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Received - DIANE L. BATTIATO Register of Deeds, Douglas County, NE 8/5/2009 15:07:01.67

Document Title:

First Amendment to Declaration of Condominium

For jLofts Condominium

Document Date:

August 4, 2009

Grantor Name:

1308 Jackson DEV, L.L.C.

Grantee Name:

None

Grantor's Address:

c/o Mike Brannan 4524 Farnam Street Omaha, NE 68132

City of Omaha, County of Douglas

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR JLOFTS CONDOMINIUM

فمحماير	This FIRST A	MENDMENT TO DECLARATION ("First Amendment") is made this, 2009, by 1308 Jackson DEV, L.L.C., a Nebraska any (hereinafter referred to as "Declarant").
<u> ろし</u>	day of July	, 2009, by 1308 Jackson DEV, L.L.C., a Nebraska
limited	liability comp	any (hereinafter referred to as "Declarant").

A. OWNERSHIP, DECLARATION AND AMENDMENT

- 1. Declarant is the owner in fee simple of a parcel of real estate located in the City of Omaha, Douglas County, Nebraska, legally described in Exhibit "A" hereto. Declarant remains the sole and exclusive owner of all of such real property and all of the Units as of the filing of this First Amendment.
- 2. On or about June 9, 2008, Declarant filed a Declaration of Condominium for jLofts Condominium with the Register of Deeds of Douglas County, Nebraska, at Instrument No. 2008056896 ("Declaration") pursuant to which Declarant submitted said property to the provisions of the Nebraska Condominium Act (Neb. Rev. Stat. §§ 76-825 to 76-894) in effect as of the date of the recording of said Declaration (the "Act").
- 3. Declarant desires to amend the Declaration as follows:
 - i. Revise the Condominium Plan to remove Units 304, 306, 404, 406, 616 513 and 515; and
 - ii. Designate ownership and assignment of Parking Units (as defined below); and
 - iii. Revise the Ownership Ratios to reflect the updated Condominium Plan and the addition of Parking Units.

B. DEFINITIONS

1. Unless specifically defined herein or the context clearly requires a different meaning, the words and phrases used herein that are defined in the Declaration and not otherwise defined in this Amendment shall have the meanings ascribed to them in the Declaration. The following terms shall be added to and shall be, and hereby are, a part of Article I of the Declaration:

"Parking Unit" shall mean any parking space(s) and associated storage unit(s) located in the Parking Garage (as shown on the Condominium Plan).

"Parking Unit Owner" means the Person or Person(s) whose estates or interests, individually or collectively, aggregate fee simple absolute ownership of a Parking Unit.

- C. The following paragraph shall be, and hereby is, added to Article II of the Declaration as paragraph 2.05:
 - Section 2.05 <u>Dimension of Parking Units</u>. The Parking Units are depicted on the Condominium Plan attached hereto as Exhibit "B", which Plans are incorporated herein by this reference, are measured from the center of the painted stripe to the center of the painted stripe and to the inside wall of the storage unit, and are limited to the air space immediately above surface of horizontal plane of the concrete sub-floor for the purposes of vehicular parking.
- D. The following paragraph shall be, and hereby is, added to Article III of the Declaration as paragraph 3.05:
 - Section 3.05 <u>Use of Parking Facility Common Elements.</u> The following described Common Elements shall be assigned and allocated to the Parking Units as shown on the Plans: all common hallways, stairwells, ramps, drive-lanes, elevator and elevator systems, security systems, driveway entrances, garage doors and related systems and facilities relating to the operation and maintenance of the Parking Facility.
- E. The following paragraph shall be, and hereby is, added to Article III of the Declaration as paragraph 3.06:
 - Section 3.06 <u>Easement to Parking Unit Owners</u>. A valid exclusive easement is hereby declared and established for the benefit of each Parking Unit Owner and any Authorized Users consisting of the non-exclusive right to use and enjoy the Common Elements hereby established, including, but not limited to, those portions of the Parking Facility, as shown on the Plans, designated for the common use by each Parking Unit Owner. The term "Authorized Users" shall be limited to a Parking Unit Owner's respective agents, mortgagees, lessees, employees, customers and invitees.

