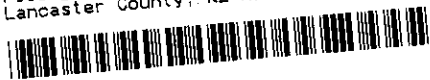


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Inst # 2005069021 Mon Nov 21 16:04:33 CST 2005  
Filing Fee: \$119.00  
Lancaster County, NE Assessor/Register of Deeds Office AMDEED  
Pages 16



**2005 MASTER DEED AND DECLARATION AMENDMENT  
FOR THE  
UNIVERSITY TOWERS CONDOMINIUM PROPERTY REGIME  
("2005 Amendments")**

The University Towers Condominium Property Regime, as amended and renamed by the Second Amended and Revised Master Deed and Declaration recorded on May 8, 1986 as Instrument No. 86-12905 ("Second Amended Declaration") and as amended, supplemented and revised by numerous amendments ("Amendments") as listed and identified in the attached "Amendments List 2005" collectively referred to as the "Declaration".

Pursuant to paragraph 23 of the Declaration these 2005 Amendments were submitted by the Board to the unit owners for approval and at least 75% of the votes in the Association were in favor of their adoption. Capitalized terms have the meaning assigned to them in the Declaration except as otherwise provided.

The primary reason for these 2005 Amendments is to accommodate the subdivision of the Club Unit. For reference purposes, the "Club Unit" is comprised of the units generally referred to as: Eleventh Floor, Sky Lounge, Twelfth Floor, Twelfth Floor Mezzanine and Penthouse but sometimes also referred to as the 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> Floors. All of the units subject to the Declaration are legally described in the attached Exhibit "D".

The owner of the Club Unit shall execute these 2005 Amendments to confirm the subdivision and conversion of the Club Unit. The President of the Board shall execute these 2005 Amendments to confirm that the Board of the Association has approved and consented to this subdivision pursuant to paragraph 7(c) of the Declaration and as certification of any required consent of the owners.

**THE DECLARATION IS AMENDED AS FOLLOWS:**

1. **PARAGRAPH 4:** Paragraph 4 of the Declaration is amended to read as follows:

4. Description of Building. The condominium improvements consist of an existing twelve story building and penthouse located at 13<sup>th</sup> and "P" Streets, Lincoln, Nebraska, commonly referred to as University Towers. The building contains approximately 185,430 (corrected) square feet. The attached Exhibit C-2005 replaces the originally filed Exhibit "C" for the basement area and the floors included in the Club Unit. For any other floors, the attached Exhibit C-2005 is intended to supplement and aid in the interpretation and application of issues that may arise out of the imprecision of the originally filed Exhibit "C", as amended to date.

The basement area shown in Exhibit C-2005 identifies the current commons and limited commons allocations and uses of this area. The first floor contains the building's main lobby and six (6) commercial sidewalk business apartments. A large portion of the building is devoted to the former Theatre Unit, now Units 140 and 124, which extends from the first through sixth floors. Floors two through twelve, the twelfth floor mezzanine and penthouse levels include common areas and 78 apartments of various square footages.

2. **PARAGRAPH 5:** Paragraph 5 of the Declaration is amended by substituting the attached revised and corrected "Exhibit A-2005" for the original Exhibit "A".

3. **PARAGRAPH 8:** Paragraph 8 of the Declaration, Common Elements, is amended to read as follows:

8. Ownership of Common Elements. The undivided interest in the Common Elements appurtenant to each apartment shall be as set forth in "Exhibit A-2005" attached hereto. Except as otherwise provided in this Declaration, each owner shall be entitled to use the Common Elements (other than Limited Common) in any manner that does not hinder or encroach upon the rights of other owners and is not contrary to any Rules and Regulations promulgated by the Association.

4. **PARAGRAPH 9:** Paragraph 9 of the Declaration, Common Elements, is amended by amending subparagraph l and adding two new subparagraphs as follows:

l. All roof areas are common areas and are subject to the proportionate share against each apartment towards upkeep and maintenance.

m. A roof top Garden Terrace has been created and is shown on the Eleventh Floor plan. The use and operation of the Garden Terrace shall be governed by the Rules and Regulations of the Association. Access to the Garden Terrace is provided by Common Elements and the ingress and egress easement provided for in one of the Amendments recorded as Instrument No. 90-11702 is released.

n. The Common Elements and Limited Common Elements created by the conversion of the Club Unit to apartment units.

5. **PARAGRAPH 10:** Paragraph 10 of the Declaration is amended to read as follows:

10. Limited Common Elements. "Limited Common Elements" shall mean those portions of the Building which are not a Unit and are shown, designated or described in the Declaration, any plats and plans or by the Board as being primarily for the use or benefit of an individual Unit or Units. The Limited Common Elements shall be maintained by the Association for the benefit of the Owners with an interest in the Limited Common Elements. The cost of such maintenance and repair shall be an expense of the Owners with an interest in the Limited Common Elements.

6. **PARAGRAPH 14:** Subparagraph c of Paragraph 14 of the Declaration, The Association, is amended to read as follows:

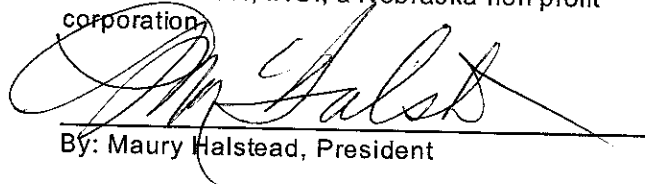
c. Apartments having less than 2000 square feet shall have one (1) vote in the affairs of the Association. Apartments combined or having more than 2000 square feet shall have two (2) votes. The former Club Unit shall have the votes allocated to the new units based upon this provision. The Theatre Unit had eight (8) votes which were allocated by Subdivision as two (2) votes to Unit 124 and six (6) votes to Unit 140.

7. **PARAGRAPH 17:** Paragraph 17 of the Declaration, Insurance, is amended to add a new subparagraph as follows:

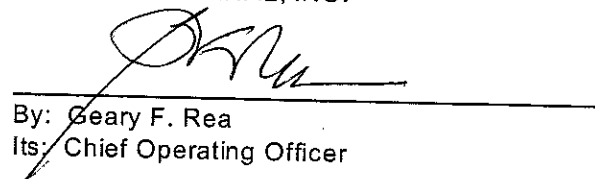
c. Should the Association procure and maintain insurance on the Building for the benefit of the unit owners and in the event proceeds are not spent for repair and replacement, then any remaining proceeds shall be split between the unit owners based upon their relative proportion of contribution or payment of the insurance premium.

Dated: November 10<sup>th</sup>, 2005.

