

2015-26429

10/28/2015 11:37:13 AM

Cloyd J. Dowling

REGISTER OF DEEDS

COUNTER	<u>P</u>	C.E.	<u>P</u>
VERIFY	<u>P</u>	D.E.	<u>P</u>
PROOF	<u>P</u>		<u>P</u>
FEES \$	<u>64.00</u>		
CHECK#	<u>25864</u>		
CHG		CASH	
REFUND		CREDIT	
SHORT		NCR	



FIFTH AMENDMENT TO CONDOMINIUM DECLARATION

**Silverthorne Condominium
1910 Thurston Avenue
Bellevue, Nebraska 68005**

Ed

Record and Return to: James E. Lang, 11718 Nicholas Street, Suite 101, Omaha, NE 68154

**FIFTH AMENDMENT TO
CONDOMINIUM DECLARATION**

**Silverthorne Condominium
1910 Thurston Avenue
Bellevue, Nebraska 68005**

This Fifth Amendment (the "Fifth Amendment") to the Condominium Declaration, Silverthorne Condominium, 1910 Thurston Avenue, Bellevue, Nebraska 68005, a Condominium Regime dated June 12, 2007, and recorded on June 14, 2007, as Instrument No. 2007-17557 of the records of the Registrar of Deeds of Sarpy County, Nebraska (the "Condominium Declaration"), as amended by the First Amendment ("First Amendment") to the Condominium Declaration executed on October 10, 2008 and dated October 13, 2008 and recorded on October 23, 2008 as Instrument No. 2008-29308 of the records of the Registrar of Deeds of Sarpy County, Nebraska, as amended by the Second Amendment ("Second Amendment") to the Condominium Declaration executed on December 15, 2008 and recorded on December 17, 2008 as Instrument No. 2008-33151 of the records of the Registrar of Deeds of Sarpy County, Nebraska, as amended by the Third Amendment ("Third Amendment") to the Condominium Declaration dated on October 11, 2013 and recorded on October 21, 2013 as Instrument No. 2013-32668 of the records of the Registrar of Deeds of Sarpy County, Nebraska, and as amended by the Fourth Amendment ("Fourth Amendment") to Condominium Declaration dated August 12, 2014 and recorded on August 17, 2015 as Instrument No. 2014-17868 of the records of the Register of Deeds of Sarpy County, Nebraska, is made this 22nd day of October, 2015, by Silverthorne Partners, LLC, a Nebraska limited liability company who is the Declarant ("Declarant") under the Condominium Declaration.

WHEREAS, by the recording of the Condominium Declaration on June 14, 2007, the Declarant created Silverthorne Condominium whose address is 1910 Thurston Avenue, Bellevue, Nebraska; and

WHEREAS, attached to the Condominium Declaration as Exhibit "A", the First Amendment as Exhibit "A", the Second Amendment as Exhibit "A", the Third Amendment as Exhibit "A", the Fourth Amendment as Exhibit "A", and this Fifth Amendment as Exhibit "A" is the legal description of the Property against which the Condominium Declaration is recorded; attached to the Condominium Declaration as Exhibit "A-1", to the First Amendment as Exhibit "A-1", to the Second Amendment as Exhibit "A-1", to the Third Amendment as Exhibit "A-1", to the Fourth Amendment as Exhibit "A-1", and to this Fifth Amendment as Exhibit "A-1", is the As-Built Survey and Plans which sets forth the location and dimensions of the improvements, together with the other information required by the Condominium Act; and attached to the Condominium Declaration as Exhibit "B", to the First Amendment as Exhibit "B", to the Second Amendment as Exhibit "B", to the Third Amendment as Exhibit "B", to the Fourth Amendment as Exhibit "B", and to this Fifth Amendment as Exhibit "B", is the Unit Number and Percentage Interest of each Unit; and

WHEREAS, the Declarant desires by this Fifth Amendment to amend the Condominium Declaration, as amended, to include Unit Nos. 1913-1 through 1913-12, which are within Lot 3, Hillcrest Replat IV, a subdivision in Sarpy County, Nebraska, as authorized pursuant to Article 5.1 of the Condominium Declaration, as amended.

NOW THEREFORE, the Declarant hereby amends the Condominium Declaration, as amended, as follows:

1. Article 9.12 of the Condominium Declaration is hereby amended to include 12 additional existing Dwelling Units, all of which include an attached garage which is appurtenant to and part of the Dwelling Units as shown on Exhibit "A-1" attached hereto within the Development Area. As a result of the inclusion of the additional units and their attached garages, the Unit Number Percentage Interest of each Unit is amended as set forth in Exhibit "B" of this Declaration.