No Parking Unit Owner shall have any right to access, occupy or use any Parking Unit exclusively assigned and allocated to any other Parking Unit Owner.

- F. The following paragraph shall be, and hereby is, added to Article VII of the Declaration as paragraph 7.02:
 - Section 7.02 <u>Permitted Uses Parking Units</u>. Except as otherwise provided herein, and subject to all other provisions of this Declaration and to all other restrictions and limitations set forth herein, all Parking Units within the Parking Garage shall only be used for parking, not

storage, of operational motor vehicles, unless such storage is specifically approved by the Board.

G. <u>AUTHORIZATION BY DECLARANT</u>

This First Amendment shall only require the execution of one manager of the Declarant.

H. <u>RATIFICATION</u>

All of the terms, covenants, declarations and conditions of the Declaration shall continue in full force and effect, and the same are hereby reaffirmed, remade and rewritten, except to the extent that any such terms. Covenants, declarations or conditions have been modified or nullified hereby or conflict or are inconsistent with the terms of this Amendment, in which event the terms of this Amendment shall, in all respects, govern and prevail.

I. ATTACHMENTS

The following are attached hereto and incorporated herein by this reference and shall replace the attachments which are appended to the Declarations:

Exhibit "A" – Legal Description of Property
Exhibit "B" – Condominium Plan
Exhibit "C" – Ownership Ratios

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed in its behalf.

1308 JACKSON DEV, L.L.C.

MIN

	By: UUIL
	Michael Brannan, Manager
STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)
Manager of 1308 Jackson DEV	, 2009, before me appears ally known, who, being by me duly sworn, did say that he is the L.L.C. and acknowledged that he executed the foregoing mited liability company as the free act and deed of said limited

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

GENERAL NOTARY - State of Nebraska SHAUN JAMES My Comm. Exp. May 30, 2010

Notary Public

CONSENT OF MORTGAGEE

The undersigned, Northwest Bank, f/k/a Gateway Community Bank, a division of Northwest Federal Savings Bank, being the holder of a Deed of Trust, recorded in the records of the Register of Deeds for Douglas County, on the parcel or tract of real estate forming the subject matter of the foregoing First Amendment to Declaration, hereby consents to the recording of said First Amendment to Declaration and the submission of said parcel or tract of real estate to the provisions of the Nebraska Condominium Act, and agrees that its said Deed of Trust shall be subject to the provisions of said Act and said First Amendment to Declaration and the Exhibits appended thereto.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on its behalf and its corporate seal to be hereunto affixed.

	By: Coly h Malusuc Name: LARRY W. MARINOVI Title: EXECUTIVE VICE PRESIDENT
STATE OF NEBRASKA)	
COUNTY OF DOUGLAS)	SS.
On this 4th day of A	, 2009, before me appeared to me personally known, who, being by me
Larry W. Marinov	to me personally known, who, being by me
duly sworn, did say that he is th	e Executive Vice President of
	Community Bank, a division of Northwest Federal
Savings Bank and that said instr	rument was signed and sealed on behalf of said bank by
	ors, and he acknowledged said instrument to be the free
act and deed of said hank	·

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

Ruan Bealets
Notary Public

NORTHWEST BANK, f/k/a GATEWAY COMMUNITY BANK, a division of Northwest Federal Savings Bank

GENERAL NOTARY-State of Nebraska
LUANN BLACKETER
My Cornin. Exp. Oct. 31, 2009

CONSENT OF MORTGAGEE

The undersigned, Morrison Enterprises, LLC, being the holder of a Deed of Trust, recorded in the records of the Register of Deeds for Douglas County, on the parcel or tract of real estate forming the subject matter of the foregoing First Amendment to Declaration, hereby consents to the recording of said First Amendment to Declaration and the submission of said parcel or tract of real estate to the provisions of the Nebraska Condominium Act, and agrees that its said Deed of Trust shall be subject to the provisions of said Act and said First Amendment to Declaration and the Exhibits appended thereto.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on its behalf and its corporate seal to be hereunto affixed.

