



MISC 2016021359



MAR 25 2016 16:28 P 15

Fee amount: 94.00
FB: 0C-42390
COMP: SB

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
03/25/2016 16:28:04.00



2016021359

WHEN RECORDED, MAIL TO:

Paul E. Iofson
Fitzgerald Schorr PC
10050 Regency Ct., Suite 200
Omaha, NE 68114

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION is made by E & G Investments, L.L.C, a Nebraska limited liability company ("E&G") and Rakes Family Investments, LLC, a Nebraska limited liability company ("RFI", and collectively with E&G, referred to as "Owner") as of March 2, 2016, and is as follows:

WITNESSETH:

WHEREAS, 180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration"); and

FILED UPON SUBMITTER'S DEMAND

WHEREAS, Owner is the owner of Lot 2, West Dodge Station, a subdivision in Douglas County, Nebraska ("Owner's Lot"), each of E&G and RFI owning an undivided one-half tenant in common interest; and

WHEREAS, Owner desires that the Declaration be amended as provided below and has obtained the agreement to such amendment by owners of Lots within West Dodge Station that, together with Owner's Lot, collectively contain not less than seventy-five percent (75%) of the land area subject to and covered by the Declaration and therefore have the right, power and authority to amend the Declaration in accordance with Section 7.1 thereof.

NOW, THEREFORE, Owner, as the owner of the Owner's Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: ("and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska.") Attached are Agreements to Amend from other Lot owners whereby this amendment to Section 2.6(i) has been approved by the owners of Lots within West Dodge Station that, together with Owner's Lot, collectively contain not less than seventy-five percent (75%) of the land area subject to and covered by the Declaration, such that the requirements for amendment of the Declaration have been satisfied.

**[Space Below Intentionally Left Blank –
Signature Page to Follow]**

IN WITNESS WHEREOF, Owner has executed this Amendment which shall be effective as of the recording of this document in the records of the Register of Deeds for Douglas County, Nebraska.

E & G Investments, L.L.C., a Nebraska limited liability company
By: [Signature]
Name: Elias J. Eliopoulos
Its: Member

Rakes Family Investments, L.L.C., a Nebraska limited liability company
By: [Signature]
George M. Rakes, Manager

STATE OF NEBRASKA)
County of Douglas) ss

The foregoing instrument was acknowledged before me this 2nd day of March, 2016 by Elias J. Eliopoulos, known to me to be a member of E & G Investments, L.L.C., a Nebraska limited liability company, for and on behalf of said company.

[Signature]
GENERAL NOTARY - State of Nebraska
JAMES D. BUSER Notary Public
My Comm. Exp. June 26, 2016

