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Return to: Scott A. Meyerson, STINSON MORRISON HECKER LLP, 1299 Farnam St., #1501, Omaha, NE 68102

(Above Space Reserved for Register of Deeds)

Document Title: Amendment to Declaration of Condominium for St. Clair Condominiums (n/k/a St. Clare Condominiums)

Document Date: October 25, 2005

Grantor Name: The Condos at St. Clare LLC f/k/a The Condos at St. Clair LLC

Grantee Names: None

Grantor's Address: c/o Scott A. Meyerson, Esq.
Stinson Morrison Hecker LLP
1299 Farnam St., #1501
Omaha, Nebraska 68102

City of Omaha, Douglas County, Nebraska

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AMENDMENT TO DECLARATION OF CONDOMINIUM

FOR

**ST. CLARE CONDOMINIUMS
(f/k/a St. Clair Condominiums)**

October 25, 2005

The Condos at St. Clare LLC f/k/a The Condos at St. Clair LLC
2313 & 2315 Harney St.
Omaha, Nebraska 68102

AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR
ST. CLARE CONDOMINIUMS
(f/k/a St. Clair Condominiums)

THIS AMENDMENT TO DECLARATION ("Amendment") is made this 25th day of October, 2005 by The Condos at St. Clare LLC f/k/a The Condos at St. Clair LLC, a Nebraska limited liability company, (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 Attachment 1 hereto. Declarant remains the sole and exclusive owner of all of such property and all of the Units as of the filing of this Amendment.

2. On or about August 12, 2005 Declarant filed a Declaration with the Register of Deeds of Douglas County, Nebraska at Instrument No. 2005099390 (the "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 and correct the Declaration.

B. DEFINITIONS

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 which are defined in Section 1.1 of the Declaration shall be amended and corrected to have the following meanings for use herein or elsewhere in any condominium documents or the Declaration relating to the St. Clare Condominiums:

c. Association – St. Clare Condominium Association (hereinafter referred to as the "Association") a Nebraska not-for-profit corporation.

d. Building – The structures located on the Property containing twenty-four (24) Units.

h. Condominium – The condominium created by the Declaration and formerly known as the St. Clair Condominiums, is now known as the St. Clare Condominiums.

i. Declarant – The Condos at St. Clare LLC f/k/a The Condos at St. Clair LLC, or any person, firm or corporation to whom The Condos at St. Clare LLC f/k/a The Condos at St. Clair LLC transfers its rights prior to the time when all Units in the Condominium have been sold.

o. Plat and Plans – The drawings attached hereto as Attachment 2 which were prepared by a registered land surveyor and which contain the information required by subsections b and d of Neb. Rev. Stat. § 76-846 of the Act, as such drawings may be amended from time to time by amendments thereto.

r. Unit or Condominium Unit – A physical portion of the Condominium designated for separate ownership or occupancy and identified as Units 100, 101, 102, 103, 104, 105, 201, 202, 203, 204, 205, 301, 302, 303, 304, 305, 2001, 2002, 2101, 2102, 2201, 2202, 2301 and 2302 the boundaries of which are delineated on Attachment 2 hereto and further described in the Declaration. The Unit numbers and designations in the Declaration are hereby superseded pursuant hereto. A Unit includes (i) all lath, furring, wallboard, plasterboard, plaster, paneling, wallboard, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the finished surfaces in the Unit, (ii) all spaces, non-load bearing walls, interior partitions and other fixtures and improvements located within the boundaries of the Unit, and (iii) all utilities systems connecting from the breaker panel and running into the Unit.

C. UNITS

Section 2 of the Declaration shall be revised as follows:

2.1 The Declarant is obligated to construct twenty-four (24) Units.

D. OWNERSHIP OF THE COMMON ELEMENTS AND COVENANT AGAINST PARTITION

Section 3 of the Declaration shall be revised to include the following:

3.1. Each Unit Owner shall own an undivided interest in the Common Elements as a tenant in common equal to the percentage of ownership (hereinafter referred to as the "Percentage of Ownership") allocated to the respective Unit owned by such Unit Owner, as set forth in the schedule attached hereto as Attachment 3, as such schedule is amended from time to time by amendment hereto. The Percentages of Ownership have been computed and determined in accordance with the

following formula: the Unit's square footage divided by the total square footage of all of the Units in the Condominium. Such Percentages shall remain constant unless hereafter changed as provided in the Declaration or in accordance with the provisions of the Act.