By: Semest mon 1. 572/ Title: Mane 2. 572/

MORRISON ENTERPRISES, LLC

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

A GENERAL NOTARY - State of Nebraska LISA M. SCHREINER My Comm. Exp. March 5, 2013

Notary Public

EXHIBIT "A"

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM JLOFTS CONDOMINIUM

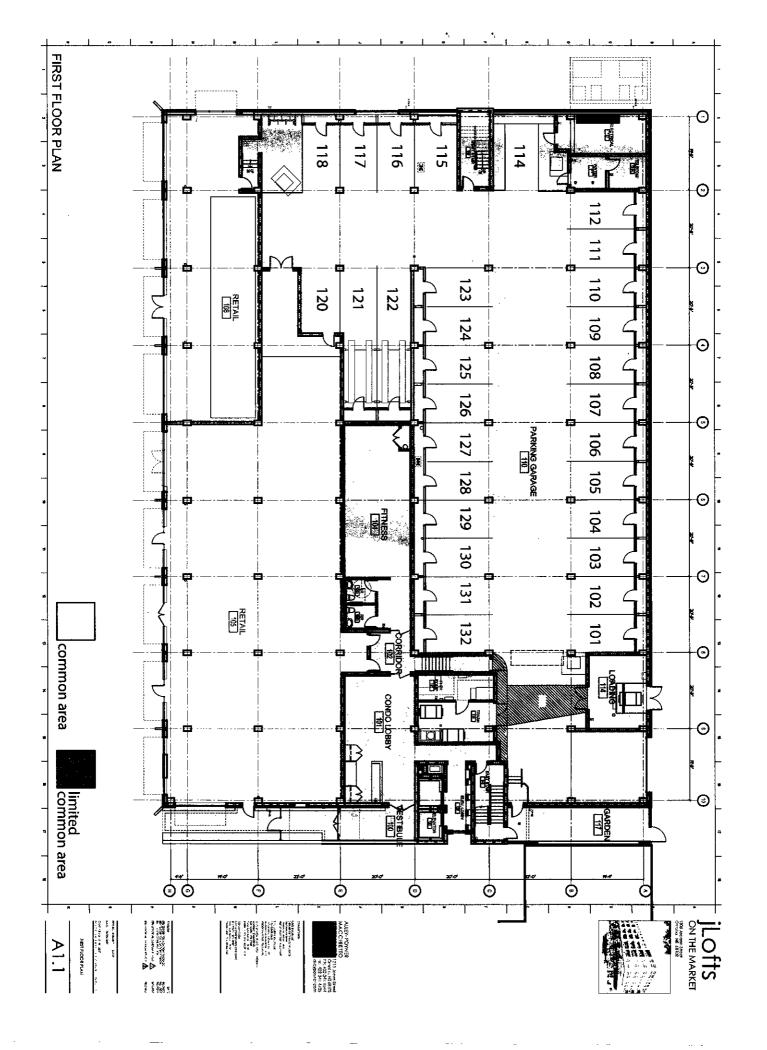
LEGAL DESCRIPTION OF PROPERTY

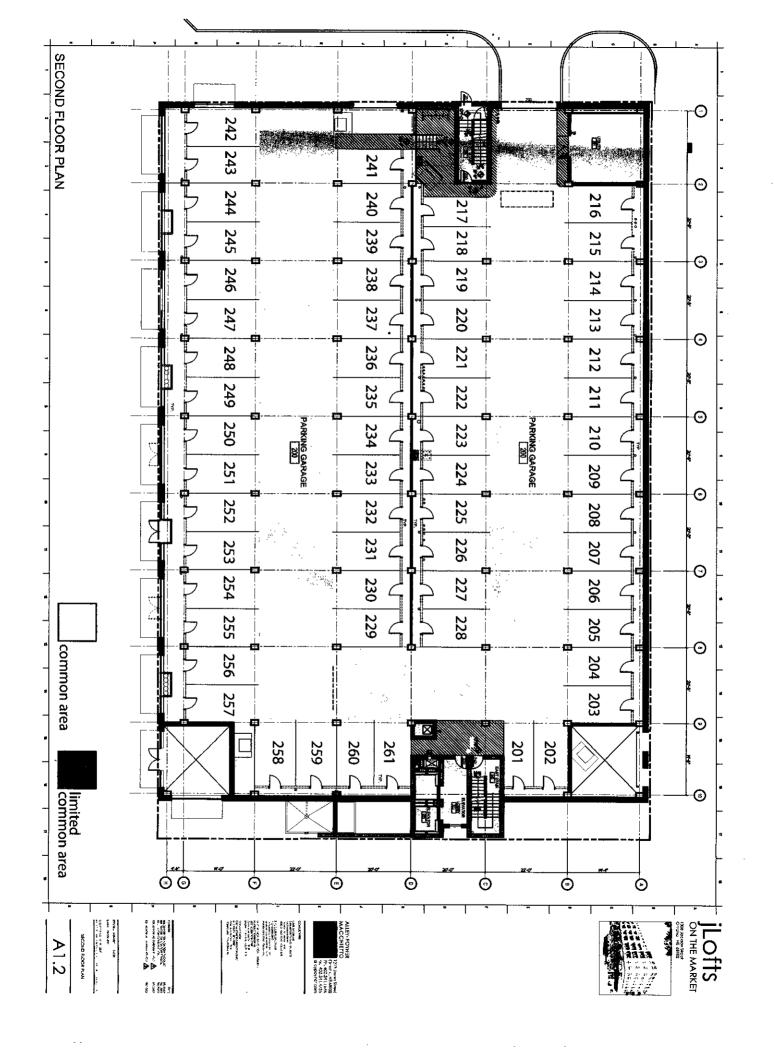