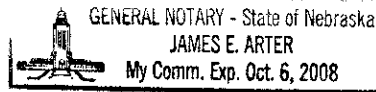
UNIVERSITY TOWERS CONDOMINIUM  
ASSOCIATION, INC., a Nebraska non profit  
corporation

  
By: Maury Halstead, President

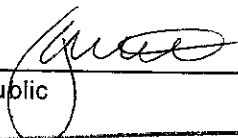
HAWLEY TERMINAL, INC.

  
By: Geary F. Rea  
Its: Chief Operating Officer

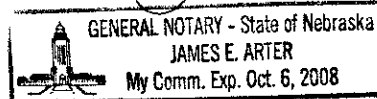
STATE OF NEBRASKA )  
 ) ss:  
COUNTY OF LANCASTER )




The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of November, 2005, by Maury Halstead, President of University Towers Condominium Association, Inc., a Nebraska non profit corporation, on behalf of the corporation.

  
\_\_\_\_\_  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of November, 2005, by Geary F. Rea, Chief Operating Officer of Hawley Terminal, Inc., a California corporation, on behalf of the corporation.

  
\_\_\_\_\_  
Notary Public

"Amendments List 2005"

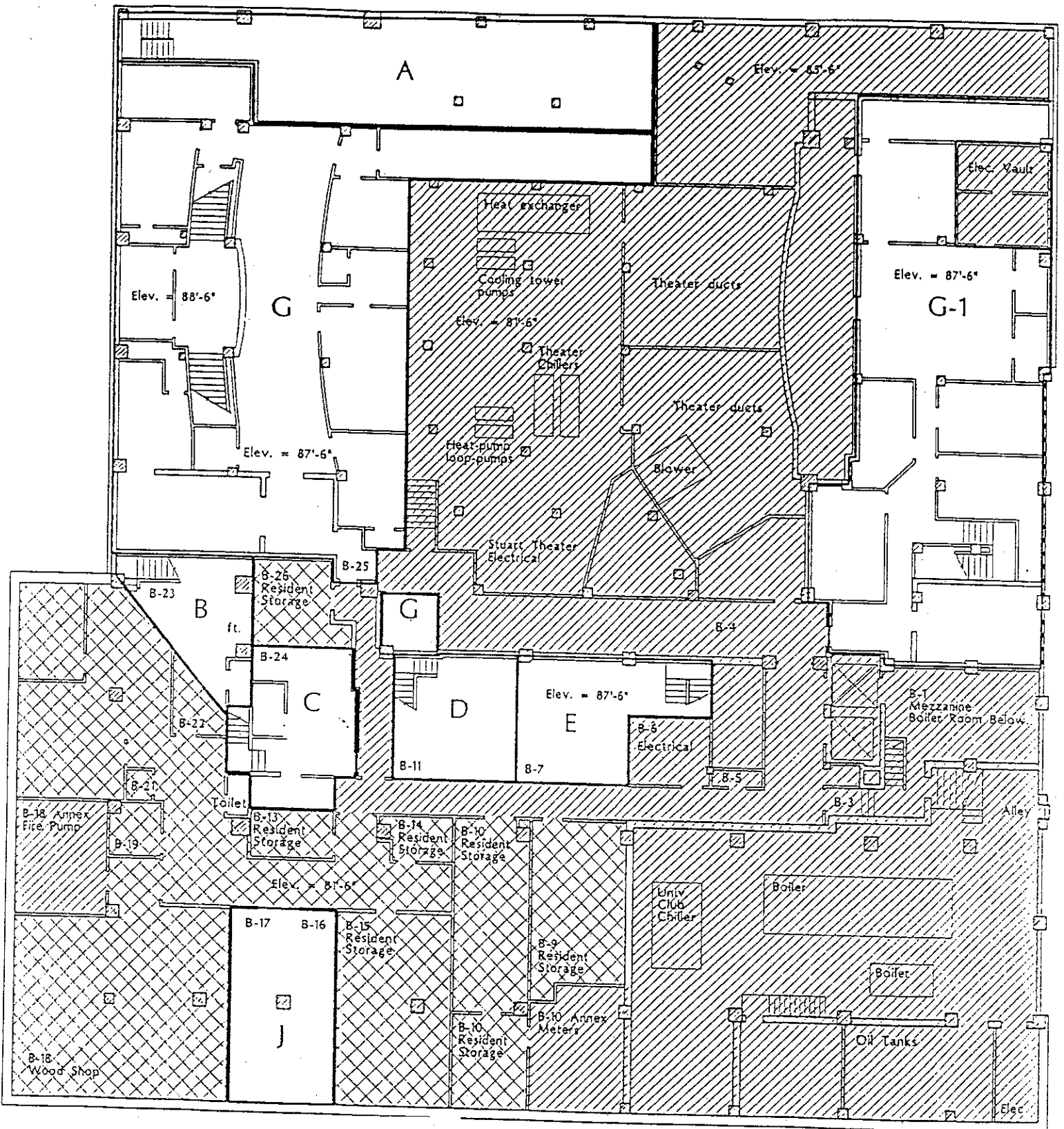
1. Amendment to the Second Amended and Revised Master Deed and Declaration of the University Towers Condominium Property Regime, recorded July 2, 1986 as Inst. No. 86-20907;
2. Ratification of Second Amended and Revised Master Deed and Declaration of the University Towers Condominium Property Regime and Ratification of Amendment to the second Amended and Revised Master Deed and Declaration of the University Towers Condominium Property Regime, recorded August 15, 1986 as Inst. No. 86-27486;
3. Amendment to the Second Amended and Revised Master Deed and Declaration of the University Towers Condominium Property Regime, recorded August 18, 1986 as Inst. No. 86-27603;
4. Amendment to the Second Amended and Revised Master Deed, recorded August 18, 1986 as Inst. No. 86-27604;
5. Ratification of Amendments to the Second Amended and Revised Master Deed and Declaration, recorded August 25, 1986 as Inst. No. 86-28436;
6. Amendment to the Second Amended and Revised Master Deed and Declaration, recorded August 14, 1987 as Inst. No. 87-27350;
7. Amendment to the Second Amended and Revised Master Deed and Declaration, recorded May 1, 1990 as Inst. No. 90-11702;
8. Ratification of Second Amended and Revised Master Deed and Declaration, recorded July 24, 1990 as Inst. No. 90-22582;
9. Amendment to the Second Amended and Revised Master Deed and Declaration, recorded September 18, 1990 as Inst. No. 90-28727;
10. Ratification of Amendment to the Second Amended and Revised Master Deed and Declaration, recorded September 18, 1990 as Inst. No. 90-28728;
11. Amended Master Deed and Declaration, recorded December 24, 1991 as Inst. No. 91-42973;
12. Amended Master Deed and Declaration, recorded February 11, 1992 as Inst. No. 92-5288;
13. Amendment to the Second Amended and Revised Master Deed and Declaration of the University Towers Condominium Property Regime, recorded July 23, 1992 as Inst. No. 92-32856;
14. Amendment to Master Deed and Declaration dated November 16, 1994, recorded November 16, 1994 as Inst. No. 94-48722;
15. University Towers Condominium Property Regime Subdivision Amendment to Master Deed and Declaration recorded July 26, 2000 as Inst. No. 2000-32517;
16. Agreement recorded July 26, 2000 as Inst. No. 2000-32518.

