



MISC 2006090023



AUG 08 2006 11:57 P 4

misc
 FEE 31.00 FB sub book
 4 BKP _____ C/O _____ COMP. zf
 2 DEL _____ SCAN _____ FV _____

----- [SPACE ABOVE THIS LINE FOR RECORDING DATA] -

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 8/8/2006 11:57:09.86



2006090023

**SEVENTH AMENDMENT TO
 COMMERCIAL FEDERAL BUSINESS PARK
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

This Seventh Amendment to the Declaration of Covenants, Conditions and Restrictions ("Fifth Amendment") is made this 3rd day of August, 2006, by the Bank of the West Business Park Association, L.L.C., a Nebraska limited liability company ("Association").

RECITALS:

WHEREAS, the Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions ("Declaration") dated December 26, 2000, was recorded on December 26, 2000, at Book 1363, Page 112, of the Register of Deeds of Douglas County, Nebraska, and was amended by the First Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on June 5, 2001, and recorded on July 5, 2001, at Book 1388, Page 415, of the Register of Deeds of Douglas County, Nebraska, and was amended by the Second Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on December 18, 2003, and recorded on December 22, 2003, at Instrument No. 2003245628 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Third Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on January 21, 2004, and recorded on January 28, 2004, at Instrument No. 2004011835 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Fourth Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on November 10, 2004, and recorded on December 29, 2004, at Instrument No. 2004167655 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Fifth Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on November 28, 2005, and recorded on November 28, 2005, at Instrument No. 2005149554 of the Register of Deeds of Douglas County, Nebraska, and was amended by the Sixth Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on January 24, 2006, and recorded on January 30, 2006, at Instrument No. 2006010272; and

WHEREAS, The members holding a majority of the votes entitled to be cast pursuant to the Operating Agreement of the Association and, therefore, pursuant to Section 11 of the Declaration, have approved the amendments contained in this Seventh Amendment.

NOW, THEREFORE, the Association hereby amends the Declaration as follows:

1. **Architectural Control Committee.** Section 6.a. of the Declaration is hereby amended and restated as follows:

“a. There is hereby established an Architectural Control Committee (the “Committee”) which shall consist of three (3) members appointed by the Owner of Lot 1, Commercial Federal Business Park Replat 6. Such Owner shall designate in writing the members of the Committee.”

2. **Amendments.** Section 11 of the Declaration is hereby amended and restated as follows:

“This Declaration may be amended by either (a) the Property Owners Association upon an affirmative vote of the Members holding a majority of the votes entitled to be cast at that time; provided, however, that as long as Bank of the West or the corporate successor thereto or related subsidiary corporation is the owner of Lot 1, Commercial Federal Business Park Replat 6, or occupies sixty-five percent (65%) of the net floor space of all buildings located on such Lot, this Declaration may not be amended without the consent of Bank of the West; or (b) by Bank of the West or the corporate successor thereto provided that if such amendment affects the Maximum Gross Building Square Footage, Voting Rights or Allocation of Association Assessments of any Lot, the amendment will not be effective without the written consent of the Owner or Owners of the affected Lots.”

3. **Notices.** The second sentence of Section 15 of the Declaration is amended and restated as follows:

“The present address of the Declarant for receipt of notices is: Bank of the West, ATTN: John Griffith, 13220 California Street, Omaha, NE 68154.”

4. **Legal Description.** The legal description of the property subject to the Declaration is hereby amended as described on Exhibit “A” attached hereto.

EXECUTED this 3rd day of August, 2006.

DECLARANT:

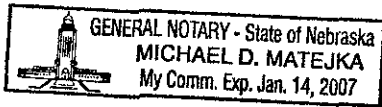
BANK OF THE WEST BUSINESS PARK
ASSOCIATION, L.L.C.

By: 

Title: President and Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 3rd day of August, 2006, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came John J. Grissith, President and Manager of Bank of the West Business Park Association, L.L.C., a Nebraska limited liability company, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed on behalf of said Company.



Michael D. Matejka
Notary Public

When recorded, return to:

Michael D. Matejka
Fitzgerald, Schorr, Barmettler
& Brennan, P.C., L.L.O.
13220 California Street, Suite 400
Omaha, NE 68154-5228

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 6 and 9 and Outlots 1 through 4, inclusive, Commercial Federal Business Park Replat 1, and Lots 1 and 2, Commercial Federal Business Park Replat 2, and Lots 1 and 2, Commercial Federal Business Park Replat 3, and Lots 1 and 2, Commercial Federal Business Park Replat 4, and Lots 1 and 2, Commercial Federal Business Park Replat 5, and Lots 1 and 2, Commercial Federal Business Park Replat 6, and Lots 1 and 2, Commercial Federal Business Park Replat 7, and Lots 1 and 2, Commercial Federal Business Park Replat 8, as surveyed, platted and recorded in Douglas County, Nebraska.

MC-07102 Rep 1
MC-07103 Rep 2
MC-07104 Rep 3
MC-07105 Rep 4
MC-07106 Rep 5
MC-07107 Rep 6
MC-07108 Rep 7
MC-07109 Rep 8