

COUNTER LM C.E. LM  
 VERIFY LM D.E. LM  
 PROOF \_\_\_\_\_  
 FEES \$ 82.00  
 CHECK# 1139  
 CHG \_\_\_\_\_ CASH \_\_\_\_\_  
 REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
 SHORT \_\_\_\_\_ NCR \_\_\_\_\_

FILED SARPY COUNTY NEBRASKA  
 INSTRUMENT NUMBER

2017-05110

03/06/2017 2:34:16 PM

*Clay J. Dowling*

REGISTER OF DEEDS



[Space Above For Recording Data]

**THIRD AMENDMENT TO MASTER DEED AND DECLARATION OF  
 CONDOMINIUM OWNERSHIP FOR OUTLAND CROSSING OFFICE CONDOMINIUMS**

This Third Amendment to Master Deed and Declaration of Condominium Ownership for Outland Crossing Office Condominiums (this "Third Amendment") is made this \_\_\_ day of March, 2017, by Outland Crossing, LLC, a Nebraska limited liability company (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, this Third Amendment is made effective pursuant to the terms and provisions of the Master Deed and Declaration of Condominium Ownership for Outland Crossing Office Condominiums dated August 26, 2015, and recorded in the Office of the Sarpy County Register of Deeds on August 27, 2015, as Instrument No. 2015-21152, as amended by that certain First Amendment to Master Deed and Declaration of Condominium Ownership for Outland Crossing Office Condominiums dated March 7, 2016, and recorded in the Office of the Sarpy County Register of Deeds on March 9, 2016, as Instrument No. 2016-05008, and as further amended by that certain Second Amendment to Master Deed and Declaration of Condominium Ownership for Outland Crossing Office Condominiums dated July 19, 2016, and recorded in the Office of the Sarpy County Register of Deeds on July 19, 2016, as Instrument No. 2016-17441 (collectively, the "Declaration").

WHEREAS, the Declarant is the lawful owner of the following legally described real property, to-wit:

Lot 2, Outland Crossing Office Park Replat One, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska (referred to herein as the "Phase 4 Property").

WHEREAS, pursuant to Article XVI of the Declaration and the Act, the Declarant hereby desires to amend the Declaration to include the Phase 4 Property into the Condominium Regime

WHEREAS, this Third Amendment shall be indexed and recorded against the following legally described real property, to-wit:

Condominium Units 1A, 1B, 1C, 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3C, 5A, 5B, and 5C, inclusive, together with their respective individual Allocated Interest in the Common Elements created by the Declaration, and the Phase 4 Property.

WHEREAS, pursuant to Article XVI of the Declaration and the Act, the Declarant desires to amend  
*Chris Falcone*  
 12915 W Dodge  
 Omaha, NE 68134

402-706-4990

the Declaration by creating six (6) additional Units within the Building constructed on the Phase 4 Property, as shown on the Plat and Plans attached hereto as Exhibit "B-1" and incorporated herein by this reference, including, but not limited to, all Common Elements and Limited Common Elements contained therein.

WHEREAS, pursuant to the Declaration and the Act, the Declarant desires to reallocate the Allocated Interests amongst the Units and Unit Owners within the Phase 1 Property, Phase 2 Property, Phase 3 Property and Phase 4 Property in accordance with the formula set forth in Section 4.3 of the Declaration.

WHEREAS, by virtue of the recording of this Declaration, the Phase 1 Property, the Phase 2 Property, the Phase 3 Property, and the Phase 4 Property shall be owned, held, transferred, sold, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the provisions of the Declaration and the Act and every grantee of any interest in said Phase 1 Property, Phase 2 Property, Phase 3 Property, or Phase 4 Property, by acceptance of a deed or other conveyance of such interest, and every Unit Owner of any portion of the Phase 1 Property, Phase 2 Property, Phase 3 Property, or Phase 4 Property, whether or not such deed or other conveyance of such interest shall be signed by such person and whether or not such person shall otherwise consent in writing, shall own and take subject to the provisions of the Act and this Declaration and shall be deemed to have consented to the terms hereof.

WHEREAS, in furtherance of the condominium form of ownership and for the purposes and intents thereof, Declarant hereby subjects the Phase 4 Property to the terms, covenants, restrictions and easements set forth in the Declaration, which shall apply to, govern, control and regulate the sale, resale, or other disposition, acquisition, ownership, use and enjoyment of the Phase 4 Property and the improvements located or to be located thereon, and does hereby specify, agree, designate and direct that this Declaration and all of its provisions shall be and are covenants to run with the Phase 1 Property, the Phase 2 Property, the Phase 3 Property, and the Phase 4 Property and shall be binding on the present owners of the Phase 1 Property, the Phase 2 Property, the Phase 3 Property, and the Phase 4 Property and all such owners successors and assigns, including, all subsequent owners of the Phase 1 Property, the Phase 2 Property, the Phase 3 Property, and the Phase 4 Property, and all of the improvements constructed or to be constructed thereon, together with their grantees, successors, heirs, executors, administrators, devisees and assigns.

