



MISC 2016048473



JUN 21 2016 16:23 P 14

Fee amount: 88.00
FB: 0C-29243
COMP: SB

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
06/21/2016 16:23:46.00



2016048473

THE ABOVE SPACE IS RESERVED FOR THE REGISTER OF DEEDS RECORDING INFORMATION

After recording return to:

Elizabeth A. Sevcik, Esq.
Croker, Huck, Kasher, DeWitt,
Anderson & Gonderinger, L.L.C.
2120 South 72nd Street, Suite 1200
Omaha, Nebraska 68124

**THIS PAGE INCLUDED
FOR INDEXING**

After Recording Return to:
Elizabeth Sevcik
Croker, Huck, Kasher, DeWitt,
Anderson & Gonderinger, L.L.C.
2120 S 72 Street, Suite 1200
Omaha, NE 68124-2356

**AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS FOR PACIFIC POINTE**

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PACIFIC POINTE (herein "Amendment") is made effective the 4th day of May, 2016, by 204 Pacific, LLC, a Nebraska limited liability company (the "Declarant"), MSLA Properties, LLC, a Nebraska limited liability company ("MSLA") and the undersigned owners who have signed this Amendment.

RECITALS

- A. WHEREAS, 204, LLC, a Nebraska limited liability company ("Original Declarant") executed and granted that certain DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PACIFIC POINTE dated as of August 10, 2009 and recorded August 18, 2009 as Instrument Number 2009090423 in the Office of the Register of Deeds, Douglas County, Nebraska (the "Declaration");
- B. WHEREAS, the Declaration affects certain real property situated in Douglas County, Nebraska ("Property"), legally described on Exhibit A.
- C. WHEREAS, Original Declarant and 204 Pacific entered into an Assignment of Declarant's Rights dated as of June 28, 2012, and recorded July 5, 2012, as Instrument Number 2012065090 in the Office of the Register of Deeds, Douglas County, Nebraska (the "Assignment"), whereby Original Declarant assigned and transferred all of Declarant's Rights under the Declaration to 204 Pacific, and 204 Pacific assumed and accepted all of Declarant's Rights under the Declaration and is hereinafter referred to as "Declarant;"
- D. WHEREAS, MSLA has requested certain uses be permitted on the property legally described as Lot 1, Pacific Street West Replat Six, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska ("Lot 1, Replat 6")

E. WHEREAS, Declarant has determined that based on the location of Lot 1, Replat 6 within the Pacific Pointe Property (as said term Property is defined in the Declaration) and based on the additional requirements for the facilities agreed to by MSLA herein, among other factors, that the requested uses and improvements related thereto by MSLA will be consistent with the general plan and intent of the Declaration and that Declarant is willing to amend the Declaration in this specific and limited circumstance on the following terms and conditions.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by this reference, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Any capitalized term not defined herein shall have the meaning ascribed to it in the Declaration.

2. This First Amendment shall serve to amend the Declaration to permit the Owner of Lot 1 Replat 6 to operate a veterinary office and/or hospital ("Vet Office"), and/or a pet daycare, kenneling and boarding facility ("Kennel"), in addition to any other uses which may be permitted under the Declaration, subject to the following terms and conditions:

- a) The operation of such Vet Office or Kennel may include an Outdoor Area where pets are permitted to access while staying at the Vet Office or Kennel only to the extent that such Outdoor Areas are enclosed by a brick or stone wall of no less than eight (8) feet in height in order to completely block the view of such areas by pedestrian and vehicular traffic. The "Outdoor Areas" shall include but not be limited to outdoor exercise and play areas and outdoor runs.
- b) At no time shall any animals or pets be housed or kenneled overnight in such Outdoor Areas.
- c) The Owner of Lot 1, Replat 6 shall use commercially reasonable efforts to ensure that animals do not make an unreasonable amount of noise or create a nuisance.

3. Declarant represents that it is the successor to the original Declarant in the Declaration, that it has not relinquished its rights under the Declaration and that it has the authority to and hereby does approve the uses described herein.

4. To the extent any of the provisions of this Amendment require an amendment or modification of the Declaration, the Declarant and undersigned Owners, who collectively hold at

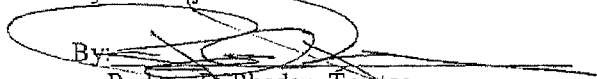
least two-thirds of the memberships in the Association, hereby ratify, confirm and approve this modification/amendment to the Declaration. There are presently 8 Members in the Association and each Member owns the corresponding amount of memberships next to his, her or its name.

