Fee Received: \$106.00 Electronically Recorded By: PN

Douglas County, NE Assessor/Register of Deeds DIANE L. BATTIATO

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### FIRST AMENDMENT TO MASTER DEED AND DECLARATION OF CONDOMINIUM OWNERSHIP FOR ANTLER VIEW OFFICE CONDOMINIUMS

This First Amendment to Master Deed and Declaration of Condominium Ownership for Antler View Office Condominiums (this "First Amendment") is made this 4th day of March, 2020, by FTF Investments, LLC, a Nebraska limited liability company (hereinafter referred to as the "Declarant").

#### WITNESSETH:

WHEREAS, this First Amendment is made effective pursuant to the terms and provisions of the Master Deed and Declaration of Condominium Ownership for Antler View Office Condominiums dated November 5, 2019, and recorded in the Office of the Douglas County Register of Deeds on November 22, 2019, as Instrument No. 2019102696 (the "Declaration").

WHEREAS, the Declarant is the lawful owner of the Phase 1 Property (as defined in the Declaration).

WHEREAS, pursuant to Article XVI and Section 3.5 of the Declaration and the Act, the Declarant hereby desires to amend the Declaration to evidence the construction of an additional Building on the Phase I Property and the inclusion of 4 additional units to the Condominium Regime.

WHEREAS, this First Amendment shall be indexed and recorded against the following legally descripted real property, to-wit:

Condominium Units 1A thru 1F, inclusive, and the Additional Units (defined below), together with their respective individual Allocated Interest in the Common Elements created by the Declaration.

WHEREAS, pursuant to Article XVI and Section 3.5 of the Declaration and the Act, the Declarant desires to amend the Declaration to evidence the creation of four (4) additional Units (the "Additional Units") within the additional Building constructed on the Phase 1 Property, as shown on the Plat and Plans attached hereto as <a href="Exhibit "B-1">Exhibit "B-1"</a> and incorporated herein by this reference, including, but not limited to, all Common Elements and Limited Common Elements contained therein.

WHEREAS, pursuant to the Declaration and the Act, the Declarant desires to reallocate the Allocated Interests amongst the Units and Unit Owners within the Phase 1 Property in accordance with the formula set forth in Section 4.3 of the Declaration.

WHEREAS, by virtue of the recording of this Declaration, the Phase I Property, including the Additional Units, shall be owned, held, transferred, sold, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the provisions of the Declaration and the Act and every grantee of any

interest in said Phase 1 Property, including the Additional Units, by acceptance of a deed or other conveyance of such interest, and every Unit Owner of any portion of the Phase 1 Property, including the Additional Units, whether or not such deed or other conveyance of such interest shall be signed by such person and whether or not such person shall otherwise consent in writing, shall own and take subject to the provisions of the Act and this Declaration and shall be deemed to have consented to the terms hereof.

WHEREAS, in furtherance of the condominium form of ownership and for the purposes and intents thereof, Declarant hereby subjects the Phase 1 Property, including the Additional Units, to the terms, covenants, restrictions and easements set forth in the Declaration, which shall apply to, govern, control and regulate the sale, resale, or other disposition, acquisition, ownership, use and enjoyment of the Phase 1 Property, including the Additional Units, and the improvements located or to be located thereon, and does hereby specify, agree, designate and direct that this Declaration and all of its provisions shall be and are covenants to run with the Phase 1 Property, including the Additional Units, and shall be binding on the present owners of the Phase 1 Property, and all its successors and assigns and all subsequent owners of the Phase 1 Property, including the Additional Units, and all of the improvements constructed or to be constructed thereon, together with their grantees, successors, heirs, executors, administrators, devisees and assigns.

