



MISC 2003225585



NOV 21 2003 10:15 P 3

RECORDED

NOV 21 2003

WHEN RECORDED MAIL TO:
NEBRASKA STATE BANK OF OMAHA
120TH STREET
12307 WEST CENTER RD
OMAHA, NE 68144

FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated November 6, 2003, is made and executed between SUNCREST L.L.C., A NEBRASKA LIMITED LIABILITY COMPANY, whose address is 17809 PACIFIC ST, OMAHA, NE 68130; ("Trustor") and NEBRASKA STATE BANK OF OMAHA, 120TH STREET, 12307 WEST CENTER RD, OMAHA, NE 68144 ("Lender").

DEED OF TRUST. Lender and Trustor have entered into a Deed of Trust dated May 30, 2003 (the "Deed of Trust") which has been recorded in DOUGLAS County, State of Nebraska, as follows:

JULY 1, 2003 AT INSTRUMENT NUMBER 2003127015 OF THE RECORDS OF DOUGLAS COUNTY, NEBRASKA.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in DOUGLAS County, State of Nebraska:

See EXHIBIT "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 174TH WEST MAPLE ROAD, OMAHA, NE. The Real Property tax identification number is 1767-0009-01

MODIFICATION. Lender and Trustor hereby modify the Deed of Trust as follows:

THE PRINCIPAL AMOUNT OF THE RECORDED DEED OF TRUST HAS BEEN INCREASED FROM \$1,316,795.90 TO \$1,418,211.40.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to remain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

TRUSTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND TRUSTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED NOVEMBER 6, 2003.

TRUSTOR:

SUNCREST, L.L.C.

By: Michael Riedmann
MICHAEL RIEDMANN, Manager of SUNCREST, L.L.C.

LENDER:
x Michael [Signature]
Authorized Officer

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LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Nebraska)
)
COUNTY OF Douglas) SS
)

On this 11th day of November, 20 03, before me, the undersigned Notary Public, personally appeared **MICHAEL RIEDMANN, Manager of SUNCREST, L.L.C.**, and known to me to be partner or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.



By Alice A. Lawrence
Notary Public in and for the State of Nebraska
Residing at 9228 V Rd
My commission expires 8-20-05

LENDER ACKNOWLEDGMENT

STATE OF Nebraska)
)
COUNTY OF Douglas) SS
)

On this 12th day of November, 20 03, before me, the undersigned Notary Public, personally appeared Michael Pate and known to me to be the Senior Vice President, authorized agent for the Lender that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the said Lender, duly authorized by the Lender through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and that the seal affixed is the corporate seal of said Lender.



By Julie Marie Kelppe
Notary Public in and for the State of NE
Residing at Omaha
My commission expires 7-07-07

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land located in the East half of the Southwest Quarter of Section 4; and also together with part of the included Street right of way of Ruggles Street; all located in Township 15 North, Range 11 East of the 6th P.M., in Douglas County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of said Southwest Quarter of Section 4, said point also being the Northwest corner of Quail Run (Lots 203-303 inclusive) a Subdivision located in the Southeast Quarter of said Section 4; thence South 00°15'16" West (assumed bearing) along the East line of said Southwest Quarter of Section 4, said line also being the Westerly line of said Quail Run (Lots 203-303 inclusive) and the Southerly extension thereof, a distance of 982.49 feet; thence South 05°18'14" West, a distance of 340.85 feet to a point on the North line of said Southeast Quarter of the Southwest Quarter of Section 4, said point also being the point of intersection of the North right of way line of 174th Street and the Westerly right of way line of said 174th Street; thence Southerly along said Westerly right of way line of 174th Street on a curve to the right with a radius of 700.00 feet, a distance of 107.60 feet, said curve having a long chord which bears South 04°15'03" West, a distance of 107.49 feet; thence Southerly along said Westerly right of way line of 174th Street on a curve to the left with a radius of 700.00 feet, a distance of 87.84 feet, said curve having a long chord which bears South 05°03'33" West, a distance of 87.78 feet to the point of intersection of said Westerly right of way line of 174th Street and the Northerly right of way line of Ruggles Street; thence North 89°44'44" West along said Northerly right of way line of Ruggles Street, a distance of 44.64 feet; thence Southwesterly along said Northerly right of way line of Ruggles Street on a curve to the left with a radius of 240.73 feet, a distance of 203.43 feet, said curve having a long chord which bears South 66°02'46" West, a distance of 197.43 feet; thence South 41°50'15" West along said Northerly right of way line of Ruggles Street, a distance of 88.97 feet; thence Southwesterly along said Northerly right of way line of Ruggles Street on a curve to the right with a radius of 379.15 feet, a distance of 31.65 feet, said curve having a long chord which bears South 39°26'46" West, a distance of 31.64 feet; thence North 52°56'44" West, a distance of 40.79 feet; thence North 37°33'15" West, a distance of 92.38 feet; thence North 58°00'46" West, a distance of 156.75 feet; thence North 74°16'48" West, a distance of 86.40 feet; thence North 15°25'49" East, a distance of 121.01 feet; thence North 74°34'11" West, a distance of 50.00 feet; thence South 15°25'49" West, a distance of 120.75 feet; thence North 74°16'48" West, a distance of 86.10 feet; thence South 15°25'49" West, a distance of 120.75 feet; thence North 74°16'48" West, a distance of 86.10 feet; thence North 84°24'16" West, a distance of 70.09 feet; thence South 80°52'18" West, a distance of 148.72 feet; thence North 89°37'56" West, a distance of 321.24 feet to a point on the West line of said Southwest Quarter of Section 4; thence North 00°22'04" East along said West line of the Southwest Quarter of Section 4, a distance of 1457.74 feet to a point on the North line of said Southwest Quarter of Section 4, said point also being the Northwest corner of the East half of the Southwest Quarter of Section 4, thence North 89°52'05" East along said North line of the Southwest Quarter of Section 4, a distance of 1320.54 feet to the point of beginning.