BK 1457 PG 366-369

MISC 2002 19938

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

2002 AUG 23 PM 1:59

RECEIVED

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MISC FEE 32.50 FB See attached

4/25 BKP _____ C/O _____ COMP BW

DEL _____ SCAN CR FV _____

Temp. 12.4.01

BK 1442 PG 248-249

MISC 2002 12435

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

2002 MAY 29 PM 3:28

RECEIVED

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 2/

Cash
FEE 10.50 FB M1-36662
BKP ____ C/O ____ COMP BW
DEL MD SCAN CR FV N

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

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.

Notary Public

GENERAL NOTARY - State of Nebraska
KRISTIN S. CUMMINGS
MY COMMISSION EXPIRES
December 17, 2002

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; m1-366662

Lots 1, 2, 5, 6, 7, 8, and 9 Southwestern Plaza Replat I, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska m1-366667

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). m1-366668

Lots 1 & 2 Southwestern Plaza Replat 3, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (formerly Lots 12 & 13 Southwestern Plaza). m1-366669

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

C:\LRS\SWP\legal descrip as of 3-27-02.doc