NOW, THEREFORE, Declarant, for the purposes set forth above, does hereby amend the Declaration to, inter alia, include the Additional Units and all improvements and facilities constructed or to be constructed thereon into the Condominium Regime, and further states and declares as follows:

- 1. <u>Recitals</u>. The Recitals as set forth above are hereby incorporated into this First Amendment as if fully set forth herein.
- 2. <u>Definitions</u>. Unless otherwise defined in this First Amendment, all capitalized terms used in this First Amendment will have the same meanings ascribed to such terms in the Declaration.
  - 3. <u>Amendments</u>. The Declarant hereby amends the Declaration as follows:
- A. Section.3.5 of the Declaration is hereby deleted in its entirety and is replaced with the following:
  - "Section 3.5 Number of Units. As set forth in the Plat and Plans, the Phase 1 Property shall consist of two (2) Buildings, one Building containing six (6) Units in total, and one (1) Building containing the four (4) Units in total. The anticipated number of Units that the Declarant reserves the right to create within the Condominium is twenty-six (26), including the ten (10) total Units located on the Phase 1 Property. The Additional Units constructed on the Phase 1 Property are hereby created and shall be located on the Phase 1 Property as shown on the Plat and Plans attached hereto as Exhibit "B-1". Pursuant to Section 76-847(a) of the Act, the Declarant shall be the initial Unit Owner of the Units created by this First Amendment."
- B. Section 2.1(u) is hereby amended, in part, to add the following language in order to include the amended Plat and Plans for the Phase 1 Property, and to specifically identify the Phase 1, additional Building on the Plat and Plans:

"Plat and Plans" shall also include the drawings set forth on Exhibit "B-1" attached hereto that were prepared by a registered architect or engineer that contains the information required by the provisions of the Act with respect to the Phase 1 Property, and shall also specifically include the Site Plan which identifies the Phase 1 Property, Phase 2 Property, Phase 3 Property, and Phase 4 Property, all as shown on Exhibit "B-2".

- C. Section 4.3 of the Declaration is hereby amended, in part, to reallocate the Allocated Interest amongst all of the Units located within the Phase 1 Property in accordance with the formula established in Section 4.3 of the Declaration as set forth on <a href="Exhibit">Exhibit "C"</a> attached hereto and incorporated herein by this reference. Accordingly, <a href="Exhibit">Exhibit "C"</a> attached hereto shall replace <a href="Exhibit">Exhibit "C"</a> attached to the original Declaration.
- 4. No Other Amendments. Except as set forth in this First Amendment, the Declaration shall remain in full force and effect.

[Remainder of Page Left Intentionally Blank; Execution Page Follows.]

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to be executed on the day and year first above written.

FTF Investments, LLC,

a Nebraska limited liability company

Name: Chris Falcone
Its: Authorized Member

STATE OF NEBRASKA )
) ss.
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 4th day of March, 2020, by Chris Falcone, a member of FTF Investments, LLC, a Nebraska limited liability company, on behalf of said limited liability company.

State of Nebraska – General Notary R. MICHELLE GILLOTT My Commission Expires May 5, 2021

