

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

THIS THIRD AMENDMENT TO MASTER DEED made this 25 day of July, 1977, by and among MAENNER CO., a Nebraska corporation; HAWKINS CONSTRUCTION COMPANY, a Nebraska corporation; HOLMQUIST ELEVATOR COMPANY, a Nebraska corporation; NEELYN S. CAMPBELL; and DLR BUILDING CO., a partnership; 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 Amendment dated March 20, 1974 ("the First Amendment") and as further amended by the Second Amendment to Master Deed Creating Essex Court Condominium Property Regime dated March 24, 1976 ("the Second Amendment"). The Master Deed, First Amendment and Second Amendment were recorded in the records of the Register of Deeds of Douglas County, Nebraska at Book 1498 Page 11, Book 533 Page 639, and Book 562 Page 705, 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 Al-2-A of the Regime into two apartments to be designated Apartment Al-2-A-1 and Al-2-A-2, respectively, (b) to construct a dividing wall constituting a general common element between such apartments, and (c) to grant to the respective owners of Apartment Al-1 (presently existing) and Apartment Al-2-A-2 (to be established hereby) a perpetual easement allowing, among other things, the partial or complete removal of all or any part of the dividing wall between such apartments.

For future reference, the respective designations of the apartments resulting from the subdivision of Apartment Al-2-A, their respective basic values, their respective percentage

interests in the common elements, and their respective dimensions and relative location are specifically treated in this Third Amendment.

1. The Co-Owners hereby subdivide Apartment A1-2-A in the Regime into Apartments A1-2-A-1 and A1-2-A-2. 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 designated Sheet 2B, Floor Plan, Plans and Survey of Essex Court Condominium Property Regime, which is attached as Exhibit B to this Third Amendment to Master Deed. Exhibit B attached hereto is hereby substituted as the site floor plan for the lower level of the Regime in place of the site floor plan attached as Exhibit B to the Second Amendment, therein designated Sheet 2A, Lower Plan, Plans and Survey of Essex Court Condominium Property Regime.

The subdivision of Apartment A1-2-A shall be accomplished promptly after the date hereof by the construction of a Dividing Wall consisting of six (6) inch thick concrete blocks; such Dividing Wall shall constitute a general common element pursuant to Paragraph 7 of the Master Deed, as amended.

The basic value of Apartment A1-2-A-1 and Apartment A1-2-A-2 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>
A1-2-A-1	2019	5.5059
A1-2-A-2	1219	3.3242

The Apartment designation, basic value and percentage interest of Apartment A1-2-A of the Regime set forth in Paragraph 8 of the Master Deed, as amended by the Second Amendment, is hereby amended by substitution of the Apartment designations and basic value and percentage interest set forth above for Apartment A1-2-A-1 and Apartment A1-2-A-2.

2. Maenner Co. and Hawkins Construction Company, as joint owners of Apartment A1-2-A-1 and Apartment A1-2-A-2, hereby declare,

acknowledge and agree for themselves, their successors and assigns: (i) by reason of the subdivision of Apartment Al-2-A and the construction of the dividing wall between such resulting apartments, the total area to be occupied by Apartment Al-2-A-1 and Apartment Al-2-A-2 after such subdivision and the construction of the dividing wall, expressed in square feet, equals an amount which is less than the aggregate area in square feet of both such Apartments prior to subdivision and construction, and (ii) that notwithstanding such discrepancy, Apartment Al-2-A-1 and Apartment Al-2-A-2 shall have the basic values and shall each be responsible for, share in the expenses of and shall be entitled to the rights in the common elements to the extent of the percentage interest opposite each Apartment designation specified in Section 1 hereof. The agreements and covenants expressed in this paragraph shall be covenants running with the land and the Regime and shall benefit and burden Apartment Al-2-A-1 and Apartment Al-2-A-2 respectively, and their respective owners, and the heirs, personal representatives, successors and assigns of such owners.

3. The Co-Owners, jointly and severally (including their respective successors and assigns), hereby grant to the owners of Apartment Al-1 and Apartment Al-2-A-2 and their respective assigns, successors, heirs and personal representatives, the perpetual and exclusive right and easement to remove, alter, improve, expand, demolish or rebuild all or any part of the wall between Apartment Al-1 and Apartment Al-2-A-2; provided however, neither of the owners of the two Apartments identified in this Section 3 may exercise such easement in any manner whatsoever without obtaining the written consent of the other record owner, and upon exercise, the record owners of both such apartments shall cause an instrument to be filed with the Register of Deeds of Douglas County, Nebraska declaring the manner and mode by which such easement has been exercised; the cost of preparing and filing such instrument shall be shared equally by such record owners. Unless the owners of Apartments Al-1 and Apartment Al-2-A-2 shall otherwise agree, such wall shall hereafter be maintained and repaired by the owners

of Apartment A1-1 and Apartment A1-2-A-2, with the record owner of each Apartment responsible for one-half of the cost thereof.

