



BK 1882 PG 129



DEED 1990 11084

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FOURTH AMENDMENT TO THE MASTER DEED
CREATING
ESSEX COURT CONDOMINIUM PROPERTY REGIME

THIS FOURTH AMENDMENT TO MASTER DEED made this 29th day of AUGUST, 1990, by and among NEELYN S. CAMPBELL and JAMES L. CAMPBELL, Wife and Husband; DLR BUILDING CO., a Nebraska general partnership; and JOHN DAY COMPANY, a Nebraska corporation; all herein collectively referred to as "the Co-Owners".

The Co-Owners are the respective owners of all of the Apartments respectively comprising the Essex Court Condominium Property Regime ("the Regime") created by Master Deed Creating Essex Court Condominium Property Regime dated March 13, 1974 ("the Master Deed"), as amended by the Amendment dated March 20, 1974 ("the First Amendment"), as amended by the Second Amendment to Master Deed Creating Essex Court Condominium Property Regime dated March 24, 1976 ("the Second Amendment"), and as further amended by the Third Amendment to the Master Deed Creating Essex Court Condominium Property Regime dated July 25, 1977 ("the Third Amendment"). The Master Deed, First Amendment, Second Amendment and Third Amendment were recorded in the books of the Register of Deeds of Douglas County, Nebraska at Book 1498 Page 11, Book 533 Page 639, Book 562 Page 705, and Book 584 Page 299, respectively, all of which documents are herein collectively referred to as "the Master Deed, as amended." The Regime is situated upon and consists of certain improved property described on Exhibit A attached hereto and made a part hereof.

The Co-Owners desire (a) to divide Apartment A2-1 of the Regime so that two (2) new apartments are created; a portion of Apartment A2-1 (1664 sq. ft.) to be designated as Apartment A2-1-A and the remaining portion of Apartment A2-1 (380 sq. ft.) to be combined with Apartment A2-2 with the combined apartments to be designated as Apartment A2-2-A; and (b) to construct a dividing wall constituting a general common element between such apartments.

For future reference, the respective designations of the apartments resulting from the subdivision of Apartment A2-1, their respective values, their respective percentage interest in

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GEORGE J. BUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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OF Deeds COMP VP FIB #51-32685
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the common elements, and their respective dimensions and relative location are specifically treated in this Fourth Amendment.

1. The Co-Owners hereby subdivide Apartment A2-1 in the Regime so that Apartments A2-1-A and A2-2-A are created. The Apartment designations, their respective locations, dimensions, approximate area and common elements to which such Apartments have specific access and other data concerning the proper identification of such Apartments are set forth on the site floor plan of Essex Court Condominium Property Regime, which is attached as Exhibit B to this Fourth Amendment to Master Deed. Exhibit B attached hereto is hereby substituted as the site floor plan for the upper level of the Regime in place of the upper level site floor plan attached as Exhibit A to the Master Deed Creating Essex Court Condominium Property Regime.

2. The subdivision of Apartment A2-1 shall be accomplished promptly after the date hereof by construction of a dividing wall four (4) inches thick; such dividing wall shall constitute a general common element pursuant to Paragraph 7 of the Master Deed, as amended.

The basic value of Apartment A2-1-A and Apartment A2-2-A and the percentage which each such Apartment shall share in the expenses and rights of the common elements are as follows:

<u>Apartment No.</u>	<u>Basic Value</u>	<u>Percentage Interest</u>
A2-1-A	1,664	4.5377
A2-2-A	5,965	16.2667

The Apartment designation, basic value and percentage interest of Apartments A2-1 and A2-2 of the Regime set forth in Paragraph 8 of the Master Deed, as amended, is hereby amended by substitution of the Apartment designations and basic value and percentage interest as set forth above for Apartment A2-1-A and A2-2-A. John Day Company, as owner of Apartment A2-1-A and Apartment A2-2-A hereby acknowledges and agrees for itself and its successors and assigns: (i) by reason of the subdivision of Apartment A2-1 and the construction of the dividing wall, the

total area occupied by Apartment A2-1-A and Apartment A2-2-A, expressed in square feet, may be less than the sum of the basic value specified above for such apartment units, and (ii) Apartment A2-1-A and Apartment A2-2-A shall nevertheless share in the expenses of and the rights in the common elements in relation to the percentage interest specified above for such apartment units. The agreements expressed in this paragraph shall be a covenant running with the land and shall attach to Apartment A2-1-A and Apartment A2-2-A respectively, and their respective owners, and the heirs, personal representatives, successors and assigns of such owners.