Lots 301-317, 401-417, 501, 503-505, 507-517, 601, 603, 605, 608, 610, 612, 614, 616 of jLofts Condominium, a Condominium property regime organized under the laws of the State of Nebraska in the City of Omaha, Douglas County, Nebraska pursuant to Condominium Declaration filed 6/9/2008 as instrument number 2008056896 of the records of Douglas County, Nebraska, and any amendments thereto.

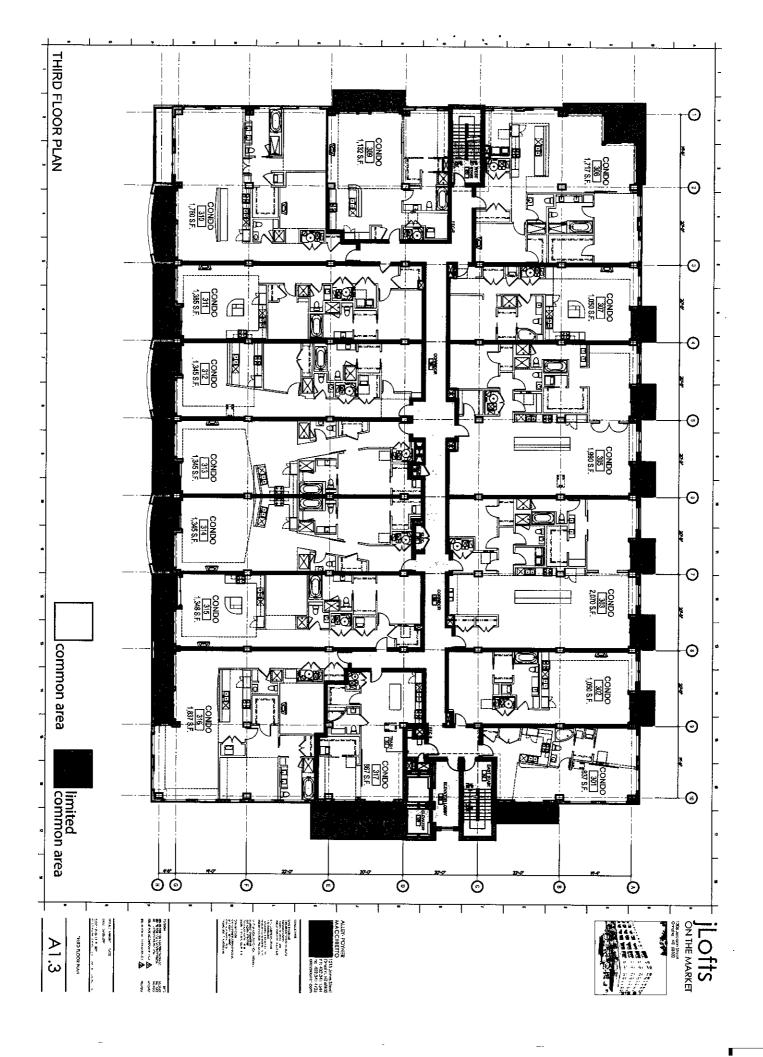
EXHIBIT "B"