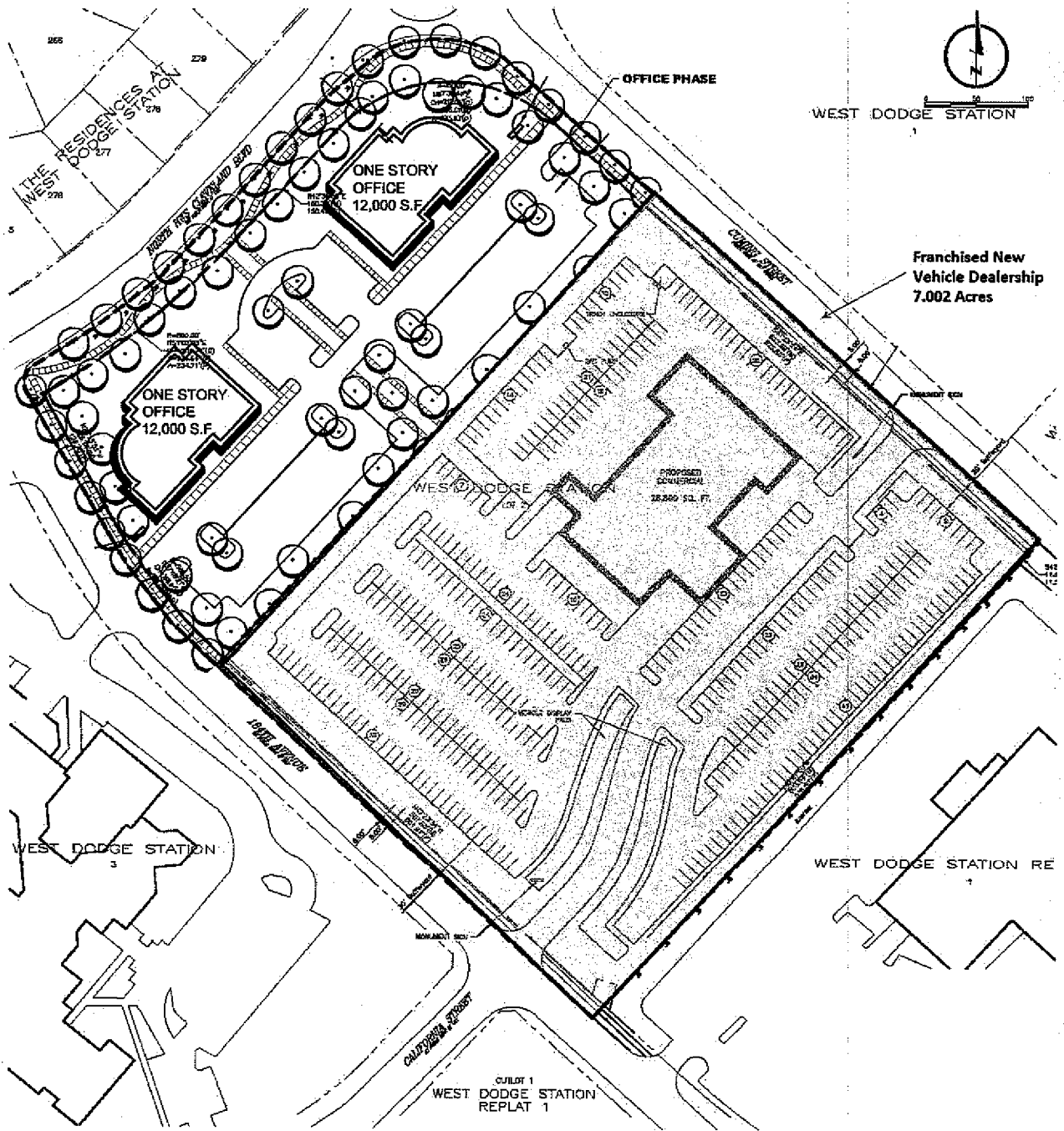
My Commission Expires: _____
STATE OF NEBRASKA)
County of Douglas) ss

The foregoing instrument was acknowledged before me this 2nd day of March, 2016 by George M. Rakes, known to me to be the Manager of Rakes Family Investments, L.L.C., a Nebraska limited liability company, for and on behalf of said company.

[Signature]
GENERAL NOTARY - State of Nebraska
JAMES D. BUSER Notary Public
My Comm. Exp. June 26, 2016

My Commission Expires: _____

EXHIBIT A
Lot 2 Franchised New Vehicle Dealership Area



TO BE INDEXED AGAINST THE FOLLOWING LEGAL DESCRIPTIONS:
Lots 1, 2, 3, 7, 8, 9, 10 West Dodge Station (OC-42390)
Lots 1 and 2 and Outlot 1, West Dodge Station Replat 1 (OC-42391)
Lots 1 and 2, West Dodge Station Replat 2 **vacated
Lots 1 and 2, West Dodge Station Replat 5 (OC-42402)
Lots 1, 2 and 3, West Dodge Station Replat 6 (OC-42403)
All in Douglas County, Nebraska

AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

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The undersigned is the Lot Owner of Lot 1, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Lutheran Church of the Master, a Nebraska non-profit corporation

By: David G Anderson
Name: DAVID G ANDERSON
Its: PRESIDENT

STATE OF NEBRASKA }
County of Douglas } ss

The foregoing instrument was acknowledged before me this 24th day of February, 2016 by David G Anderson known to me to be President of Lutheran Church of the Master, a Nebraska non-profit corporation, for and on behalf of said corporation.

