

WHEN RECORDED MAIL TO:

Access Bank
8712 West Dodge Road
Omaha, NE 68114

FOR RECORDER'S USE ONLY

MODIFICATION OF NOTICE OF COMMENCEMENT

THIS MODIFICATION OF NOTICE OF COMMENCEMENT dated January 16, 2020, 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").

NOTICE OF COMMENCEMENT. Lender and Trustor have entered into a Notice of Commencement dated November 21, 2019 (the "Notice of Commencement") which has been recorded in DOUGLAS County, State of Nebraska, as follows:

NOTICE OF COMMENCEMENT RECORDED ON NOVEMBER 27, 2019 AS INSTRUMENT NUMBER 2019104395 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 Notice of Commencement as follows:

THE CORRECTED LEGAL SHOULD READ AS FOLLOWS:

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

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Notice of Commencement 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 Notice of Commencement 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 Notice of Commencement (the "Note"). It is the intention of Lender to retain as liable all parties to the Notice of Commencement 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 Notice of Commencement 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.

LENDER ACKNOWLEDGMENT

STATE OF Nebraska

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COUNTY OF Douglas

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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

