



MISC 2016107400



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COMP: YT

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
12/22/2016 16:53:11.00



2016107400

Return to: Scott A. Meyerson, Esq., LIKES MEYERSON HATCH LLC, 444 Regency Parkway Dr., Suite 100, Omaha, NE 68114

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS  
OF LOTS 1 - 9, INCLUSIVE, INDIAN CREEK BUSINESS PARK**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS ("First Amendment") is made on the date hereinafter set forth by Owners of at least seventy-five percent (75%) of the lots subject to the Declaration.

**RECITALS**

This Amendment is made with respect to real estate located in the City of Omaha, Douglas County, Nebraska, legally described as Lots 1 – 9, inclusive, all in Indian Creek Business Park, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (the "Business Park").

On or about June 25, 2001, Gottsch Land Co. ("Declarant") filed a Declaration of Covenants, Conditions, Restrictions and Easements with the Register of Deeds of Douglas County, Nebraska at Book 1387 Page 48 (the "Declaration") pursuant to which Declarant submitted the Business Park to the Declaration.

The Owners of at least seventy-five percent (75%) of the Lots hereby amend the Declaration as provided for herein.

Capitalized terms here which are not otherwise defined shall have the meaning ascribed to such terms in the Declaration.

1. Recitals. The foregoing Recitals are incorporated herein by reference.
2. Amendment. The provisions of Paragraph 2.a.1 of the Declaration (Architectural and Landscape Control for All Lots) shall be amended as follows: (new text is underlined)
  - (1) **Exterior Building Materials.** The exterior building materials shall consist of tinted or reflective glass to conceal interior furnishing with bronze aluminum mullions. The main body of the building shall be brick, Cherokee blend antique modular or approved similar color. All buildings under 30,000 gross square feet shall have a 6/12 pitched roof with cedar shake shingles or acceptable alternative as determined by the Declarant. Where a pitched roof is required, not more than twenty (20%) percent of the center portion of the roof may be flat for the sole purpose of accommodating rooftop mechanical units. Accent

materials of precast concrete, accent brick, cementitious panels, natural or cultured stone, limestone colored rock face concrete block and glass curtainwall may comprise 20% (50% for buildings in excess of 30,000 gross square feet) of each building facade. All mechanical units must be screened; the preferred location is within the roof structure.

3. Amendment. The provisions of Paragraph 2.a.3 of the Declaration (Architectural and Landscape Control for All Lots) shall be amended as follows: (new text is underlined)

- (3) **Parking Lot Lighting.** Parking lot lighting shall be accomplished by the use of Gardo Form Ten Yoke mounted square fixtures on a square pole with bronze anodized aluminum LED or metal halide fixtures.

4. Ratification. All of the terms, covenants, declarations and conditions of the Declaration, as amended, shall continue in full force and effect, and the same are hereby reaffirmed, remade and rewritten, except to the extent that any such terms, covenants, declarations or conditions have been modified or nullified hereby or conflict or are inconsistent with the terms of this Amendment, in which event the terms of this Amendment shall, in all respects, govern and prevail.

2012 IN WITNESS WHEREOF, the following Owners have caused these presents to be executed this day of December, 2016.

Owner of Lot 1, Indian Creek Business Park

Charter West Bank

By: Steve Tooley  
Its: Elkhorn Branch President

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 13 day of December, 2016, by STEVE TOOLEY, ELKHORN BRANCH President of Charter West Bank, on behalf of the same.



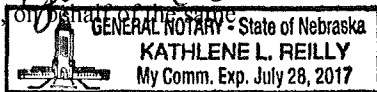
Melanie Hayden  
Notary Public

Owner of Lot 2, Indian Creek Business Park Nebraska Methodist Health

By: [Signature]  
Its: CEO

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of November, 2016, by John M. Fraser, President + CEO of Nebraska Methodist Health, on behalf of the same.



[Signature]  
Notary Public

Owner of Lot 3, Indian Creek Business Park SMF LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of SMF LLC, on behalf of the same.

\_\_\_\_\_  
Notary Public

Owner of Lot 4, Indian Creek Business Park Gottsch Land Co.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of Gottsch Land Co., on behalf of the same.

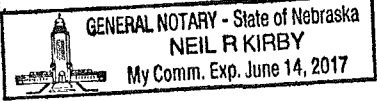
\_\_\_\_\_  
Notary Public

Owner of Lot 2, Indian Creek Business Park	Nebraska Methodist Health By: _____ Its: _____
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STATE OF NEBRASKA ) COUNTY OF DOUGLAS ) SS: )	The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, _____ of Nebraska Methodist Health, on behalf of the same.  _____ Notary Public
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Owner of Lot 3, Indian Creek Business Park	SMF LLC By: <u>William Fitzgibbons</u> Its: <u>Manager</u>
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STATE OF NEBRASKA ) COUNTY OF DOUGLAS ) SS: )	The foregoing instrument was acknowledged before me this <u>13<sup>th</sup></u> day of <u>December</u> , 2016, by <u>William F Fitzgibbons</u> of SMF LLC, on behalf of the same.  <u>Neil R Kirby</u> Notary Public
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Owner of Lot 2, Indian Creek Business Park Nebraska Methodist Health

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of Nebraska Methodist Health, on behalf of the same.