E. ASSOCIATION OF UNIT OWNER; DECLARANT CONTROL

Section 6 of the Declaration shall be revised to include the following:

6.5 On matters that come before the Association, each owner will have one vote for each Unit owned. Accordingly, the aggregate number of votes for all members of the Association shall total twenty-four (24).

F. RATIFICATION

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.

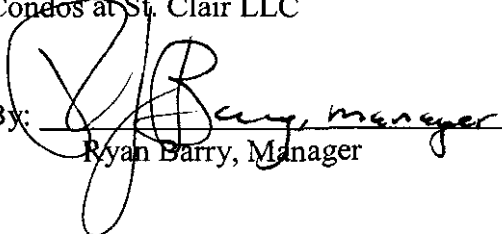
G. ATTACHMENTS

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

Attachment 1 - Description of the Property
Attachment 2 - Condominium Plat and Plans
Attachment 3 - Percentage of Ownership

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

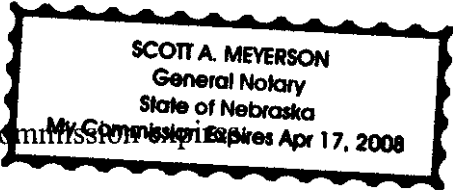
The Condos at St. Clare LLC f/k/a The
Condos at St. Clair LLC

By:  _____
Ryan Barry, Manager

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 26th day of October, 2005 before me appeared Ryan Barry to me personally known, who, being by me duly sworn, did say that he is the Manager of The Condos at St. Clare LLC f/k/a The Condos at St. Clair LLC and acknowledged that he executed the foregoing instrument in behalf of such limited liability company as the free act and deed of said limited liability company.

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



[Handwritten Signature]


Notary Public

My commission expires

CONSENT OF MORTGAGEE

The undersigned, First Westroads Bank, a national bank, being the holder of a Deed of Trust, recorded in the records of the Recorder of Deeds for Douglas County, on the parcel or tract of real estate forming the subject matter of the foregoing Declaration, hereby consents to the recording of said 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 Declaration and the Exhibits appended thereto.

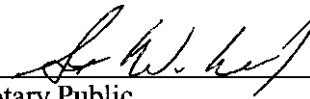
IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on its behalf and its corporate seal to be hereunto affixed.

By: 
Name: TIMOTHY F. DONNELLY
Title: SENIOR VICE PRESIDENT

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 25TH day of October, 2005 before me appeared TIMOTHY F. DONNELLY to me personally known, who, being by me duly sworn, did say that he is the SENIOR V.P. of First Westroads Bank, a national bank, and that said instrument was signed and sealed in behalf of said bank by authority of its Board of Directors, and he/she acknowledged said instrument to be the free act and deed of said bank.

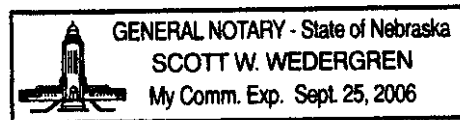
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.



Notary Public

My commission expires:

9/25/06



ATTACHMENT 1
TO
AMENDMENT TO DECLARATION OF CONDOMINIUM

Legal Description of the Property

Sub Lot 7 of Lot 7, and the West 15 Feet of Sub Lot 3 of Lot 8, in Capitol Addition, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, except that part taken for the widening of Harney Street; said premises being also described as the South 148.1 feet, more or less, of said Sub Lot 7 of Lot 7 and the West 15 Feet of the South 147.1 feet, more or less, of said Sub Lot 7 of Lot 7 and the West 15 feet of the South 147.1 feet of Sub Lot 3 of Lot 8, all in Capitol Addition, An Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska

And

Units 1 thru 12, inclusive and Units 14 thru 22, inclusive, St. Clair Condominium, pursuant to the Declaration of Condominium for St. Clair Condominiums dated August 9, 2005, and filed August 12, 2005, at Instrument No. 2005099390 of the Records of Douglas County, Nebraska.