**"Exhibit A - 2005" Allocation of Interest**  
**UNIVERSITY TOWERS - 128 N. 13th Street, Lincoln, Nebraska**

Description	Based on Floor area		Unit Total	As % of all units based on s.f.	# Votes per unit
	SF Unit	SF Total			
				121,253	
<b>BASEMENT</b>		24,412			
Limited Common	24,412				
<b>FIRST FLOOR</b>		21,300			
124 N. 13th St.	2,056		3,917	3.2304	2
126 N. 13th St.	1,995		1,995	1.6453	1
130 N. 13th St.	1,600		1,600	1.3196	1
134 N. 13th St.	830		830	0.6845	1
140 N. 13th St	10,221		17,588	14.5052	6
144 N. 13th St.	2,450		2,450	2.0206	2
1315 P Street	387		387	0.3192	1
1321 P Street	387		387	0.3192	1
Common	1,374				
<b>LOGE LEVEL</b>		4,301			
124 N 13th St	1,441				
140 No. 13th St.	2,860				
<b>SECOND FLOOR</b>		11,738			
124 No 13th St	420				
140 No. 13th St.	2,780				
203	762		762	0.6284	1
204	1,130		1,130	0.9319	1
205	1,266		1,266	1.0441	1
207	1,183		1,183	0.9756	1
208	1,137		1,137	0.9377	1
Common	3,060				
<b>THIRD FLOOR</b>		9,459			
140 No. 13th St.	661				
304	1,914		1,914	1.5785	1
305	1,266		1,266	1.0441	1
307	1,183		1,183	0.9756	1
308	1,137		1,137	0.9377	1
Common	3,298				
<b>FOURTH FLOOR</b>		9,279			
140 No. 13th St.	211				
403	1,021		1,021	0.8420	1
404	1,222		1,222	1.0078	1
405	1,266		1,266	1.0441	1
407	1,183		1,183	0.9756	1
408	1,316		1,316	1.0853	1
Common	3,060				
<b>FIFTH FLOOR</b>		8,952			
503	1,021		1,021	0.8420	1
504	1,222		1,222	1.0078	1
505	1,266		1,266	1.0441	1
506	734		734	0.6053	1
507	1,183		1,183	0.9756	1
508	1,316		1,316	1.0853	1
Common	2,210				
<b>SIXTH FLOOR</b>		9,807			
140 No 13th St	855				
603	1,021		1,021	0.8420	1
604	1,222		1,222	1.0078	1
605	1,266		1,266	1.0441	1
606	818		818	0.6746	1
607	1,183		1,183	0.9756	1
608	1,316		1,316	1.0853	1
Common	2,126				
<b>SEVENTH FLOOR</b>		15,212			
701	1,169		1,169	0.9641	1
702	1,003		1,003	0.8272	1
703	889		889	0.7332	1
704	1,222		1,222	1.0078	1
705	1,266		1,266	1.0441	1
706	734		734	0.6053	1
707	1,183		1,183	0.9756	1
708	1,179		1,179	0.9723	1
709	1,256		1,256	1.0359	1
710	1,205		1,205	0.9938	1
Common	4,106				

Description	Based on Floor area		Unit Total	As % of all units based on s.f.	# Votes per unit
	SF Unit	SF Total			
EIGHTH FLOOR		15,212			
801	1,169		1,169	0.9641	1
802	1,003		1,003	0.8272	1
803	889		889	0.7332	1
804	1,222		1,222	1.0078	1
805	1,266		1,266	1.0441	1
806	734		734	0.6053	1
807	1,249		1,249	1.0301	1
808	1,179		1,179	0.9723	1
809	1,256		1,256	1.0359	1
810	1,205		1,205	0.9938	1
Common	4,040				
NINTH FLOOR		15,212			
901	1,169		1,169	0.9641	1
902	1,003		1,003	0.8272	1
903	889		889	0.7332	1
904	1,222		1,222	1.0078	1
905	1,266		1,266	1.0441	1
906	734		734	0.6053	1
907	1,183		1,183	0.9756	1
908	1,179		1,179	0.9723	1
909	1,256		1,256	1.0359	1
910	1,205		1,205	0.9938	1
Common	4,106				
TENTH FLOOR		15,212			
1001	1,169		1,169	0.9641	1
1002	1,003		1,003	0.8272	1
1003	889		889	0.7332	1
1004	1,222		1,222	1.0078	1
1005	1,266		1,266	1.0441	1
1006	812		812	0.6697	1
1007	1,249		1,249	1.0301	1
1008	1,179		1,179	0.9723	1
1009	1,256		1,256	1.0359	1
1010	1,205		1,205	0.9938	1
Common	3,962				
ELEVENTH FLOOR		10,743			
1101	1,388		1,388	1.1447	1
1102	922		922	0.7604	1
1103	1,055		1,055	0.8701	1
1104	1,261		1,261	1.0400	1
1105	3,123		3,123	2.5756	2
1200	571		2,228	1.8375	2
Common	2,423				
TWELFTH FLOOR		7,158			
1200	1,284			-	
1201	1,228		1,596	1.3163	1
1202	962		1,180	0.9732	1
1203	687		687	0.5666	1
1204	812		1,533	1.2643	1
Common	2,185				
12th FL Mezzanine		2,957			
1200	373				
1201	368				
1202	218				
1204	721				
Common	1,277				
PENTHOUSE		4,476			
1400	862		862	0.7109	1
1401	1,076		1,076	0.8874	1
Common	2,538				
Totals	185,430	185,430	121,253	100.0000	95

Note: Boundary between units 1105/1104 and 1201/1202 modified by request of owner and approved by Board of Administrators on November 10, 2005. Revision is included in this exhibit.



