



MISC 2017062714



AUG 10 2017 10:18 P 4

Fee amount: 28.00
FB: 10-28598
COMP: SB

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
08/10/2017 10:18:03.00



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**FIRST AMENDMENT TO DECLARATION OF
OMAR BAKING CONDOMINIUMS**

This First Amendment to Declaration of Omar Baking Condominiums (this "First Amendment") is made this 27 day of July, 2017, by Omar-5, LLC, a Nebraska limited liability company ("Declarant").

WITNESSETH:

WHEREAS, this First Amendment is made effective pursuant to the terms and provisions of the Declaration of Omar Baking Condominiums dated April 5, 2017, and recorded in the Office of the Douglas County Register of Deeds on May 18, 2017, as Instrument No. 2017037944 the "Declaration").

WHEREAS, Declarant owns 100% of the Units (as defined in the Declaration) and, pursuant to Section 14.1 of the Declaration, by its 100% vote, Declarant desires to delete Section 7.4 of the Declaration, amend Section 8.1 of the Declaration to add to the permitted uses of the Property, and amend Section 8.10 of the Declaration.

WHEREAS, this First Amendment shall be indexed and recorded against the following legally described real property, to-wit:

Condominium Unit 101, Unit 120, Unit 200, Unit 201, Unit 202, Unit 203, Unit 204, Unit 210, Unit 211, Unit 212, Unit 220, Unit 300, Unit 301, Unit 302, Unit 303, Unit 304, Unit 305, Unit 306, Unit 307, and Unit 308, inclusive, together with their respective individual Allocated Interest in the Common Elements created by the Declaration.

NOW, THEREFORE, Declarant, for the purposes set forth above, does hereby amend the Declaration and further states and declares as follows:

1. Recitals. The Recitals as set forth above are hereby incorporated into this First Amendment as if fully set forth herein.
2. Definitions. Unless otherwise defined in this First Amendment, all capitalized terms used in this First Amendment will have the same meanings ascribed to such terms in the Declaration.
3. Amendments. The Declarant hereby amends the Declaration as follows:

A. Section 7.4 of the Declaration is hereby deleted in its entirety.

B. Section 8.1 of the Declaration is hereby deleted in its entirety and is replaced with the following:

“8.1 Permitted Uses - Units. The Property is intended to be used for office, professional services, indoor entertainment, exercise facility, gym, dance studio, event center, church or other place of religious worship and activities related thereto. Each Unit Owner, its heirs, successors and assigns, covenants it will not use, cause or permit its Unit to be used other than as provided in this Declaration, without having obtained (i) approval by Super-Majority Vote of the Unit Owners and (ii) an Amendment to this Declaration in accordance with Section 76-854 of the Act. Office uses are defined as those uses that conduct the affairs of a business, profession, service, industry or government. These activities do not include the production, sale or repair of goods on site; provided, however, that the Property may be used for a “show room” for display and/or storage of goods so long as sales occur off-site. Professional services uses provide services (work done for others) as opposed to products sold or repaired to the general public. These uses include but are limited to: (a) contractor’s office, developer’s office, builder’s office; (b) educational organizations for office use (no training or educational facility, including but not limited to: beauty schools, barber colleges, reading rooms, places of instruction or other operations catering primarily to students or trainees shall be permitted within the Condominium); (c) financial institutions; (d) health services, including medical and dental services; (e) insurance agency; (f) interior decorating; (g) personal service agency; (h) professional consultant; (i) real estate agency, title agency, appraisal company; (j) social service agency; (k) professional engineering and surveying offices (l) law offices; and (m) accounting offices.”

C. Section 8.10 of the Declaration is hereby amended by inserting the following to the end of Section 8.10 of the Declaration:

“In addition, it is expressly understood and agreed that, notwithstanding the foregoing in Sections 8.10(b) or (c), to the extent any of the items described in Sections 8.10(b) or (c) are incidental and/or customary with respect to carrying on activities associated with an exercise facility, gym, dance studio, and/or event center, they are expressly permitted and shall not be deemed a nuisance or otherwise prohibited by this Section 8.10.”

4. **No Other Amendments.** Except as set forth in this First Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to be executed on the day and year first above written.

Omar-5, LLC, a Nebraska limited liability company

By: 

Name: Ray Trimble

Title: managing member

STATE OF Colorado)
COUNTY OF Jefferson) ss.

The foregoing instrument was acknowledge before me this 27 day of July, 2017 by Ray Trimble, the managing member of Omar-5, LLC, a Nebraska limited liability company, on behalf of Omar5, LLC.



Notary Public

My Commission Expires: 6/24/2018

JEREME ROBERT JONES
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144025124
MY COMMISSION EXPIRES JUNE 24, 2018

CONSENT OF MORTGAGEE

Great Western Bank, holder of a Construction Deed of Trust, Security Agreement and Assignment of Rents dated January 4, 2013, filed January 8, 2013, as instrument number 2013002272, of the Records of Douglas County, Nebraska, hereby consents to the execution and recording of the First Amendment to Declaration of Omar Baking Condominium and agrees that such Deed of Trust is subject thereto and to the provisions of the Nebraska Condominium Act of the State of Nebraska.

IN WITNESS WHEREOF, Great Western Bank has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf, on this 27th day of July, 2017.

GREAT WESTERN BANK

By Michael Phelps

Name Michael Phelps

Title Senior Vice President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 27th day of July, 2017, by Michael Phelps, the Senior V.P. of Great Western Bank on behalf of the bank.

Elizabeth M. Hix
Notary Public

My commission expires:

January 26, 2021