3. In all other respects, the Master Deed, the First Amendment, the Second Amendment and the Third Amendment are hereby ratified and affirmed. It is further intended and acknowledged that the owner or owners, present and prospective, of Apartment A2-1-A and Apartment A2-2-A shall have all of the benefits, rights, privileges, easements, appurtenances, obligations, duties, and liabilities as if such Apartments had originally been established as Apartments in the Regime.

IN WITNESS WHEREOF, the Co-Owners and their respective spouses where applicable have executed this Fourth Amendment to Master Deed as of the date and year first above written.

Neely S. Campbell

 Neely S. Campbell

James L. Campbell

 James L. Campbell
 Wife and Husband

DLR BUILDING CO., a partnership,
 by all of the partners

[Signature]

 Partner

[Signature]

 Partner

W. Fonda

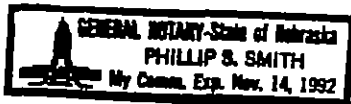
Partner

JOHN DAY COMPANY, a Nebraska corporation

By: *Matthew W. Fonda V.P.*

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

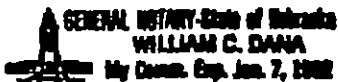
The foregoing instrument was acknowledged before me this 29th day of August, 1990 by Neelyn S. Campbell and James L. Campbell, Wife and Husband.



Phillip S. Smith
Notary Public

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

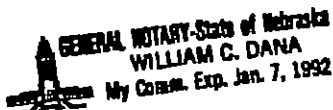
The foregoing instrument was acknowledged before me this 30th day of August, 1990 by IRVING R. DANA JR., JAMES P. ROUBAL, ~~WILLIAM L. LARSON~~, and WILLIAM L. LARSON, partners on behalf of DLR Building Co., a partnership.



William C. Dana
Notary Public

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 30th day of AUGUST, 1990 by MATTHEW W. FONDA, VICE PRESIDENT of John Day Company, a Nebraska corporation.



William C. Dana
Notary Public

LEGAL DESCRIPTION (Combined Parcels "E" and "F")

Part of Lot 162 Regency 2nd Addition, a subdivision in Section 21, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the southeasterly corner of Lot 162C Regency Lake Replat, a subdivision in said Section 21, said southeasterly corner formerly being the southeasterly corner of said Lot 162; thence $N00^{\circ}01'00''W$ a distance of 871.26 feet; thence $S89^{\circ}59'00''W$ a distance of 239.83 feet to the point of beginning thence $N74^{\circ}44'11''W$ a distance of 221.76 feet to a point on the easterly right-of-way of Interstate Highway 680 (I-680); thence northeasterly along said easterly right-of-way of I-680 on a curve to the left, said curve having a radius of 2084.90 feet, a long chord of 224.44 feet bearing $N8^{\circ}15'56''E$, and an arc length of 224.54 feet; to a point of tangency; thence $N5^{\circ}37'03''E$ along said easterly right-of-way of I-680 a distance of 187.89 feet; thence $S74^{\circ}44'11''E$ a distance of 280.58 feet; thence $S15^{\circ}15'49''W$ a distance of 156.00 feet to a point on the right-of-way of Essex Court; thence $N74^{\circ}44'11''W$ along said right-of-way of Essex Court a distance of 50.00 feet; thence $S15^{\circ}15'49''W$ along said right-of-way of Essex Court a distance of 100.00 feet thence $S74^{\circ}44'11''E$ along said right-of-way of Essex Court a distance of 50.00 feet; thence $S15^{\circ}15'49''W$ a distance of 152.00 feet to the point of beginning, and containing 2.21 acres more or less.

(The above description is based on the southerly line of said Lot 162C having an assumed bearing of $S89^{\circ}59'00''W$.)

