



MISC 2009121174



NOV 10 2009 15:33 P 2

Fee amount: 10.50  
FB: 64-40589  
COMP: BW

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
11/10/2009 15:33:48.00



2009121174

RETURN TO: *Space Above Reserved for Recording Information*

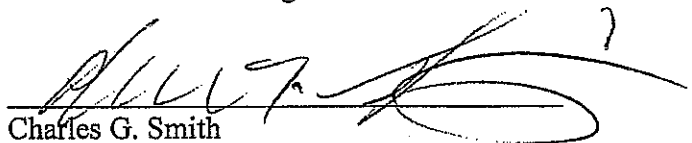
Steven J. Woolley  
MCGILL, GOTSCHNER, WORKMAN & LEPP, P.C., L.L.O.  
11404 W. Dodge Rd., Suite 500  
Omaha, NE 68154-2584

### SUBORDINATION AGREEMENT

Charles G. Smith ("Smith"), for One Dollar (\$1.00) and other valuable consideration, does hereby subordinate any and all interest he may have in and to the real estate legally described as Lot 5, Walnut Grove Plaza Replat Three, an Addition to the City of Omaha, Douglas County, Nebraska ("Real Estate") and in and to any improvements and fixtures thereon and therein, to a Construction Deed of Trust from West Bay, Inc., a Nebraska corporation, as Trustor, to Great Western Bank, a South Dakota banking corporation ("Bank"), as Trustee and Beneficiary, dated July 18, 2003, recorded September 16, 2003 in the office of the Register of Deeds of Douglas County, Nebraska as Instrument #2003-178219 as amended by an Amendment to Construction Deed of Trust dated November 6, 2009, recorded November 10, 2009 in the office of the Register of Deeds of Douglas County, Nebraska as Instrument #2009-120818 (collectively the "Superior Trust Deed") and to the indebtedness described within the Superior Trust Deed.

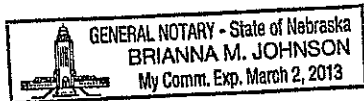
Without in any way limiting the foregoing, the undersigned specifically hereby subordinates to the Superior Trust Deed the Second Deed of Trust executed by West Bay, Inc., Trustor, in favor of Mark L. Laughlin, attorney at law, Trustee, and the undersigned, as Beneficiary, dated May 30, 2008, filed October 1, 2008 as Instrument #2008-095810 in the office of the Register of Deeds of Douglas County, Nebraska. It is the intention of the undersigned that Bank have a first and superior lien in the Real Estate and in all improvements thereto and in all fixtures therein, superior to the lien therein of the undersigned.

Date: November 5<sup>th</sup>, 2009

  
Charles G. Smith

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

SUBSCRIBED and sworn to before me, a notary public, this 5<sup>th</sup> day of November, 2009, by Charles G. Smith.



Brianna M. Johnson  
Notary Public

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