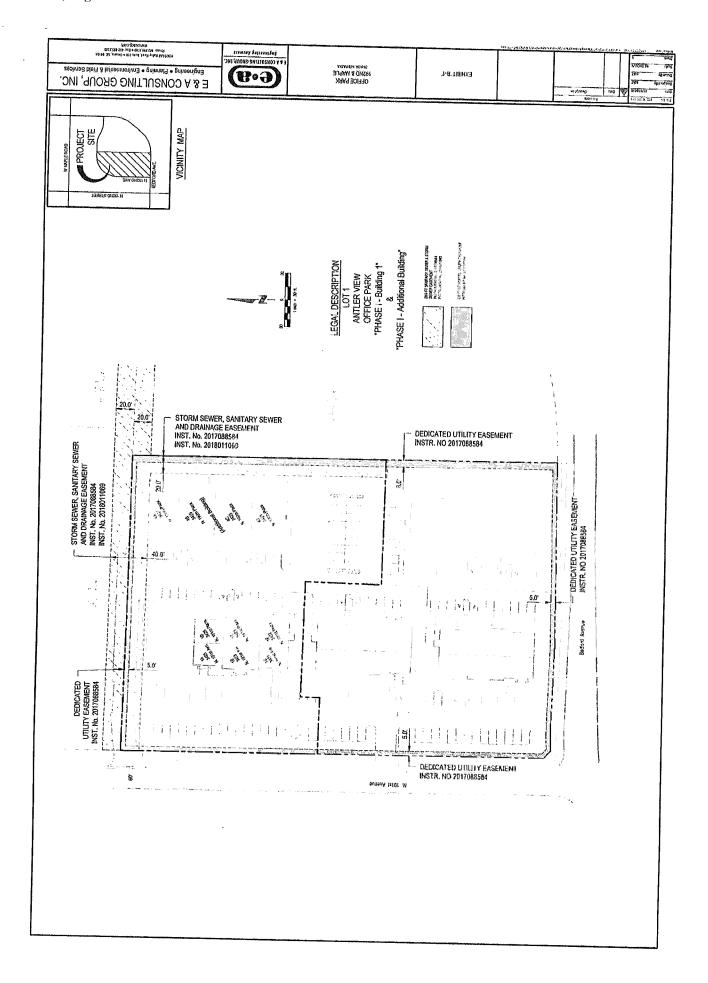
RMichaelusillath
Notary Public

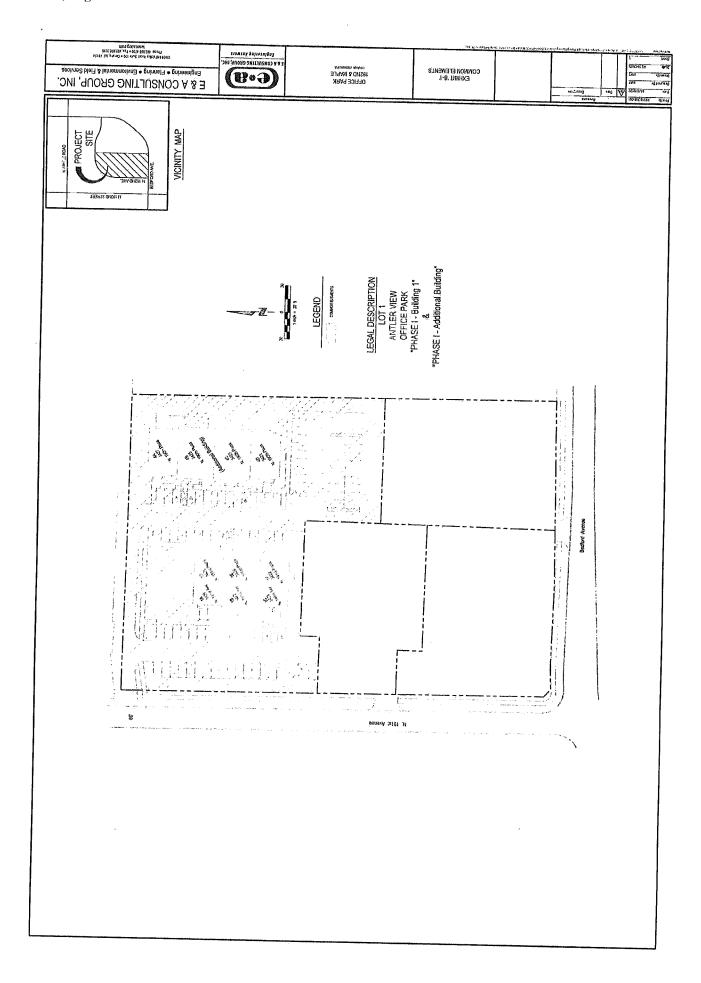
My commission expires:

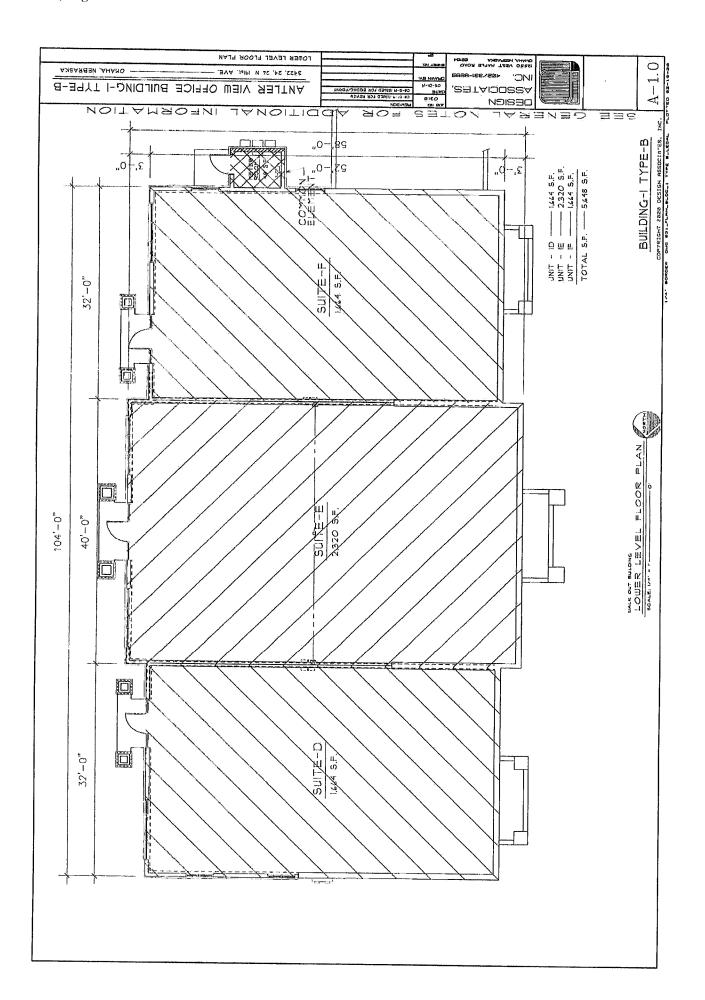
May 5,2021

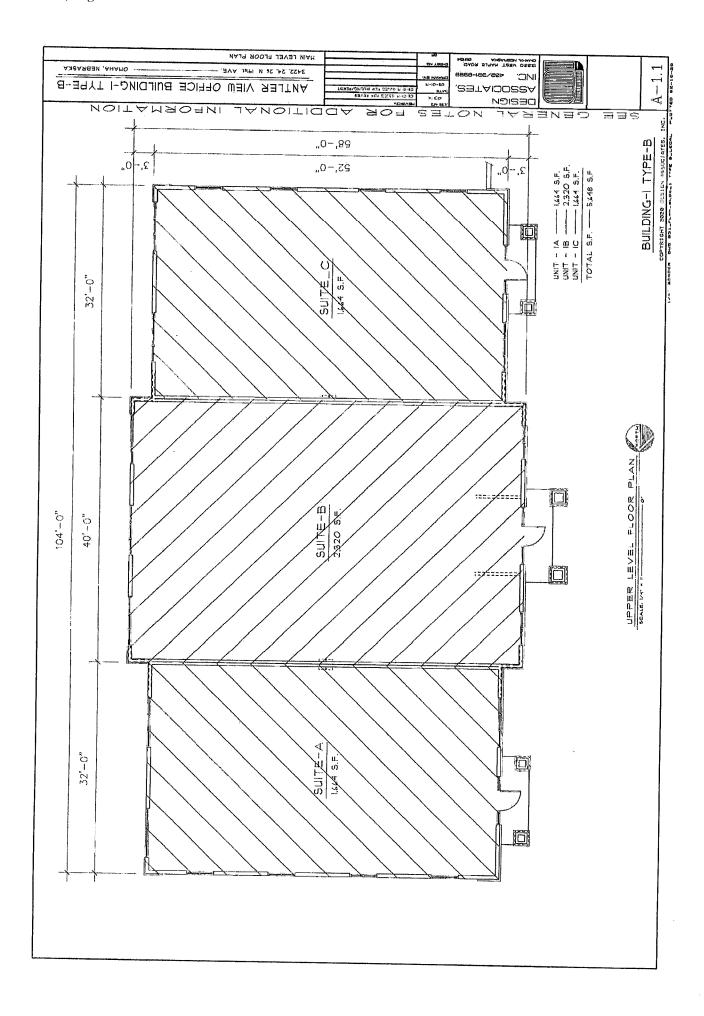