\_\_\_\_\_  
Notary Public

Owner of Lot 3, Indian Creek Business Park SMF LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of SMF LLC, on behalf of the same.

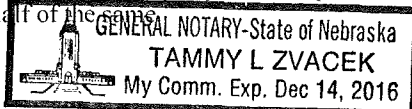
\_\_\_\_\_  
Notary Public

Owner of Lot 4, Indian Creek Business Park Gottsch Land Co.

By: *Jeff Jackson*  
Its: *CEO + VP*

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of Nov., 2016, by Jeff Jackson, CEO + VP of Gottsch Land Co., on behalf of the same.

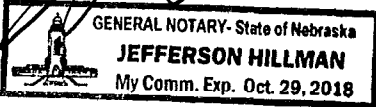


*Tammy L Zvacek*  
Notary Public

**Owner of Lot 6, Indian Creek Business Park** Heiskell Properties LLC.

By: *Timothy J. Regan*  
 Its: VICE PRESIDENT

STATE OF NEBRASKA )  
 ) SS:  
 COUNTY OF DOUGLAS )



The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of NOVEMBER, 2016, by TIMOTHY J. REGAN, VICE PRESIDENT of Heiskell Properties LLC., on behalf of the same.

*Jefferson Hillman*  
 Notary Public

**Owner of Lot 7, Indian Creek Business Park** LMLC Northstar LLC.

By: \_\_\_\_\_  
 Its: \_\_\_\_\_

STATE OF NEBRASKA )  
 ) SS:  
 COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of LMLC Northstar LLC., on behalf of the same.

\_\_\_\_\_  
 Notary Public

**Owner of Lot 8, Indian Creek Business Park** Gottsch Land Co.

By: \_\_\_\_\_  
 Its: \_\_\_\_\_

STATE OF NEBRASKA )  
 ) SS:  
 COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of Gottsch Land Co., on behalf of the same.

\_\_\_\_\_  
 Notary Public

**Owner of Lot 6, Indian Creek Business Park** Heiskell Properties LLC.

By: \_\_\_\_\_  
 Its: \_\_\_\_\_

STATE OF NEBRASKA                    )  
   ) SS:  
 COUNTY OF DOUGLAS                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of Heiskell Properties LLC., on behalf of the same.

\_\_\_\_\_  
 Notary Public

**Owner of Lot 7, Indian Creek Business Park** LMLC Northstar LLC.

By: *[Signature]*  
 Its: Manager

STATE OF Colorado                    )  
   ) SS:  
 COUNTY OF Denver                )

LEIGHTON PEEBLES  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID # 20164028695  
 MY COMMISSION EXPIRES JULY 21, 2018

The foregoing instrument was acknowledged before me this 13 day of December, 2016, by Donald J. Marcotte, Manager of LMLC Northstar LLC., on behalf of the same.

*Leighton Peebles*  
 Notary Public

**Owner of Lot 8, Indian Creek Business Park** Gottsch Land Co.

By: \_\_\_\_\_  
 Its: \_\_\_\_\_

STATE OF NEBRASKA                    )  
   ) SS:  
 COUNTY OF DOUGLAS                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of Gottsch Land Co., on behalf of the same.

\_\_\_\_\_  
 Notary Public



**Owner of Lot 6, Indian Creek Business Park** Heiskell Properties LLC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF NEBRASKA                    )  
  ) SS:  
COUNTY OF DOUGLAS                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of Heiskell Properties LLC., on behalf of the same.

\_\_\_\_\_  
Notary Public

**Owner of Lot 7, Indian Creek Business Park** LMLC Northstar LLC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF NEBRASKA                    )  
  ) SS:  
COUNTY OF DOUGLAS                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, \_\_\_\_\_ of LMLC Northstar LLC., on behalf of the same.

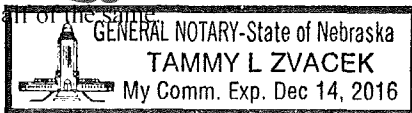
\_\_\_\_\_  
Notary Public

**Owner of Lot 8, Indian Creek Business Park** Gottsch Land Co.

By: *Jeff Jackson*  
Its: *CEO & VP*

STATE OF NEBRASKA                    )  
  ) SS:  
COUNTY OF DOUGLAS                )

The foregoing instrument was acknowledged before me this *22<sup>nd</sup>* day of *Nov.*, 2016, by *Jeff Jackson*, *CEO & VP* of Gottsch Land Co., on behalf of the same.



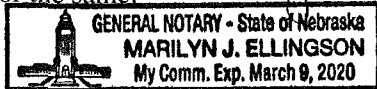
*Tammy L Zvacek*  
Notary Public

Owner of Lot 9, Indian Creek Business Park F & J Enterprises Inc.

By: Frank R Kreyer  
Its: President

STATE OF NEBRASKA                    )  
  ) SS:  
COUNTY OF DOUGLAS                )

The foregoing instrument was acknowledged before me this 22 day of November,  
2016, by Frank R. Kreyer, President of F & J Enterprises Inc,  
on behalf of the same.



Marilyn J Ellingson  
Notary Public