURNER PARK) for 63.34 feet along the north line of said Lot 1;

Thence North 02°21'52" West for 10.29 feet to the outside face of the wall of the parking garage of Building 5, and the TRUE POINT OF BEGINNING;

Thence South 02°21'39" East for 11.31 feet along the line separating the residential parking garage from the commercial loading dock;

Thence along said line the following fourteen (14) courses;

1. Thence South 87°45'07" West for 12.72 feet;
2. Thence South 02°41'46" East for 4.03 feet;
3. Thence South 87°45'07" West for 5.32 feet;
4. Thence South 02°20'47" East for 21.41 feet;
5. Thence North 87°00'32" East for 0.94 feet;
6. Thence South 02°47'26" East for 7.66 feet;
7. Thence North 87°49'17" East for 8.86 feet;
8. Thence North 03°17'34" West for 7.67 feet;
9. Thence North 87°34'25" East for 9.25 feet;
10. Thence South 02°19'14" East for 35.74 feet;
11. Thence South 78°40'10" West for 10.27 feet;
12. Thence North 15°47'33" West for 1.86 feet;
13. Thence South 79°27'18" West for 1.65 feet;
14. Thence South 12°50'36" East for 23.47 feet to the outside face of concrete wall of the parking garage;

Thence along said outside face of concrete wall the following ten (10) courses;

1. Thence South 75°44'18" West for 23.47 feet;
 2. Thence South 73°09'24" West for 23.47 feet;
 3. Thence North 18°22'39" West for 19.98 feet;
 4. Thence South 70°21'03" West for 31.03 feet;
 5. Thence South 67°12'37" West for 27.92 feet;
 6. Thence South 64°23'06" West for 27.92 feet;
 7. Thence South 59°50'20" West for 27.80 feet;
 8. Thence South 52°21'03" West for 29.83 feet;
 9. Thence South 44°49'56" West for 27.78 feet;
 10. Thence South 39°27'04" West for 9.67 feet;
- Thence North 51°06'14" West for 32.15 feet;
Thence North 36°59'00" East for 5.40 feet;
Thence North 50°06'47" West for 32.51 feet to the outside face of concrete wall of the parking garage;

Thence along said outside face of concrete wall the following nine (9) courses;

1. Thence North 43°51'17" East for 29.99 feet;
2. Thence North 48°58'54" East for 29.82 feet;
3. Thence North 54°47'47" East for 31.39 feet;
4. Thence North 02°21'39" West for 27.90 feet;
5. Thence North 87°38'21" East for 3.93 feet;

6. Thence North 02°31'29" West for 42.12 feet;
7. Thence North 88°57'25" East for 12.02 feet;
8. Thence North 02°21'39" West for 0.47 feet;
9. Thence North 87°34'39" East for 175.91 feet to the Point of Beginning;
Contains 24,178 square feet.

October 29, 2009
LAMP, RYNEARSON & ASSOCIATES, INC.
LIENG\03074\Survey\Text\Condo Legal BLDG 5.docx

Legal Description – Building 5, Residential Elevator

That part of Lot 1, MIDTOWN CROSSING AT TURNER PARK, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, known as Building 5, from the bottom of slab at the lowest point of the elevator shaft at elevation 1122.00 feet (NAVD 88) to the finished floor elevation of Floor 1 at 1144.98 feet (NAVD 88), described as follows:

Commencing at the northeast corner of said Lot 1;

Thence South $87^{\circ}38'08''$ West (bearing referenced to the plat of MIDTOWN CROSSING AT TURNER PARK) for 79.89 feet along the north line of said Lot 1;

Thence North $02^{\circ}21'52''$ West for 27.09 feet to the inside face of the concrete wall at the northwest corner of the residential elevator shaft in the loading dock of Building 5, and the TRUE POINT OF BEGINNING;

Thence along said inside face of concrete wall the following four (4) courses;

1. Thence North $87^{\circ}13'14''$ East for 8.24 feet;
2. Thence South $02^{\circ}20'47''$ East for 9.69 feet;
3. Thence South $87^{\circ}34'25''$ West for 8.42 feet;
4. Thence North $01^{\circ}17'54''$ West for 9.64 feet to the Point of Beginning.

Contains 81 square feet.

October 29, 2009

LAMP, RYNEARSON & ASSOCIATES, INC.

