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 Register of Deeds, Douglas County, NE  
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AFTER RECORDING RETURN TO: Michael E. Huss, Mutual of Omaha Insurance Company, Law 3rd Floor, Mutual of Omaha Plaza, Omaha, NE 68175

### LOAN MODIFICATION AGREEMENT

This Loan Modification Agreement ("Modification Agreement") is entered into by and between EAST CAMPUS REALTY, LLC, a Nebraska limited liability company ("Borrower") and MUTUAL OF OMAHA INSURANCE COMPANY, a Nebraska mutual insurance company, its successors and assigns ("Lender") effective November 30, 2011.

#### Recitals

A. Borrower executed and delivered to Lender a certain Promissory Note dated December 1, 2010 in the original principal amount of \$273,400,000.00 (the "Note").

B. As collateral for the Note, Borrower executed and delivered to Mutual of Omaha Bank, as trustee, for the benefit of Lender, as beneficiary, a certain Deed of Trust, Security Agreement, Assignment of Leases and Rents and Financing Statement dated December 1, 2010 (the "Deed of Trust"), which was recorded in the office of the Register of Deeds of Douglas County, Nebraska on December 3, 2010 as Instrument No. 2010115066.

C. As additional collateral for the Note, Borrower executed and delivered to Lender a UCC Financing Statement (the "Financing Statement"), which was recorded in the Nebraska Secretary of State's office on December 6, 2010 as Document Number 9910644707-4.

D. Borrower and Lender desire to amend certain terms and provisions of the Note and Deed of Trust.

NOW THEREFORE, for good and valuable consideration, Borrower and Lender hereby agree as follows:

1. Note. Terms capitalized in this paragraph 1 and not otherwise defined shall have the meanings ascribed to them in the Note. Borrower and Lender hereby amend the Note as follows:

- (a) The phrase "(computed on a year of 365 days and the actual days elapsed in any month in which interest is due)" which appears in the first paragraph is deleted and is substituted with "(computed on the basis of a 360 day year composed of twelve (12) months each containing thirty (30) days)".

✓ 2110

- (b) The maturity date of "December 1, 2011" appearing in Section (b) of the first paragraph is deleted and "November 30, 2012" is substituted as the maturity date.
- (c) The first sentence of the third paragraph is deleted and the following substituted:

"Except as expressly provided herein, the undersigned shall have the right to prepay all or any part of the Principal Sum at any time without prepayment penalty or premium. Notwithstanding the foregoing, the parties agree that any partial payments of the Principal Sum shall be in increments of not less than One Hundred Thousand and No/100 Dollars (\$100,000.00)."

2. Deed of Trust. Terms capitalized in this paragraph 3 and not otherwise defined shall have the meanings ascribed to them in the Deed of Trust. Borrower and Lender hereby amend the Deed of Trust as follows:

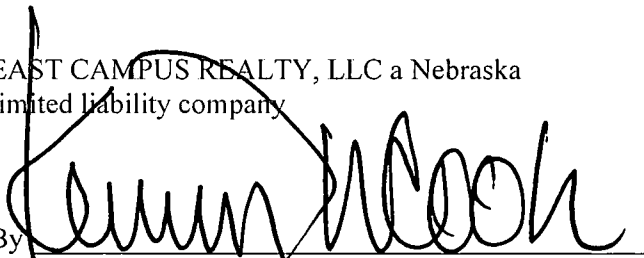
- (a) The maturity date of "December 1, 2011" in Paragraph 1.1 is deleted and "November 30, 2012" is substituted as the maturity date.
- (b) Exhibit A is deleted and the Exhibit "A" attached to this Modification Agreement is substituted.

3. Ratification. Except as amended by this Modification Agreement, all of the original terms and provisions of the Note, Deed of Trust and all other Loan Documents shall continue in full force and effect and the Note, Deed of Trust and all other Loan Documents, as amended by this Modification Agreement, are hereby ratified and confirmed.

Dated effective November 30, 2011.

**BORROWER:**


EAST CAMPUS REALTY, LLC a Nebraska  
limited liability company

By 

Name: Kenneth R. Cook  
Title: President

**LENDER:**

MUTUAL OF OMAHA INSURANCE COMPANY,  
a Nebraska mutual insurance company

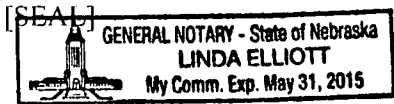
By 

Name: David A. Diamond  
Title: Executive Vice President, Chief Financial  
Office and Treasurer

STATE OF NEBRASKA        )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 28 day of November, 2011, before me, a notary public in and for said county and state, personally came Kenneth R. Cook, President of EAST CAMPUS REALTY, 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 company and limited liability company.

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

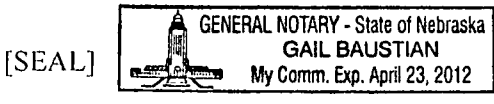


*Linda Elliott*  
\_\_\_\_\_  
Notary Public

STATE OF NEBRASKA        )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 28<sup>th</sup> day of November, 2011, before me, a notary public in and for said county and state, personally came David A. Diamond, Executive Vice President, Chief Financial Officer and Treasurer of MUTUAL OF OMAHA INSURANCE COMPANY, a Nebraska mutual insurance company, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his/her voluntary act and deed and the voluntary act and deed of said company.

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



*Gail Baustian*  
\_\_\_\_\_  
Notary Public

**Exhibit "A"**

Lots 2 through 5, inclusive and Outlots 2 through 4, inclusive, Midtown Crossing at Turner Parker, an Addition to the City of Omaha, Douglas County, Nebraska.

16.25435

Lot 1, Midtown crossing at Turner Park, an Addition to the City of Omaha, Douglas County, Nebraska except that part of Lot 1, Midtown Crossing at Turner Park set forth in the Declaration of Midtown Crossing Building 200 Condominium filed February 11, 2010 at Instrument No. 2010012980, records of Douglas County, Nebraska.

16.25435

The following described Units in Midtown Crossing Building 200 Condominium as filed February 11, 2010 at Instrument 2010012980, records of Douglas County, Nebraska, 4200, 4201, 4202, 4203, 4205, 4206, 4207, 4208, 4209, 4210, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4308, 4309, 4400, 4402, 4403, 4404, 4405, 4408, 4409, 4411, 4412, 4413, 4500, 4501, 4504, 4505, 4508, 4509, 4512, 4513, 4514, 4600, 4601, 4603, 4604, 4605, 4606, 4608, 4609, 4610, 4614, 4615, 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4708, 4710, 4713, 4715, 4800, 4808, 4810, 4811, 4814, and 4815.

16.25436