Areas shown on Basement level are Limited Common to:

- A: Unit 1321 ("P" St.)
- B: Unit 1315 ("P" St.)
- C: Unit 144 (North 13<sup>th</sup> St)
- D: Unit 134 (North 13<sup>th</sup> St)
- E: Unit 130 (North 13<sup>th</sup> St)
- G: Unit 140 (North 13<sup>th</sup> St)
- G-1: Unit 124 (North 13<sup>th</sup> St)
- J: Unit 1104

Limited Common Boundaries



Common Areas



Limited Common Residential

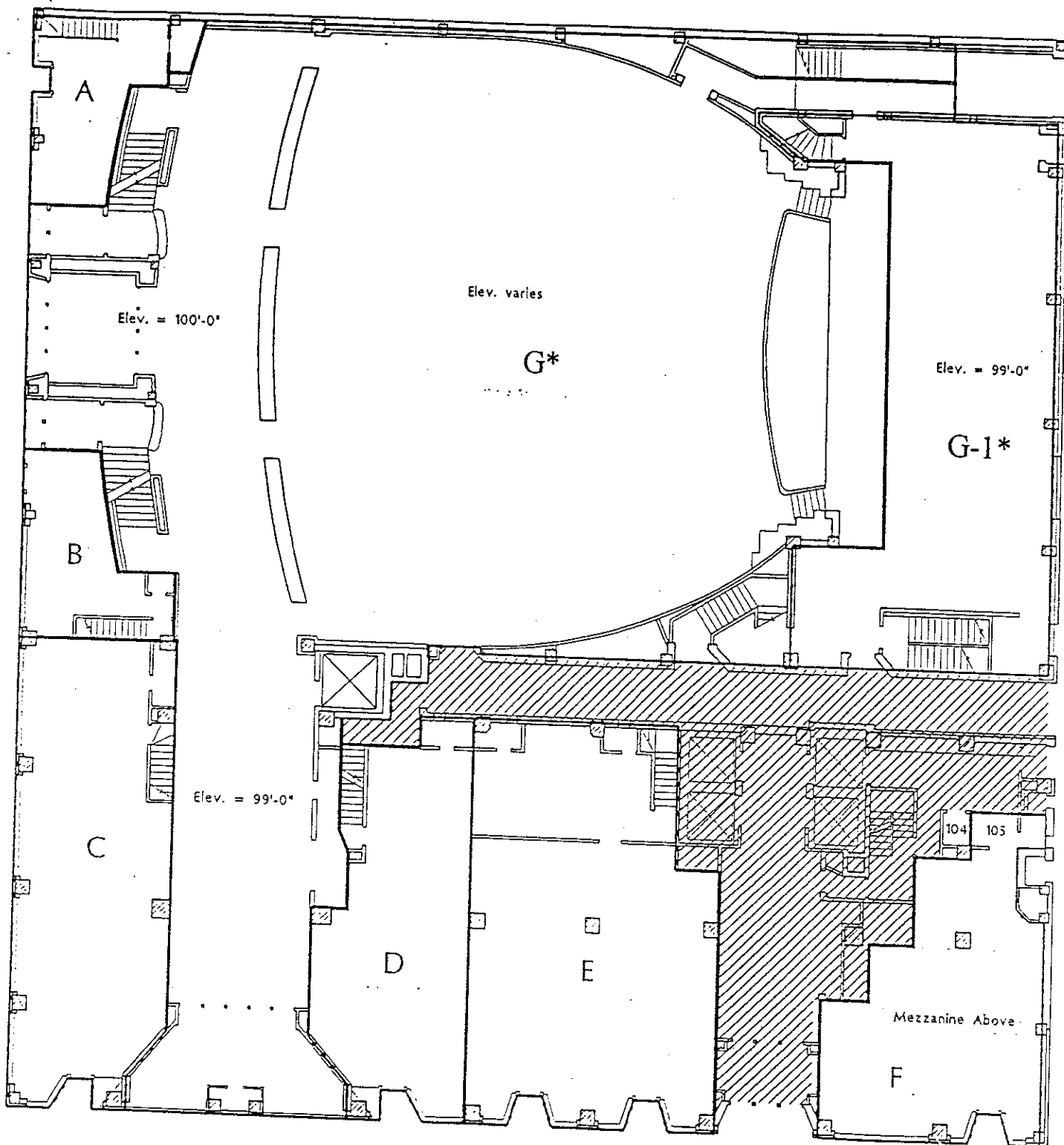


## Basement Level

University Towers  
"EXHIBIT C - 2005"

This document originally filed as  
"Exhibit A" to Inst # 2000-032518





- A: Unit 1321 ("P" St.)
- B: Unit 1315 ("P" St.)
- C: Unit 144 (North 13<sup>th</sup> St)
- D: Unit 134 (North 13<sup>th</sup> St)
- E: Unit 130 (North 13<sup>th</sup> St)
- F: Unit 126 (North 13<sup>th</sup> St)
- G: Unit 140 (North 13<sup>th</sup> St)
- G-1: Unit 124 (North 13<sup>th</sup> St)