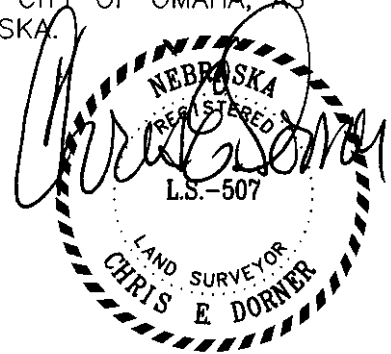
ATTACHMENT 2
TO
AMENDMENT TO DECLARATION OF CONDOMINIUM

Condominium Plat and Plans

[See attached]

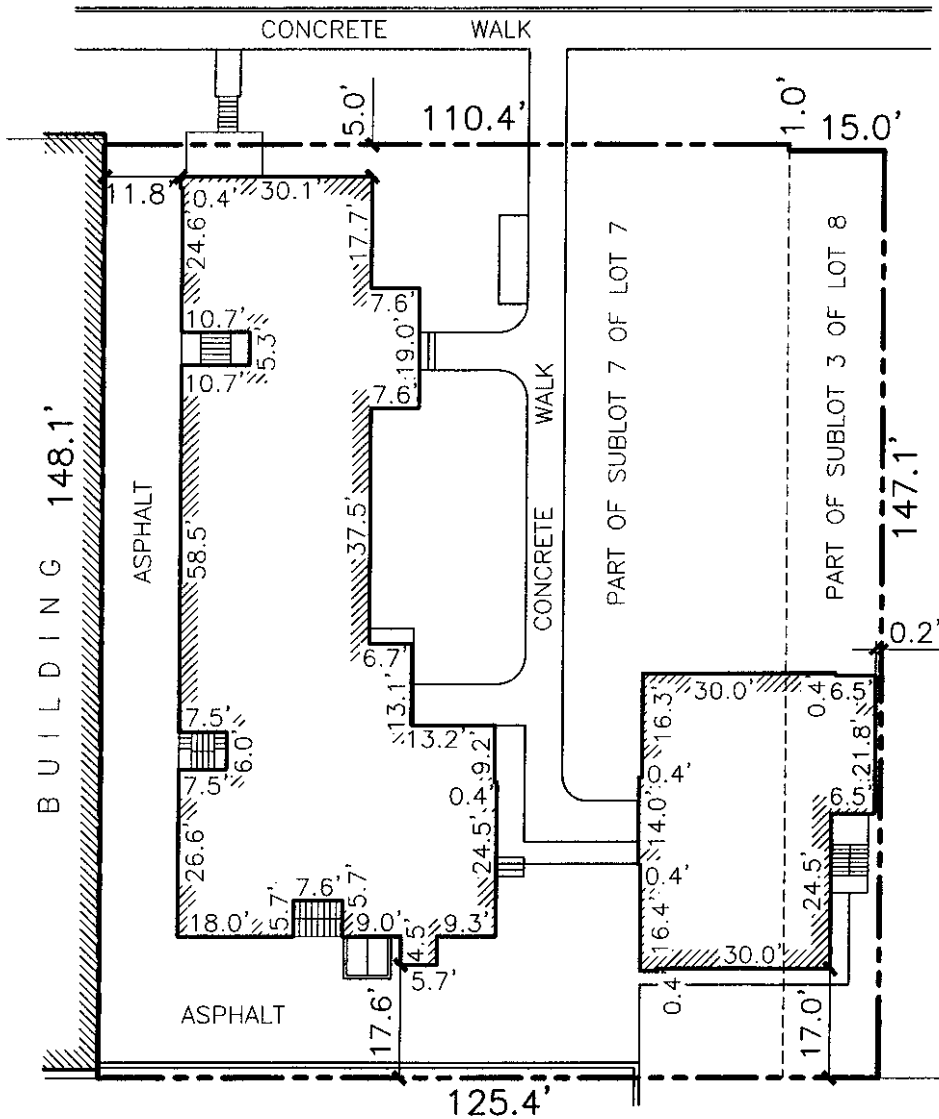
ST. CLARE CONDOMINIUM

THIS DRAWING SHOWS THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS ON SUB LOT 7 OF LOT 7, AND THE WEST 15 FEET OF SUB LOT 3 OF LOT 8, IN CAPITOL ADDITION, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, EXCEPT THAT PART TAKEN FOR THE WIDENING OF HARNEY STREET; SAID PREMISES BEING ALSO DESCRIBED AS THE SOUTH 148.1 FEET, MORE OR LESS, OF SAID SUB LOT 7 OF LOT 7 AND THE WEST 15 FEET OF THE SOUTH 147.1 FEET OF SUB LOT 3 OF LOT 8, ALL IN CAPITOL ADDITION, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.