LIENG\03074\Survey\Text\Condo Legal BLDG 5.docx

Legal Description – Building 5, Floor 1, East Elevator Lobby

That part of Lot 1, MIDTOWN CROSSING AT TURNER PARK, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, known as Building 5; from the finished floor elevation of Floor 1 at elevation 1144.98 feet to the finished floor elevation of Floor 2 at 1167.63 feet (NAVD 88), described as follows:

Commencing at the northeast corner of said Lot 1;

Thence South 87°38'08" West (bearing referenced to the plat of MIDTOWN CROSSING AT TURNER PARK) for 71.66 feet along the north line of said Lot 1;

Thence South 02°21'52" East for 26.96 feet to the northeast corner of the inside face of concrete wall of the east elevator shaft and the TRUE POINT OF BEGINNING;

Thence along said inside face of wall the following four (4) courses;

1. Thence South 02°00'00" East for 9.67 feet;
2. Thence South 87°32'21" West for 8.33 feet;
3. Thence North 02°00'00" West for 9.73 feet;
4. Thence North 88°00'00" East for 8.33 feet to the Point of Beginning.

Contains 8.1 square feet.

October 14, 2009

LAMP, RYNEARSON & ASSOCIATES, INC.

L:\ENG\03074\Survey\Text\Condo Legal BLDG 5.docx

Legal Description – Building 5, Floor 1, West Elevator Lobby

That part of Lot 1, MIDTOWN CROSSING AT TURNER PARK, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, known as Building 5, from the finished floor elevation of Floor 1 at elevation 1144.98 feet to the finished floor elevation of Floor 2 at 1167.63 feet (NAVD 88), described as follows:

Commencing at the northeast corner of said Lot 1;

Thence South 87°38'08" West (bearing referenced to the plat of MIDTOWN CROSSING AT TURNER PARK) for 205.65 feet along the north line of said Lot 1;

Thence South 02°21'52" East for 40.69 feet to the inside face of wall at the northeast corner of the west elevator lobby and the TRUE POINT OF BEGINNING;

Thence South 02°32'24" East for 14.76 feet to a point on the inside face of concrete wall of the west elevator shaft;

Thence continuing along said inside face of concrete wall the following five (5) courses;

1. Thence North 88°00'00" East for 11.49 feet;
2. Thence South 02°00'00" East for 8.00 feet;
3. Thence South 88°00'00" West for 0.29 feet;
4. Thence South 02°32'24" East for 7.75 feet;
5. Thence South 87°27'36" West for 0.74 feet;

Thence South 02°32'24" East for 7.69 feet through said concrete wall to the inside face of wall of the west elevator lobby;

Thence along said inside face of wall the following thirteen (13) courses;

1. Thence South 87°27'36" West for 23.84 feet;
2. Thence South 02°32'24" East for 0.98 feet;
3. Thence South 87°27'36" West for 5.51 feet;
4. Thence South 02°32'24" East for 1.34 feet;
5. Thence South 87°27'36" West for 10.41 feet;
6. Thence North 02°32'24" West for 1.34 feet;
7. Thence South 87°27'36" West for 6.44 feet;
8. Thence South 02°32'24" East for 1.33 feet;
9. Thence South 87°27'36" West for 6.79 feet;
10. Thence North 02°32'24" West for 1.11 feet;
11. Thence South 87°27'36" West for 1.90 feet;
12. Thence North 02°32'24" West for 6.19 feet;
13. Thence South 87°27'36" West for 0.87 feet to the outside face of glass on the entrance doors;

Thence North 02°32'24" West for 14.04 feet along said outside face of glass;

Thence North 87°27'36" East for 0.89 feet to the inside face of wall of the west elevator lobby;

Thence along said inside face of wall the following eight (8) courses

1. Thence North 02°32'24" West for 7.74 feet;
2. Thence South 87°27'36" West for 0.19 feet;
3. Thence North 02°32'24" West for 4.48 feet;
4. Thence North 87°27'36" East for 9.47 feet;
5. Thence North 02°32'24" West for 1.54 feet;
6. Thence North 87°27'36" East for 13.48 feet;
7. Thence North 02°32'24" West for 7.81 feet;
8. Thence North 87°26'01" East for 21.73 feet to the Point of Beginning.

Contains 1,964 square feet.