Inst. # 2020022431, Pages: 5 of 17

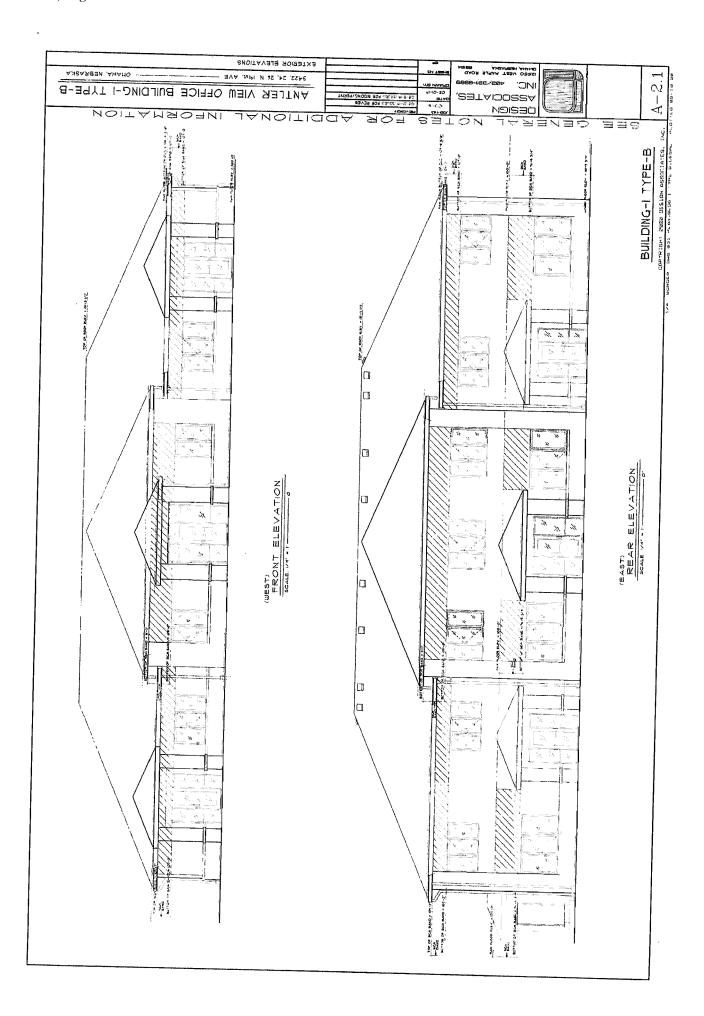
EXHIBIT "B-1"
PLAT AND PLANS
(Phase 1 Property)