2. The following Definitions set forth in Paragraph 3 of the Declaration shall be amended as follows:

"Development Area" means the real estate legally described as Lot 1, Hillcrest Replat 3, Lot 39A, Hillcrest, Lots 2, 3 and 4, Hillcrest Replat IV, additions to the City of Bellevue, as surveyed, platted and recorded, in Sarpy County, Nebraska, and any additional area which the Declarant adds pursuant to Section 5.1 of this Declaration. None of the covenants, conditions, restrictions or easements contained herein shall burden any portion of the Development Area, unless and until such portion is made a part of the Condominium.

"Land" means the real property described in Exhibit "A" attached hereto, exclusive of the Buildings, and all easements and rights appurtenant thereto.

3. Paragraph 4 of the Declaration entitled "Buildings" shall amended to read as follows:

Buildings. The location and dimensions of the Buildings and the eighty-one (81) parking spaces on the Land are shown on the Condominium Plat attached to the Declaration as Exhibit "A-1" and attached hereto as Exhibit "A-1".

4. Paragraph 5.1 of the Declaration entitled "Unit Number and Percentage Interest" shall be amended to state that the Condominium currently includes 54 Dwelling Units, all of which include an attached garage which is appurtenant to and part of the Dwelling Unit.

5. All of the terms and conditions of the Condominium Declaration shall bind and run to the benefit of Units 1913-1 through 1913-12 as set forth in the Condominium Declaration as amended previously and herein.

6. That except as otherwise amended herein, all of the other terms, conditions and restrictions of the Condominium Declaration, as amended, shall remain in full force and effect as stated.

IN WITNESS WHEREOF, the Declarant has executed and acknowledged this Fifth Amendment to the Declaration on and as of the date first above written.

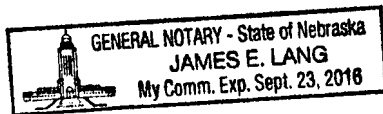
SILVERTHORNE PARTNERS, LLC,
a Nebraska limited liability company

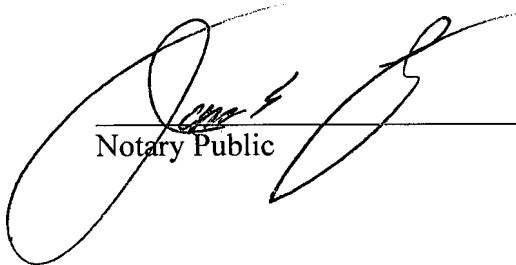
By 
Kirk Estee, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 22nd day of October, 2015, by Kirk Estee, a Manager of Silverthorne Partners, LLC, a Nebraska limited liability company, on behalf of the company.

[SEAL]




Notary Public

CONSENT TO AND RATIFICATION OF FIFTH AMENDMENT
TO THE CONDOMINIUM DECLARATION

Enterprise Bank, a state chartered bank ("Lender"), hereby consents to the foregoing Fifth Amendment to Condominium Declaration; agrees that the Property identified in said Condominium Declaration on which it has a lien shall be owned, held, transferred, sold, leased, conveyed, developed, used, occupied, operated, improved, mortgaged or otherwise encumbered subject to the provisions of said Condominium Declaration, as amended by the Fifth Amendment; agrees that said Condominium Declaration, as amended herein, and all of its provisions shall be and are covenants running with the Property, and shall be binding upon Lender and its successors and assigns; and Lender hereby ratifies and approves the recordation of the Fifth Amendment to Condominium Declaration in the office of the Registrar of Deeds of Sarpy County, Nebraska.

LENDER:

ENTERPRISE BANK, a state chartered bank

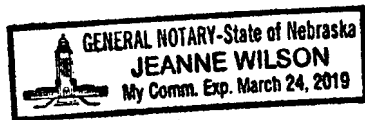
By: David Olson
David Olson, Vice President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 26 day of October, 2015, by David Olson, the Vice President of Enterprise Bank, a state chartered bank, on behalf of such bank.