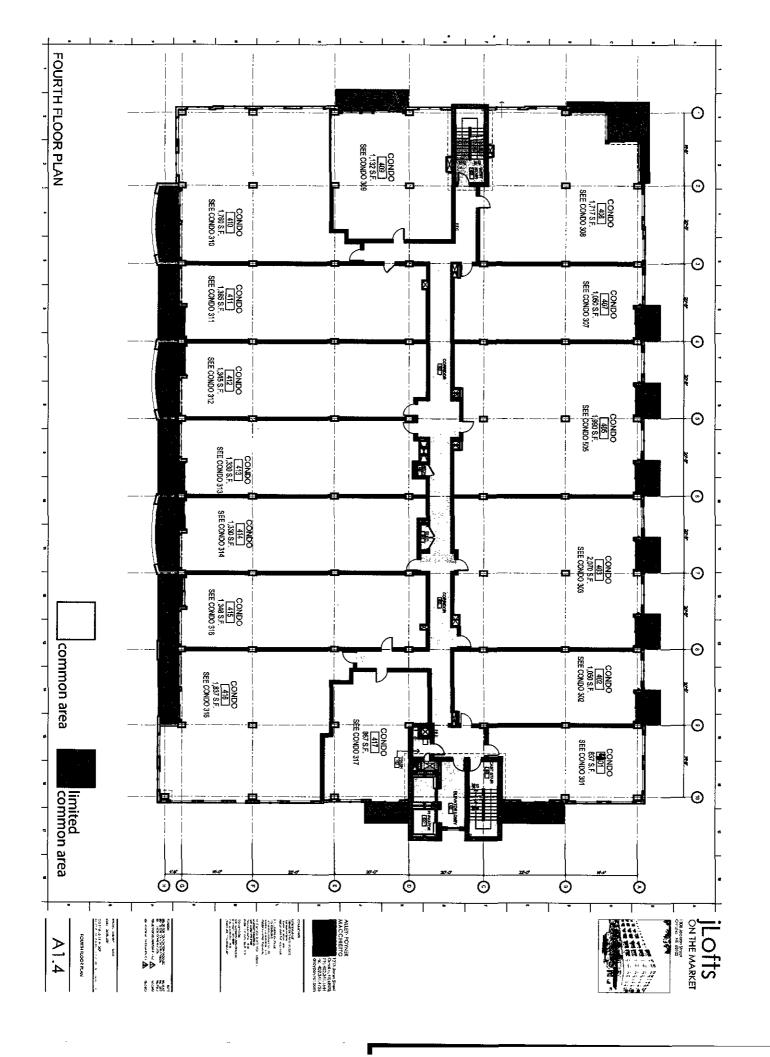
FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM JLOFTS CONDOMINIUM