NOW, THEREFORE, Declarant, for the purposes set forth above, does hereby amend the Declaration to, inter alia, include the Phase 4 Property and all improvements and facilities constructed or to be constructed thereon into the Condominium Regime, and further states and declares as follows:

1. Recitals. The Recitals as set forth above are hereby incorporated into this Third Amendment as if fully set forth herein.

2. Definitions. Unless otherwise defined in this Third Amendment, all capitalized terms used in this Third Amendment will have the same meanings ascribed to such terms in the Declaration.

3. Amendments. The Declarant hereby amends the Declaration as follows:

A. Section 2.1(a) of the Declaration is hereby deleted in its entirety and is replaced with the following:

“(a) “Additional Property” means Lot 3, Outland Crossing Office Park Replat One, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, as shown on the Plats and Plans, all or any portion of which may be added to the Condominium Regime in accordance with the provisions of this Declaration and the exercise of Special Declarant Rights inclusive of Development Rights reserved by Declarant to add the real estate to the

Condominium Regime. The Additional Property may be referred to on the Plats and Plans as the Reserved Property (Phase5).”

B. Section 2.1(k) of the Declaration is hereby deleted in its entirety and is replaced with the following:

“(k) “Condominium, Condominium Regime or Condominium Project” means the Phase 1 Property, the Phase 2 Property, the Phase 3 Property, and the Phase 4 Property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the Unit Owners of those portions.”

C. Section 2.1(u) is hereby amended, in part, to add the following language in order to include the Plat and Plans for the Phase 4 Property, and to specifically identify the Additional Property on the Plat and Plans:

“Plat and Plans” shall also include the drawings set forth on Exhibit “B-1” attached hereto that were prepared by a registered architect or engineer that contains the information required by the provisions of the Act with respect to the Phase 4 Property, and shall also specifically include the Site Plan which identifies the Phase 1 Property, Phase 2 Property, Phase 3 Property, Phase 4 Property, and Phase 5 Property, as shown on Exhibit “B-2”.

D. Section 3.5 of the Declaration is hereby amended, in part, to add the following language in order to include the newly created Units within the Building located on the Phase 4 Property as part of the Condominium Regime

“Creation of New Units. Six (6) Units within the Building constructed on the Phase 4 Property are hereby created and shall be located on the Phase 4 Property as shown on the Plat and Plans attached hereto as Exhibit “B-1”. Pursuant to Section 76-847(a) of the Act, the Declarant shall be the initial Unit Owner of the Units created by this Third Amendment.”

E. Section 4.3 of the Declaration is hereby amended, in part, to reallocate the Allocated Interest amongst all of the Units located within the Phase 1 Property, the Phase 2 Property, the Phase 3 Property, and the Phase 4 Property in accordance with the formula established in Section 4.3 of the Declaration as set forth on Exhibit “C” attached hereto and incorporated herein by this reference. Accordingly, Exhibit “C” attached hereto shall replace Exhibit “C” attached to the original Declaration.

4. No Other Amendments. Except as set forth in this Third Amendment, the Declaration shall remain in full force and effect.

**[Remainder of Page Left Intentionally Blank; Execution Page Follows.]**

C

IN WITNESS WHEREOF, the undersigned has caused this Third Amendment to be executed on the day and year first above written.

**Outland Crossing, LLC,**  
a Nebraska limited liability company

By: [Signature]  
Name: Chris Falcone  
Its: Member

By: [Signature]  
Name: Jason Thielen  
Its: Member

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2017, by Chris Falcone, a member of Outland Crossing, LLC, a Nebraska limited liability company, on behalf of said limited liability company.

[Signature]  
Notary Public

My commission expires:  
9.2.2019

State of Nebraska - General Notary  
DONETA DOEHLING  
My Commission Expires  
September 2, 2019

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2017, by Jason Thielen, a member of Outland Crossing, LLC, a Nebraska limited liability company, on behalf of said limited liability company.