Diana K Wilkey
Notary Public

My Commission Expires: July 2, 2016

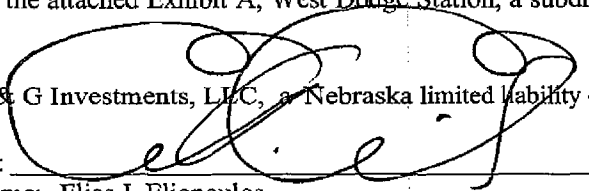


AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION


180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned collectively are the Lot Owner of Lot 2, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

E & G Investments, LLC, a Nebraska limited liability company

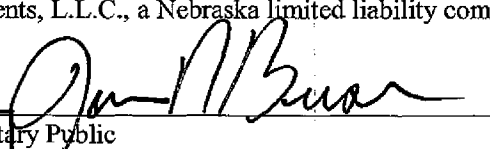
By: 
 Name: Elias J. Eliopoulos
 Its: Member

Rakes Family Investments, LLC, a Nebraska limited liability company

By: 
 George M. Rakes, Manager

STATE OF NEBRASKA)
) ss
 County of Douglas)

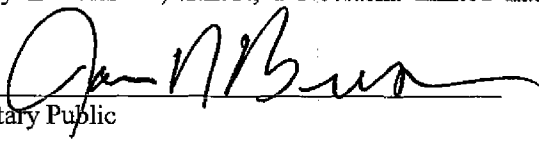
The foregoing instrument was acknowledged before me this ^{2nd} day of March, 2016 by Elias J. Eliopoulos, known to me to be a member of E & G Investments, L.L.C., a Nebraska limited liability company, for and on behalf of said company.


 GENERAL NOTARY - State of Nebraska Notary Public
 JAMES D. BUSER
 My Comm. Exp. June 26, 2016

My Commission Expires: _____

STATE OF NEBRASKA)
) ss
 County of Douglas)

The foregoing instrument was acknowledged before me this ^{2nd} day of March, 2016 by George M. Rakes, known to me to be the Manager of Rakes Family Investments, L.L.C., a Nebraska limited liability company, for and on behalf of said company.


 GENERAL NOTARY - State of Nebraska Notary Public
 JAMES D. BUSER
 My Comm. Exp. June 26, 2016

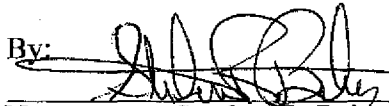
My Commission Expires: _____
 PHOENIX/602246.1

AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").


The undersigned is the Lot Owner of Lot 3, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Elkhorn Public Schools, a Nebraska Governmental Entity

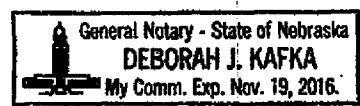
By: 
Name: Stephen R. Baker
Its: Superintendent

STATE OF NEBRASKA)
County of Douglas) ss

The foregoing instrument was acknowledged before me this 19th day of January, 2016 by Stephen R. Baker known to me to be the Superintendent of Elkhorn Public Schools, a Nebraska Governmental Entity, for and on behalf of said Elkhorn Public Schools.


Notary Public

My Commission Expires: 11-19-16

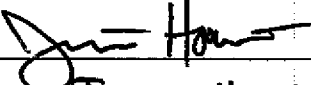


AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

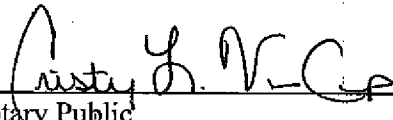
The undersigned is the Lot Owner of Lot 7, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Pinnacle Data Services, LLC,

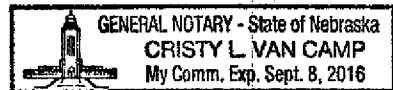
By: 
Name: Justin Horst
Its: Chief Financial Officer

STATE OF Nebraska)
County of Douglas) ss

The foregoing instrument was acknowledged before me this 10 day of March, 2016 by Justin Horst known to me to be Chief Financial Officer of Pinnacle Data Services, LLC, for and on behalf of said corporation.