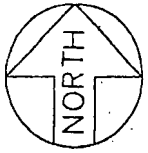
[SEAL]

Jeanne Wilson
Notary Public



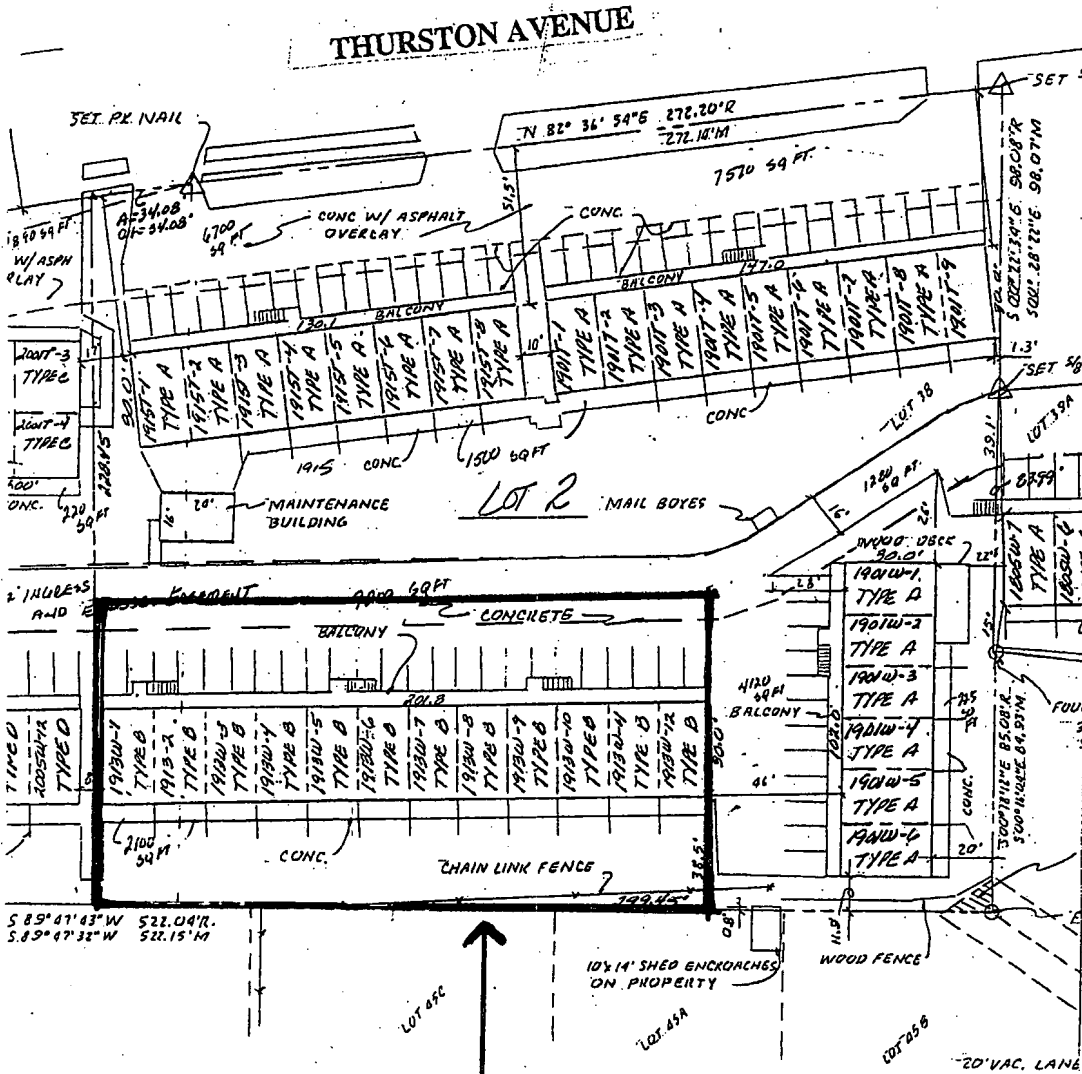
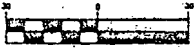
SILVER THORNE CONDOMINIUM PROPERTY REGIME # 5

E



BELLEVUE, NEBRASKA

LOT 3 HILLCREST REPLAT 3, AS SURVEYED, PLATTED AND
RECORDED IN SARPY COUNTY, NEBRASKA.



512

LOT 39A

by certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly
ered Land Surveyor under the laws of the State of Nebraska.

