

-21 2015 11:35 P

SCAN

Received - DIANE L. BATTIATO Register of Deeds, Douglas County, NE 5/21/2015 11:35:37.92

After recording, please return to: Rachel A. Truhlsen, Attorney PO Box 70 Blair, NE 68008-0070

## **DEED OF TRUST AMENDMENT** TO GIVE NOTICE OF ADDITIONAL ADVANCE

Lots Four (4), Five (5) and Six (6), Block Fifteen (15), Highland Place, an Addition to the Re: City of Omaha, Douglas County, Nebraska.

THIS AMENDMENT OF DEED OF TRUST (this "Amendment") is made and entered into by and between IHC, LLC, a Nebraska limited liability company, as Borrower, whose address is 6580 Stones Throw Drive, Omaha, NE 68152, and James L. Morley and Kathryn A. Morley, co-Trustees of the James L. Morley and Kathryn A. Morley Family Trust created the 9th day of December, 2004, as Lender, whose mailing address is 10282 Switchgrass Road, Blair, Nebraska 68008.

## RECITALS

Borrower heretofore executed and delivered a deed of trust (the "Deed of Trust") between Borrower, Rachel A. Truhlsen, as Trustee, and Lender, dated March 10, 2014, which Deed of Trust was recorded on March 10, 2014, in the real estate records of Douglas County, Nebraska, at Instrument No. 2014017557, encumbering certain real estate and other property (the "Property") described therein. The Deed of Trust was made to secure, inter alia, a promissory note (the "Note") dated as of March 10, 2014 for the principal sum of Two Hundred Sixty Thousand Dollars (\$260,000.00), with interest, and also such further sums as may be advanced or loaned by Lender to Borrower.

Borrower hereby represents that Borrower is now the sole owner of the Property, and Lender represents that it is the legal owner and holder of the Note and Deed of Trust. The parties mutually confirm their intent that the payment of additional sums representing advances made by Lender to Borrower as hereinafter described shall be secured by the Deed of Trust.

V 004152

## AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and of the agreements herein contained, it is agreed as follows:

- 1. The Deed of Trust is hereby amended to provide that in addition to being granted for the purpose of securing performance of each agreement of Borrower contained therein and payment of the sums due under the Note, with interest thereon according to the terms of the Note, the Deed of Trust shall also secure payment by Borrower of the additional sum of Two Hundred Ninety-five Thousand Dollars (\$295,000.00), with interest thereon according to the terms of a promissory note dated December 1, 2014, payable to the order of Lender and made by Borrower (the "Additional Note").
- 2. A default under the Note shall be a default under the Additional Note, and a default under the Additional Note shall be a default under the Note.
- 3. Borrower hereby confirms to Lender that there is presently no default under the Note or the Deed of Trust and Borrower has no defenses, offsets or counterclaims thereunder against Lender.
- 4. Except as expressly modified by this Amendment, all terms, covenants and provisions of the Note, the Deed of Trust and any other agreements of the parties related thereto shall remain in full force and effect and are hereby expressly ratified and confirmed.
- . 5. This Amendment has been executed and will be recorded to confirm the parties' intent that the Additional Note represents a further sum advanced or loaned by Lender to Borrower within the meaning of the Deed of Trust.

EXECUTED as of this 20 day of  $\triangle \varphi \sim \sqrt{\phantom{a}}$ , 2015.

BORROWER:

IHC, LLC

(a Nebraska limited liability company)

By:

Brad Iwen, Manager

LENDER:

James L. Morley, co-Trustee

-2-

STATE OF NEBRASKA	)
0 (	) ss
COUNTY OF DOLC CO	)

The foregoing instrument was acknowledged before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2015, by Brad Iwen, Manager of IHC, 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 a voluntary act and deed on behalf of such limited liability company.

GENERAL NOTARY - State of Nebraska
JO A. JOHNSON
My Comm. Exp. July 22, 2017

Notary Public

STATE OF NEBRASKA

COUNTY ON COUNTY

The foregoing instrument was acknowledged before me this 20 day of 2015, by James L. Morley and Kathryn A. Morley, co-Trustees of the James L. Morley and Kathryn A. Morley Family Trust created the 9th day of December, 2004, known to me to be the identical persons who signed the foregoing instrument and acknowledged the execution thereof to be a voluntary act and deed.

GENERAL HOTARY - State of Nebraska KRISTIN OWEN My Comm. Exp. Apr. 16, 2016

Notary Public