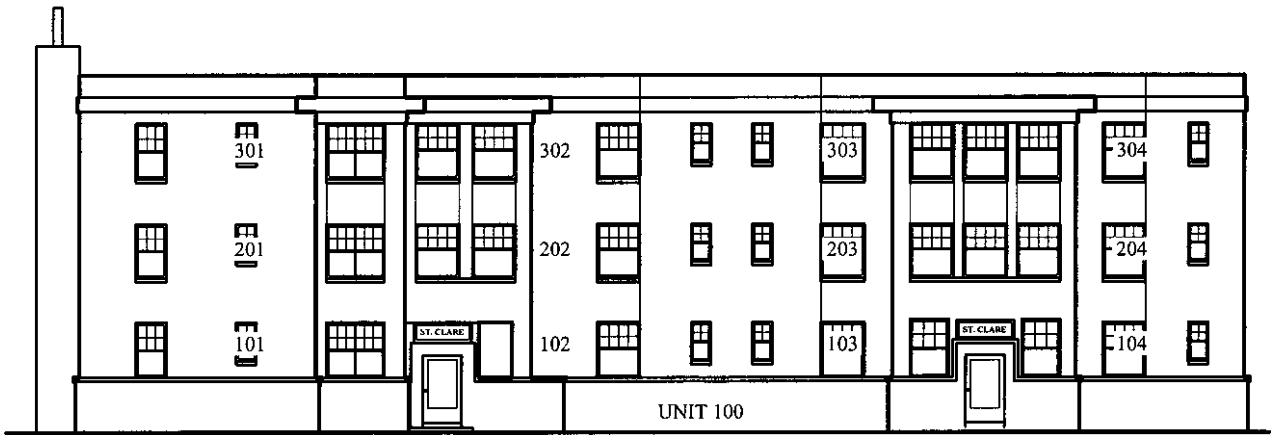
H A R N E Y S T R E E T

JULY 13, 2005
CHRIS. E DORNER,
NEBRASKA RLS 507

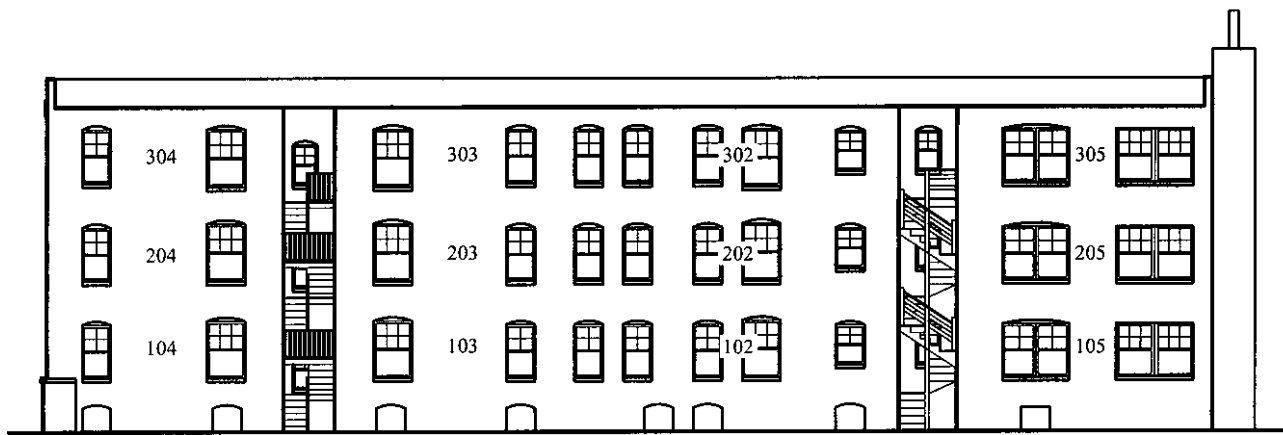


SCALE 1" = 30'