Notary Public

My Commission Expires: 9/8/2016

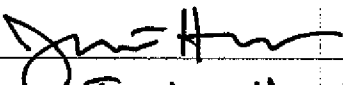


AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska, as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

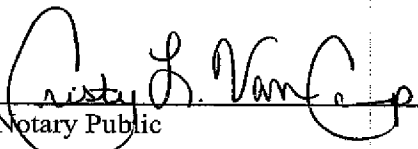
The undersigned is the Lot Owner of Lot 8, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Pinnacle Bank,

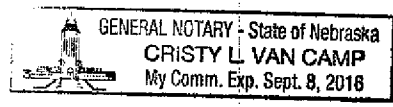
By: 
Name: Justin Horst
Its: Chief Financial Officer

STATE OF Nebraska)
County of Douglas) ss

The foregoing instrument was acknowledged before me this 10 day of March, 2016 by Justin Horst known to me to be Chief financial officer of Pinnacle Bank, for and on behalf of said corporation.


Notary Public

My Commission Expires: 9/8/2016



AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 9, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Pinnacle Bank,

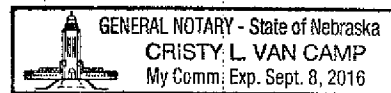
By: Justin Horst
Name: Justin Horst
Its: Chief Financial Officer

STATE OF Nebraska }
County of Douglas } ss

The foregoing instrument was acknowledged before me this 10 day of March, 2016 by Justin Horst known to me to be Chief Financial Officer of Pinnacle Bank, for and on behalf of said corporation.

Cristy L. Van Camp
Notary Public

My Commission Expires: 9/8/2016



AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 10, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Red Rover, LLC, a Nebraska limited liability company

By: *Jess E. Hull*
Name: JESS E HULL
Its: managing partner

STATE OF NE
County of Douglas }^{ss}

The foregoing instrument was acknowledged before me this 4 day of March, 2016 by Jess E. Hull known to me to be managing partner of Red Rover, LLC, a Nebraska limited liability company, for and on behalf of said corporation.

Michelle R Carrier
Notary Public

My Commission Expires: 12/12/18



AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 1, West Dodge Station Replat 1 (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

MAJIK, LLC, a Nebraska
limited liability company

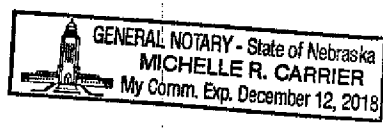
By: *S. Micky Anderson*
Name: S. MICKY ANDERSON
Its: MANAGER

STATE OF NE)
County of Douglas) ss

The foregoing instrument was acknowledged before me this 3 day of March, 2016 by S. Micky Anderson known to me to be manager of MAJIK, LLC, a Nebraska limited liability company, for and on behalf of said corporation.

Michelle R. Carrier
Notary Public

My Commission Expires: 12/12/18



AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska, as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 1, Replat 5, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Develotel Omaha, LLC, a South Dakota
limited liability company

By: 

Name: Dewey F. Weaver, Jr.

Its: Managing Member

STATE OF Louisiana)
County of Ouachita }^{SS}

The foregoing instrument was acknowledged before me this 14th day of March, 2016 by Dewey F. Weaver, Jr. known to me to be Managing Member of Develotel Omaha, LLC, a South Dakota limited liability company, for and on behalf of said corporation.


Notary Public

My Commission Expires: with life


Nikki C. Tinnerello, Notary Public
Identification No. 68388
My Commission Expires at Death

AGREEMENT TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 2 Replat 5, West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

GYC Properties, LLC, a Nebraska limited liability company

By: 
Name: Gregg Young
Its: Managing Member

STATE OF Nebraska }
County of Douglas } ss

The foregoing instrument was acknowledged before me this 26 day of February 2016 by Gregg Young known to me to be Managing Member of GYC Properties, LLC, a Nebraska limited liability company, for and on behalf of said corporation.

Kim M Zuerlein
Notary Public

My Commission Expires: 7-31-2018