4. In all other respects the Master Deed, the First Amendment and the Second Amendment are hereby ratified and affirmed. It is further intended and acknowledged that the owner or owners, present and prospective, of Apartment A1-2-A-1 and Apartment A1-2-A-2 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 Third Amendment to Master Deed as of the date and year first above written.

MAENNER CO., a Nebraska corporation

By [Signature]

HAWKINS CONSTRUCTION COMPANY, a Nebraska corporation,

By [Signature]
V.P.

HOLMQUIST ELEVATOR COMPANY, a Nebraska corporation,

By [Signature] President

[Signature]
Neelyn S. Campbell

[Signature]
James L. Campbell
Wife and Husband

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

[Signature]

[Signature]

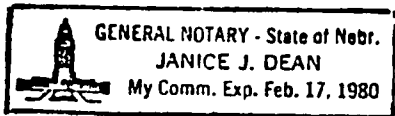
[Signature]

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

BOOK 584 PAGE 303

On this 26th day of July, 1977, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County, personally came Louis P. Seybold, Exec. Vice Pres. of MAENNER CO., a Nebraska corporation, to me personally known to be the identical person whose name is affixed to the above and foregoing Third Amendment to the Master Deed Creating Essex Court Condominium Property Regime and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and the Corporate Seal of the said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.



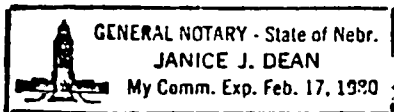
Janice J. Dean
Notary Public

(S E A L)

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 26th day of July, 1977, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County, personally came Robert A. Bloschke, Vice President of HAWKINS CONSTRUCTION COMPANY, a Nebraska corporation, to me personally known to be the identical person whose name is affixed to the above and foregoing Third Amendment to the Master Deed Creating Essex Court Condominium Property Regime and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and the Corporate Seal of the said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.



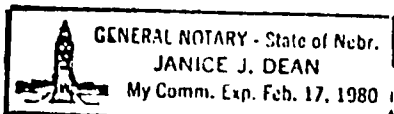
Janice J. Dean
Notary Public

(S E A L)

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 25th day of July, 1977, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came NEELYN S. CAMPBELL and JAMES L. CAMPBELL, wife and husband, to be known to be the identical persons whose names are affixed to the foregoing Third Amendment to the Master Deed Creating Essex Court Condominium Property Regime and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

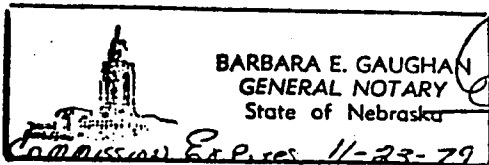


Janice J. Dean
Notary Public

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 26 day of July, 1977, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County, personally came Janice J. Dean, William J. Larson and James E. Crahal, of DLR BUILDING CO., a partnership, to me personally known to be the identical persons whose names are affixed to the above and foregoing Third Amendment to Master Deed Creating Essex Court Condominium Property Regime and acknowledged the execution thereof to be their voluntary acts and deeds and the voluntary act and deed of the partnership, and further acknowledge that they were all of the partners of DLR BUILDING CO.

WITNESS my hand and Notarial Seal the day and year last above written.

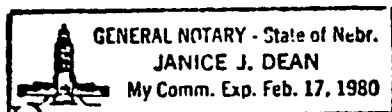


Barbara E. Gaughan
Notary Public

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 25th day of July, 1977, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County, personally came Charles H. Holmquist, President of HOLMQUIST ELEVATOR COMPANY, a Nebraska corporation, to me personally known to be the identical person whose name is affixed to the above and foregoing Third Amendment to the Master Deed Creating Essex Court Condominium Property Regime and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and the Corporate Seal of the said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.



Janice J. Dean
Notary Public

(S E A L)