5. Except as provided herein, the Declaration shall remain in full force and effect without modification.

6. This document may be signed in any number of counterparts and original signature pages may be detached and reattached to form one document.

204 Pacific, LLC, Declarant and Owner (17) MSLA Properties, LLC, Owner (1)

By: Rodney D. Rhoden Trust

By: 
Rodney D. Rhoden, Trustee

By: 
Matthew S. Wright, DVM, Manager

KZI, LLC, Owner (3)

By: _____
Robin Khan, Manager

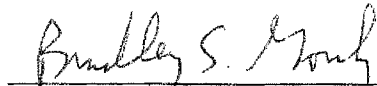
Pacific Grocery, LLC, Owner (6)

By: _____
_____, authorized representative

MB Investments LLC, Owner (1)

By: _____
Mike Berlin, Manager

Elkhorn 204 LLC, Owner (2)


Bradley S. Gosch, Member, authorized representative

Raymond D. Anderson, Owner (2)

Raymond D. Anderson

least two-thirds of the memberships in the Association, hereby ratify, confirm and approve this modification/amendment to the Declaration. There are presently 8 Members in the Association and each Member owns the corresponding amount of memberships next to his, her or its name.

5. Except as provided herein, the Declaration shall remain in full force and effect without modification.

6. This document may be signed in any number of counterparts and original signature pages may be detached and reattached to form one document.

204 Pacific, LLC, Declarant and Owner (17) MSLA Properties, LLC, Owner (1)

By: ~~Rodney D. Rhoden Trust~~

By: 
Rodney D. Rhoden, Trustee

By: _____
Matthew S. Wright, DVM, Manager

KZI, LLC, Owner (3)

By: 
Robin Khan, Manager

Pacific Grocery, LLC, Owner (6)
By: _____
_____, authorized representative

MB Investments LLC, Owner (1)

By: _____
Mike Berlin, Manager

Elkhorn 204 LLC, Owner (2)

By: _____
Bradley S. Gosch, Member, authorized representative

Raymond D. Anderson, Owner (2)

Raymond D. Anderson

least two-thirds of the memberships in the Association, hereby ratify, confirm and approve this modification/amendment to the Declaration. There are presently 8 Members in the Association and each Member owns the corresponding amount of memberships next to his, her or its name.

5. Except as provided herein, the Declaration shall remain in full force and effect without modification.

6. This document may be signed in any number of counterparts and original signature pages may be detached and reattached to form one document.

204 Pacific, LLC, Declarant and Owner (17)

By: Rodney D. Rhoden Trust

By: 
Rodney D. Rhoden, Trustee

MSLA Properties, LLC, Owner (1)

By: _____
Matthew S. Wright, DVM, Manager

KZI, LLC, Owner (3)

By: _____
Robin Khan, Manager

Pacific Grocery, LLC, Owner (6)

By: _____
_____, authorized representative

MB Investments LLC, Owner (1)

By: 
Mike Berlin, Manager

Elkhorn 204 LLC, Owner (2)

Bradley S. Gosch, Member, authorized representative

Raymond D. Anderson, Owner (2)

Raymond D. Anderson

least two-thirds of the memberships in the Association, hereby ratify, confirm and approve this modification/amendment to the Declaration. There are presently 8 Members in the Association and each Member owns the corresponding amount of memberships next to his, her or its name.

5. Except as provided herein, the Declaration shall remain in full force and effect without modification.

6. This document may be signed in any number of counterparts and original signature pages may be detached and reattached to form one document.

204 Pacific, LLC, Declarant and Owner (17)

By: Rodney D. Rhoden Trust

By: 
Rodney D. Rhoden, Trustee

MSLA Properties, LLC, Owner (1)

By: _____
Matthew S. Wright, DVM, Manager

KZI, LLC, Owner (3)

By: _____
Robin Khan, Manager

Pacific Grocery, LLC, Owner (6)

By: _____
_____, authorized representative


MB Investments LLC, Owner (1)

By: _____
Mike Berlin, Manager

Elkhorn 204 LLC, Owner (2)

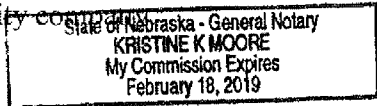
By: _____
Bradley S. Gosch, Member, authorized representative

Raymond D. Anderson, Owner (2)


Raymond D. Anderson

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on May 19, 2016, by Rodney D. Rhoden, Trustee of the Rodney D. Rhoden Trust, on behalf of 204 Pacific, LLC, a limited liability company.