Exhibit "A"

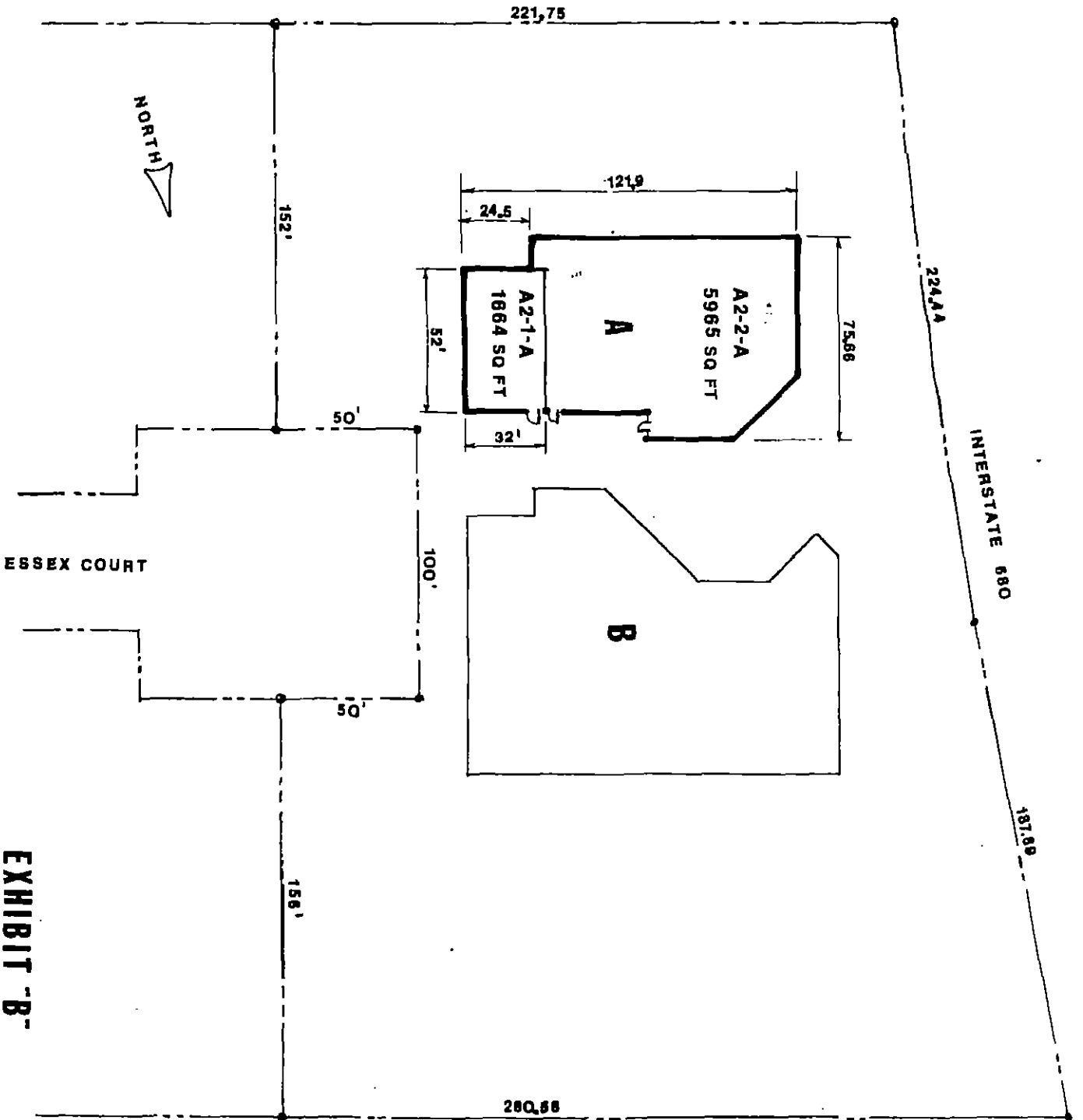
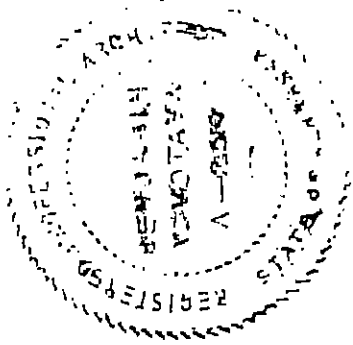


EXHIBIT -B-

I CERTIFY THE GRAPHIC PLOT ACCURATELY INDICATES THE UPPER LEVEL OF TENANT SPACE A2-1-A OF BUILDING "A", SAID SPACE 52'x32' CONSISTING OF 1664 SQ. FT. AND ITS PROXIMITY TO SURROUNDING AREAS.

Benjamin A. Votava
 NEBRASKA ARCHITECT A-254



BENJAMIN A. VOTAVA, INC
 ARCHITECT
 4521 Leavenworth Street
 Omaha, Nebraska 68106