



MISC 2013118834



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
12/2/2013 11:14:04.25



2013118834

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 ("2013 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 28, 2013.

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 entered into a Loan Modification Agreement ("2011 Modification Agreement") effective November 30, 2011 whereby certain provisions of the Note and Deed of Trust were amended, including but not limited to, extending the original maturity date of the Note from December 1, 2011 to November 30, 2012. The 2011 Modification Agreement was recorded in the office of the Register of Deeds of Douglas County, Nebraska on November 29, 2011 as Document No. 2011101857.

E. Borrower and Lender entered into a Loan Modification Agreement ("2012 Modification Agreement") effective November 29, 2012 whereby certain provisions of the Note and Deed of Trust were amended, including but not limited to, extending the maturity date of the Note to November 29, 2013. The 2012 Modification Agreement was recorded in the office of the Register of Deeds of Douglas County, Nebraska on November 28, 2012 as Document No. 2012120348.

402-351-5088

F. Borrower and Lender desire to make further amendments to 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:

The maturity date of "November 29, 2013" appearing in Section (b) of the first paragraph is deleted and "November 28, 2014" is substituted as the maturity date.

2. Deed of Trust. Terms capitalized in this paragraph 2 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 "November 29, 2013" in Paragraph 1.1 is deleted and "November 28, 2014" is substituted as the maturity date.

(b) Exhibit A is deleted and the Exhibit "A" attached to this 2013 Modification Agreement is substituted.

3. Ratification. Except as amended by this 2013 Modification Agreement, the 2012 Modification Agreement or the 2011 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 2013 Modification Agreement, are hereby ratified and confirmed.

Dated effective November 28, 2013.

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 

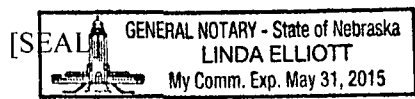
Name: David A. Diamond

Title: Executive Vice President, Chief Financial
Office and Treasurer

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 21 day of November, 2013, 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

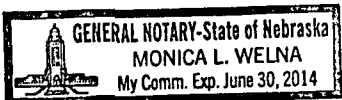
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 20th day of November, 2013, before me, a notary public in and for said county and state, personally came David A. Diamond, Executive Vice President, Chief Financial Office 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.

[SEAL]



Monica L. Welna

Notary Public

Exhibit "A"

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25435
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.

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; that part of Lot 1, Midtown Crossing at Turner Park set forth in the Declaration of Midtown Crossing Building 220 Condominium filed January 15, 2013 at Instrument No. 2013004678, records of Douglas County, Nebraska; and that part of Lot 1, Midtown Crossing at Turner Park set forth in the Declaration of Midtown Crossing Building 120 Condominium filed August 14, 2013 at Instrument No. 2013082650, records of Douglas County, Nebraska.

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The following described Units in Midtown Crossing Building 200 Condominium as filed February 11, 2010 at Instrument 20100129080, records of Douglas County, Nebraska, 4202, 4203, 4206, 4208, 4209, 4300, 4301, 4302, 4303, 4304, 4403, 4405, 4413, 4500, 4501, 4504, 4505, 4508, 4512, 4601, 4603, 4605, 4608, 4610, 4615, 4700, 4702, 4703, 4706, 4707, 4710, 4713, 4715, 4800, 4810, 4811, 4814, and 4815.

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25437
The following described Units in Midtown Crossing Building 220 Condominium as filed January 15, 2013 at Instrument No. 2013004678, records of Douglas County, Nebraska, 3201, 3202, 3203, 3205, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3710, 3711, 3712, 3802, 3804, 3806, 3807, 3808, 3809, 3810, and 3811.

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25438
The following described Units in Midtown Crossing Building 120 Condominium as filed August 14, 2013 as Instrument 2013082650, records of Douglas County, Nebraska, 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5313, 5214, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5400, 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5600, 5601, 5602, 5603, 5604, 5605, 5606, 5607, 5608, 5609, 5610, 5611, 5612, 5613, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5800, 5804, 5808, and 5810.