JOB NO. 200-334-127(AB1)
GRID BOOK: 81 PAGE: 51

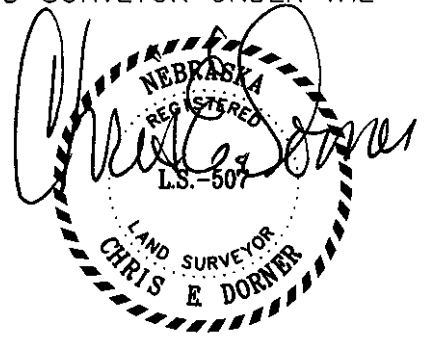


EAST ELEVATION
BUILDING 1



WEST ELEVATION
BUILDING 1

I HEREBY CERTIFY THAT THIS DRAWING WAS MADE UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

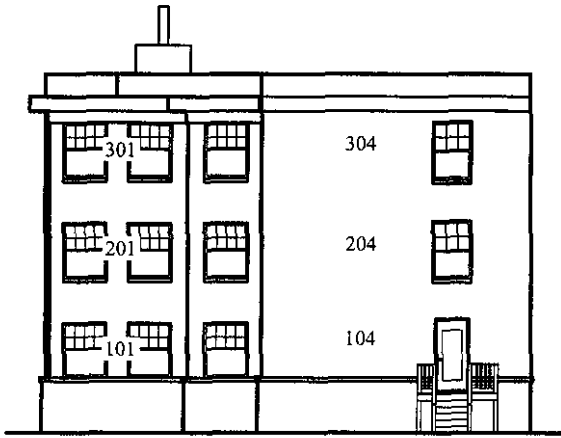


JULY 13, 2005
DATE

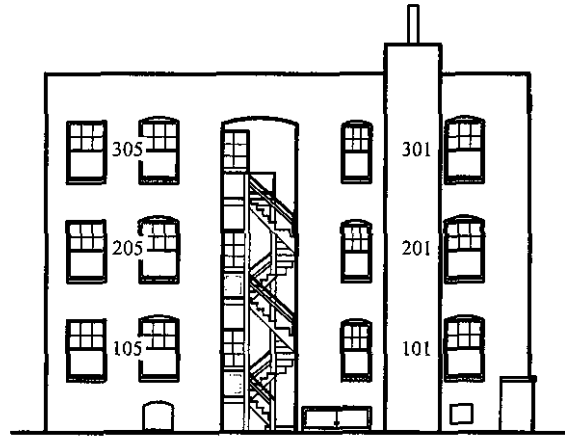
CHRIS E. DORNER
NEBRASKA RLS 507

SHEET 1 OF 4

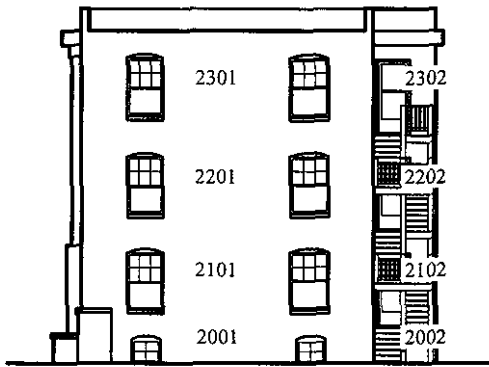
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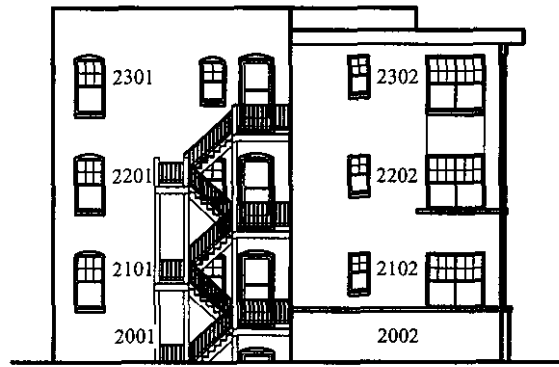
NORTH ELEVATION
BUILDING 1