Kristine K. Moore
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by Matthew S. Wright, DVM, Manager of MSLA Properties, LLC, on behalf of said limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by Robin Khan, Manager of KZI, LLC on behalf of said limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

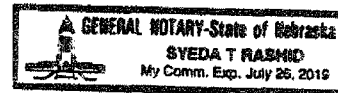
The foregoing instrument was acknowledged before me on May 19, 2016, by Rodney D. Rhoden, Trustee of the Rodney D. Rhoden Trust, on behalf of 204 Pacific, LLC, a limited liability company.

Kristine K. Moore
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on June 3rd 3rd, 2016, by Matthew S. Wright, DVM, Manager of MSLA Properties, LLC, on behalf of said limited liability company.

Syeda Rasheed
Notary Public



STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by Robin Khan, Manager of KZI, LLC on behalf of said limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on May 19, 2016, by Rodney D. Rhoden, Trustee of the Rodney D. Rhoden Trust, on behalf of 204 Pacific, LLC, a limited liability company.

Kristine K. Moore
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

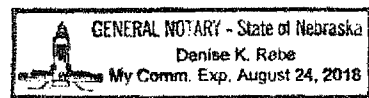
The foregoing instrument was acknowledged before me on _____, 2016, by Matthew S. Wright, DVM, Manager of MSLA Properties, LLC, on behalf of said limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on June 3, 2016, by Robin Khan, Manager of KZI, LLC on behalf of said limited liability company.

Denise K. Rebe
Notary Public



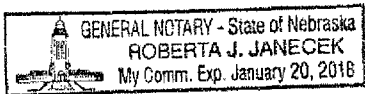
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by _____, authorized representative of Pacific Grocery, LLC, on behalf of said limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on May 31, 2016, by Mike Berlin, Manager of MB Investments LLC, on behalf of said limited liability company.



Roberta J. Janecek
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by Bradley S. Gosch, Member and authorized representative of Elkhorn 204, LLC, on behalf of said limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by Raymond D. Anderson.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by _____, authorized representative of Pacific Grocery, LLC, on behalf of said limited liability company.

Notary Public

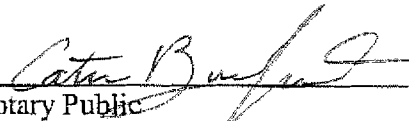
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by Mike Berlin, Manager of MB Investments LLC, on behalf of said limited liability company.

Notary Public

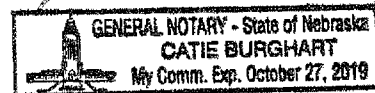
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on June 1st, 2016, by Bradley S. Gosch, Member and authorized representative of Elkhorn 204, LLC, on behalf of said limited liability company.



Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)



The foregoing instrument was acknowledged before me on _____, 2016, by Raymond D. Anderson.

Notary Public

00634379.DOC

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by _____, authorized representative of Pacific Grocery, LLC, on behalf of said limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by Mike Berlin, Manager of MB Investments LLC, on behalf of said limited liability company.

Notary Public

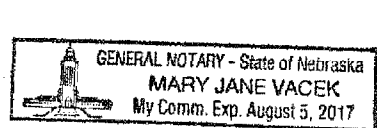
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on _____, 2016, by Bradley S. Gosch, Member and authorized representative of Elkhorn 204, LLC, on behalf of said limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on June 9, 2016, by Raymond D. Anderson.



Mary Jane Vacek
Notary Public

EXHIBIT A

Lots 1 and 2, Pacific Street West Replat 4, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska. Lots 68 and 69 and 77, Pacific Street West, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and Lots 1 through 5, inclusive and Outlots A and B, Pacific Street West Replat Three, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Now known as:

(OC-29239)

Lots 1 and 2, Pacific Street West Replat Four, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

(OC-29243)

Lots 1 and 2, Pacific Street West Replat Six, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

(OC-29250)

Lots 1 and 2, Pacific Street West Replat 10, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

(OC-29238)

Lot 1 and Outlot "B," Pacific Street West Replat Three, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

(OC-29249)

Lots 1 and 2, Pacific Street West Replat Eleven, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

(OC-29242)

Lots 1 and 2, Pacific Street West Replat Five, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

(OC-29247)

Outlots "A" and "B," Pacific Street West Replat Eight, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.