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FILED SARPY COUNTY NEBRASKA  
INSTRUMENT NUMBER

2010-31393

11/05/2010 3:25:18 PM

*Clay J. Rouding*

REGISTER OF DEEDS

After recording, return to:



*PLP*  
John M. Prososki  
Croker, Huck, Kasher, DeWitt,  
Anderson & Gonderinger, L.L.C.  
2120 S. 72nd St., Suite 1200  
Omaha, NE 68124

### AMENDMENT TO DECLARATION OF COVENANTS

THIS AMENDMENT TO DECLARATION OF COVENANTS, made with respect to Valley Ridge Business Park, a subdivision in Sarpy County, Nebraska, is made effective as of the date hereinafter set forth by the undersigned Owners, constituting the Owners of not less than sixty-five percent (65%) of the land within the Subdivision.

#### WITNESSETH:

WHEREAS, a Declaration of Covenants for Valley Ridge Business Park (the "Declaration") was filed on or about August 24, 1998 as Instrument No. 98-023637 in the office of the Register of Deeds of Sarpy County, Nebraska (capitalized terms used but not defined herein are as defined in the Declaration), which Declaration covers the real property in Sarpy County, Nebraska described on Exhibit A, attached hereto and incorporated herein by this reference, which real property has been platted into the lots now legally described as follows:

Lots 1, 6, 10, 11, 12, 13, and the South 90 feet of Lot 9, all in Valley Ridge Business Park, a subdivision in Sarpy County, Nebraska;

Lots 1 and 2, Valley Ridge Business Park Replat 1, a subdivision in Sarpy County, Nebraska;

Lots 1 through 5, inclusive, Valley Ridge Business Park Replat 2, a subdivision in Sarpy County, Nebraska;

Lot 1, Valley Ridge Business Park Replat 3, a subdivision in Sarpy County, Nebraska; and

Lots 1 and 2, Valley Ridge Business Park Replat 4, a subdivision in Sarpy County, Nebraska.

WHEREAS, under the terms of the Declaration, the Declaration can be amended with the written consent of the Owners of not less than sixty-five percent (65%) of the land within the Subdivision; and

WHEREAS, pursuant to the power reserved in the Declaration, the undersigned Owners, constituting Owners of not less than sixty-five percent (65%) of the land within the Subdivision, desire to amend the Declaration as hereinafter set forth.

NOW, THEREFORE, in consideration of the foregoing, the undersigned Owners hereby amend and modify the Declaration as hereinafter set forth:

1. Article I, "Definitions" is amended by adding the following new subsection (f):
  - (f) "Architectural Committee" shall mean a committee composed of the members of the Board of Trustees of Sanitary and Improvement District No. 204 of Sarpy County, Nebraska ("SID 204") as such Board of Trustees is constituted from time to time. With respect to any power granted to the Architectural Committee under this Declaration, an action approved by a majority of the members of the Architectural Committee shall constitute the action of the Architectural Committee.
2. The last sentence of Article VII, "Outside Storage" is amended to read as follows:

No outside storage shall be permitted closer to any street than the building set-back requirement without prior written approval of the Architectural Committee.
3. Article XII, "Approval of Plans" is amended to read as follows:
  - (a) No building, fence, wall, driveway or other external improvements, above or below the surface of the ground, shall be built, erected, placed, altered or otherwise maintained or permitted to remain on any Lot, nor shall any grading or excavation be commenced without the express written approval of the Architectural Committee. "Approval of the Architectural Committee" (including disapproval) shall also mean approval (or disapproval) by such other person, persons, or entity designated by the Architectural Committee in a writing duly recorded in the Office of the Register of Deeds and indexed against the Subdivision as approving authority in lieu of the Architectural Committee.
  - (b) Documents submitted for approval shall be clear, concise, complete, consistent and legible. Samples of materials to be included in the

improvement may be required of the applicant at the discretion of the Architectural Committee. Submittals for approval shall be made in duplicate and comments and action of the Architectural Committee will be identically marked on both copies of said submittals. One copy will be returned to the applicant and one copy will be retained as part of the permanent records of the Architectural Committee. Each applicant shall submit to the Architectural Committee the following documents, materials and/or drawings:

- (i) Site plan, indicating specific improvement and indicating Lot number, street address, grading, surface drainage and sidewalks.
- (ii) Complete construction plans, including, but not limited to, floor areas of each level, wall sections and exterior elevations clearly indicating type and extent of exterior materials and roofing.
- (c) The applicant's name, address and telephone number shall appear on each set of plans submitted to the Architectural Committee.
- (d) The approval or disapproval of the Architectural Committee, as required by these covenants, shall be in writing. Failure of the Architectural Committee to give either written approval or disapproval of submitted plans within thirty (30) days after receipt of all of the documents, by mailing such written approval or disapproval to the last known address of the applicant as shown on the submitted plans, shall operate as approval of the plans and specifications submitted.