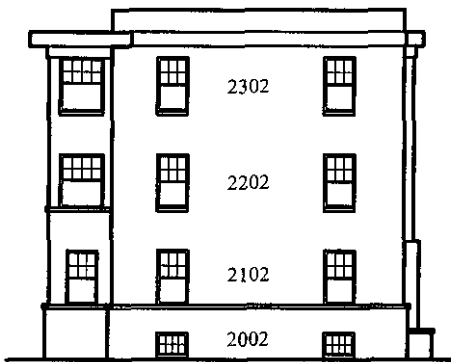
SOUTH ELEVATION
BUILDING 1



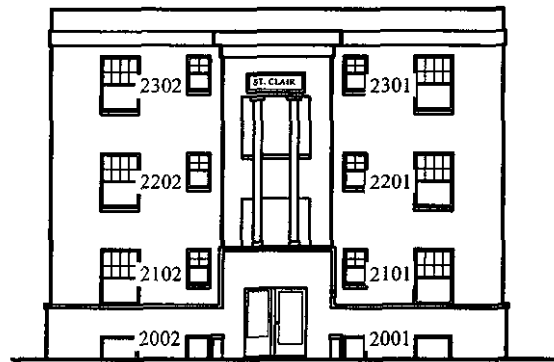
SOUTH ELEVATION
BUILDING 2