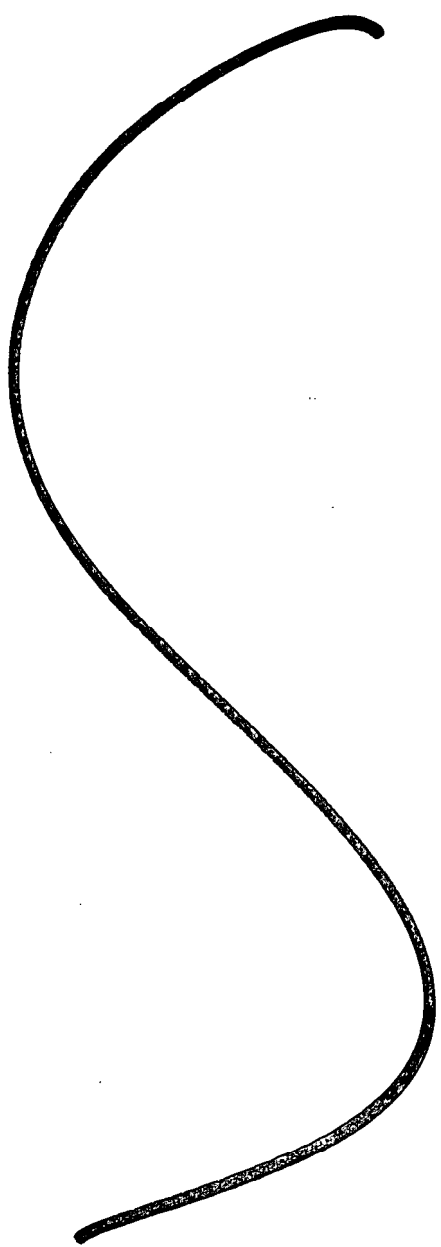
[Signature]  
Notary Public

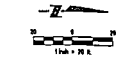
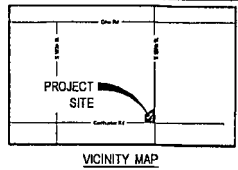
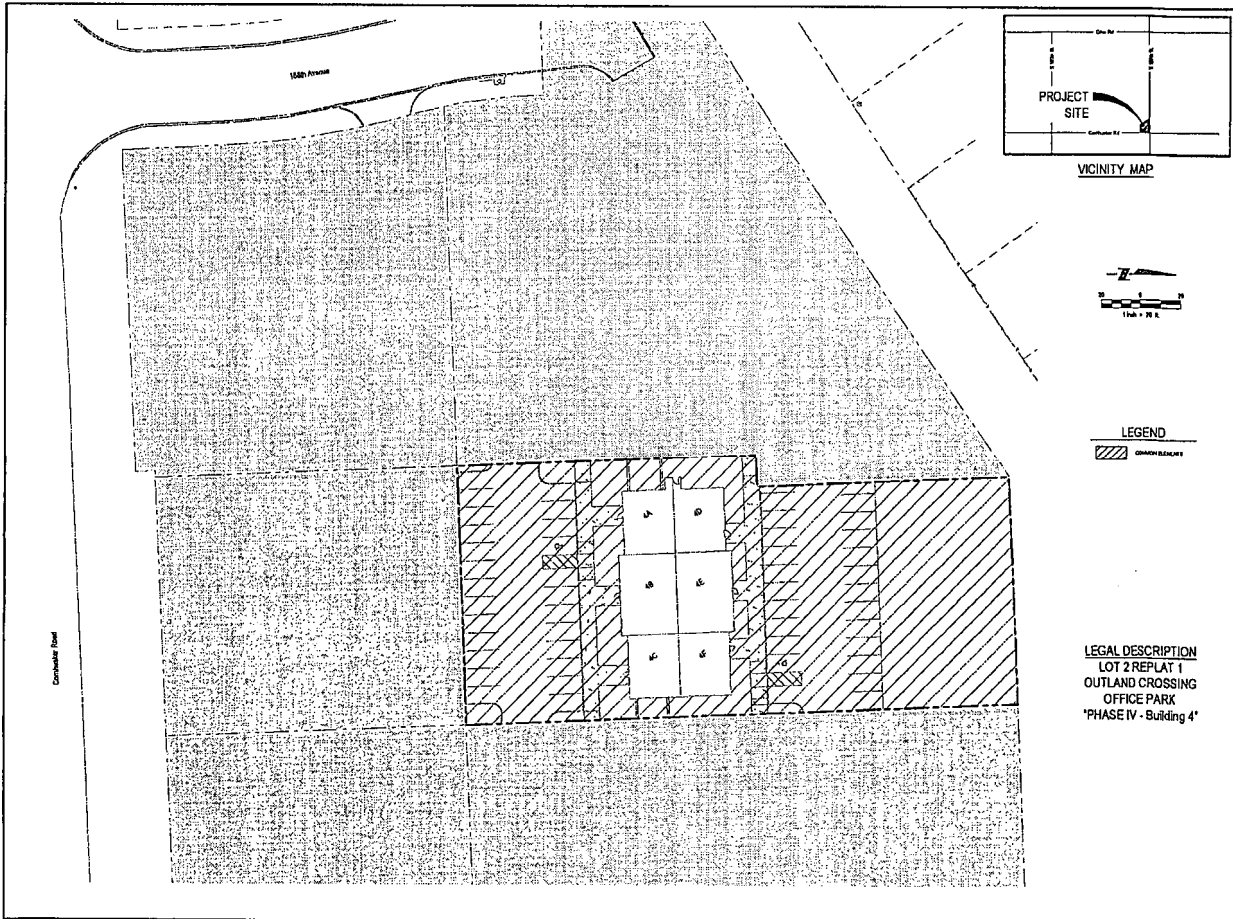
My commission expires:  
9.2.2019

