

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2003 02595

2003 JAN 15 P 3:24

*Glenn J. Lawling*

REGISTER OF DEEDS

Counter                       
Verify                       
D.E.                       
Proof                       
Fee \$ 30.50  
Chk  Cash  Chg   
265

After recording, please return to:

James F. Kasher  
CROKER, HUCK, KASHER, DeWITT,  
ANDERSON & GONDERINGER, P.C.  
2120 South 72nd Street, Suite 1250  
Omaha, NE 68124

**SECOND AMENDMENT TO  
RESTRICTIVE COVENANTS FOR HILLTOP INDUSTRIAL PARK,  
A SUBDIVISION IN SARPY COUNTY, NEBRASKA**

THIS SECOND AMENDMENT TO RESTRICTIVE COVENANTS is made on the date hereinafter set forth by HILLTOP INDUSTRIAL PARK, L.L.C., a Nebraska limited liability company, hereinafter referred to as "Declarant."

**WITNESSETH:**

WHEREAS, the undersigned is the Declarant under a certain First Amendment to Restrictive Covenants for Hilltop Industrial Park, a Subdivision in Sarpy County, Nebraska (the "Declaration"), which Declaration was filed for record in the office of the Register of Deeds of Sarpy County, Nebraska, on October 25, 2002, as Instrument No. 2002-42518, and which governs the following described real property:

Lots 1 thru 7, inclusive; Lots 15 thru 20, inclusive; Lots 22 thru 26, inclusive, in Hilltop Industrial Park; Lots 1, 2 and 3 in Hilltop Industrial Park Replat 1, being a replat of Lots 8 thru 14, inclusive, Hilltop Industrial Park; and Lot 1 in Hilltop Industrial Park Replat 2, being a replat of Lot 21, Hilltop Industrial Park, and Lot 5, Hilltop Industrial Park Replat 1, all subdivisions being in Sarpy County, Nebraska; and,

WHEREAS, Declarant is the owner of certain real estate hereinafter referred to as the "**Properties**" in the County of Sarpy, State of Nebraska, described as follows:

Lots 27 through 35, inclusive, Hilltop Industrial Park, being a replat of the South 76.00 feet of Lot 19 and all of Lot 20 in Hilltop Industrial Park, a subdivision in Sarpy County,

*R&R*  
HILLTOP INDUSTRIAL PARK  
2425 N 84 ST  
OMAHA NE 68134

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Nebraska, together with part of the Northeast Quarter (NE1/4) of Section 25, Township 14 North, Range Eleven East of the 6<sup>th</sup> P.M., in said Sarpy County; and,

WHEREAS, pursuant to the terms and conditions of Paragraph 14 of the Declaration, Declarant is desirous of subjecting the Properties to the easements, restrictions, covenants and conditions for use set forth in the Declaration for the purpose of protecting the value and desirability of the Properties.

NOW THEREFORE, Declarant hereby declares that all of the Properties shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration as if same had been included at the time of the execution and filing of the Declaration; provided, however, that Paragraph 3 of the Declaration dealing with building set-backs is hereby amended to provide that there shall be a minimum set-back on Lots 27, 28 and 29 of thirty-five (35') feet from Lynam Drive; and, on Lots 31, 32, 33, 34 and 35 of seventy (70') feet from Lynam Drive. The Properties now being included in the Declaration shall be subject to all of the time periods referenced in the Declaration in the same manner as if they had originally been included in the Declaration. It is the intent hereof that the Properties shall be considered to have been covered by the Declaration from the time of its filing to allow for continuity among all of the Lots covered by the Declaration.

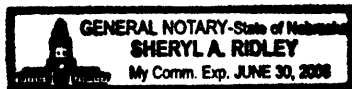
IN WITNESS WHEREOF, the undersigned Declarant has executed this Second Amendment to Restrictive Covenants this 14 day of JAN, 2003

HILLTOP INDUSTRIAL PARK, L.L.C.  
a Nebraska limited liability company

By: [Signature]  
Rudolph Mudra, President

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January, 2003, by Rudolph Mudra, President, of Hilltop Industrial Park, L.L.C., a Nebraska limited liability company, on behalf of the company.



[Signature]  
Notary Public

*file*  
*1/14/03*

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### ACKNOWLEDGMENT AND CONSENT

The undersigned, American National Bank, of Omaha, Nebraska, hereby acknowledges the execution and filing of the foregoing Restrictive Covenants and consents to the priority of the foregoing Restrictive Covenants and the aforementioned Declaration with respect to financing or collateral interests of American National Bank.

DATED this 14 day of January, 2003.

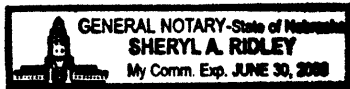
AMERICAN NATIONAL BANK

By: [Signature]

Title: A.V.P.

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of January, 2003 by Craig S. Lipp, Assistant Vice President of American National Bank, on behalf of the company.



[Signature]  
Notary Public

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RWR  
1/14/03