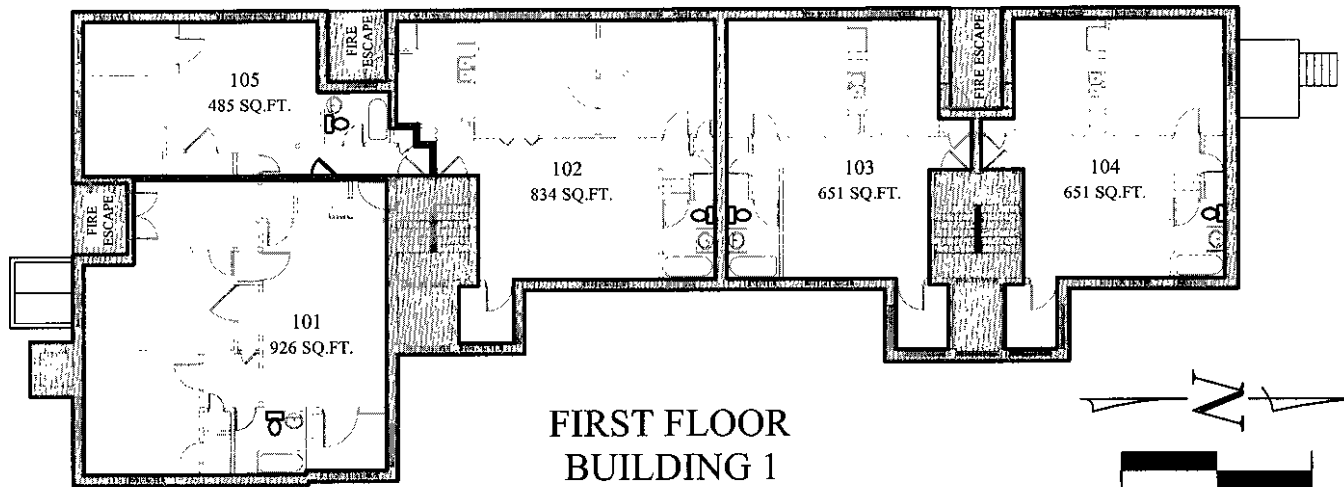
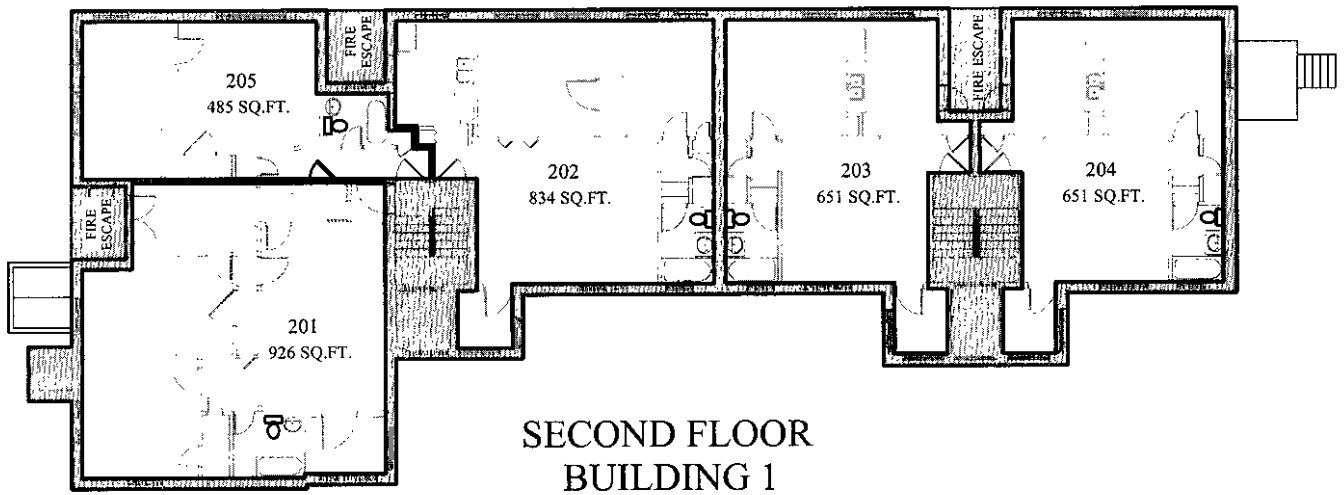
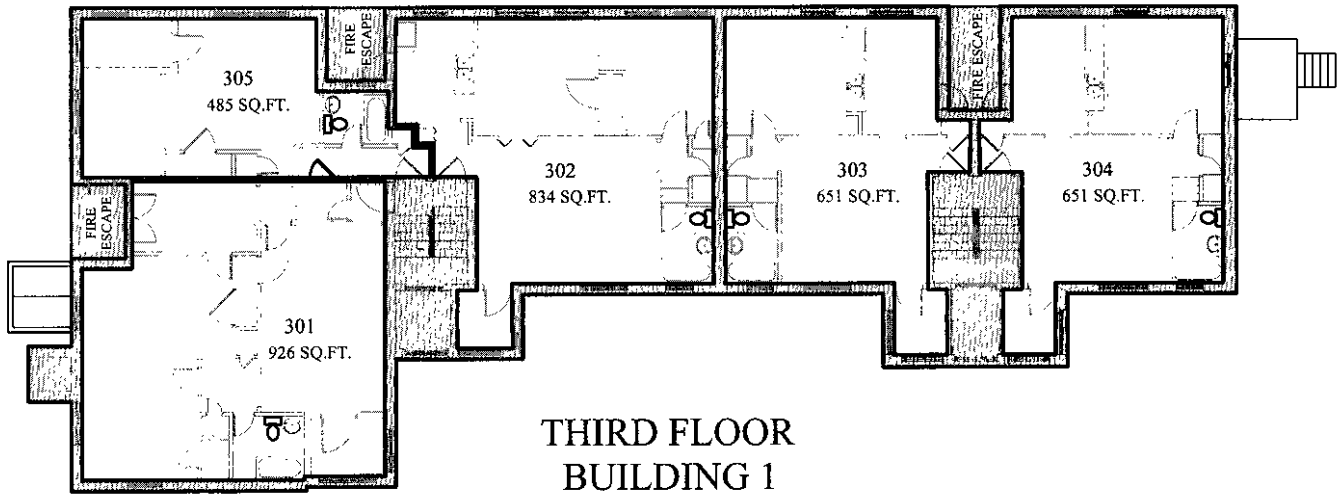
EAST ELEVATION
BUILDING 2



