

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2007-19533

2007 JUN 29 P 4:14 R

Robert W. Rieke
REGISTER OF DEEDS

COUNTER P P.E. D
VERIFY PM D.E. CD
PROOF WS
FEES \$ 26.00
CHECK # _____
CHG FNT CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

This instrument was prepared by and upon recordation should be returned to:
Robert W. Rieke, Esq., 409 South 17th Street, Suite 500, Omaha NE 68102

SPECIAL AMENDMENT TO RESTRICTIVE COVENANTS

This Special Amendment to Restrictive Covenants is entered into by and among HILLTOP INDUSTRIAL PARK, L.L.C., a Nebraska limited liability company ("Declarant"), MFEIVB, L.L.C., a Nebraska limited liability company ("MFEIVB"), and MEYERS FAMILY ENTERPRISES IV, L.L.C., a Nebraska limited liability company ("Meyers").

WITNESSETH:

WHEREAS, Declarant is the declarant under those certain Restrictive Covenants recorded March 11, 1998 as Instrument No. 98-005465, as amended by First Amendment to Restrictive Covenants For Hilltop Industrial Park recorded October 25, 2002 as Instrument No. 2002-42518, Second Amendment to Restrictive Covenants For Hilltop Industrial Park recorded January 15, 2003 as Instrument No. 2003-02595, and Third Amendment to Restrictive Covenants For Hilltop Industrial Park recorded March 20, 2006 as Instrument No. 2006-09334 (collectively the "Covenants"); and

WHEREAS, Declarant reserved the right to amend the Covenants; and

WHEREAS, MFEIVB is a wholly owned subsidiary of Meyers; and

WHEREAS, MFEIVB is the owner of the real estate legally described on Exhibit "A" attached hereto ("Lot 1"); and

WHEREAS, Meyers is the owner of the real estate legally described on Exhibit "B" attached hereto ("Lot 2"); and

WHEREAS, Lot 1 and Lot 2 were formerly known as Lot 31, Hilltop Industrial Park, a Subdivision, Sarpy County, Nebraska; and

WHEREAS, Lot 1 and Lot 2 were created to accommodate permanent financing on Lot 1 while retaining the right to expand the current building located on Lot 1 onto Lot 2 via a party wall arrangement; and

WHEREAS, the Covenants require a ten foot side yard and rear yard set back; and

WHERE, Meyers and MFEIVB have requested such ten foot set back requirement be deleted as to Lot 1 and Lot 2 only.

A

NOW THEREFORE, Declarant hereby amends the Covenants as follows: (a) as to Lot 1, the set back requirement between Lot 1 and Lot 2 is hereby deleted, and (b) as to Lot 2, the set back requirement between Lot 1 and Lot 2 will be deemed deleted if any building constructed on Lot 2 is connected to the building on Lot 1 via a party wall arrangement.

Dated: June 26, 2007.

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

By [Signature]
Rudolph Mudra, President

MFEIVB, LLC, a Nebraska limited liability company
BY: MEYERS FAMILY ENTERPRISES IV, LLC, a Nebraska limited liability company, Manager

By [Signature]
Jon M. Meyers, Manager

MEYERS FAMILY ENTERPRISES IV, LLC, a Nebraska limited liability company

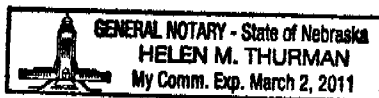
By [Signature]
Jon M. Meyers, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 26th day of June, 2007, before me, a notary public in and for said county and state, personally came RUDOLPH MUDRA, President of HILLTOP INDUSTRIAL PARK, L.L.C., a Nebraska limited liability company, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said limited liability company.

WITNESS my hand and notarial seal at Omaha, in said county and state, the day and year last above written.

[SEAL]



[Signature]
Notary Public

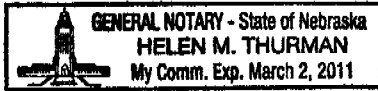
B

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 26th day of June, 2007, before me, a notary public in and for said county and state, personally came JON M. MEYERS, Manager of MEYERS FAMILY ENTERPRISES IV, LLC, a Nebraska limited liability company, Manager of MFEIVB, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said limited liability company.

WITNESS my hand and notarial seal at Omaha, in said county and state, the day and year last above written.

[SEAL]



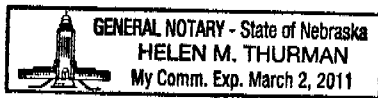
Helen M. Thurman
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 26th day of June, 2007, before me, a notary public in and for said county and state, personally came JON M. MEYERS, Manager of MEYERS FAMILY ENTERPRISES IV, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said limited liability company.

WITNESS my hand and notarial seal at Omaha, in said county and state, the day and year last above written.

[SEAL]



Helen M. Thurman
Notary Public

C

Exhibit "A"

Lot 1, Hilltop Industrial Park Replat 10, a Subdivision, Sarpy County, Nebraska.

2007-19533 D

Exhibit "B"

Lot 2, Hilltop Industrial Park Replat 10, a Subdivision, Sarpy County, Nebraska.