
THIS PAGE INCLUDED FOR INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

RETURN TO: *Attn: Neeraj Arora!*
Clarity Development
3814 Farnam St, Omaha, NE 68131

CHECK NUMBER

**FIRST AMENDMENT TO LAND USE RESTRICTION AGREEMENT FOR LOW
INCOME HOUSING TAX CREDITS
Blair High Residences**

This FIRST AMENDMENT to Land Use Restriction Agreement for Low Income Housing Tax Credits (“First Amendment”) is entered into this 27th day of May, 2019, between BHRHUD, LP, (“Owner”) and the Nebraska Investment Finance Authority (the “Authority”), a body politic and corporate, not a state agency but an independent instrumentality exercising essential public functions under the constitution and laws of the State of Nebraska.

WHEREAS, Owner has obtained financing from Gershman Investment Corp.) for the benefit of the project known as Blair High Residences (“Project”), which loan is secured by a Multifamily Deed of Trust, Construction Security Agreement a/k/a Multifamily Deed of Trust, Security Agreement, Assignment of Rents, and Fixture Filing (Nebraska) dated as of April 1, 2017, and recorded in the Register of Deeds of Douglas County, Nebraska (“Records”) and is insured by the United States Department of Housing and Urban Development;

WHEREAS, Owner owns the Project which is described in the “Original Legal Description” described in Exhibit A and the “New Legal Description” described in Exhibit B, attached hereto and hereby incorporated by reference as if set forth fully herein) on which the Project is constructed; and

WHEREAS, Owner has received an allocation of Low-Income Housing Tax Credits pursuant to Section 42 of the Internal Revenue Code of 1986 from the Authority, and in accordance with such allocation, the Authority is requiring certain restrictions be recorded against the Project; and

WHEREAS, Owner entered into that certain Land Use Restriction Agreement for Low-Income Housing Tax Credits (the “LURA”) which was recorded against the Project on December 28, 2018, at Instrument No. 2018102223, in the Records; and

WHEREAS, Owner has replatted the site by way of the recorded plat titled “Blair Commons Replat 1 – Lots 1 Thru 3 and Outlot A” which was recorded in the Records, on April 23, 2018, at Instrument No. 2018030050 (the “Replat”); and

WHEREAS, the legal description for the Project has changed as a result of the recorded Replat; and the parties to this First Amendment wish to formally revise, modify and amend the legal description in the LURA.

NOW, THEREFORE, in consideration of mutual promises and covenants set forth in the LURA and this First Amendment, and of other valuable consideration, the Authority and Owner for themselves and for their respective successors and assigns, do hereby agree and covenant as follows:

1. This First Amendment is hereby incorporated into and shall be deemed to amend and supplement the LURA.

2. The LURA is hereby modified to reflect that the Original Legal Description has been changed to the New Legal Description and all references contained in the LURA, as applicable, to the Project's legal description, shall be deemed amended to refer to the New Legal Description.
3. Owner hereby ratifies the LURA and remains bound by the terms and conditions contained in the LURA. Except as amended herein, the LURA shall remain in full force and effect.
4. This First Amendment may be executed in any number of counterparts and all counterparts shall be construed together and shall constitute but one agreement.

IN WITNESS WHEREOF, the undersigned agree to the terms and provisions of this First Amendment as of the date set forth herein.

[Remainder of page left intentionally blank]

**[Signature page of Owner to the First Amendment to Land Use Restriction Agreement
for Low Income Housing Tax Credits-Blair High Residences]**

BHRHUD, LP
Owner

By: [Signature]
Name: Neeraj Agarwal
Title: Authorized Representative

STATE OF NEBRASKA
COUNTY OF Douglas

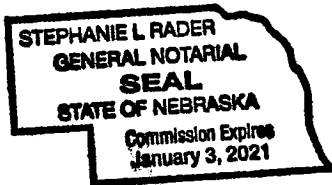
I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that on this 31st day of May of 2019, Neeraj Agarwal, authorized representative of BHRHUD, LP, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed and delivered the said instrument as his/her free and voluntary act and the free and voluntary act of BHRHUD, LP, for the purposes therein set forth.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

[Signature]

[seal]

Notary Public



[Signature page of the Authority to the First Amendment to Land Use Restriction Agreement for Low Income Housing Tax Credits-Blair High Residences]

NEBRASKA INVESTMENT FINANCE
AUTHORITY, the Authority

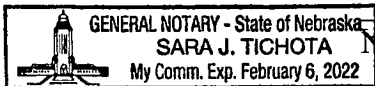
By: 
Name: Timothy R. Kenny
Title: Executive Director

STATE OF NEBRASKA
COUNTY OF Lancaster

I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that on this 29th day of May, 2019, Timothy R. Kenny, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and the free and voluntary act of the NEBRASKA INVESTMENT FINANCE AUTHORITY for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

[seal]




Notary Public

EXHIBIT A

ORIGINAL LEGAL DESCRIPTION

Lot 1, Blair Commons, a subdivision as surveyed, platted in Douglas County, Nebraska as shown in Plat filed August 12, 2016 at Instrument No. 2016065452, records of Douglas County, Nebraska.

EXHIBIT B

NEW LEGAL DESCRIPTION

Lot 1, Blair Commons Replat 1, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, EXCEPT for a tract of land in a part of Lot 1, Blair Commons Replat 1 more particularly described as follows:

Beginning at the Southeast corner of said Lot 1, said corner also being on the West right-of-way line of 93rd Avenue; thence on the South line of said Lot 1 on an assumed being of $S87^{\circ}17'02''W$, 88.28 feet; thence $N02^{\circ}27'06''W$, 286.93 feet to a point of curvature on said West right-of-way line of 93rd Avenue; thence on said West right-of-way line of 93rd Avenue for the following three (3) described courses: (1) on a 125.00 foot radius curve to the left, an arc length of 137.51 feet (long chord bears $S33^{\circ}58'01''E$, 130.68 feet) to a point of reverse curvature; (2) on a 75.00 foot radius curve to the right, an arc length of 97.97 feet (long chord bears $S28^{\circ}03'39''E$, 91.15 feet); thence $S09^{\circ}21'38''W$, 94.93 feet to the point of beginning.