4. Article XIV, "Exceptions or Modifications" is amended to read as follows:

Exceptions to, or waivers of, these protective covenants as unusual circumstances or special situations may warrant, must be submitted to and approved by the Architectural Committee (or any alternate person, persons or entity designated by the Architectural Committee in accordance with Article XII(a) above).

5. Article XVII, "Notices" is amended to read as follows:

All notices to be given pursuant to the Declaration shall be in writing and must be given by United States mail, certified or registered, postage prepaid, properly addressed to the Owner of each Lot by name and address as shown on the then current property tax rolls in Sarpy County, Nebraska. All notices

C

to the Architectural Committee shall be sent to it at the address of the member of the Architectural Committee who is then serving as Clerk of SID 204. The address of SID 204's Clerk may be obtained by contacting SID 204's legal counsel, provided that notice to SID 204's legal counsel shall not constitute notice to the Architectural Committee.

6. In the event that any part of the Declaration not amended by this amendment is inconsistent with the terms of this amendment, the terms of this amendment shall prevail. Otherwise, the Declaration is hereby ratified and confirmed in all respects, except as amended herein, and as if fully set forth herein.

7. This amendment is effective as of the latest date of an Owner's signature set forth below.

[Signature Pages Follow]

D

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

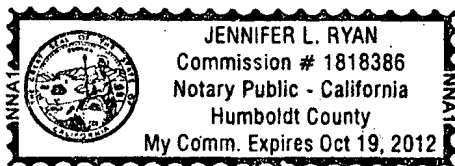
Lot Number Lot 5 Valley Ridge Business Park Replat 2 Lot Sqft 149392  
Percentage of land within Subdivision 100%

Dated: May 5, 2010 Signature(s) Christiana Bank & Trust Co. as Owner  
Trustee of the Security National Funding Trust  
By: SN Servicing Corporation, its Attorney in fact

STATE OF California )  
 ) ss.  
COUNTY OF Humboldt )

By: [Signature]  
Chad Christensen, Senior Vice President of  
Real Estate

The foregoing instrument was acknowledged before me this 5th day of  
May, 2010, by Chad Christensen



[Signature]  
Notary Public

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

**Lot Number**Lot3 Valley Ridge Business Park Replat 2 Lot Sqft 121216

Percentage of land within Subdivision 100%

Dated: 5-5-10

Signature(s) Alaska Eastern Partners, a Limited Partnership

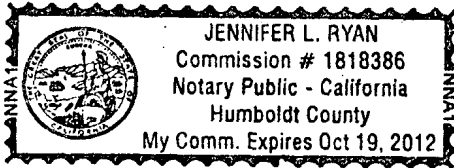
By:

Chad Christensen, Senior Vice President of Real Estate  
of Security National Master Manager, LLC, Manager of  
Alaska Eastern Newco, LLC, Its General Partner

STATE OF California )  
 ) ss.

COUNTY OF Humboldt

The foregoing instrument was acknowledged before me this 5th day of May, 2010, by Chad Christensen



Annalisa C. Ryan  
Notary Public

**Lot Number** Lot 4 Valley Ridge Business Park Replat 2 Lot Sqft 167123

**Percentage of land within Subdivision** 100%

Dated: 5-5-10

Signature(s) Alaska Eastern Partners, a Limited Partnership

By:

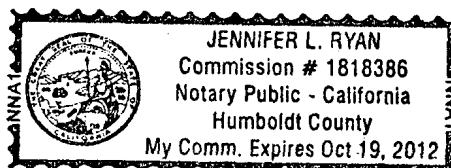
Chad Christensen, Senior Vice President of Real Estate  
of Security National Master Manager, LLC, Manager of  
Alaska Eastern Newco, LLC, Its General Partner

STATE OF California ) ss.

COUNTY OF Thurboald

The foregoing instrument was acknowledged before me this 5th day of May, 2010, by chad christensen

Deanne C. Ryan  
Notary Public



F

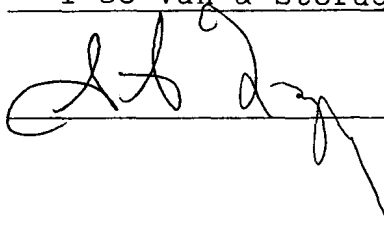
**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

**Lot Number** Lot 1 Valley Ridge Business Park 365468 Lot Sqft

Percentage of land within Subdivision 100 %

Dated: March 31, 2010

Signature(s) I-Go Van & Storage

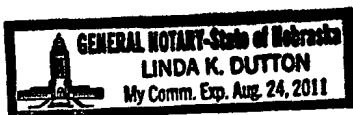


STATE OF Nebraska )

) ss.