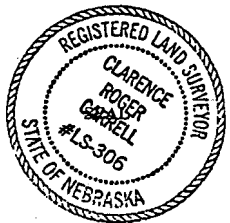
Clarence Roger Garrell
Signature of Land Surveyor
Date 5-14-07
Reg. No. 306

Units 1913-1
through 1913-12

GENERAL NOTES:

- ALL BUILDINGS ARE TWO STORY MASONRY CONST.
- 1913 AND 2005 WINNIE ARE 12 UNITS
- 1901 AND 2005 THURSTON ARE 4 UNITS
- 1901 THURSTON IS 3 UNITS.
- 1910 THURSTON IS 3 UNITS.
- 1901 WERNER IS 6 UNITS.
- 1905 WERNER IS 7 UNITS.
- TYPE A, B AND D AREA IS 450 SQ. FT. MAIN FLOOR (INTERIOR)

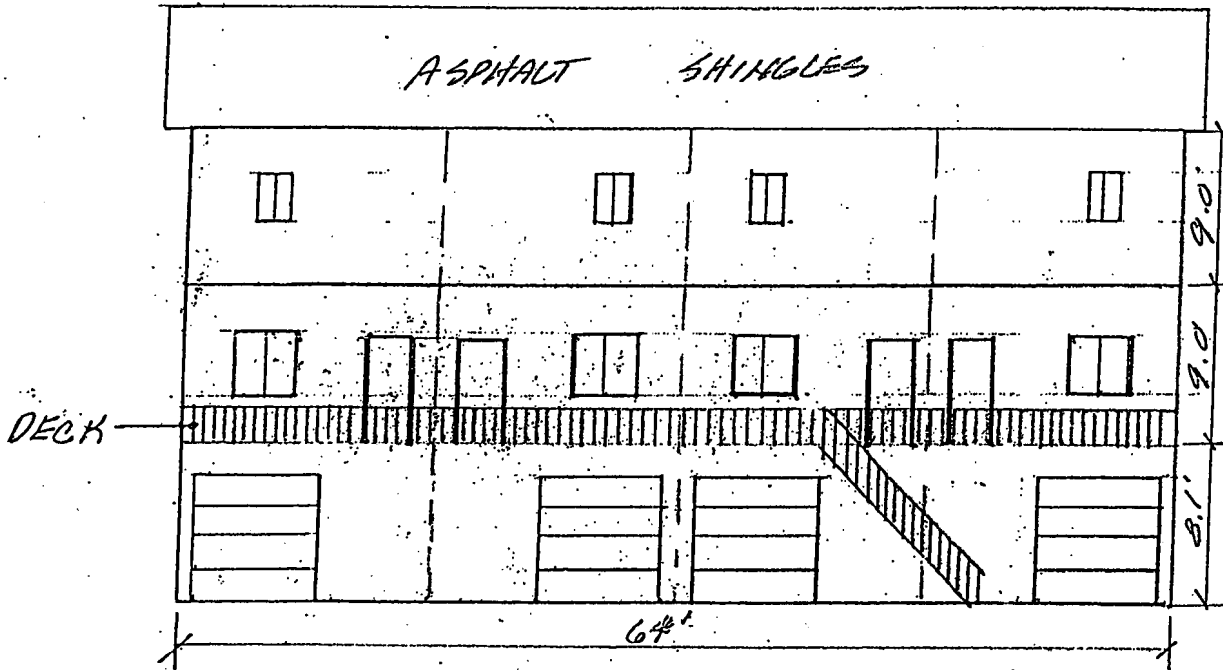
Exhibit "A-1"
(page 1 of 3)



GARRELL & ASSOCIATES, INC.
LAND SURVEYORS & CONSULTANTS
2004 South 110th Street Omaha, NE 68137 402-331-2223 / FAX: 402-331-6077

F G

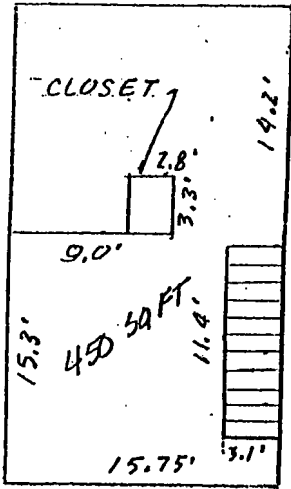
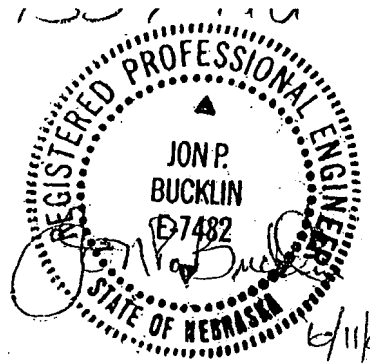
FRONT ELEVATION
4=PLEX
TYPICAL ELEVATION
FOR
1805, 1901, 1913 AND 2005 WINNIE DRIVE,
1901 AND 1915 THURSTON AVENUE