State of Nebraska - General Notary  
DONETA DOEHLING  
My Commission Expires  
September 2, 2019

D

**EXHIBIT "B-1"**  
**PLAT AND PLANS**  
(Phase 4 Property)





**LEGEND**  
 GRAPHIC QUALITY

**LEGAL DESCRIPTION**  
 LOT 2 REPLAT 1  
 OUTLAND CROSSING  
 OFFICE PARK  
 'PHASE IV - Building 4'

**E & A CONSULTING GROUP, INC.**  
 Engineering • Planning • Environmental Field Services  
 10000 15th Avenue N, Suite 100  
 Minneapolis, MN 55412  
 Phone: 612-552-1100  
 Fax: 612-552-1101  
 www.eacg.com

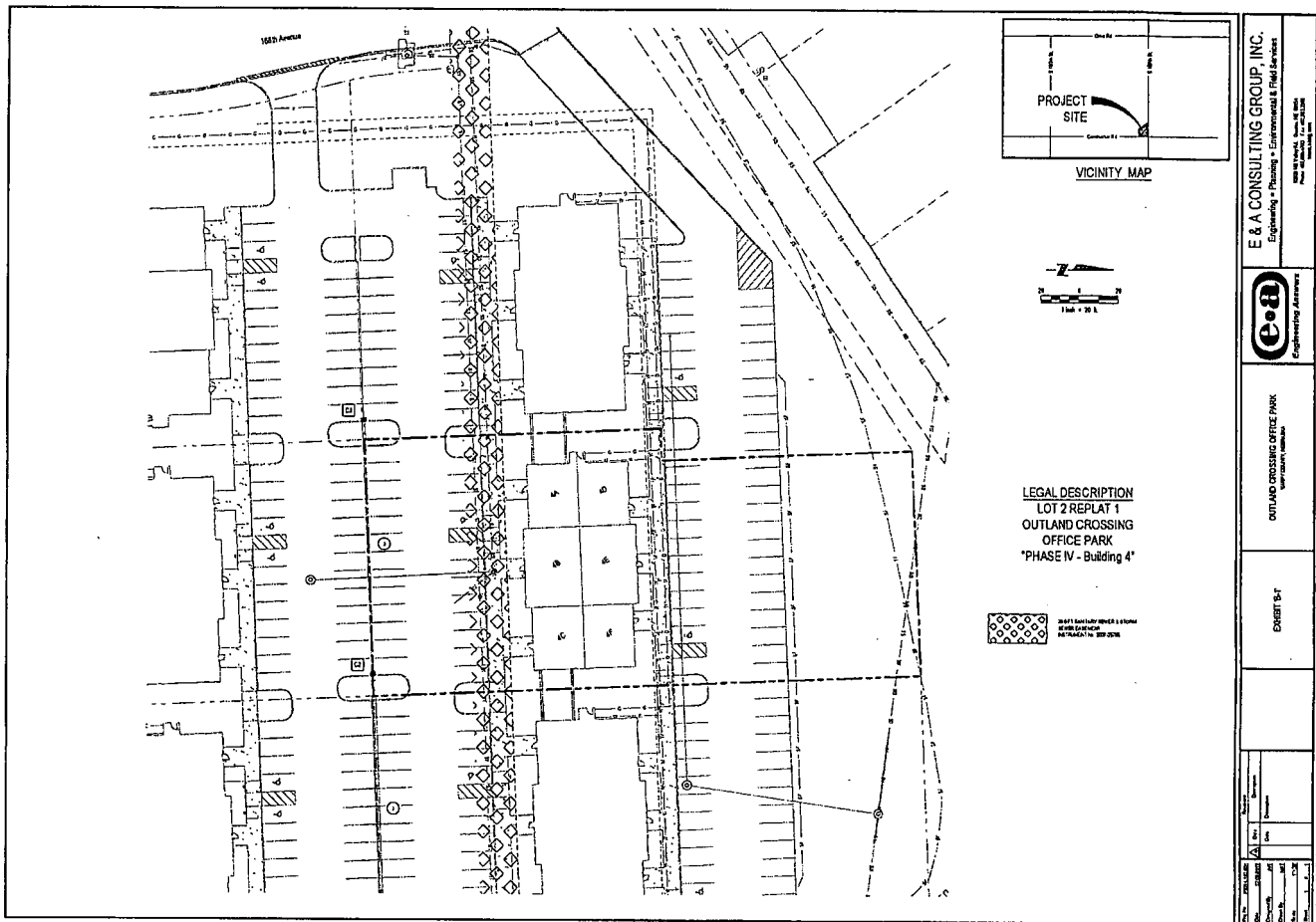


**OUTLAND CROSSING OFFICE PARK**  
 'PHASE IV - Building 4'

**EXHIBIT 'A'**

NO.	DATE	BY	REVISION
1	10/1/00	AW	ISSUED FOR PERMIT
2	10/1/00	AW	ISSUED FOR PERMIT
3	10/1/00	AW	ISSUED FOR PERMIT
4	10/1/00	AW	ISSUED FOR PERMIT
5	10/1/00	AW	ISSUED FOR PERMIT
6	10/1/00	AW	ISSUED FOR PERMIT
7	10/1/00	AW	ISSUED FOR PERMIT
8	10/1/00	AW	ISSUED FOR PERMIT
9	10/1/00	AW	ISSUED FOR PERMIT
10	10/1/00	AW	ISSUED FOR PERMIT

F



**E & A CONSULTING GROUP, INC.**  
 Engineering • Planning • Environmental & Field Services  
 1000 West 10th Street, Suite 100  
 Lincoln, NE 68502

