

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2007-32013

2007 OCT 22 P 12:39

*Shirley J. Dowling*  
REGISTER OF DEEDS

COUNTER W C.E. W  
VERIFY Pay D.E. D  
PROOF \_\_\_\_\_  
FEES \$ 19.00  
CHECK # 27643  
CHG \_\_\_\_\_ CASH \_\_\_\_\_  
REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
SHORT \_\_\_\_\_ NCR \_\_\_\_\_

WHEN RECORDED MAIL TO:  
Loan Operations  
333 West Broadway  
Council Bluffs, IA 51501

FOR RECORDER'S USE ONLY

*GL*  
*2* # 810692

**MODIFICATION OF DEED OF TRUST**

THIS MODIFICATION OF DEED OF TRUST dated August 29, 2007, is made and executed between Tiburon Golf Club, LLC ("Trustor") and American National Bank, whose address is 90th & Dodge Branch, 8990 W Dodge Road, Omaha, NE 68114 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated May 25, 2005 (the "Deed of Trust") which has been recorded in Sarpy County, State of Nebraska, as follows:

Recorded July 22, 2005 as Instrument No. 2005-25597.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in Sarpy County, State of Nebraska:

See "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 10302 South 168th Street, Omaha, NE 68136.

MODIFICATION. Lender and Trustor hereby modify the Deed of Trust as follows:

Increase principal amount to \$5,432,147.16.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

TRUSTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND TRUSTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED AUGUST 29, 2007.

TRUSTOR:

TIBURON GOLF CLUB, LLC

By: *Robert W. Hill*  
Robert W. Hill, Manager of Tiburon Golf Club, LLC

LENDER:

AMERICAN NATIONAL BANK

X *[Signature]*  
Authorized Officer

MODIFICATION OF DEED OF TRUST  
(Continued)

Loan No: 810692

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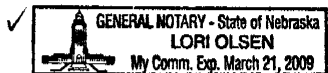
A

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Nebraska )  
 ) SS  
COUNTY OF Douglas )

On this 29<sup>th</sup> day of August, 20 07, before me, the undersigned Notary Public, personally appeared Robert W. Hill, Manager of Tiburon Golf Club, LLC, and known to me to be partner or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Lori Olsen  
Notary Public in and for the State of NE  
Residing at Bennington, NE  
My commission expires 3-21-09



LENDER ACKNOWLEDGMENT

STATE OF Nebraska )  
 ) SS  
COUNTY OF Douglas )

On this 29<sup>th</sup> day of August, 20 07, before me, the undersigned Notary Public, personally appeared Jim Barrett and known to me to be the First Vice President, authorized agent for the Lender that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the said Lender, duly authorized by the Lender through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and that the seal affixed is the corporate seal of said Lender.

By Lori Olsen  
Notary Public in and for the State of NE  
Residing at Bennington, NE  
My commission expires 3-21-09



2007-32013B

EXHIBIT "A"

- PARCEL I: Lots A, B, and C in Tiburon, a Subdivision in Sarpy County, Nebraska, EXCEPT that part of Lot C more particularly described as follows: Commencing at the Southeast corner of Lot 191, Tiburon, thence N40°19'14"E (assumed bearing), 85.00 feet; thence S49°40'46"E, 42.13 feet; thence S23°26'13"W, 69.10 feet; thence N66°33'47"W, 65.00 feet to the point of beginning.
- PARCEL II: Lot 400 in Tiburon, EXCEPT the East 80.00 feet; ALSO EXCEPT sublots 1 through 55 of Lot 1, Tiburon Patio Homes, a Subdivision in Sarpy County, Nebraska, ALSO EXCEPT that part of said Lot 400, more particularly described as follows: Commencing at the Southwest corner of Sublot 18 of Lot 1, Tiburon Patio Homes, said point also being on the West line of said Lot 400, Tiburon; thence N89°29'59"E (assumed bearing) 120.00 feet; thence N01°30'01"W, 45.00 feet; thence N88°29'59"E, 165.00 feet to the Southeast corner of Sublot 19 of said Lot 1; thence S06°31'43"E, 469.23 feet; thence S86°53'28"W, 180.20 feet; thence S05°25'29"E, 206.88 feet; thence S89°29'59" W, 74.98 feet; thence N31°00'01"W, 173.00 feet, thence N01°30'01"W, 482.00 feet to the point of beginning.
- PARCEL III: Lots 186, 187, and 188 in Ballena, a Subdivision in Sarpy County, Nebraska, LESS AND EXCEPT that part of Lot 186, in Ballena conveyed to the SID No. 192 described as follows: Referring to the Southeast corner of Section 28, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., thence N00°03'14"W (assumed bearing) along the East line of the Southeast 1/4 of said Section 28, 598.59 feet; thence S89°56'46"W, 50.00 feet to a point of intersection of the South right of way line of Oakmont Drive and the West right of way line of 168<sup>th</sup> Street, thence Westerly on a 125.00 foot radius curve to the left, an arc distance of 22.91 feet, thence S79°26'35"W, along the South right of way line of Oakmont Drive, 310.48 feet to the point of beginning. Thence S66°29'39"W, along the South line of Lot 186, 127.02 feet; thence N37°25'58"W, 170.13 feet; thence Southeasterly on a 225.00 foot radius curve to the left, an arc distance of 247.89 feet to the point of beginning.
- PARCEL IV: A 60 foot wide easement lying North of and adjoining the South line of Lot 401 and the South line of the East 80 feet of Lot 400, Tiburon, for the purposes of ingress and egress as contained within Warranty Deed filed August 19, 1997, as Inst. No. 1997-017897; said lots are now known as Lots 1 and 13, in Tiburon Village, Sarpy County, Nebraska.