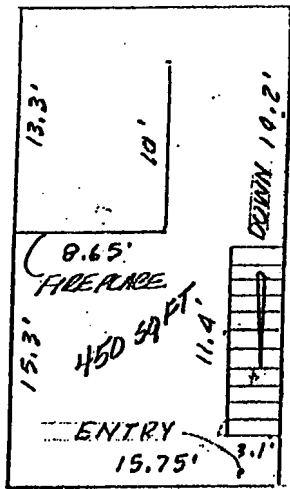
FRONT ELEVATION
4 UNIT

EXHIBIT "A-1"
(Page 2 of 3)

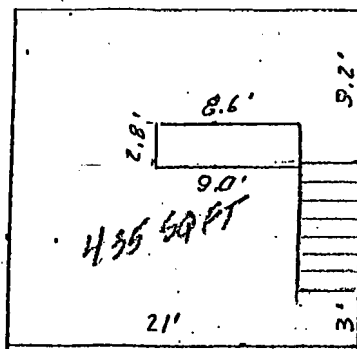
TYPICAL BUILDING LAYOUT (INTERIOR)



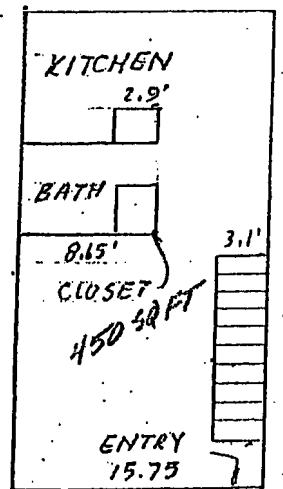
MAIN FLOOR
TYPE A



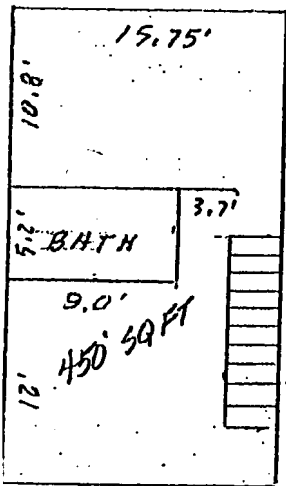
MAIN FLOOR
TYPE B



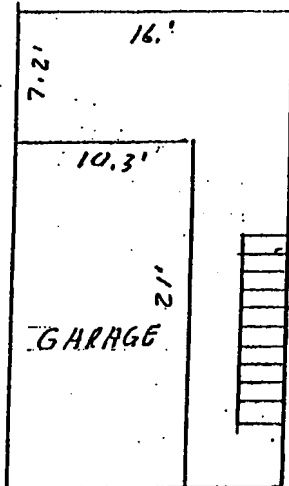
MAIN FLOOR
TYPE C



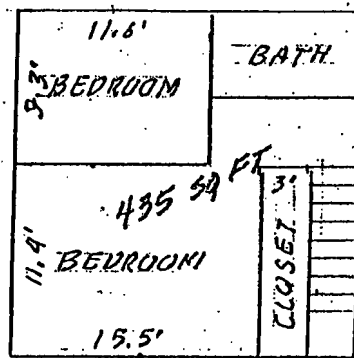
MAIN FLOOR
TYPE D



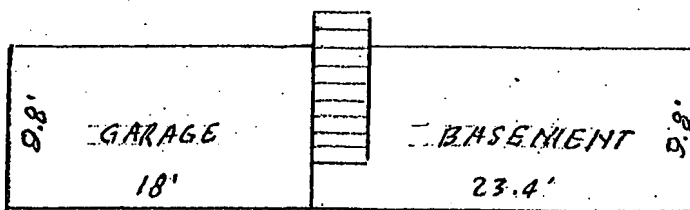
SECOND FLOOR
TYPE A, B, D



BASEMENT
TYPE A, B, D



SECOND FLOOR
TYPE C



BASEMENT
TYPE C

Silverthorne Public Offering Statement

Exhibit B

Estimated Per Unit Monthly Assessment

Total Estimated Annual Budget:	\$71,280.00
Total Estimated Monthly Budget:	\$5,940.00
Total Square Footage of All Units:	72,361 sq. ft.

