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AFTER RECORDING RETURN TO:

Baird Holm, LLP 1500 Woodmen Tower 1700 Farnam Street Omaha, NE 68102 Attn: Jude J. Beller

# SECOND AMENDMENT TO TENANTS IN COMMON AGREEMENT

This SECOND AMENDMENT TO TENANTS IN COMMON AGREEMENT (this "Amendment") is made effective as of the 14 day of November, 2011, by and among JASPER STONE FINANCIAL PLAZA LLC ("Jasper Stone Financial Plaza"), JOHN ALFORD INVESTMENTS, LLC, ("Alford") and JASPER STONE FINANCIAL PLAZA II LLC ("Jasper Stone Financial Plaza II") (hereinafter sometimes referred to collectively as the "Amendment Parties").

### **RECITALS**

- A. Jasper Stone Financial Plaza, Jasper Stone Financial Plaza II and Alford are parties to that certain Tenants in Common Agreement dated June 1, 2009, as amended by that certain Amendment to Tenants In Common Agreement dated April 20, 2010 (as the same may be amended, restated, renewed or otherwise modified from time to time, the "Agreement"), regarding the real property legally described on Exhibit A hereto (the "9140 Dodge Property"). Capitalized terms used herein and not otherwise defined herein shall have the meanings given them in the Agreement.
- B. The Amendment Parties desire to amend the Agreement to revise certain definitions stated therein.

NOW, THEREFORE, in consideration of the foregoing, the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Amendment Parties, intending to be legally bound, agree as follows:

1. The following defined terms as used in the Agreement are hereby amended to mean as follows:

- a. "Lender" means the mortgage lender (and its successors and assigns) whose loan to the Amendment Parties is secured by a first priority deed of trust/mortgage against the Property.
- b. "Loan" means the mortgage loan to the Amendment Parties that is secured by a first priority deed of trust/mortgage against the Property.
- c. "Loan Documents" means each of the agreements and instruments that evidence or secure the Loan.
- 2. <u>Ratification of Agreement</u>. Except as herein specifically modified and amended, the provisions of the Agreement are hereby ratified and confirmed.
- 3. <u>Counterparts</u>. This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original and all of which counterparts, taken together, shall constitute one and the same instrument.

(Remainder of page intentionally left blank. Signatures to follow.)

IN WITNESS WHEREOF, the Amendment Parties have executed this Amendment as of the date first above written.

### JASPER STONE FINANCIAL PLAZA LLC

JASPER STONE PROPERTIES III LLC, By:

its Manager

JASPER STONE PARTNERS LLC, its By:

Manager

By:

Name:

Title:

STATE OF NEBRASKA

COUNTY OF DOUGLAS )

On the May of November, 2011, before me, the undersigned a Notary Public, duly commissioned and qualified for said County, personally came , as a manager of JASPER STONE PARTNERS LLC, to me known to be the identical person whose name is subscribed to the foregoing instrument and who acknowledges the execution thereof to be his voluntary act and deed, and the voluntary act and deed of JASPER STONE PARTNERS LLC, the manager of JASPER STONE PROPERTIES III LLC, the manager of JASPER STONE FINANCIAL PLAZA LLC.

WITNESS my hand and notarial seal on the day and year last written above.

GENERAL NOTARY-State of Nebraska CAROLYN R. WINKELBAUER My Comm. Exp. Oct. 31, 2013

IN WITNESS WHEREOF, the Amendment Parties have executed this Amendment as of the date first above written.

JOI By Nai Titl	
STATE OF NEBRASKA )	
) ss. COUNTY OF DOUGLAS )	
On the	
WITNESS my hand and notarial	seal on the day and year last written above.
GENERAL NOTARY-State of Nebraska CAROLYN R. WINKELBAUER My Comm. Exp. Oct. 31, 2013	ary Public

IN WITNESS WHEREOF, the Amendment Parties have executed this Amendment as of the date first above written.

JASPER STONE FINANCIAL PLAZA II LLC

By: JASPER STONE PROPERTIES III LLC, its

Manager

By: JASPER STONE PARTNERS LLC, its

Manager

STATE OF NEBRASKA COUNTY OF DOUGLAS )

On the //m day of //oscmber, 2011, before me, the undersigned a Notary olic, duly commissioned and qualified for said County, personally came

(at the fer , as a manager of JASPER STONE PARTNERS LIC to me Public. known to be the identical person whose name is subscribed to the foregoing instrument and who acknowledges the execution thereof to be his voluntary act and deed, and the voluntary act and deed of JASPER STONE PARTNERS LLC, the manager of JASPER STONE PROPERTIES III LLC, the manager of JASPER STONE PARTNERS LLC.

WITNESS my hand and notarial seal on the day and year last written above.

GENERAL NOTARY-State of Nebraska CAROLYN R. WINKELBAUER My Comm. Exp. Oct. 31, 2013

OMA-320069-2

## **EXHIBIT A**

9140 Dodge Property

# **Legal Description**

Real property in the City of Omaha, County of Douglas, State of Nebraska, described as follows:

### Parcel 1:

Lot 1, Pierson's Subdivision Replat 2, an Addition to the City of Omaha, in Douglas County, Nebraska, EXCEPT that part conveyed to the City of Omaha by Warranty Deed filed March 2, 2002 in Book 2204 at Page 221 described as follows: Beginning at the Southwest corner of said Lot 1; thence Easterly along the Southerly line of said Lot 1, a distance of 327.70 feet; thence Northerly along the Easterly line of said Lot 1, a distance of 3.0 feet; thence Westerly, along a line 3.0 feet Northerly of, perpendicular measurement and parallel to, the Southerly line of said Lot 1, a distance of 306.7 feet; thence Northwesterly a distance of 35.1 feet to a point on the Westerly line of said Lot 1; thence Southerly, along the Easterly line of said Lot 1, a distance of 31.0 feet to the point of beginning.

#### Parcel 2:

Non-exclusive easements as contained in the certain Roadway and Parking Easement and Covenants Agreement filed January 18, 1980 in Book 627 at Page 622, Miscellaneous Records, Douglas County, Nebraska.

#### Parcel 3:

Non-exclusive easements as contained in that certain Roadway and Parking Easement and Covenants Agreement filed January 18, 1980 in Book 627 at Page 633, Miscellaneous Records, Douglas County, Nebraska.

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