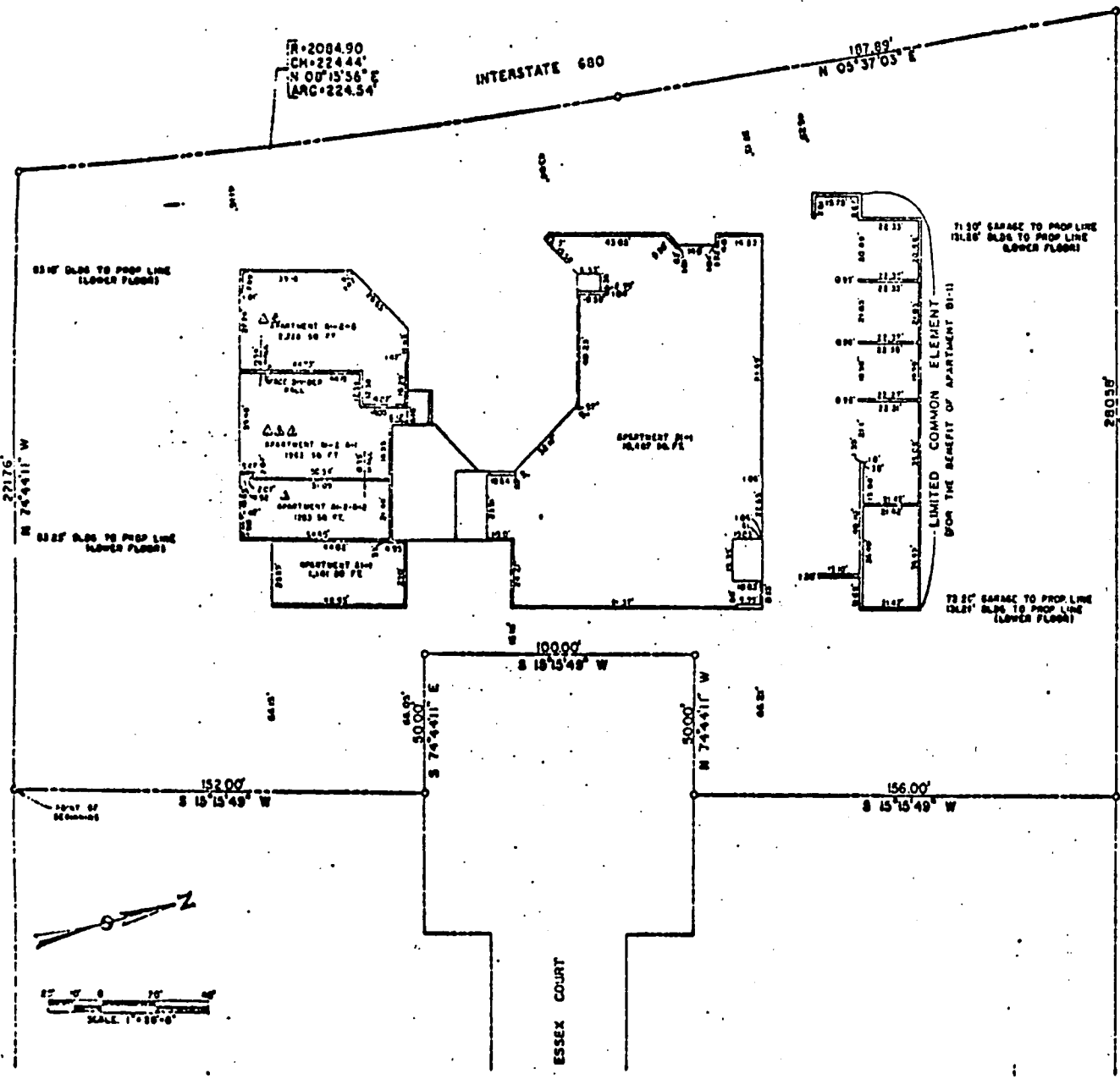
LEGAL DESCRIPTION (Combined Parcels "E" and "F")

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"



*Maenner Co.
10050 Regency Circle
R.D. Moore
7/27/77 Redding*

PERSONAL CERTIFICATE

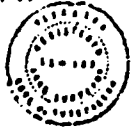
I HEREBY CERTIFY THAT THE SURVEY OF THE FOLLOWING DESCRIBED PROPERTY WAS MADE UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

LEGAL DESCRIPTION

PART OF LOT 162 REGENCY 2ND ADDITION, A SUBDIVISION IN SECTION 22, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE 6TH P.M., DODD COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEASTERN CORNER OF SAID LOT 162, REGENTLY LAYE PERPET, A SUBDIVISION IN SAID SECTION 22, SAID SOUTHEASTERN CORNER FORMERLY BEING THE SOUTHEASTERN CORNER OF SAID LOT 162, THENCE N00°15'56\"/>

Carl J. Bissell
CARL J. BISSALLAS REG. 20, 1977

POOR COPY FILED



ARCHITECTS & ENGINEERS
KIRKHAM & MICHAEL
 1117 N. Durbin Street, Apt. 2
 Omaha, Nebraska 68102
 PLANS & SURVEY
 ESSEX COUNTY
 COMMERCIAL PROPERTY RECORD
 LOWER PLAN
 2B

*Book 81-880
Sheet 15 of 15
78-260-A
7/11/77
280-A*

*Book 584
Page 299
of 300*

RECEIVED
 1977 JUL 27 AM 10:20
 CARL J. BISSALLAS
 REG. 20 OF DEEDS
 DODD COUNTY, NEBR.

11 July