Unit	Unit Sq. Ft of Main Floor and Second Floor	Sq. Ft of Garage and Basement Floor	Total Unit Sq. Ft	Percentage Interest	Est. Monthly Unit Assessment
Dwelling Units					
2001T-1	870	405.72	1,275.72	1.852%	\$110.00
2001T-2	870	405.72	1,275.72	1.852%	\$110.00
2001T-3	870	405.72	1,275.72	1.852%	\$110.00
2001T-4	870	405.72	1,275.72	1.852%	\$110.00
2005T-1	870	405.72	1,275.72	1.852%	\$110.00
2005T-2	870	405.72	1,275.72	1.852%	\$110.00
2005T-3	870	405.72	1,275.72	1.852%	\$110.00
2005T-4	870	405.72	1,275.72	1.852%	\$110.00
2005W-1	900	451.2	1,351.20	1.852%	\$110.00
2005W-2	900	451.2	1,351.20	1.852%	\$110.00
2005W-3	900	451.2	1,351.20	1.852%	\$110.00
2005W-4	900	451.2	1,351.20	1.852%	\$110.00
2005W-5	900	451.2	1,351.20	1.852%	\$110.00
2005W-6	900	451.2	1,351.20	1.852%	\$110.00
2005W-7	900	451.2	1,351.20	1.852%	\$110.00
2005W-8	900	451.2	1,351.20	1.852%	\$110.00
2005W-9	900	451.2	1,351.20	1.852%	\$110.00
2005W-10	900	451.2	1,351.20	1.852%	\$110.00
2005W-11	900	451.2	1,351.20	1.852%	\$110.00
2005W-12	900	451.2	1,351.20	1.852%	\$110.00
1805W-1	900	451.2	1,351.20	1.852%	\$110.00
1805W-2	900	451.2	1,351.20	1.852%	\$110.00
1805W-3	900	451.2	1,351.20	1.852%	\$110.00
1805W-4	900	451.2	1,351.20	1.852%	\$110.00
1805W-5	900	451.2	1,351.20	1.852%	\$110.00
1805W-6	900	451.2	1,351.20	1.852%	\$110.00
1805W-7	900	451.2	1,351.20	1.852%	\$110.00
1901W-1	900	451.2	1,351.20	1.852%	\$110.00
1901W-2	900	451.2	1,351.20	1.852%	\$110.00
1901W-3	900	451.2	1,351.20	1.852%	\$110.00
1901W-4	900	451.2	1,351.20	1.852%	\$110.00
1901W-5	900	451.2	1,351.20	1.852%	\$110.00
1901W-6	900	451.2	1,351.20	1.852%	\$110.00
1901T-1	900	451.2	1,351.20	1.852%	\$110.00
1901T-2	900	451.2	1,351.20	1.852%	\$110.00

1901T-3	900	451.2	1,351.20	1.852%	\$110.00
1901T-4	900	451.2	1,351.20	1.852%	\$110.00
1901T-5	900	451.2	1,351.20	1.852%	\$110.00
1901T-6	900	451.2	1,351.20	1.852%	\$110.00
1901T-7	900	451.2	1,351.20	1.852%	\$110.00
1901T-8	900	451.2	1,351.20	1.852%	\$110.00
1901T-9	900	451.2	1,351.20	1.852%	\$110.00
1913-1	900	451.2	1,351.20	1.852%	\$110.00
1913-2	900	451.2	1,351.20	1.852%	\$110.00
1913-3	900	451.2	1,351.20	1.852%	\$110.00
1913-4	900	451.2	1,351.20	1.852%	\$110.00
1913-5	900	451.2	1,351.20	1.852%	\$110.00
1913-6	900	451.2	1,351.20	1.852%	\$110.00
1913-7	900	451.2	1,351.20	1.852%	\$110.00
1913-8	900	451.2	1,351.20	1.852%	\$110.00
1913-9	900	451.2	1,351.20	1.852%	\$110.00
1913-10	900	451.2	1,351.20	1.852%	\$110.00
1913-11	900	451.2	1,351.20	1.852%	\$110.00
1913-12	900	451.2	1,351.20	1.852%	\$110.00
		Total:	72,361.00		\$5,940.00