

MODIFICATION OF DECLARATION OF COVENANT  
OF INDEMNIFICATION

On August 2, 1993, Duchesne College and Convent of the Sacred Heart ("Duchesne"), a not for profit corporation, and Regency Retirement Residence of Omaha, Inc., ("Regency"), a Nebraska not for profit corporation, executed a Declaration of Covenant of Indemnification. Duchesne and Regency agree that said Covenant of Indemnification should be modified and amended as provided herein.

1. Released Claims. Any party indemnifying Duchesne for the released claims provided in paragraph 1 of the Covenant of Indemnification shall only be held responsible for the indemnification of Duchesne for any actions or inactions by the indemnifying party or its agents which shall cause the occurrence of a released claim. In the event a released claim shall arise from the actions or inactions of more than one indemnifying party or their agents, in whole or in part, all responsibility and duty for the indemnification of Duchesne shall be joint and several among all such parties and among all such agents which shall in any way participate in any action or inaction which shall cause the occurrence of the released claim. The Covenant of Indemnification shall apply to released claims arising out of any actions or inactions occurring on or after the date the Declaration of Covenants of Indemnification is filed in the Office of the Register of Deeds.

In all other ways the Declaration of Covenant of Indemnification is hereby reratified and approved.

This Modification of Declaration of Covenant of Indemnification shall apply to the real property, shall run with the land, be applicable to the real property as a whole and to each and any such parcel, shall thereafter be binding upon the then property owners and all parties acquiring in the future any right, title or interest in the real property commencing with the date that the Covenant of Indemnification is filed in the records of the Office of the Register of Deeds in Douglas County, Nebraska and shall remain in full force and effect and continuing until 25 years after the date of filing of the Covenant of Indemnification.

The legal description of the real property is attached hereto on Exhibit "A" and incorporated by this reference herein.





FILE: 930782CK

NE SE  
SE NE

EXHIBIT 'A'

That Part of the East Half of Section 16, Township 15 North, Range 12 East of the 6th p.m., Douglas County, Nebraska, described as follows:

Commencing at the East Quarter corner of said Section 16; thence South 00 04'07" East (assumed bearing) on the East line of said Section 16, 330.00 feet to a point on the Easterly extension of the North line of Nicholas Street, thence south 89 57'16" West on the North line of Nicholas Street and its Easterly and Westerly extension, 893.92 feet to the Point of Beginning; thence continuing South 89 57'16" West on the Westerly extension of the North line of Nicholas Street, 427.21 feet to the West line of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of said Section 16; thence North on the West line of the Northeast Quarter of the Southeast Quarter of said Section 16, 509.77 feet (measured) 510.00 feet (recorded); thence North 89 56'04" East 427.21 feet; thence South on a line 427.21 feet East of and parallel to the West line of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of said Section 16; 509.92 feet (measured), 510.00 feet (recorded) to the Point of Beginning.

W 26200 BK 1095 R 16-15-12<sup>VP</sup> FB 01-60000  
CASH  
TYPE 119C PG 89-92 C/O COMP SCAN MC  
FEE 2050 OF 1192 LECL PG 92 MC FV

GEORGE J. BROWN, JR.  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

SEP 10 3 21 PM '93

RECEIVED