



BK 1457 PG 366-369



MISC 2002 19938

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

2002 AUG 23 PM 1:59

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FEE 32.50 FB See attached  
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*25* BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP BW  
DEL \_\_\_\_\_ SCAN CR FV \_\_\_\_\_

BK 1442 PG 248-249

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

2002 MAY 29 PM 3: 28

MISC 2002 12435

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**THIRD AMENDMENT TO SOUTHWESTERN PLAZA DECLARATIONS OF  
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS**

THIS THIRD AMENDMENT TO SOUTHWESTERN PLAZA DECLARATION OF  
CONVEANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS is made the date  
hereinafter set forth by Southwestern Plaza Associates, L.L.C., a Nebraska limited  
liability company, (hereinafter referred to as the "Declarant").

**PRELIMINARY STATEMENT**

By the Southwestern Plaza Declaration of Covenants, Conditions, Easements  
and Restrictions dated March 6, 1996 and recorded on March 8, 1996 in Book 1170,  
Page 635, the First Amendment to Southwestern Plaza Declaration of Covenants,  
Conditions, Easements and Restrictions dated June 5, 1996 and recorded on June 26,  
1996 in Book 1180, Page 286, in the Miscellaneous Records of the Register of Deeds of  
Douglas County, Nebraska, and the Second Amendment to Southwestern Plaza  
Declaration of Covenants, Conditions, Easements and Restrictions dated January 21,  
1997 and recorded on January 22, 1997 in Book 1199, Page 171 in the Miscellaneous  
Records of the Register of Deeds of Douglas County, Nebraska (hereinafter collectively  
referred to as the "Declaration"), Declarant subjected the real estate legally described  
as Lots 1 thru 23, inclusive, Southwestern Plaza, a subdivision in Douglas County,  
Nebraska (Lots 14 thru 19, inclusive, have been replatted into Lots 1 thru 9, inclusive,  
Southwestern Plaza Replat I, a subdivision in Douglas County, Nebraska), to this  
Declaration.

The Declarant currently is the fee simple owner of Lot 11 and desire to bind to  
the Declaration, as amended herein.

IN CONSIDERATION OF THE FOREGOING PRELIMINARY STATEMENT,  
WHICH BY THIS REFERENCE IS REPEATED AND INCORPORATED IN THIS THIRD  
AMENDMENT IN ITS ENTIRETY, AND OTHER CONSIDERATION, THE RECEIPT  
AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE DECLARANT  
HEREBY AGREES, STATES AND DECLARES AS FOLLOWS:

1. Section 3.A. is hereby amended to include the following  
paragraph:

Resource Property Group, Inc  
PO Box 1567  
Council Bluffs Ia 51502

15340

MISC 21

FEE 10.50 FB ml-36662  
BKP C/O COMB  
DEL SCAN FV

Lots 7, 8, and 9 may be used for automotive sales, rental, repair, services and other related automotive uses or such other uses permitted in the Southwestern Plaza Mixed-Use Development Agreement entered into inter alia by the City of Omaha and the Declarant.

2. The Declaration is in all other matters ratified and affirmed.

The Declarant and undersigned owners have executed this Third Amendment to Declaration as of this 28th day of MAY, 2002.

Southwestern Plaza Associates, L.L.C.,  
a Nebraska limited liability company

Jerry M. Slusky, Manager  
By Jerry M. Slusky, Manager

STATE OF NEBRASKA     )  
                                      ) ss.  
COUNTY OF DOUGLAS    )

On this 28th day of May, 2002, before me, the undersigned, a Notary Public duly commissioned and qualified in and for said county, personally came Jerry M. Slusky, Manager of Southwestern Plaza Associates, L.L.C., known to me to be the identical person whose name is subscribed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed as such Manager.

Witness my hand and notarial seal at Omaha, Nebraska, in said county, the date aforesaid.



Kristin S. Cummings  
Notary Public

## Exhibit "A"

### Legal Description

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~20~~, ~~21~~, 22 and 23 Southwestern Plaza, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, and; m1-36662

Lots 1, 2, 5, 6, 7, 8, and 9 Southwestern Plaza Replat I, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska m1-36667

Lot 1 Southwestern Plaza Replat 2, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (formerly Lots 3 & 4 Southwestern Plaza Replat I). m1-36668

Lots 1 & 2 Southwestern Plaza Replat 3, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (formerly Lots 12 & 13 Southwestern Plaza). m1-36669

all  
Lots 1 & 2 Southwestern Plaza Replat 4 (formerly Lots 20 & 21 Southwestern Plaza)