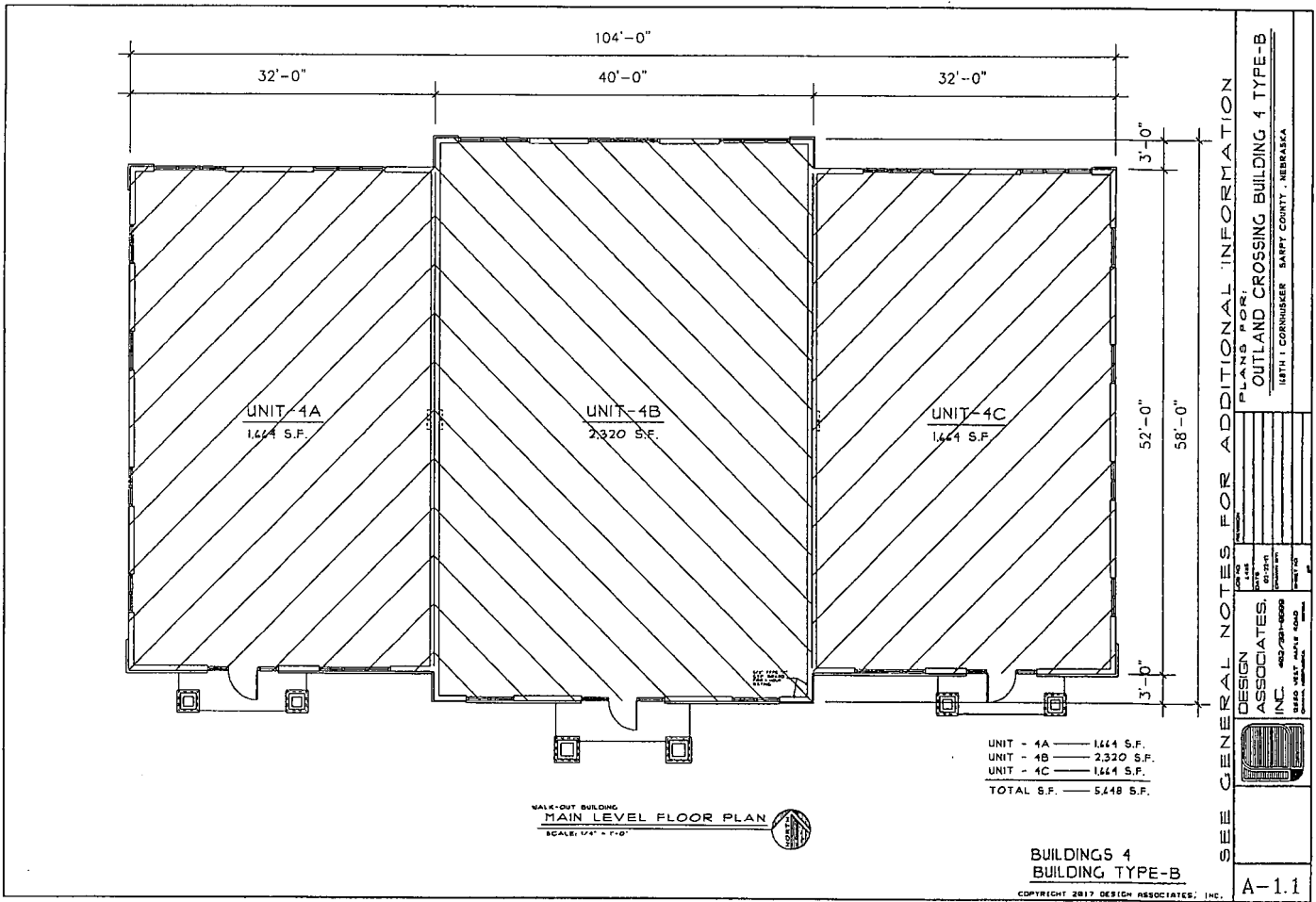
**E&A**  
 Engineering Associates

OUTLAND CROSSING OFFICE PARK  
 PHASE IV - Building 4