**Legend**

Unit Boundaries

Common Areas

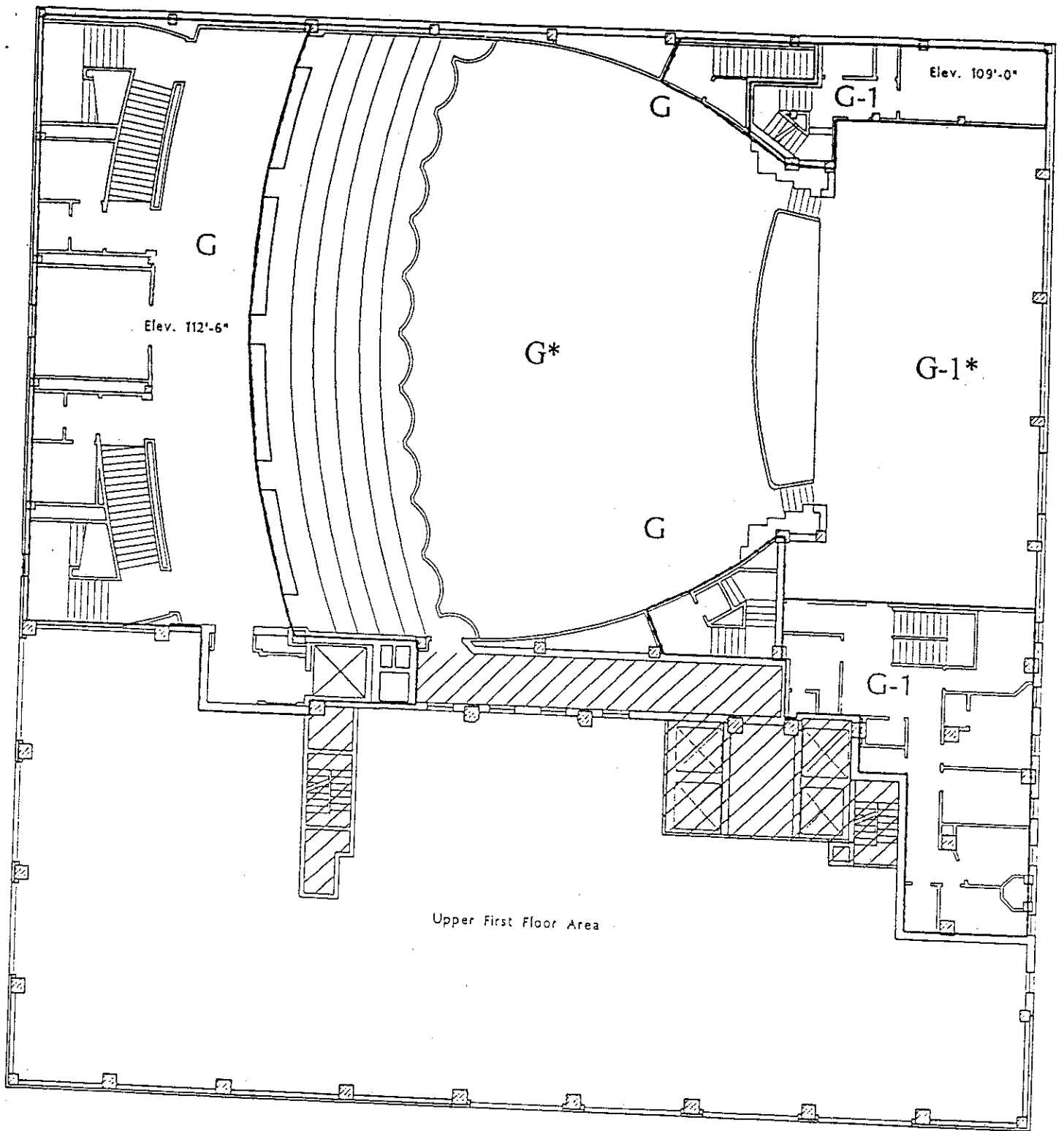
Limited Common Residential



Street Level

University Towers  
"EXHIBIT C - 2005"

This document originally filed as  
"Exhibit A" to Inst # 2000-032518



Loge Level-Theater

- A: Unit 1321 ("P" St.)
- B: Unit 1315 ("P" St.)
- C: Unit 144 (North 13<sup>th</sup> St)
- D: Unit 134 (North 13<sup>th</sup> St)
- E: Unit 130 (North 13<sup>th</sup> St)
- F: Unit 126 (North 13<sup>th</sup> St)
- G: Unit 140 (North 13<sup>th</sup> St)
- G-1: Unit 124 (North 13<sup>th</sup> St)

Legend

Unit Boundries

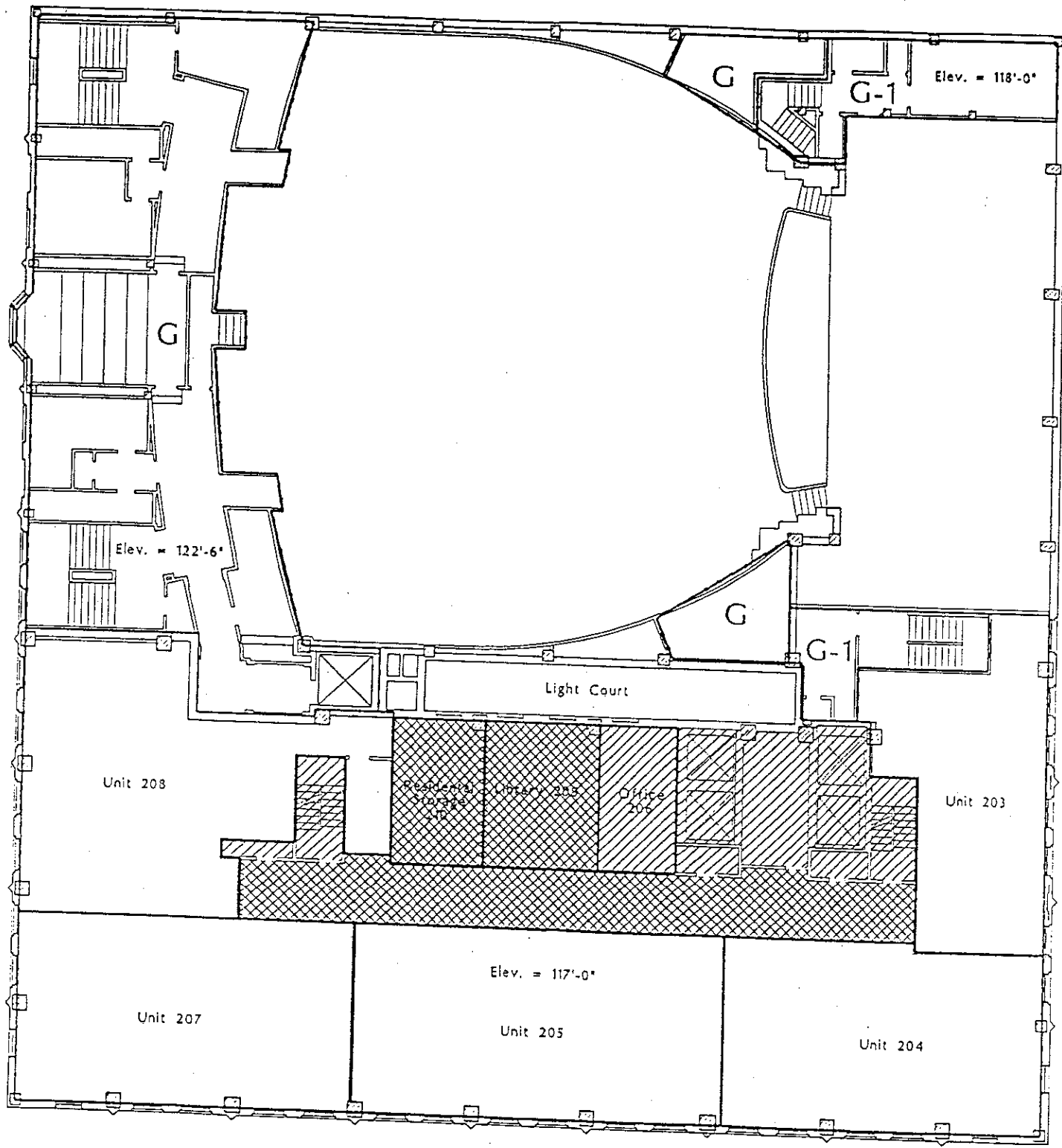
Common Areas

Limited Common Residential



University Towers  
"EXHIBIT C - 2005"