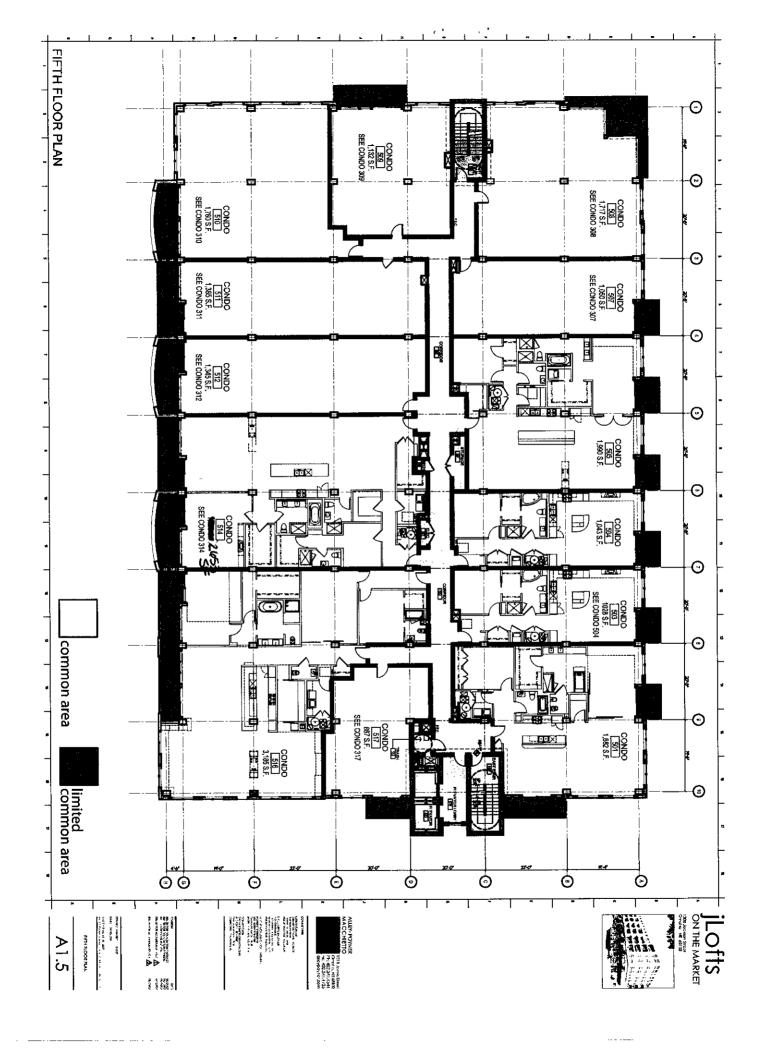
CONDOMINIUM PLAN

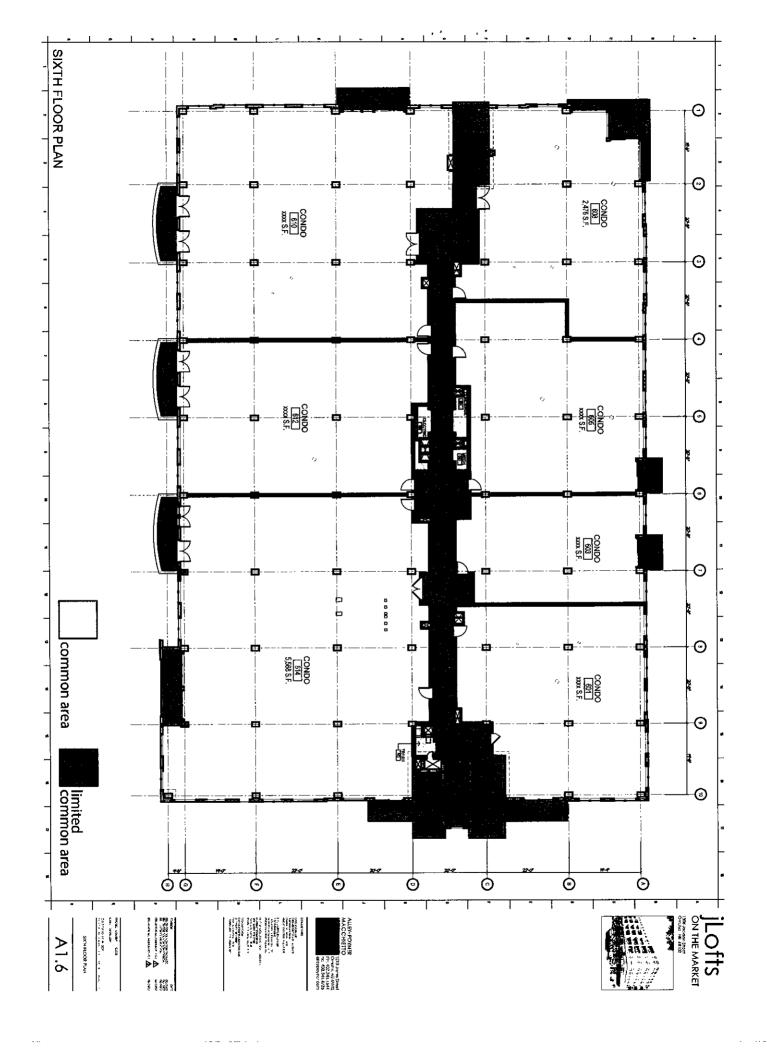












