



MISC 2014086133



NOV 03 2014 16:20 P 4

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 FB: 0C-30728
 COMP: DW

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 11/03/2014 16:20:12.00



2014086133

AMENDMENT TO DEED OF TRUST

THIS AMENDMENT TO DEED OF TRUST, CONSTRUCTION SECURITY AGREEMENT, SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING STATEMENT ("**Deed of Trust**"), dated the 27 day of October, 2014, by **RM10 HOLDINGS, LLC**, a Nebraska limited liability company, whose address is 3949 Forest Parkway, Suite 100, Wheatfield, NE 14120 (the "**Original Trustor**"), **RM10A HOLDINGS, LLC**, whose address is c/o Mount Kellett Capital Management, 623 Fifth Avenue, 18th Floor, New York, NY 10022 ("**New Trustor**"), **H. DANIEL SMITH**, a member of the Nebraska Bar Association, whose address is 8712 West Dodge Road, Suite 400, Omaha, NE 68114 ("**Trustee**") for the use and benefit of **GREAT WESTERN BANK**, a South Dakota corporation, its successors and/or assigns, 14545 W. Center Road, Omaha, NE 68144 ("**Beneficiary**" or "**Lender**"). All capitalized terms shall have the meaning given to them in the Loan Agreement (as defined below) unless otherwise defined herein.

WITNESSETH:

On the 28th day of December, 2012, the original parties made and entered into certain Deed of Trust, Construction Security Agreement, Security Agreement, Assignment of Leases and Rents and Fixture Filing Statement (the "**Mortgage**") recorded January 3, 2013, at Record 2013000634 in the office of the Register of Douglas County, Nebraska together with certain other agreements under which Lender was granted a first lien security interest in and to the Mortgaged Property as described in the Mortgage, and the parties desire to amend such Mortgage, now therefore the Mortgage is amended as follows:

Original Trustor has or shall, contemporaneously with this Amendment to Deed of Trust, convey the Mortgaged Property to New Trustor, and the parties have entered into that certain "Loan Agreement, Note and Mortgage Assumption Agreement - RM10 Holdings," pursuant to which the Lender authorized the transfer. From and after the date of this Amendment the Trustor shall be RM10A Holdings, LLC, a Delaware limited liability company which is fully substituted in all respects as Trustor under the Deed of Trust.

[Signature Pages Follow]

1131030

Signature Page to Amendment to Deed of Trust
 RM10 Holdings, LLC
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IN WITNESS WHEREOF, the Original Trustor and New Trustor have caused this instrument to be duly executed as of the day and year first above written.

ORIGINAL TRUSTOR:

RM10 HOLDINGS, LLC, a Nebraska limited liability company

By: 

Kenneth M. Franaszak, Manager of RM10 Holdings, LLC

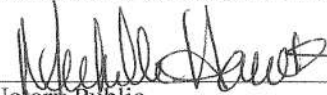
STATE OF NEW YORK)

) ss.

COUNTY OF NIAGARA)

The foregoing instrument was acknowledged before me this 27 day of October, 2014, by Kenneth M. Franaszak, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which he acted, executed the instrument. He is a Manager of RM10 Holdings, LLC, for and on behalf of said RM10 Holdings, LLC, and he acknowledged, signed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth.

MICHELLE HAWKINS
Notary Public, State Of New York
Reg. 01HA6067820
Qualified In Erie County
My Commission Expires February 24, 2015 **15**


Notary Public

NEW TRUSTOR:

RM10A HOLDINGS, LLC, a Delaware limited liability company

By: 

Kenneth M. Franaszak, Authorized Signatory

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RM10 Holdings, LLC
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STATE OF NEW YORK)
) ss.
COUNTY OF NIAGARA)

The foregoing instrument was acknowledged before me this 27 day of October, 2014, by Kenneth M. Franasia, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which he acted, executed the instrument. He is an Authorized Signatory of RM10A Holdings, LLC, for and on behalf of said RM10A Holdings, LLC, and he acknowledged, signed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth.



Notary Public

This instrument was drafted by:
H. Daniel Smith
Smith, Gardner, Slusky, Lazer,
Pohren & Rogers, LLP
8712 West Dodge Road
Suite 400
Omaha, NE 68114
(402) 392-0101
(402) 392-1011
dsmith@lawsgs.com

MICHELLE HAWKINS
Notary Public, State Of New York
Reg. 01HA6057820
Qualified In Erie County
My Commission Expires February 24, 2015

Signature Page to Amendment to Deed of Trust
RM10 Holdings, LLC
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EXHIBIT A
Legal Description of the Mortgaged Property

All that certain real property located in the County of Douglas, State of Nebraska described as follows:

Lot 10, in PINEY CREEK REPLAT, a Subdivision, as surveyed, platted and recorded, in Douglas County, Nebraska.

Exhibit Page to Amendment to Deed of Trust
Exhibit A - 1

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