EXHIBIT 94-F

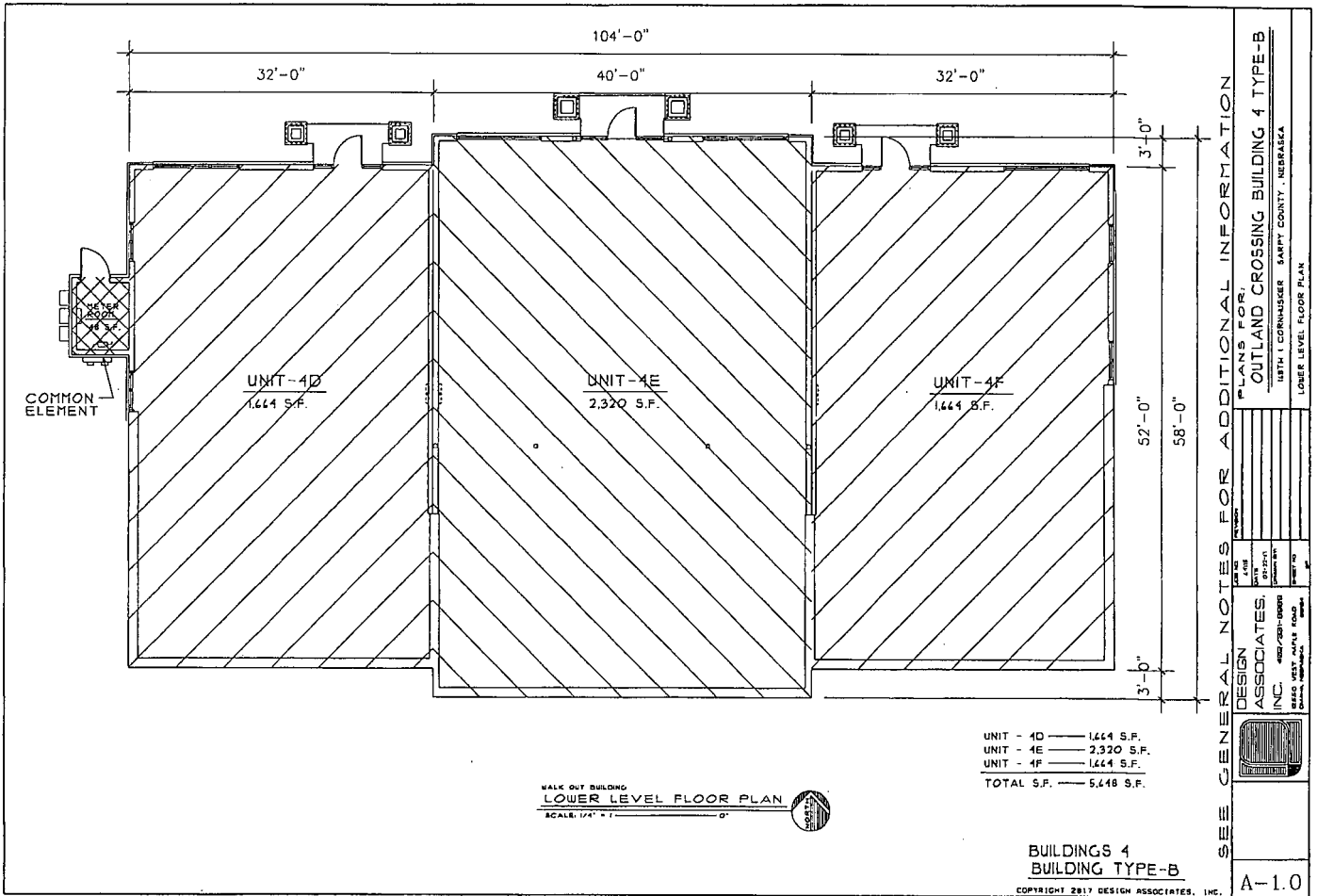
Project No.	
Client	
Site	
Scale	
Date	
Drawn by	
Checked by	
Approved by	

C

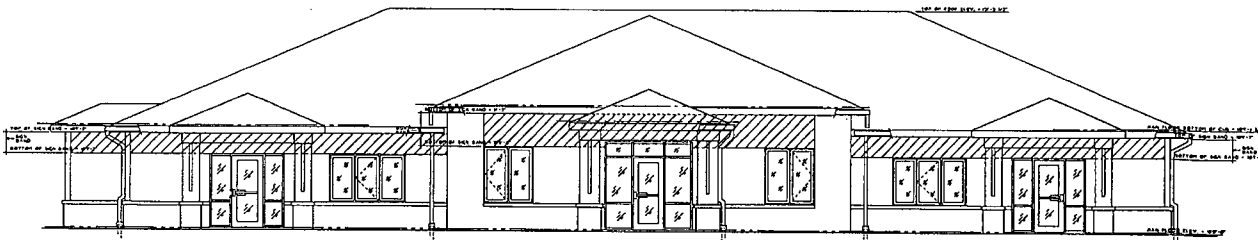




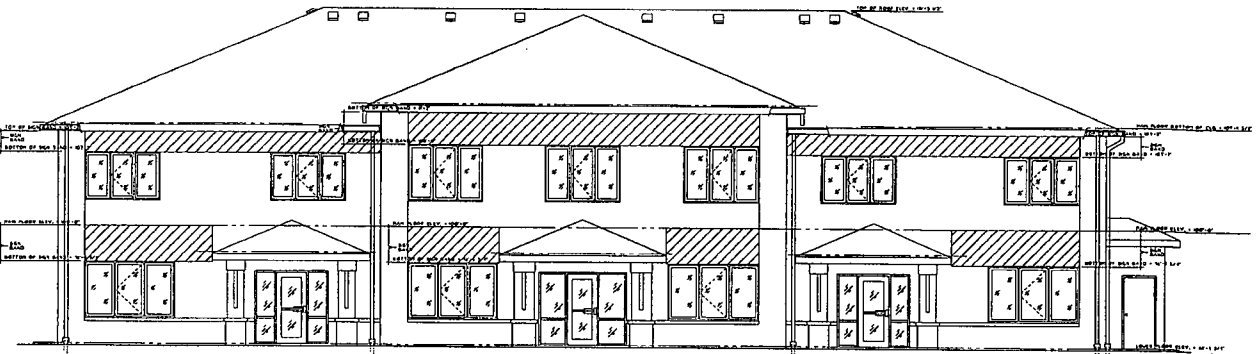
H



I



FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



REAR ELEVATION  
SCALE: 1/4" = 1'-0"

BUILDINGS 4  
BUILDING TYPE-B

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SEE GENERAL NOTES FOR ADDITIONAL INFORMATION

PLANS FOR:  
OUTLAND CROSSING BUILDING 4 TYPE-B  
18TH & CONNORS BLVD SARY COUNTY, NEBRASKA

DATE	NO.

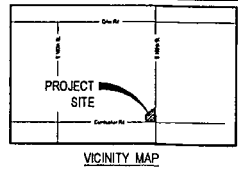
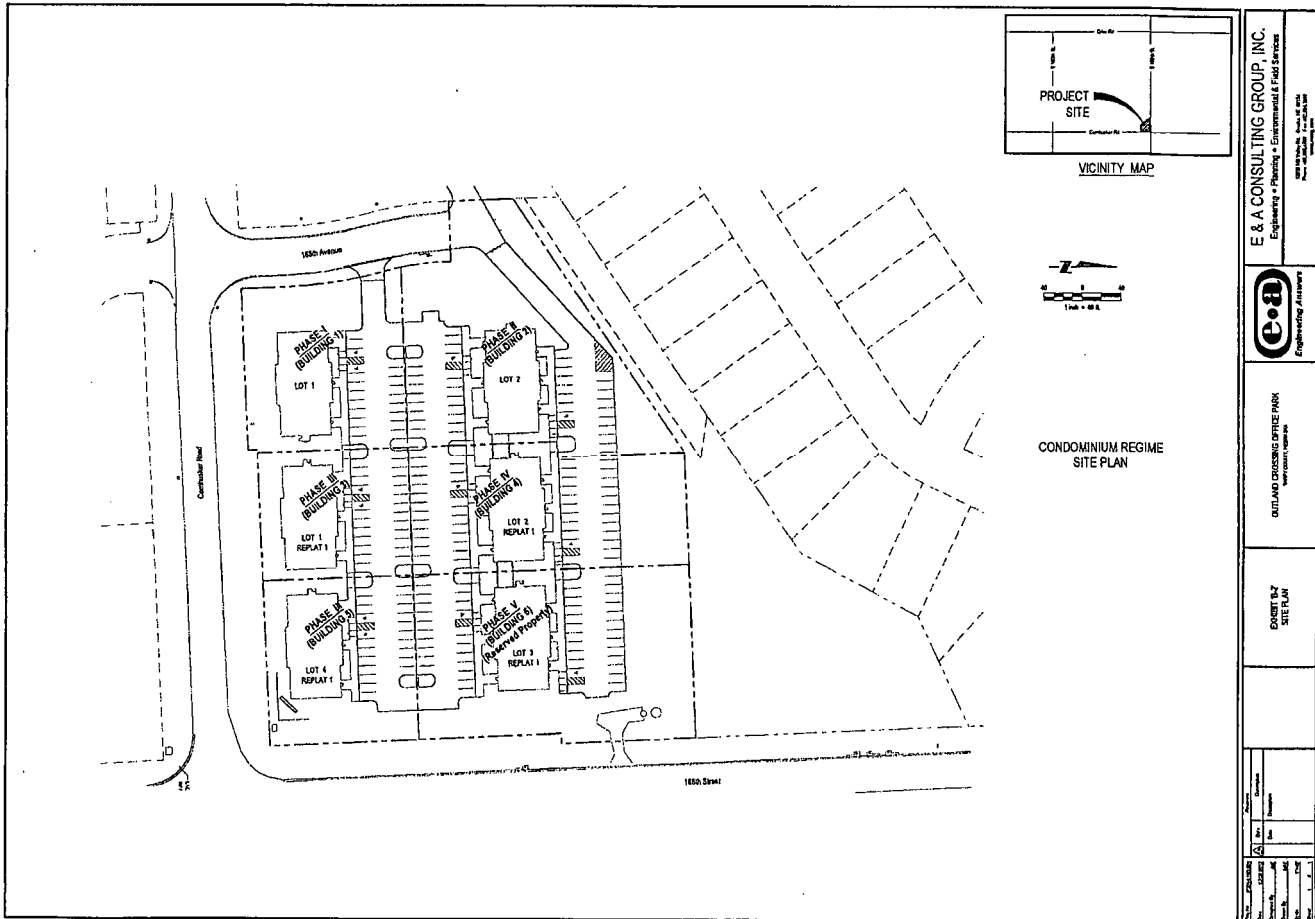
DESIGN ASSOCIATES, INC.  
4504/251-8880  
1800 WEST AVENUE ROAD  
LINCOLN, NEBRASKA 68502



A-2.1

J.

# Exhibit "B-2" <sup>C.F.</sup> Condominium Regime Site Plan



CONDOMINIUM REGIME  
SITE PLAN

**E & A CONSULTING GROUP, INC.**  
Engineering • Planning • Environmental & Field Services  
1000 West 10th Street, Suite 100  
Winnipeg, Manitoba R2W 1A7  
Tel: (204) 786-1111  
Fax: (204) 786-1112

**E&A**  
Engineering Architects

**OUTLAND CROSSING OFFICE PARK**  
Winnipeg, Manitoba

**EXHIBIT B-2**  
SITE PLAN

Project No.	1520/1620
Client	City of Winnipeg
Scale	As Shown
Date	2011
Drawn by	...
Checked by	...
Approved by	...

K

**EXHIBIT "C"**  
**UNIT OWNERSHIP AND PERCENTAGE INTERESTS TABLE**

<u>Unit No.</u>	<u>Square Footage</u>	<u>Percentage share of Common Elements</u>	<u>Percentage share of Common Expenses</u>	<u>Number of Votes in Association Matters</u>
1A	1,662	4.20%	4.20%	1
1B	2,324	5.88%	5.88%	1
1C	1,662	4.20%	4.20%	1
2A	1,662	4.20%	4.20%	1
2B	2,324	5.88%	5.88%	1
2C	1,662	4.20%	4.20%	1
2D	1,662	4.20%	4.20%	1
2E	2,324	5.88%	5.88%	1
2F	1,662	4.20%	4.20%	1
3A	1,662	4.20%	4.20%	1
3B	2,324	5.88%	5.88%	1
3C	1,662	4.20%	4.20%	1
4A	1,664	4.21%	4.21%	1
4B	2,320	5.88%	5.88%	1
4C	1,664	4.21%	4.21%	1
4D	1,664	4.21%	4.21%	1
4E	2,320	5.88%	5.88%	1
4F	1,664	4.21%	4.21%	1
5A	1,662	4.20%	4.20%	1
5B	2,324	5.88%	5.88%	1
5C	1,662	4.20%	4.20%	1
<b>Totals</b>	<b>39,536</b>	<b>100%</b>	<b>100%</b>	<b>21</b>

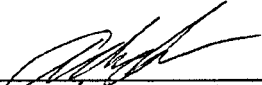
2017-05110 L

CONSENT OF MORTGAGEE

The undersigned, Equitable Bank, holder of a Construction Deed of Trust dated June 26, 2015 and recorded on July 2, 2015 as Instrument No. 2015-15749, hereby consents to the execution and recording of the First Amendment.

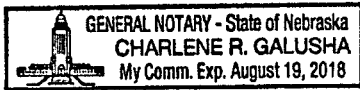
IN WITNESS WHEREOF, Equitable Bank has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf, on this 6 day of March.


**EQUITABLE BANK**

By:   
Name: Adam Lammers  
Its: Vice President

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF Douglas                )

The foregoing instrument was acknowledged before me this 6 day of March, 2017, by Adam Lammers, the Vice President of Equitable Bank on behalf of the bank.



  
Notary Public

My commission expires:

August 19, 2018