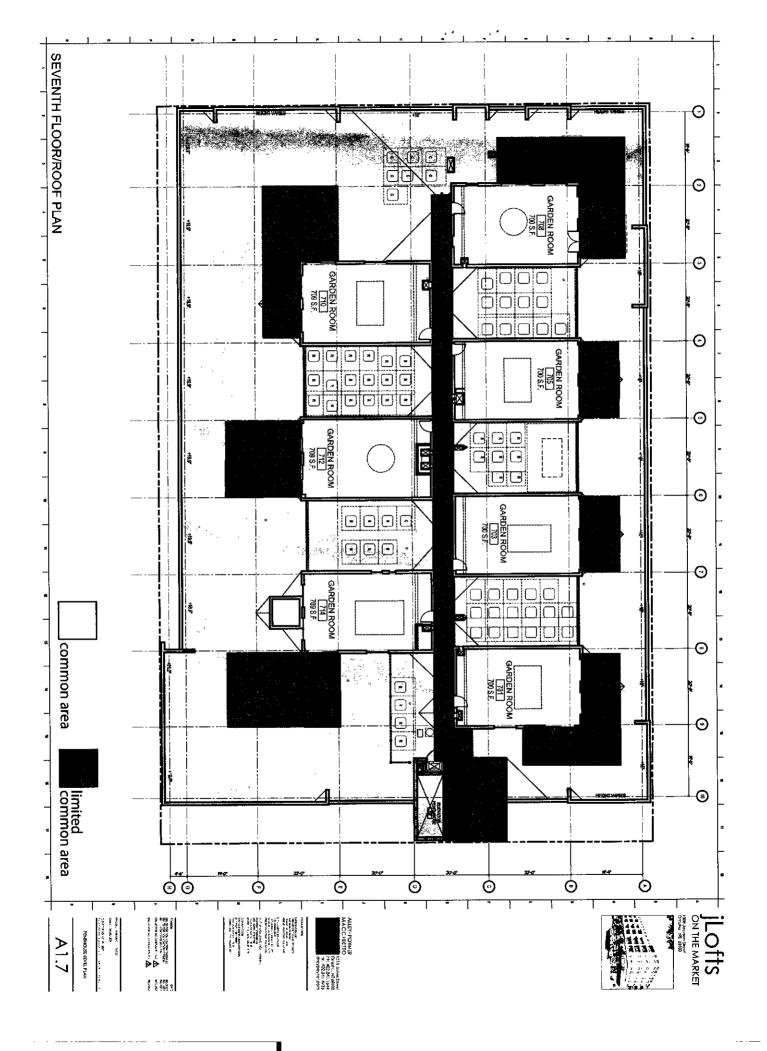


EXHIBIT "C"

