




MISC 2010067574



JUL 30 2010 15:08 P 4

Misc. M1-22274 - L. Repl 4.  
 4 PSE 21-50 . FD M1-22268 - L.  
 3 B/P \_\_\_\_\_ C/O \_\_\_\_\_ COMM 86  
 DEL \_\_\_\_\_ S/C \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 7/30/2010 15:08:43.64  
  
 2010067574

**AMENDMENT TO EASEMENTS, COVENANTS  
 AND RESTRICTIONS AGREEMENT**

This Amendment to Easements, Covenants and Restrictions Agreement (this "Amendment") is made and entered into as of the 29th day of July, 2010, by and between Royce Legacy, LLC, a Nebraska limited liability company ("Royce"), Legacy Court, LLC, a Nebraska limited liability company ("Legacy"), and Hand Cut Steaks Acquisitions, Inc., an Arkansas corporation ("HCSA").

Preliminary Statement

Royce is the owner of the real estate in Douglas County legally described as follows ("Lot 2"):

Lot 2, Legacy Replat 4, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

Legacy is the owner of the real estate in Douglas County legally described as follows ("Lot 1"):

Lot 1, Legacy Replat 4, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

HCSA is the owner of the real estate in Douglas County legally described as follows ("Lot 101"):

Lot 101, Legacy, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

Lot 1, Lot 2 and Lot 102 are part of a commercial development located south and west of the intersections of West Center Road and 175<sup>th</sup> Street in Douglas County, Nebraska and are subject to the terms and provisions of an Easements, Covenants and Restrictions Agreement dated October 14, 2003, and recorded in the Office of the Douglas County, Nebraska Register of Deeds, Miscellaneous Records on October 21, 2003, as Instrument Number 2003203741 (the "ECR Agreement").

After Recording return to:  
 James D. Buser  
 Pansing Hogan Ernst & Bachman, LLP  
 10250 Regency Circle, Suite 300  
 Omaha, Nebraska 68114

Royce, Legacy and HCSA, being all of the owners of the "Restricted Lots" as defined in the ECR Agreement, desire to amend the ECR Agreement as permitted in Article VII Section 7.2 of the ECR Agreement.

Now, therefore, for valuable consideration the receipt and sufficiency is hereby acknowledged, Royce, Legacy and HCSA agree as follows:


1. Section 3.5 of the ECR Agreement is modified in its entirety to provide as follows:

3.5 Lot 1 and Lot 2 Use Restriction. So long as following the initial opening there is operated on Lot 101 a Lone Star Steakhouse or other steakhouse restaurant, neither of Lot 1 or Lot 2 shall be used for the operation of a steakhouse restaurant or food establishment whose sales of steak (which for purposes hereof shall not include hamburger) exceed thirty percent (30%) of its total sales) it being understood that it shall not be deemed a "failure to operate" when such failure is caused by remodeling, labor disputes, force majeure (including reconstruction as a result of a fire or casualty) or conditions beyond the control of the operator of the business.


2. Except as amended and modified by this Amendment, the ECR Agreement is hereby ratified and affirmed by the parties to this Amendment.

IN WITNESS HEREOF, the parties have executed this Amendment to be effective as of the date and year first above written.

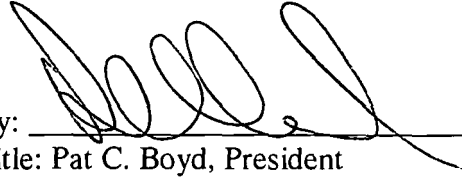
**ROYCE LEGACY, LLC**, a Nebraska  
limited liability company

By:   
\_\_\_\_\_  
Lawrence R. James, II, Manager

**LEGACY COURT, LLC**, a Nebraska  
limited liability company

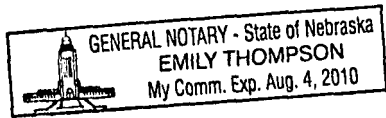
By:   
\_\_\_\_\_  
Lawrence R. James, II, Manager

**HAND CUT STEAKS ACQUISITIONS, INC.,**  
an Arkansas corporation

  
By: \_\_\_\_\_  
Title: Pat C. Boyd, President

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

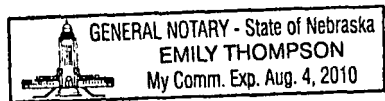
The foregoing instrument was acknowledged before me this 29 day of July, 2010, by Lawrence R. James, II, Manager of Royce Legacy, LLC, a Nebraska limited liability company, on behalf of the company.

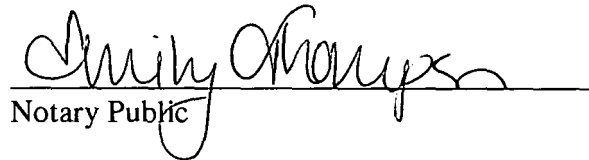


  
Notary Public

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 29 day of July, 2010, by Lawrence R. James, II, Manager of Royce Legacy, LLC, a Nebraska limited liability company, on behalf of the company.



  
Notary Public

STATE OF ARKANSAS     )  
  ) ss.  
COUNTY OF Pulaski     )

The foregoing instrument was acknowledged before me this 9 day of July, 2010, by Pat C. Boyd, President of Hand Cut Steaks Acquisitions, Inc., an Arkansas corporation, on behalf of the corporation.

Sharon Boyd  
Notary Public

