



WHEN RECORDED MAIL TO:

Access Bank
8712 West Dodge Road
Omaha, NE 68114

FOR RECORDER'S USE ONLY



MODIFICATION OF DEED OF TRUST



#####073501162019

THIS MODIFICATION OF DEED OF TRUST dated January 16, 2019, is made and executed between BIRDDOG CAPITAL, LLC, whose address is 6828 N 264 CIR, VALLEY, NE 68064; A NEBRASKA LIMITED LIABILITY COMPANY ("Trustor") and Access Bank, whose address is 8712 West Dodge Road, Omaha, NE 68114 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated November 26, 2019 (the "Deed of Trust") which has been recorded in DOUGLAS County, State of Nebraska, as follows:

CONSTRUCTION DEED OF TRUST RECORDED ON NOVEMBER 27, 2019 AS INSTRUMENT NUMBER 2019104393 IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS.

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

PART OF THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 31, TOWNSHIP 16 NORTH, RANGE 10, EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31, THENCE S00°29'05"E (ASSUMED BEARING) ON THE EAST LINE OF SAID NORTH 1/2 NE 1/4, A DISTANCE OF 315.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING S00°29'05"E ON SAID EAST LINE, A DISTANCE OF 330.80 FEET, THENCE S89°30'55"W PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 765.21 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 275; THENCE N44°12'17"W ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 457.71 FEET, THENCE N89°30'55"E PERPENDICULAR TO THE EAST LINE OF SAID N 1/2 NE 1/4, A DISTANCE OF 1081.55 FEE TO THE TRUE POINT OF BEGINNING.

The Real Property or its address is commonly known as 6726 N 264 CIR, VALLEY, NE 68064. The Real Property tax identification number is 0115430013.

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

THE CORRECTED LEGAL SHOULD READ AS FOLLOWS:

LOT 2, 264 IDA, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED, IN DOUGLAS COUNTY,

**MODIFICATION OF DEED OF TRUST
(Continued)**

NEBRASKA

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 JANUARY 16, 2019.

TRUSTOR:

BIRDDOG CAPITAL, LLC

By: 

CLAYTON L. ADAMS, Member of BIRDDOG CAPITAL, LLC

LENDER:

ACCESS BANK

X 

Matt Jetter, Vice President

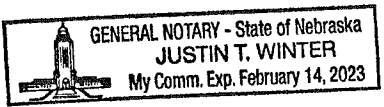
MODIFICATION OF DEED OF TRUST
(Continued)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Nebraska)
) SS
COUNTY OF Douglas)

On this 23RD day of January, 2020, before me, the undersigned Notary Public, personally appeared **CLAYTON L ADAMS, Member of BIRDDOG CAPITAL, LLC**, and known to me to be member 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 Justin T. Winter
Printed Name: Justin T. Winter
Notary Public in and for the State of Nebraska
Residing at 203 N. 180th St.
My commission expires February 14, 2023



LENDER ACKNOWLEDGMENT

STATE OF Nebraska)
) SS
COUNTY OF Douglas)

On this 23RD day of January, 2020, before me, the undersigned Notary Public, personally appeared **Matt Jetter**, and known to me to be the **Vice President**, authorized agent for **Access Bank** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of **Access Bank**, duly authorized by **Access Bank** 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 in fact executed this said instrument on behalf of **Access Bank**.

By Justin T. Winter
Printed Name: Justin T. Winter
Notary Public in and for the State of Nebraska
Residing at 203 N. 180th St.
My commission expires February 14, 2023