This document originally filed as  
"Exhibit A" to Inst # 2000-032518



Second Floor

- A: Unit 1321 ("P" St.)
- B: Unit 1315 ("P" St.)
- C: Unit 144 (North 13<sup>th</sup> St)
- D: Unit 134 (North 13<sup>th</sup> St)
- E: Unit 130 (North 13<sup>th</sup> St)
- F: Unit 126 (North 13<sup>th</sup> St)
- G: Unit 140 (North 13<sup>th</sup> St)
- G-1: Unit 124 (North 13<sup>th</sup> St)

**Legend**

Unit Boundaries

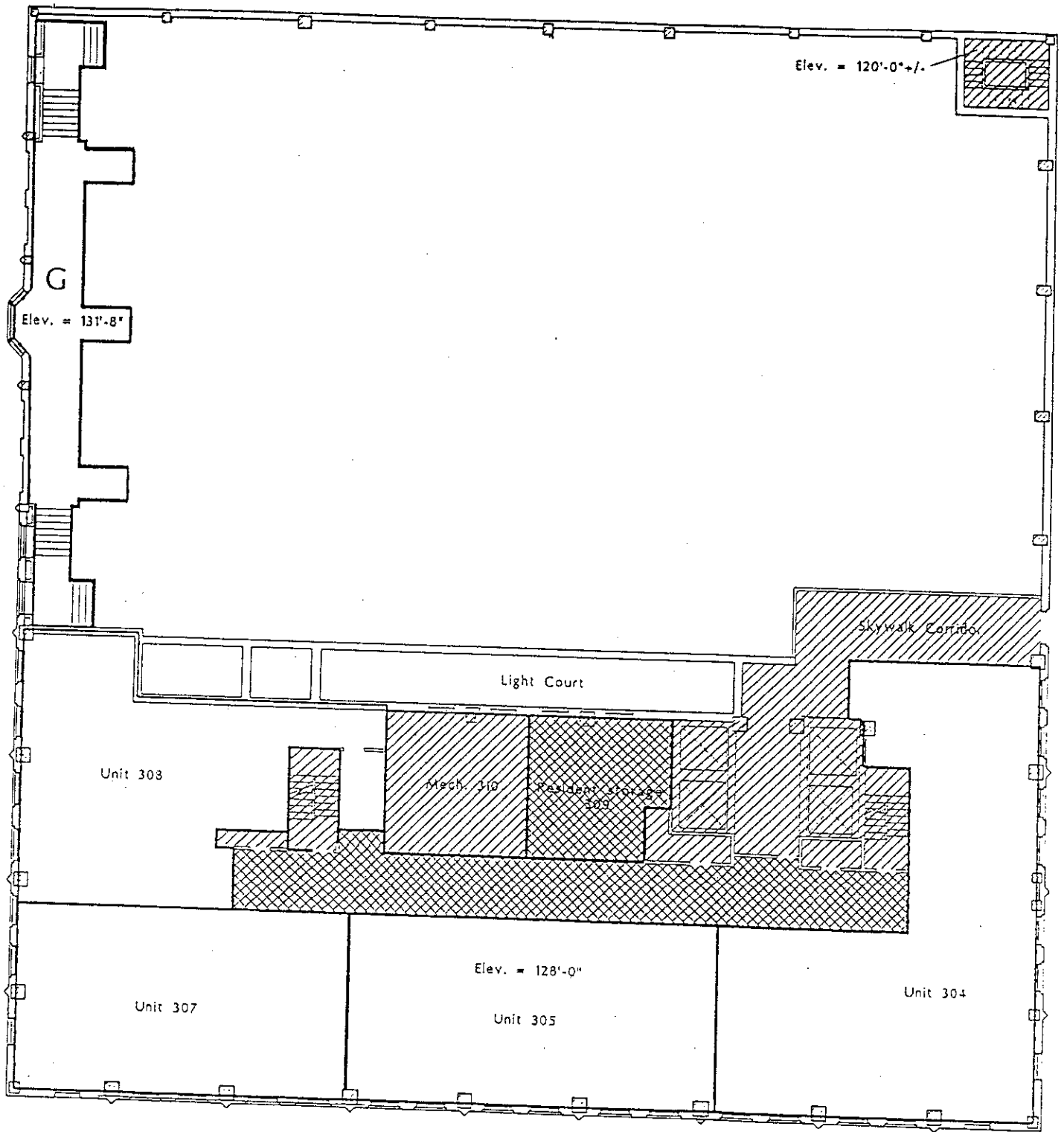
Common Areas

Limited Common Residential



University Towers  
 "EXHIBIT C - 2005"

This document originally filed as  
 "Exhibit A" to Inst # 2000-032518



Third Floor

- A: Unit 1321 ("P" St.)
- B: Unit 1315 ("P" St.)
- C: Unit 144 (North 13<sup>th</sup> St)
- D: Unit 134 (North 13<sup>th</sup> St)
- E: Unit 130 (North 13<sup>th</sup> St)
- F: Unit 126 (North 13<sup>th</sup> St)
- G: Unit 140 (North 13<sup>th</sup> St)
- G-1: Unit 124 (North 13<sup>th</sup> St)