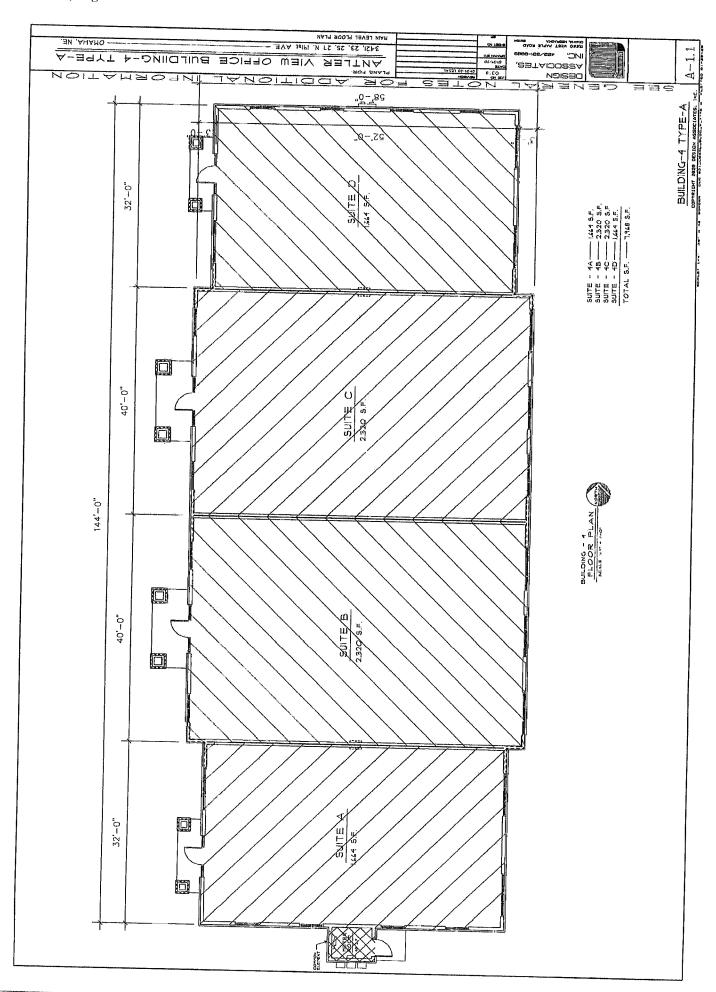


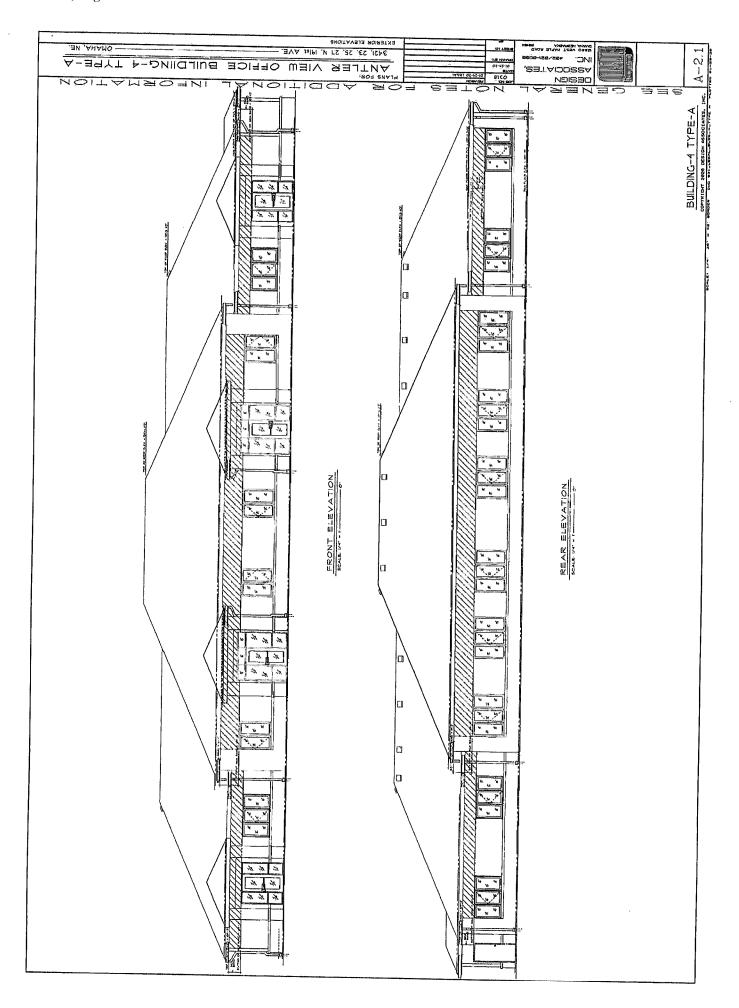


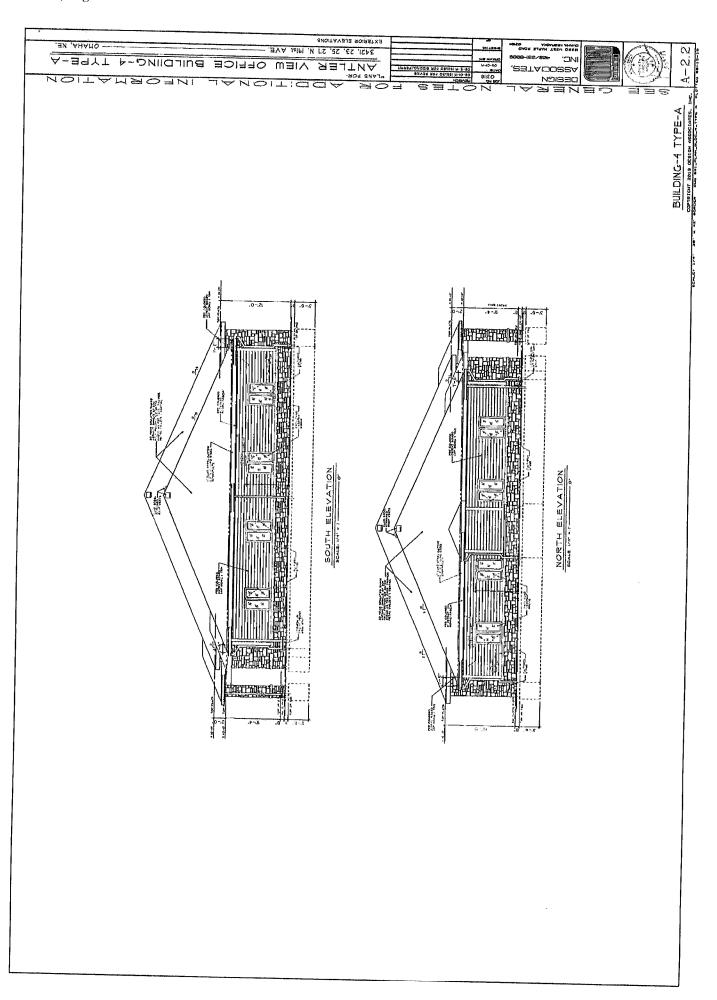












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## EXHIBIT "B-2" CONDOMINIUM REGIME SITE PLAN