NORTH ELEVATION
BUILDING 2

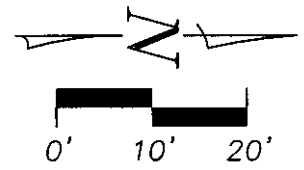


WEST ELEVATION
BUILDING 2

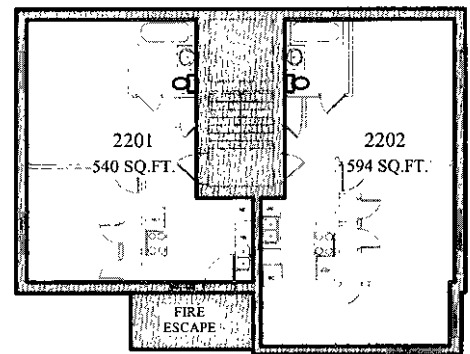
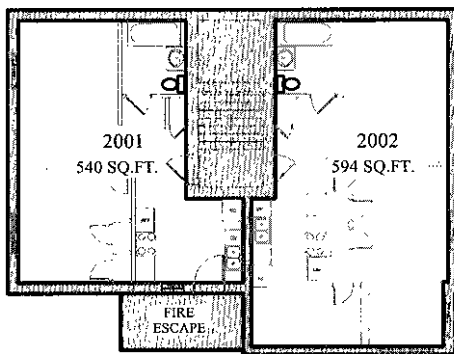
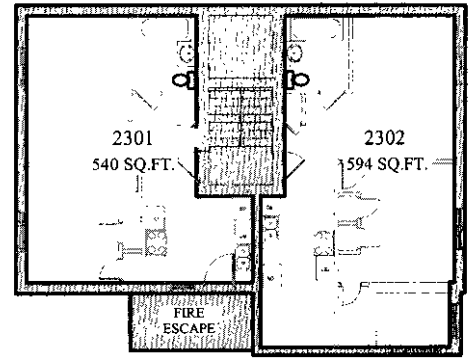
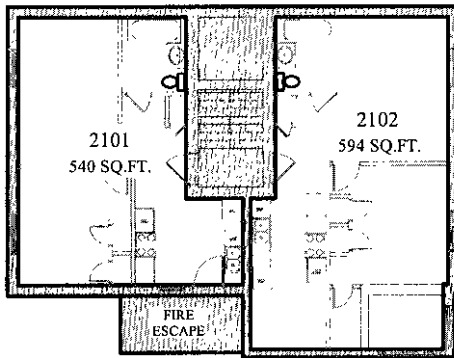
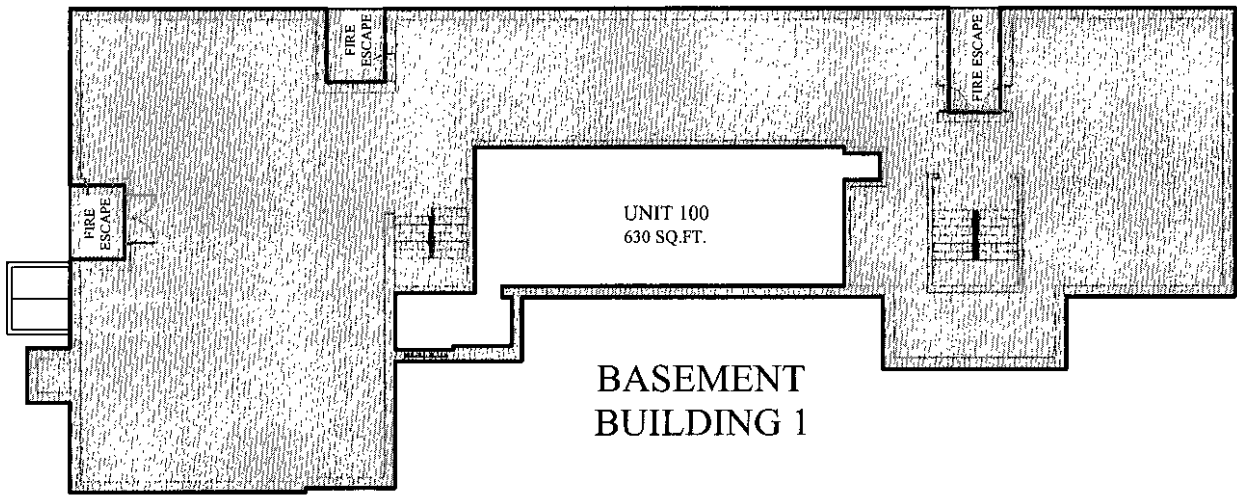


 COMMON AREA

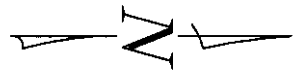
SHEET 3 OF 4



SCALE IN FEET
200334127.DWG



 COMMON AREA



0' 10' 20'

SCALE IN FEET

200334127.DWG

SHEET 4 OF 4

ATTACHMENT 3
TO
AMENDMENT TO DECLARATION OF CONDOMINIUM

Percentage of Ownership

<u>Identifying Number</u>	<u>Percentage Interest</u>
Unit 100	3.99%
Unit 101	5.86%
Unit 102	5.28%
Unit 103	4.12%
Unit 104	4.12%
Unit 105	3.07%
Unit 201	5.86%
Unit 202	5.28%
Unit 203	4.12%
Unit 204	4.12%
Unit 205	3.07%
Unit 301	5.86%
Unit 302	5.28%
Unit 303	4.12%
Unit 304	4.12%
Unit 305	3.07%
Unit 2001	3.42%
Unit 2002	3.76%
Unit 2101	3.42%
Unit 2102	3.76%
Unit 2201	3.42%
Unit 2202	3.76%
Unit 2301	3.42%
Unit 2302	3.76%
TOTAL	100%