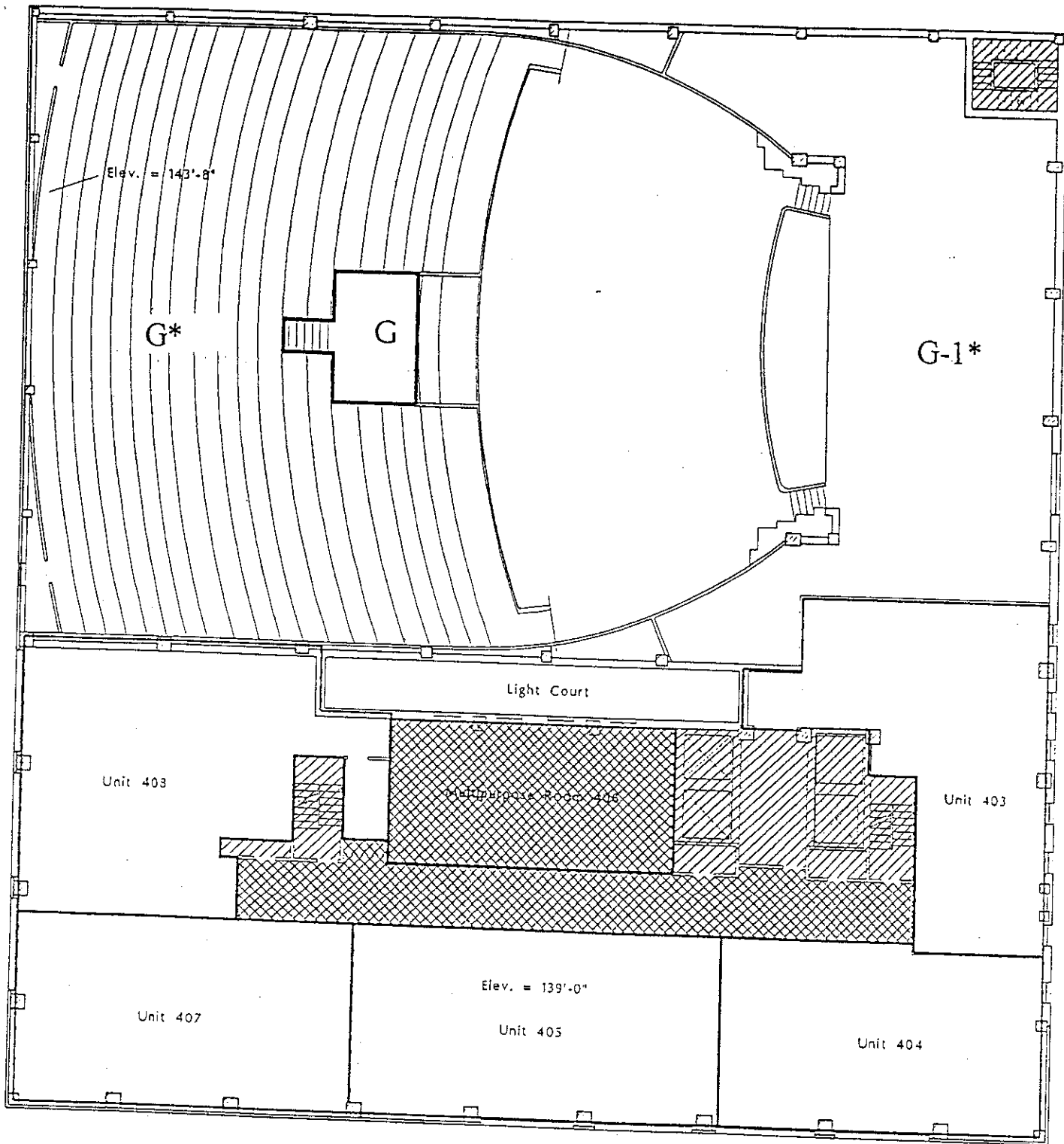
Legend

- Unit Boundries
- Common Areas
- Limited Common Residential



University Towers  
 "EXHIBIT C - 2005"

This document originally filed as  
 "Exhibit A" to Inst # 2000-032518

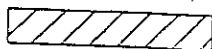


Upper Theater Plan/Balcony  
Fourth Floor Plan

- A: Unit 1321 ("P" St.)
- B: Unit 1315 ("P" St.)
- C: Unit 144 (North 13<sup>th</sup> St)
- D: Unit 134 (North 13<sup>th</sup> St)
- E: Unit 130 (North 13<sup>th</sup> St)
- F: Unit 126 (North 13<sup>th</sup> St)
- G: Unit 140 (North 13<sup>th</sup> St)
- G-1: Unit 124 (North 13<sup>th</sup> St)

Legend

Unit Boundaries



Common Areas



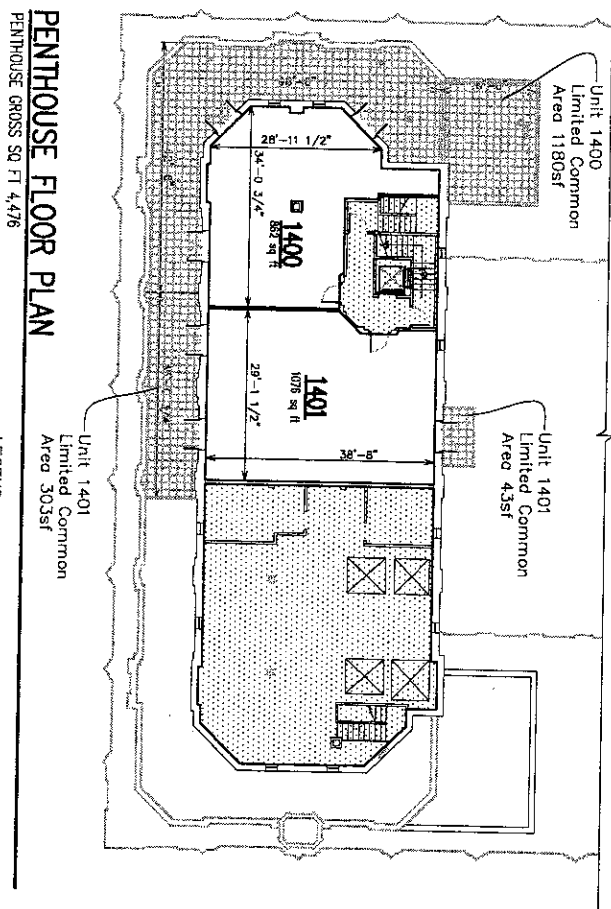
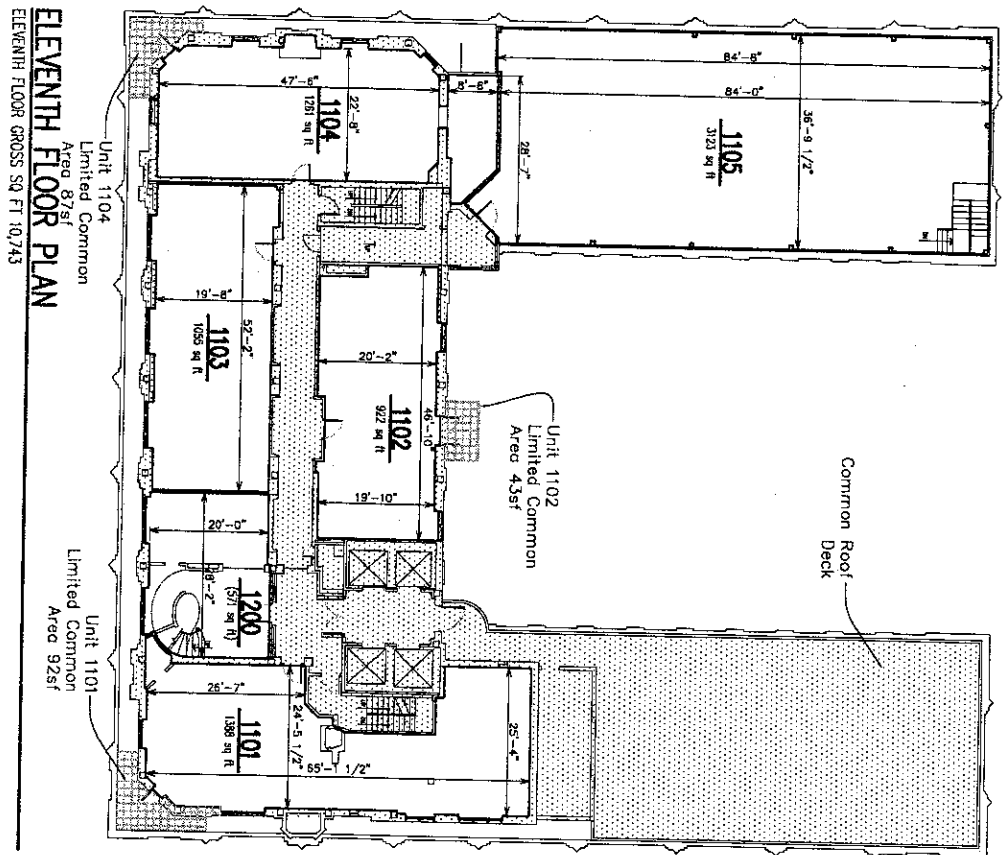
Limited Common Residential



NORTH

University Towers  
"EXHIBIT C-2005"

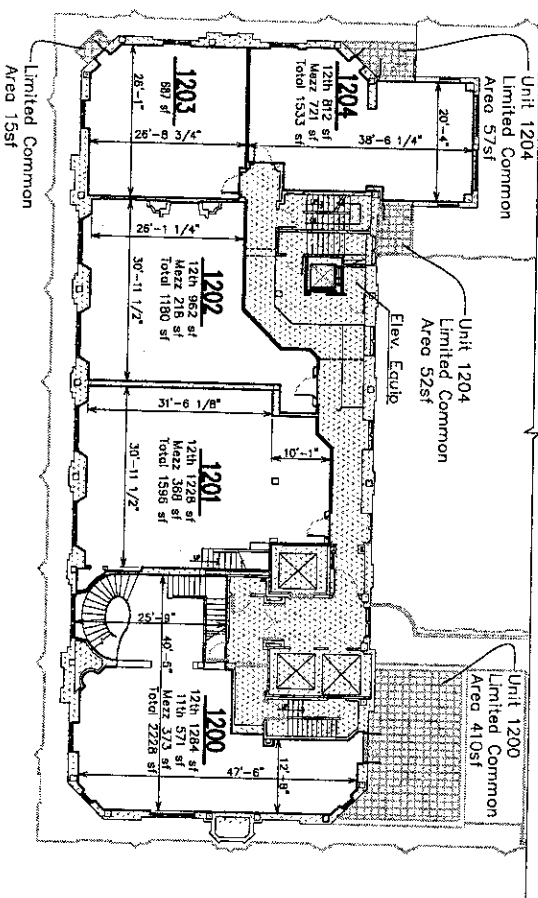
This document originally filed as  
"Exhibit A" to Inst # 2000-032518



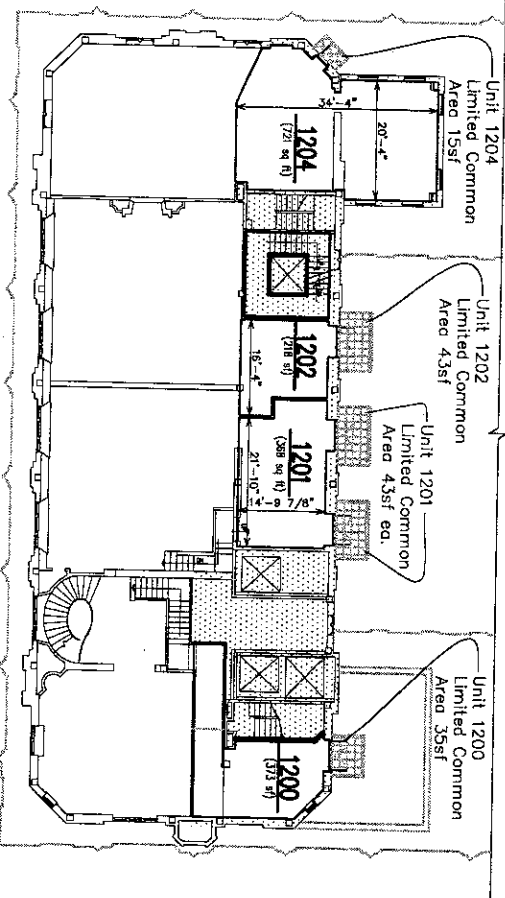
- LEGEND**
- UNIT BOUNDARIES
  - COMMON AREAS
  - LIMITED COMMON AREAS



**“Exhibit C – 2005”**



**TWELFTH FLOOR PLAN**  
 TWELFTH FLOOR GROSS SQ FT 7,158



**TWELFTH FLOOR MEZZANINE PLAN**  
 TWELFTH FLOOR MEZZANINE GROSS SQ FT 2,957

**LEGEND**

- UNIT BOUNDARIES
- COMMON AREAS
- LIMITED COMMON AREAS

**NORTH**

**“Exhibit C – 2005”**

P:\395929 University Sky Suites\Drawings & Data\2005 FACILITY PLAN\395929\_muster\_daed2 Admin Revision 1.dwg

Exhibit "D"

Units 124, 126, 130, 134, 140, 144, 1315 P Street, 1321 P Street, 203, 204, 205, 207, 208; 303, 304, 305, 307, 308, 403, 404, 405, 407, 408, 503, 504, 505, 506, 507, 508, 603, 604, 605, 606, 607, 608, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, Eleventh Floor Unit, Sky Lounge Unit, Twelfth Floor Unit, Twelfth Floor Mezzanine Unit, Penthouse Unit and Commons, all in University Towers Condominium Property Regime; according to the Master Deed and Declaration, recorded September 30, 1977 as Inst. No. 77-26306; as Amended by filings of record; records of Lancaster County, Nebraska.