81-877+ 78-2604

600K 533 PAGE 639

AMENDMENT

TO

MASTER DEED CREATING ESSEX COURT CONDOMINIUM PROPERTY REGIME

THIS AMENDMENT TO MASTER DEED made this day of March, 1974 by MAENNER CO. and HAWKINS CONSTRUCTION COMPANY, Nebraska corporations, for themselves, their successors, grantees and assigns:

WITNESSETH:

FIRST:

Maenner Co. and Hawkins Construction Company are the sole co-owners of all of the real estate described in the Master Deed recorded March 13, 1974 at Book 1498, Page 11, of the Records of Douglas County, Nebraska and by this instrument do amend said Master Deed in the particulars set forth below.

Legal description more particularly described on Exhibit A attached SECOND:

Paragraph 9. (b) of said Master Deed is amended so as to provide in its entirety, as follows:

9. * * * * (b) The common elements are for the use and enjoyment of all co-owners. The ownership of the common elements shall remain undivided, and no person or co-owner shall bring any action for the partition or division of the common elements. The Association shall from time to time establish rules and regulations for the use of the common elements, and all co-owners and users shall be bound thereby. The Association shall have the sole jurisdiction over and responsibility for making alterations, improvements, repairs and maintenance of the common elements. The share of a co-owner in the common elements is appurtenant to his apartment and inseparable from apartment ownership. Assessments against co-owners for insurance, common element expenses and reserves and for other expenses incurred by the Association shall be made pursuant to the By-The expenses, including taxes, insurance, repairs and maintenance incident to the limited common elements, consisting of the covered garages and storage areas and located on the same level and to the north of Apartment No. Bl-1 and reserved for the use of Apartment Bl-1 to the exclusion of the other apartments, shall be assessed solely against Apartment No. Bl-1. Assessments paid within ten days after the date when due shall not bear interest, but all sums not paid within said ten-day period shall bear interest at the highest legal rate from due date until paid. If any co-owner shall fail or refuse to make any payment of such assessments when due, the amount thereof plus interest shall conscitute a lien upon the co-owner's interest in his apartment and in the property, and upon the recording of such lien by the Association with the Register of Deeds of Douglas County, Nebraska, such amount shall constitute a lien prior and preferred over all other liens and encumbrances except assessments, liens and charges for taxes past due and unpaid on the apartment and duly recorded mortgage and lien instruments.

THIRD:

The Master Deed is further amended by adding to paragraphs 1 through 11 of said Master Deed the following paragraphs, to-wit:

BOOK 533 PACE 640

- now encroaches upon any apartment, or if any apartment now encroaches upon any other apartment or upon any portion of the common elements, as a result of the construction of the building, or if any such encroachment shall occur hereafter as a result of settling or shifting of the building, a valid easement for the encroachment and for the maintenance of the same so long as the building stands, shall exist. In the event the building, the apartment, any adjoining apartment, or any adjoining common element shall be partially or totally destroyed as a result of fire or other casualty or as a result of condemnation or eminent domain proceedings, and then rebuilt, encroachments of parts of the common elements upon any apartment or of any apartment upon any other apartment or upon any portion of the common elements, due to such rebuilding, shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist so long as the building shall stand.
- LINES AND OTHER COMMON ELEMENTS LOCATED INSIDE OF UNITS. Each apartment owner shall have an easement in common with the owners of all other apartments to use all pipes, wires, ducts, cables, conduits, public utility lines and other common elements located in any of the other apartments and serving his apartment. Each apartment shall be subject to an easement in favor of the owners of all other apartments to use the pipes, ducts, cables, wires, conduits, public utility lines and other common elements serving such other apartments and located in such apartment. The Board of Administrators shall have a right of access to each apartment to inspect the same, to remove violations therefrom and to maintain, repair or replace the common elements contained therein or elsewhere in the building.

FOURTH:

Otherwise the Master Deed recorded at Book 1498, Page 11, of the Records of Douglas County, Nebraska, is in all respects affirmed and ratified.

EXECUTED the date first above written.

MAENNER CO.

Attest: Derothy & he Junty By:

Thomas D. Peschio, Vice Pres

HAWKINS CONSTRUCTION COMPANY

Attest:

Robert A. Bloechle, Vice President

STATE OF NEBRASKA

)ss.

COUNTY OF DOUGLAS

On the date first above written before me, the undersigned, a Notary Public in and for said County, personally came Thomas D. Peschio, to me personally known to be the Vice President of Maenner Co. and the identical person whose name is affixed to the foregoing Master Deed, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the said corporation, and that the corporate seal of the said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Omaha in said County

on the date first above written.

Darithy J Notary

STATE OF NEBRASKA

)ss.

COUNTY OF DOUGLAS

On the date first above written, before me, the undersigned, a Notary Public in and for said County, personally came Robert A. Bloechle, to me personally known to be the Vice President of Hawkins Construction Company and the identical person whose name is affixed to the foregoing Master Deed, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the said corporation, and that the corporate seal of the said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Omaha in said County on the date first above written.

Danethy 5 mc Notary Fublic

Exhibit A DESCRIPTION OF LAND. The lands owned by the Developers which are hereby submitted to the condominium regime are described as follows:

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°Cl'oo"W a distance of 871.26 feet; thence S89°59'oo"W a distance of 239.83 feet to the point of beginning; thence N74°44'11"W a distance of 221.76 feet to a point on the easterly right-of-way of Interstate Highway 68 (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°15'56"E, and an arc length of 224.54 feet; to a point of tangency; thence N5°37'03"E along said easterly right-of-way of I-680 a distance of 187.89 feet; thence S74°44'll"E a distance of 280.58 feet; thence S15°15'49"W a distance of 156.00 feet to a point on the right-of-way of Essex Court; thence N74°44'll"W along said right-of-way of Essex Court a distance of 50.00 feet; thence S15°15'49"W along said right-of-way of Essex Court a distance of 100.00 feet, thence S74°44'll"E along said right-of-way of Essex Court a distance of 50.00 feet; thence S15°15'49"W a distance of 152.00 feet to the point of beginning, and containing 2.21 acres more or

(The above description is based on the southerly line of said Lot 162C having an assumed bearing of S89°59'00"W.)

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA-20 DAY OF M. C. HAROLD OSTLER, REGISTER OF DEEDS