Legal Description – Building 5, Floor 2-8 and Roof

That part of Lot 1, MIDTOWN CROSSING AT TURNER PARK, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, known as Building 5, from the finished floor elevation of Floor 2 at elevation 1167.63 feet (NAVD 88) to five feet (5') above the highest point of Building 5 (top of elevator penthouse), at 1266.89 feet (NAVD 88), described as follows:

Commencing at the northeast corner of said Lot 1;

Thence South 87°38'08" West (bearing referenced to the plat of MIDTOWN CROSSING AT TURNER PARK) for 20.42 feet along the north line of said Lot 1;

Thence South 02°21'52" East for 4.66 feet to the TRUE POINT OF BEGINNING, said point lies North 18°06'37" East for 5.75 feet from the northeast corner of Building 5;

Thence South 02°15'06" East for 26.86 feet;

Thence North 87°44'54" East for 7.22 feet;

Thence South 02°25'39" East for 5.98 feet;

Thence South 06°54'37" East for 22.28 feet;

Thence North 83°05'23" East for 6.97 feet;

Thence South 06°28'40" East for 20.23 feet;

Thence South 83°11'52" West for 16.86 feet;

Thence South 06°48'08" East for 3.96 feet;

Thence along a curve to the left (having a radius of 544.96 feet and a long chord bearing South 65°38'25" West for 214.69 feet) for an arc length of 216.11 feet;

Thence North 33°59'40" West for 3.72 feet;

Thence South 55°12'49" West for 15.76 feet;

Thence North 36°15'04" West for 23.95 feet;

Thence North 53°29'49" East for 11.02 feet;

Thence North 33°33'16" West for 10.38 feet;

Thence South 86°59'45" West for 2.74 feet;

Thence North 02°42'51" West for 11.28 feet;

Thence South 87°53'51" West for 8.13 feet;

Thence North 02°20'27" West for 12.44 feet;

Thence North 87°41'01" East for 6.87 feet;

Thence North 10°28'35" West for 11.13 feet;

Thence South 87°47'42" West for 5.16 feet;

Thence North 02°17'08" West for 21.55 feet;

Thence North 87°25'33" East for 5.13 feet;

Thence North 06°02'07" East for 17.01 feet;

Thence North 02°18'18" West for 3.24 feet;

Thence South 87°41'42" West for 4.46 feet;

Thence North 03°10'17" West for 6.47 feet;

Thence South 87°41'42" West for 2.65 feet;

Thence North 03°06'28" West for 24.56 feet;

Thence North 87°41'10" East for 221.27 feet to the Point of Beginning.

Contains 25,271 square feet.

October 27, 2009

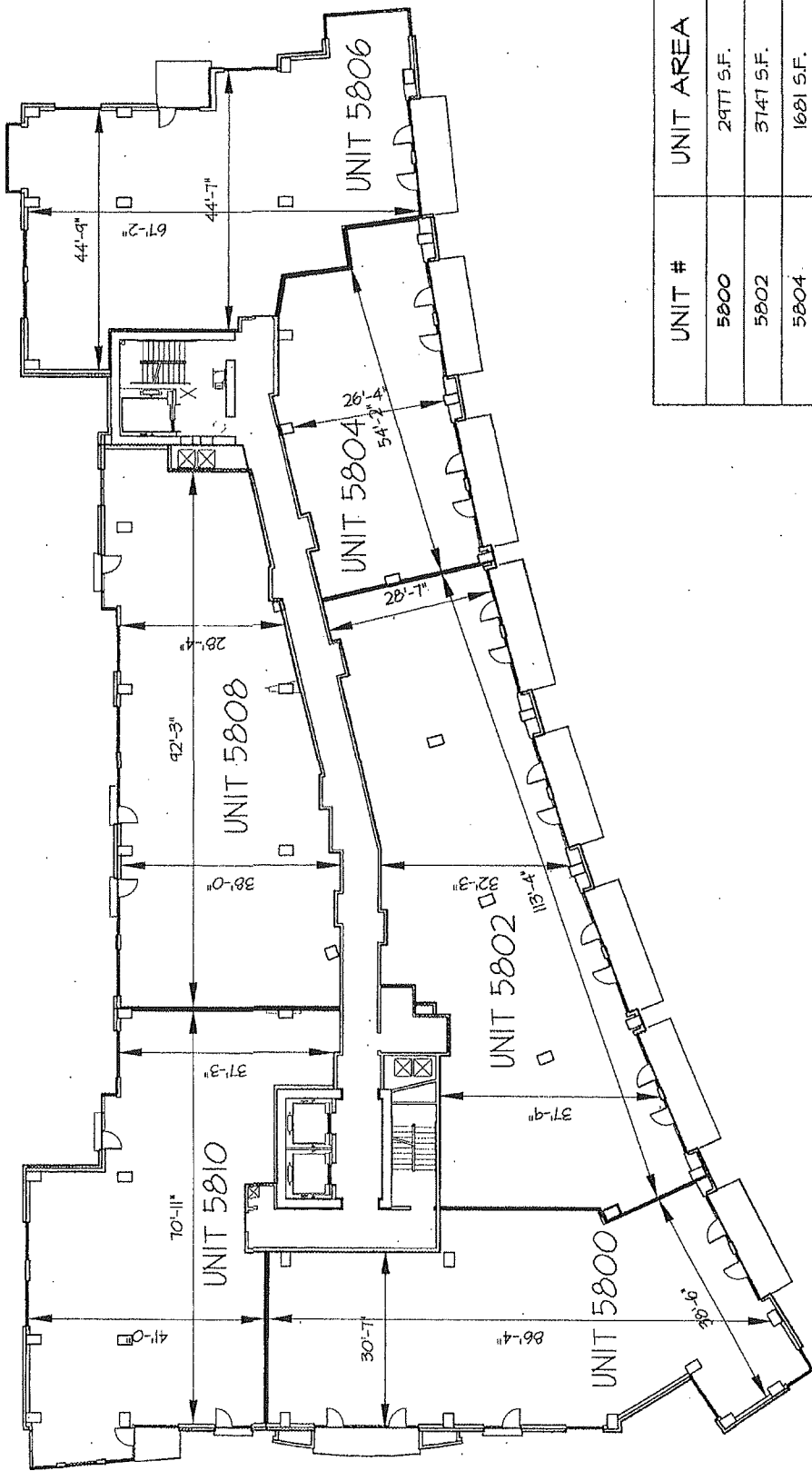
LAMP, RYNEARSON & ASSOCIATES, INC.

