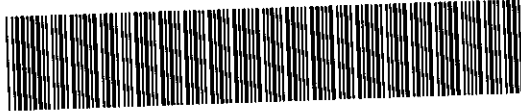




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RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

2002 AUG 23 PM 2:00



MISC 2002 19939

RECEIVED

*misc*  
FEE 27.50 FB See attached  
BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP BW  
DEL \_\_\_\_\_ SCAN CR FV \_\_\_\_\_

**FOURTH AMENDMENT TO SOUTHWESTERN PLAZA DECLARATION OF COVENANTS,  
CONDITIONS, EASEMENTS AND RESTRICTIONS**

THIS FOURTH AMENDMENT TO SOUTHWESTERN PLAZA DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS is made the date hereinafter set forth by Southwestern Plaza Associates, L.L.C., a Nebraska limited liability company, (hereinafter referred to as the "Declarant").

**PRELIMINARY STATEMENT**

By the Southwestern Plaza Declaration of Covenants, Conditions, Easements and Restrictions dated March 6, 1996 and recorded on March 8, 1996 in Book 1170, Page 635, the First Amendment to Southwestern Plaza Declaration of Covenants, Conditions, Easements and Restrictions dated June 5, 1996 and recorded on June 26, 1996 in Book 1180, Page 286, in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska; the Second Amendment to Southwestern Plaza Declaration of Covenants, Conditions, Easements and Restrictions dated January 21, 1997 and recorded on January 22, 1997 in Book 1199, Page 171 in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska; and the Third Amendment to Southwestern Plaza Declarations of Covenants, Conditions, Easements and Restrictions dated May 28, 2002 and recorded May 29, 2002 in Book 1442 at Page 248 in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (hereinafter collectively referred to as the "Declaration"), Declarant subjected the real estate legally described as Lots 1 thru 23, inclusive, Southwestern Plaza, a subdivision in Douglas County, Nebraska (Lots 14 thru 19, inclusive, have been replatted into Lots 1 thru 9, inclusive, Southwestern Plaza Replat I, a subdivision in Douglas County, Nebraska, Lots 3 and 4 Southwestern Plaza Replat I have been replatted into Lot 1 Southwestern Plaza Replat 2, a subdivision in Douglas County, Nebraska and Lots 12 and 13 Southwestern Plaza have been replatted into Lots 1 and 2 Southwestern Plaza Replat 3, a subdivision in Douglas County, Nebraska. ), to this Declaration.

The Declarant currently is the fee simple owner of Lot 11 and desires to bind to the Declaration, as amended herein.

IN CONSIDERATION OF THE FOREGOING PRELIMINARY STATEMENT, WHICH BY THIS REFERENCE IS REPEATED AND INCORPORATED IN THIS FOURTH AMENDMENT IN ITS ENTIRETY, AND OTHER CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE DECLARANT HEREBY AGREES, STATES AND DECLARES AS FOLLOWS:

1. Section 3.A. is hereby amended to include the following paragraph:

Resource Property Group, Inc.  
PO Box 1567  
Council Bluffs IA 51502

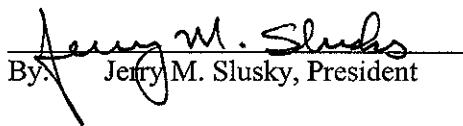
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Lots 7, 8, 9, and 10 may be used for automotive sales, rental, repair, services and other related automotive uses or such other uses permitted in the Southwestern Plaza Mixed-Use Development Agreement entered into inter alia by the City of Omaha and the Declarant.

2. The Declaration is in all other matters ratified and affirmed.

The Declarant and undersigned owners have executed this Fourth Amendment to Declaration as of this 1<sup>st</sup> day of August, 2002.

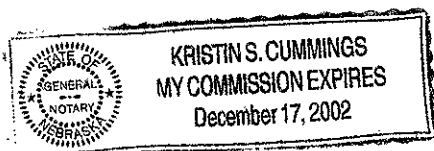
Southwestern Plaza Associates, L.L.C., a  
Nebraska limited liability company  
By: Resource Property Group, Inc., a Nebraska  
Corporation, its Manager

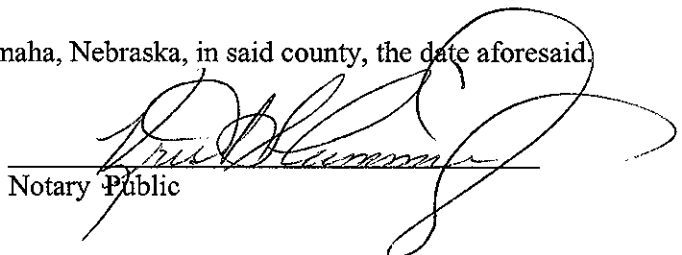
  
By: Jerry M. Slusky, President

STATE OF NEBRASKA       )  
                                      ) ss.  
COUNTY OF DOUGLAS    )

On this 1<sup>st</sup> day of August, 2002, before me, the undersigned, a Notary Public duly commissioned and qualified in and for said county, personally came Jerry M. Slusky, President of Resource Property Group, Inc., Manager of Southwestern Plaza Associates, L.L.C., known to me to be the identical person whose name is subscribed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed as such Manager.

Witness my hand and notarial seal at Omaha, Nebraska, in said county, the date aforesaid.



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

## Exhibit "A"

### Legal Description

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~20, 21~~, 22 and 23 Southwestern Plaza, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, and; m1-36662

Lots 1, 2, 5, 6, 7, 8, and 9 Southwestern Plaza Replat I, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska m1-36667

Lot 1 Southwestern Plaza Replat 2, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (formerly Lots 3 & 4 Southwestern Plaza Replat I). m1-36668

Lots 1 & 2 Southwestern Plaza Replat 3, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (formerly Lots 12 & 13 Southwestern Plaza). m1-36669

we) Lots 1 & 2 Southwestern Plaza Replat 4 (formerly lots 20 & 21  
Southwestern Plaza)