

10285

AMENDMENT TO THE BY-LAWS
OF
BERKELEY SQUARE CONDOMINIUM
LINCOLN, NEBRASKA

In accordance with Article XIII of the By-Laws of Berkeley Square Condominium, notice of the following proposed amendment was given to each Co-Owner at least fourteen (14) days in advance of the meeting at which said amendment was to be discussed and voted upon. At least sixty-six and two-thirds percent (66 2/3%) of the total owners voted in person or by proxy at the duly called meeting to hereby amend the By-Laws of Berkeley Square Condominium, Lincoln, Nebraska, legally described as:

Block Six (6), Lot Seven (7), Skyline Rolling Hills Second Addition, Lincoln, Lancaster County, Nebraska, also known as 5809 Berkeley Drive, Lincoln, Lancaster County, Nebraska 68512.

Article V, Section 2 of the said By-Laws is set forth below in its entirety as it appears in the original By-Laws. Said Article V, Section 2 is hereby amended so as to delete the language indicated below:

Section 2. Payment of Common Expenses. All Co-Owners shall be obligated to pay the Common Expenses assessed by the Board of Administrators pursuant to the provisions of Section 1 of this Article V. No Co-Owner may exempt himself from liability for his contribution toward Common Expenses by waiver of the use of enjoyment of any of the Common Elements or by abandonment of his Unit. No Co-Owner shall be liable for the payment of any part of the Common Expenses assessed against his Unit subsequent to a sale, transfer, or other conveyance by him of such Unit. The purchaser of a Unit shall be jointly and severally liable with the selling Co-Owner for all unpaid assessments against the latter for his proportionate share of the Common Expenses up to the time of the conveyance, without prejudice, to the purchaser's right to recover from the selling Co-Owner the amounts paid by the purchaser therefor; provided, however, that any such purchaser shall be entitled to a statement from the Board of Administrators or Managing Agent setting forth the amount of the unpaid assessments against the selling Co-Owner and such purchaser shall not be liable for, nor shall the Unit conveyed be subject to a lien for, any unpaid assessments in excess of the amount therein set forth; ~~and provided, further, that if a mortgagee of a first mortgage of record shall obtain title to the Unit as a result of foreclosure of a first mortgage or as a result of a trustee's sale under a trust deed, such mortgagee, its successors, and assigns shall not be liable for, and such Unit shall not be subject, to, a lien for the payment of Common Expenses assessed prior to the acquisition of title to such Unit by such purchaser. Such unpaid share of Common Expenses assessed prior to the acquisition of title to such Unit by such purchaser pursuant to the foreclosure sale shall be collectible from all Co-Owners including the purchaser at the foreclosure sale, in proportion to their respective Percentage Interests.~~ Upon the sale or conveyance of a Unit, all unpaid assessments against a Co-Owner for his proportionate share of the Common Expenses shall first be paid out of the sales price or by the acquirer in preference over any other assessments or charges of whatever nature except (i) assessments, liens, and charges for taxes past due and unpaid on the Unit and

2

(ii) payments due under duly recorded mortgage and lien instruments.

This Amendment made this 19th day of March, 1990.

Marilyn M. Heeren

Gwenith J. Holz

Rita M. Green

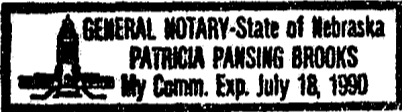
Freeman M. Davis

Loe U. Brooks

Marlee Damgaard

STATE OF NEBRASKA)
LANCASTER COUNTY) ss.

On this 19th day of March, 1990, there appeared before me, a Notary Public in and for said County, Marilyn M. Heeren, Gwenith J. Holz, Rita M. Green, Freeman M. Davis, Loe U. Brooks, Marlee Damgaard personally known to me to be the identical persons who subscribed the above and foregoing document, and they each acknowledged that said execution was their voluntary act and deed and the voluntary act and deed of each of them.



Patricia Pansing Brooks
Notary Public

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BLOCK 10
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LANCASTER COUNTY, NEB.
Dan Gallo
REGISTER OF DEEDS
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INDEXED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

Brooks Pansing Brooks
NBC Center Ste 807
13th + O St. 68508

INST. NO. 90- 10285