LIENG\03074\Survey\Tex\Condo Legal BLDG 5.docx

EXHIBIT 2

BLDG 5 – EIGHTH FLOOR OF EXHIBIT B TO THE DECLARATION

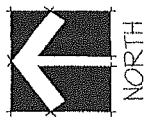
SEE ATTACHED



UNIT #	UNIT AREA
5800	2977 S.F.
5802	3747 S.F.
5804	1681 S.F.
5806	2825 S.F.
5808	3161 S.F.
5810	2903 S.F.

BLDG 5 - EIGHTH FLOOR

SCALE: 1/32" = 1'-0" AUGUST 20, 2014



MIDTOWN CROSSING

EXHIBIT 3

(EXHIBIT D TO THE DECLARATION)

ALLOCATED INTEREST – COMMON EXPENSE LIABILITY

<u>Unit Number</u>	<u>Allocated Interest – Common Expense Liability</u>	<u>Unit Number</u>	<u>Allocated Interest – Common Expense Liability</u>	<u>Unit Number</u>	<u>Allocated Interest – Common Expense Liability</u>
5200	0.0121	5411	0.0133	5709	0.0089
5201	0.0090	5412	0.0074	5710	0.0080
5202	0.0081	5413	0.0074	5711	0.0133
5203	0.0076	5500	0.0126	5712	0.0074
5204	0.0072	5501	0.0086	5713	0.0074
5205	0.0071	5502	0.0118	5800	0.0266
5206	0.0178	5503	0.0109	5802	0.0325
5207	0.0124	5504	0.0108	5804	0.0140
5208	0.0096	5505	0.0139	5806	0.0210
5209	0.0081	5506	0.0124	5808	0.0266
5210	0.0089	5507	0.0096	5810	0.0214
5211	0.0080	5508	0.0081		
5212	0.0114	5509	0.0089		
5213	0.0058	5510	0.0080		
5214	0.0059	5511	0.0133		
5300	0.0126	5512	0.0074		
5301	0.0086	5513	0.0074		
5302	0.0118	5600	0.0126		
5303	0.0109	5601	0.0086		
5304	0.0108	5602	0.0118		
5305	0.0139	5603	0.0109		
5306	0.0124	5604	0.0108		
5307	0.0096	5605	0.0139		
5308	0.0081	5606	0.0124		
5309	0.0089	5607	0.0096		
5310	0.0080	5608	0.0081		
5311	0.0133	5609	0.0089		
5312	0.0074	5610	0.0080		
5313	0.0074	5611	0.0133		
5400	0.0126	5612	0.0074		
5401	0.0086	5613	0.0074		
5402	0.0118	5700	0.0126		
5403	0.0109	5701	0.0086		
5404	0.0108	5702	0.0118		
5405	0.0139	5703	0.0109		
5406	0.0124	5704	0.0108		
5407	0.0096	5705	0.0139		
5408	0.0081	5706	0.0124		
5409	0.0089	5707	0.0096		
5410	0.0080	5708	0.0081		