COUNTY OF Sarpy )

The foregoing instrument was acknowledged before me this 31 day of  
March, 2010, by Steve Hogg



  
Notary Public

G

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

**Lot Number** Lot 13 Valley Ridge Business Park **Lot Sqft** 143952  
**Percentage of land within Subdivision** 100%

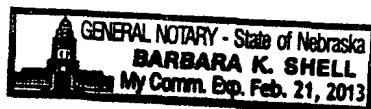
**Dated:** 4/1/2010 **Signature(s)** Oels LLC

STATE OF NEBRASKA )  
 ) ss.

COUNTY OF SARPY )

[Signature]  
Stephen M. Noel

The foregoing instrument was acknowledged before me this 1ST day of  
April, 2010, by JOEL GUENTHER AND STEPHEN M. NOEL



Barbara K Shell  
Notary Public



H

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

**Lot Number** Lot 12 Valley Ridge Business Park **Lot Sqft** 144537  
**Percentage of land within Subdivision** 100%

**Dated:** 4/8/10 **Signature(s)** Midwest Mechanical Contractors of  
Nebraska INC.

**STATE OF** Nebraska )  
**COUNTY OF** Douglas ) ss.

The foregoing instrument was acknowledged before me this 8 day of  
April, 2010, by Jacob Vogel

Dianne Lindberg  
Notary Public



I

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

**Lot Number** Lot 1 Valley Ridge Business Park Replat 3 **Lot Sqft** 1191587  
**Percentage of land within Subdivision** 100%

**Dated:** 3-25-2010 **Signature(s)** Miller Developments LLC

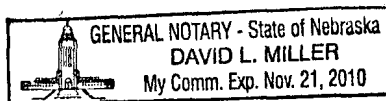
Stan Baatz member

STATE OF Nebraska )

) ss.

COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of  
March, 2010, by Stan Baatz, member of  
Miller Developments LLC.



[Signature]  
Notary Public

**Lot Number** Lot 10 & 90' Lot 9 Valley Ridge Business Park **Lot Sqft** 121968  
**Percentage of land within Subdivision** 100%

**Dated:** 3-25-2010 **Signature(s)** Miller Developments LLC

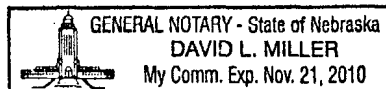
Stan Baatz member

STATE OF Nebraska )

) ss.

COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of  
March, 2010, by Stan Baatz, member of  
Miller Developments LLC.



[Signature]  
Notary Public

J

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

Lot Number Lot 11 Valley Ridge Business Park Lot Sqft 118500  
Percentage of land within Subdivision 100%

Dated: 3-25-2010 Signature(s) Miller Properties LLC

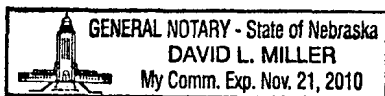
Stan Baatz member

STATE OF Nebraska )

) ss.

COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of  
March, 2010, by Stan Baatz, member of Miller  
Properties LLC.



[Signature]  
Notary Public

K

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

**Lot Number** Lot 1 Valley Ridge Business Park Replat 1 **Lot Sqft** 179394

**Percentage of land within Subdivision** 100%

**Dated:** 4/26/10

**Signature(s)** Stoneybrook LLC

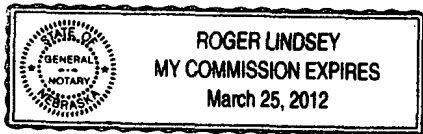
Herbert D Beard

STATE OF NEBRASKA )

) ss.

COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of APRIL, 2010, by HERBERT BEARD



Rog Lindsey  
Notary Public

Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.

Lot Number Lot 2 Valley Ridge Business Park Replat 1 Lot Sqft 161793  
Percentage of land within Subdivision 100%

Dated: 4-27-2010

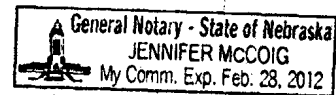
Signature(s) Stoneybrook I LLC

[Signature]

STATE OF Nebraska )  
COUNTY OF Douglas ) ss.

The foregoing instrument was acknowledged before me this 27 day of April, 2010, by ROGER LUDSET

[Signature]  
Notary Public



m

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

**Lot Number** Lot1 Valley Ridge Business Park Replat 4 **Lot Sqft** 35009  
**Percentage of land within Subdivision** 100%

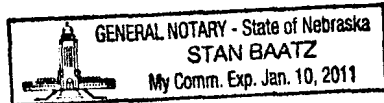
**Dated:** Oct. 11<sup>th</sup>, 2010 **Signature(s)** Troy Blenderman

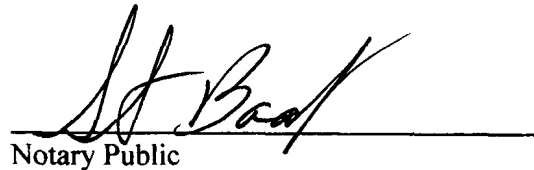


STATE OF Nebraska )  
 ) ss.