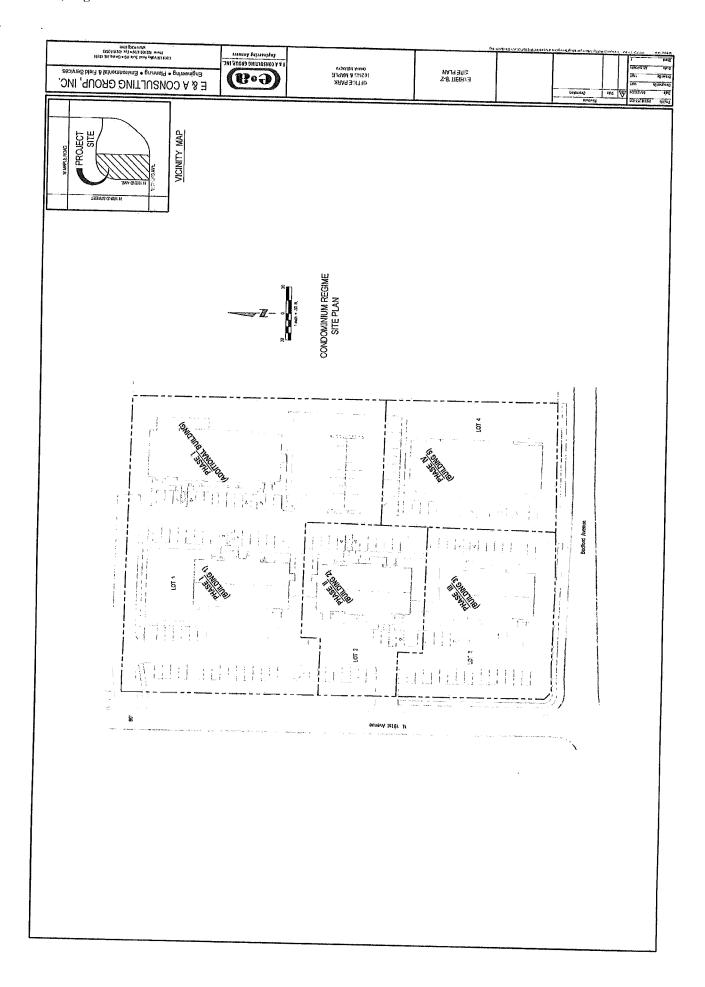


EXHIBIT "C"

<u>UNIT OWNERSHIP AND PERCENTAGE INTERESTS TABLE</u>

| <u>Unit No.</u> | <u>Square</u><br><u>Footage</u> | Allocated Interest of Common Elements | Allocated Interest of Common Expenses | Number of Votes in Association Matters |
|-----------------|---------------------------------|---------------------------------------|---------------------------------------|--|
| 1A              | 1,664                           | 8.64%                                 | 8.64%                                 | 1                                      |
| 1B              | 2,320                           | 12.04%                                | 12.04%                                | 1                                      |
| 1C              | 1,664                           | 8.64%                                 | 8.64%                                 | 1                                      |
| 1D              | 1,664                           | 8.64%                                 | 8.64%                                 | 1                                      |
| 1E              | 2,320                           | 12.04%                                | 12.04%                                | 1                                      |
| 1F              | 1,664                           | 8.64%                                 | 8.64%                                 | 1                                      |
| 4A              | 1,664                           | 8.64%                                 | 8.64%                                 | î                                      |
| 4B              | 2,320                           | 12.04%                                | 12.04%                                | 1                                      |
| 4C              | 2,320                           | 12.04%                                | 12.04%                                | 1                                      |
| 4D              | 1,664                           | 8.64%                                 | 8.64%                                 | Î                                      |
| Totals          | 19,264                          | 100%                                  | 100%                                  | 10                                     |

### **CONSENT OF MORTGAGEE**

Pinnacle Bank, holder of a Construction Deed of Trust dated August 6, 2019 and recorded on August 7, 2019 as Instrument No. 2019061945, hereby consents to the execution and recording of the First Amendment to Declaration and Master Deed of Condominium Ownership to which this Consent is attached.

authorized officers on its behalf, on this 5 day of maken, 2020.

# IN WITNESS WHEREOF, Pinnacle Bank has caused this Consent of Mortgagee to be signed by its duly PINNACLE BANK Name MATTHEW Title PUP-LOMMERLIAL LENDING STATE OF NEBRASKA COUNTY OF <u>Veloas</u>Ko The foregoing instrument was acknowledged before me this 5 day of March, 2020, by Matthew J. Smiththe Asst. VP of Pinnacle Bank on behalf of the bank. GENERAL NOTARY - State of Nebraska REBECCA HOLT My Comm. Exp. April 19, 2020 My commission expires: