

81-877.1

SECOND AMENDMENT TO MASTER DEED CREATING
ESSEX COURT CONDOMINIUM PROPERTY REGIME

THIS SECOND AMENDMENT TO MASTER DEED made this 24th day of March, 1976 by MAENNER CO. and HAWKINS CONSTRUCTION COMPANY, Nebraska corporations herein referred to collectively as "Developers"

PRELIMINARY STATEMENT

Maenner Co. and Hawkins Construction Company submitted certain property described on Exhibit "A" attached hereto to the Essex Court Condominium Property Regime by a Master Deed Creating Essex Court Condominium Property Regime dated March 13, 1974 ("Master Deed"), which Master Deed was amended by Amendment to Master Deed Creating Essex Court Condominium Property Regime dated March 20, 1974 ("First Amendment"). The Master Deed and the First Amendment were recorded in the Office of the Register of Deeds of Douglas County, Nebraska at Book 1498, Page 11 and Book 533, Page 639, respectively, both of which documents are sometimes hereinafter collectively referred to as "the Master Deed, as amended".

In Paragraph 5 of the Master Deed, as amended, the Developers reserved the right to change the size, apartment designation, basic value and percentage interests in expenses and rights in the common elements with respect to the area occupied by any unsold apartment unit. Paragraph 5 of the Master Deed, as amended, further specifically provides, in part:

If any apartment shall be subdivided the basic value and percentage each sub-apartment shall share in the expenses and rights in the common elements shall be calculated on the percentage of the area occupied by the sub-apartment bears to the area of the whole apartment before it is subdivided.

The Developers desire to subdivide Apartment Al-2 of the Essex Court Condominium Property Regime into two apartments designated Apartment Al-2-A and Al-2-B and to construct a wall between such units which will herein be referred to as the "Dividing Wall".

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The designation, location and dimensions of Apartment Al-2-A, Apartment Al-2-B and the Dividing Wall are described in the Plan and Survey of Essex Court Condominium Property Regime attached as Exhibit "B" to this Second Amendment to Master Deed. The Dividing Wall is to be constructed with six inch (6") thick concrete block.

Pursuant to Paragraph 7 of the Master Deed, as amended, the Dividing Wall will be a general common element of the Essex Court Condominium Property Regime. Because the area occupied by Apartments Al-2-A and Al-2-B will be bounded on one side by the interior surface of the Dividing Wall in accordance with Paragraph 6 of the Master Deed, as amended, the total area occupied by Apartments Al-2-A and Al-2-B will be less than the area occupied by Apartment Al-2 before the subdivision. Developers acknowledge such fact and agree, nevertheless, that Apartments Al-2-A and Al-2-B shall have the basic value and percentage interest hereinafter set forth. The total basic value and the total percentage interest for Apartment Al-2-A and Apartment Al-2-B, hereinafter set forth, equals the basic value and percentage interest of Apartment Al-2 prior to the subdivision.

NOW, THEREFORE, in exercise of the rights reserved in Paragraph 5 of the Master Deed, as amended, Developers hereby subdivide Apartment Al-2 in the Essex Court Condominium Property Regime into Apartment Al-2-A and Apartment Al-2-B. The apartment designations, their respective locations, dimensions, approximate area and common elements to which such Apartments have immediate access, and other data concerning the proper identification of such Apartments are set forth in the site and floor plan designated Sheet 2A, Lower Plan, Plans and Survey of Essex Court Condominium Property Regime which is attached as Exhibit "B" to this Second Amendment to Master Deed. Said Exhibit "B" is hereby substituted as the site and floor plan for the lower level of the Essex Court Condominium Property Regime in place of the site and floor plan attached as a part of Exhibit "A" to the Master Deed, as amended, therein designated Sheet 2, Lower Plan, Plans and Survey of Essex Court Condominium Property Regime.

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

<u>Apartment No.</u>	<u>Basic Value</u>	<u>Percentage Interest</u>
Al-2-A	3238	8.8301
Al-2-B	2248	6.1304

The apartment designation, basic value and percentage interest of Apartment Al-2 of the Essex Court Condominium Property Regime set forth in Paragraph 8 of the Master Deed, as amended, is hereby amended by substitution of the apartment designations, basic value and percentage interest set forth above for Apartment Al-2-A and Apartment Al-2-B.

Developers, as owners of Apartment Al-2-A and Apartment Al-2-B, hereby acknowledge and agree for themselves and their successors and assigns: (i) by reason of the subdivision of Apartment Al-2 and construction of the Dividing Wall, the total area occupied by Apartment Al-2-A and Apartment Al-2-B, expressed in square feet, is less than the sum of the basic values specified above for such apartment units, and (ii) Apartment Al-2A and Apartment Al-2-B shall each 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 Al-2-A and Apartment Al-2-B.

In all other respects the Master Deed recorded at Book 1498, Page 11 of the Records of Douglas County, Nebraska, as amended by Amendment to Master Deed Creating Essex Court Condominium Property Regime recorded at Book 533, Page 639 of the Records of Douglas County, Nebraska, is hereby affirmed and ratified.

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 N 00°01'00"W a distance of 871.26 feet; thence S 89°59'00"W a distance of 239.83 feet to the point of beginning; thence N 74°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 north-easterly 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 N 8°15'56"E, and an arc length of 224.54 feet; to a point of tangency; thence N 5°37'03"E along said easterly right-of-way of I-680 a distance of 187.89 feet; thence S 74°44'11"E a distance of 280.58 feet; thence S 15°15'49"W a distance of 156.00 feet to a point on the right-of-way of Essex Court; thence N 74°44'11"W along said right-of-way of Essex Court a distance of 50.00 feet; thence S 15°15'49"W along said right-of-way of Essex Court a distance of 100.00 feet; thence S 74°44'11"E along said right-of-way of Essex Court a distance of 50.00 feet; thence S 15°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 S 89°59'00"W.)

* Apartments A1-1, A1-2, B1-1, A2-1, A2-2, B2-1, A1-2-B, A1-2-A
Essex Court Condominium Property Regime