COUNTY OF Douglas )

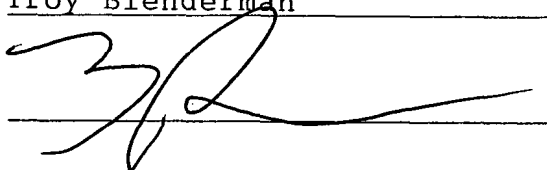
The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of  
Oct., 2010, by Troy Blenderman



  
Notary Public

**Lot Number** Lot2 Valley Ridge Business Park Replat 4 **Lot Sqft** 42960  
**Percentage of land within Subdivision** 100%

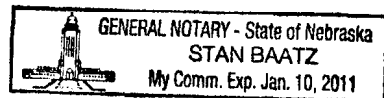
**Dated:** Oct. 11<sup>th</sup> 2010 **Signature(s)** Troy Blenderman

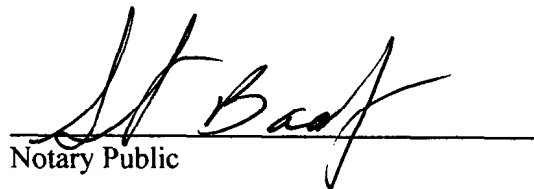


STATE OF Nebraska )  
 ) ss.

COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of  
Oct., 2010, by Troy Blenderman



  
Notary Public

N

**Signature Page to Amendment to Declaration of Covenants for Valley Ridge Business Park,  
Sarpy County, Nebraska.**

Lot Number Lot 1 Valley Ridge Business Park Replat 2 Lot Sqft 169106

Percentage of land within Subdivision 100%

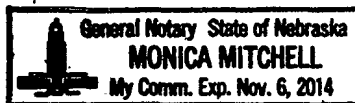
Dated: 10-20-2010

Signature(s) WB LLC

WB LLC by Will Willett  
Manager

STATE OF Nebraska )  
 ) ss.  
COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of October, 2010, by William Willett, manager of WB LLC.



Monica Mitchell  
Notary Public

Lot Number Lot 2 Valley Ridge Business Park Replat 2 Lot Sqft 184040

Percentage of land within Subdivision 100%

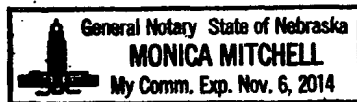
Dated: 10-20-2010

Signature(s) WB LLC

WB LLC by Will Willett  
Manager

STATE OF Nebraska )  
 ) ss.  
COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of October, 2010, by William Willett, manager of WB LLC.



Monica Mitchell  
Notary Public

2010-31393 ○

## Exhibit "A"

## LEGAL DESCRIPTION

That part of the Southwest Quarter (SW 1/4) of Section Twenty-four (24), Township Fourteen (14) North, Range Eleven (11), East of the 6th P.M., more particularly described as follows: Beginning at the South Quarter Corner of said Section Twenty-four (24); thence North  $00^{\circ}21'00''$  West 2,451.49 feet along the East line of said Southwest Quarter (SW 1/4) to the southerly right-of-way line of I-80, being 196.0 feet South of the center of said Section Twenty-four (24); thence southwesterly along the southerly right-of-way line of I-80 on the six following courses to-wit: South  $40^{\circ}11'55''$  West 1,081.55 feet to a point of curve to the right; thence along a curve to the right, an arc length of 500.53 feet (radius of 7,789.44 feet, chord bearing of South  $42^{\circ}02'25''$  West, a long chord distance of 500.44 feet); thence South  $44^{\circ}32'16''$  West 407.71 feet to a point of curve to the right; thence along a curve to the right, an arc length of 315.11 feet (radius of 7,795.44 feet, chord bearing of South  $48^{\circ}02'17''$  West, a long chord distance of 315.09 feet); thence South  $49^{\circ}06'14''$  West, 87.69 feet to a point of curve to the left; thence along a curve to the left, an arc length of 732.86 feet (radius of 1,809.86 feet, chord bearing South  $37^{\circ}44'37''$  West, a long chord distance of 727.86 feet); thence South  $81^{\circ}07'45''$  East 495.15 feet to a point 43.0 feet North of the South line of said Southwest Quarter (SW 1/4); thence South  $00^{\circ}00'24''$  West, 43.00 feet to the South line of said Southwest Quarter (SW 1/4); thence East 1,591.10 feet along the South line of the said Southwest Quarter (SW 1/4) to the point of beginning, in Sarpy County, Nebraska.