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM JLOFTS CONDOMINIUM

OWNERSHIP RATIOS

#27730

jLofts, on the Market HOA Ownership Ratios 08.05.09

FLOOR 3	Total :	Sa Ft		110211
UNIT#		q Ft	% Ownership	
	301	858	•	0.7785%
	302	1045		0.9482%
	303	2073		1.8809%
X				0.0000%~
	305	1989		1.8047%
X				0.0000%/
	307	1047		0.9500%
	308	1723		1.5634%
	309	1139		1.0335%
	310	1788		1.6223%
	311	1369		1.2422%
	312	1350		1.2249%
	313	1324		1.2013%
	314	1328		1.2050%
	315	1369		1.2422%
	316	1850		1.6786%
	317	874		0.7930%
ELOOD 4				
FLOOR 4 UNIT#	64	O ET	0/ 1104	
OMII #		Q FT	% HOA	0 77050
	401	858		0.7785%
	402 403	1045 2073		0.9482%
v	403	2013		1.8809%
X	405	1989		0.0000%⊬ 1.8047%
x	403	1303		0.0000% ~
^	407	1047		0.9500%
	408	1723		1.5634%
	409	1139		1.0335%
	410	1788		1.6223%
	411	1369		1.2422%
	412	1350		1.2249%
	413	1324		1.2013%
	414	1328		1.2050%
	4 15	1369		1.2422%
	416	1850		1.6786%
	417	874		0.7930%
FLOOR 5	-			
UNIT#		QFT	% HOA	
	501 500	1892		1.7167%
	503	1032		0.9364%
	504 505	1053 1989		0.9554%
	505 507	1047		1.8047%
	507 508	1723		0.9500% 1.5634%
•	509	1139		1.0335%
	510	1788		1.6223%
	510 511	1369		1.2422%
	512	1350		1.2249%
	· ##8 514	2653		2.4072%
		2000		2.4072%
				1

*	3 5	6 3233		2.9335%
•	547	074		
	517	874		0.7930%
FLOOR 6 & Garden R	oome			
UNIT #	COMIS	SQ FT	% HOA	
9141 II	601	3190	70 HQA	2.8944%
	603	2248		2.0397%
	605	3125		2.8355%
	608	3187		2.8917%
	610	4982		4.5204%
	612	3466		3.1449%
	614	6250		5.6709%
	616			0.0000% ~
Res Sq Ft		89842		
Parking Spaces				
	101	220		0.1996%
	102	220		0.1996%
	103	220		0.1996%
	104	220		0.1996%
	105	220		0.1996%
	106	220		0.1996%
	107 108	220		0.1996%
	108	220		0.1996%
	110	220		0.1996%
	111	220 220		0.1996% 0.1996%
	112	213		0.1933%
X	112	213		0.0000%
^	114	185		0.1679%
	115	236		0.2141%
	116	205		0.1860%
	117	205		0.1860%
	118	205		0.1860%
x				0.0000%
	120	189		0.1715%
	121	415		0.3766%
	122	380		0.3448%
	123	219		0.1987%
	124	219		0.1987%
	125	219		0.1987%
	126	219		0.1987%
	127	219		0.1987%
	128	219		0.1987%
	129	219		0.1987%
	130 131	219		0.1987%
	132	219 219		0.1987% 0.1987%
	201	176		0.1597%
	202	206		0.1397%
•	203	219		0.1987%
	204	219		0.1987%
	205	219		0.1987%
	206	219		0.1987%
	207	219		0.1987%
	208	219		0.1987%
	209	219		0.1987%

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211	219	0.1987%
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216	219	0.1987%
217	163	0.1479%
218	210	0.1905%
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238	210	0.1905%
239	210	0.1905%
240	210	0.1905%
241	170	0.1542%
242	258	0.2341%
243	244	0.2214%
244	258	0.2341%
245	258	0.2341%
246	258	0.2341%
247	258	0.2341%
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250	258	0.2341%
251	258	0.2341%
252	258	0.2341%
253	258	0.2341%
254	258	0.2341%
255	258	0.2341%
256	258	0.2341%
257	258	0.2341%
258	208	0.1887%
259	208	0.1887%
260	208	0.1887%
261	177	0.1606%

20369 100%

47