



FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
AND OF CERTAIN RECIPROCAL RIGHTS AND EASEMENTS PERTAINING
TO THE PROJECT
COMMONLY KNOWN AS MIDTOWN CROSSING AT TURNER PARK
OMAHA, NEBRASKA

THIS INSTRUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:

Paul J. Halbur
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Omaha, Nebraska, 68102
(402) 341-6000

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS AND OF CERTAIN RECIPROCAL RIGHTS AND EASEMENTS
PERTAINING TO THE PROJECT COMMONLY KNOWN AS MIDTOWN CROSSING
AT TURNER PARK OMAHA, NEBRASKA**

This First Amendment to the Declaration of Covenants, Conditions and Restrictions and of Certain Reciprocal Rights and Easements Pertaining to the Project Commonly Known as Midtown Crossing at Turner Park Omaha, Nebraska (this "Amendment"), dated this ¹³ day of August, 2018, is made by East Campus Realty, LLC, a Nebraska limited liability company ("Developer") and Midtown Crossing Parcel 1 Condominium Association, Inc., a Nebraska nonprofit corporation ("Parcel 1 Condo Association").

WITNESSETH:

WHEREAS, by that certain Declaration of Covenants, Conditions and Restrictions and of Certain Reciprocal Rights and Easements Pertaining to the Project Commonly Known as Midtown Crossing at Turner Park Omaha, Nebraska dated December 10, 2009, and recorded in the Office of the Register of Deeds of Douglas County, Nebraska on February 11, 2010, as Document No. 2010012982, (the "MTC Declaration"), Developer subjected certain real estate more particularly described on Exhibit 1 attached hereto and incorporated herein, to the terms of the MTC Declaration;

WHEREAS, terms which are not otherwise defined in this Amendment shall have the meaning ascribed to such terms in the MTC Declaration;

WHEREAS, Section 20.4 of the MTC Declaration provides for the amendment of the Declaration with the written approval of the owners of Parcel 1, Parcel 2, Parcel 345, Parcel 6, Parcel 7, Garage C Parcel and Ramp A Parcel;

WHEREAS, Developer is the sole owner in fee simple of Parcel 2, Parcel 345, Parcel 6, Parcel 7, Garage C Parcel and Ramp A Parcel;

WHEREAS, by that certain Declaration of Condominium of Midtown Crossing Parcel 1 Condominium dated June 17, 2016, and recorded in the Office of the Register of Deeds of Douglas County, Nebraska on October 11, 2017, as Document No. 2017081791, as amended by that certain First Amendment to the Declaration of Midtown Crossing Parcel 1 Condominium dated May 16, 2018, and recorded May 18, 2018, as Instrument No. 2018037942) (the "Parcel 1 Declaration"), Developer submitted Parcel 1 to the provisions of the Nebraska Condominium Act, Neb. Rev. Stat. §76-825 *et. seq.*, and Parcel 1 is thereby considered Submitted Property under the MTC Declaration;

WHEREAS, Parcel 1 Condo Association, for purposes of Parcel 1, is the governing Condominium Association for the Submitted Property and Developer is the owner of all the

Units (as that term is defined in the Parcel 1 Declaration) under the Parcel 1 Declaration;

WHEREAS, no part of Parcel 1, Parcel 2, Parcel 345, Parcel 6, Parcel 7, Garage C Parcel or Ramp A Parcel is encumbered by a mortgage; and

WHEREAS, Developer and Parcel 1 Condo Association desire to amend the MTC Declaration as herein provided.

NOW THEREFORE, Developer and Parcel 1 Condo Association hereby amend the MTC Declaration as follows:

1. Section 20.17 of the MTC Declaration is deleted in its entirety and not replaced.
2. Except as expressly set forth herein, the MTC Declaration shall remain in full force and effect in accordance with its terms.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, Developer and Parcel 1 Condo Association have caused their name to be signed to these presents on the day and year first written above.

East Campus Realty, LLC,
a Nebraska limited liability company

Midtown Crossing Parcel 1
Condominium Association, Inc., a
Nebraska nonprofit corporation

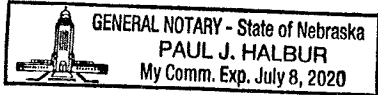
By: *[Signature]*
Joseph Schmidt, President and COO

By: *[Signature]*
Joseph Schmidt, President

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

I, *Paul J. Halbur*, Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Joseph Schmidt of EAST CAMPUS REALTY, LLC, a Nebraska limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument as President and COO, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of the company, for the uses and purpose therein set forth.

GIVEN, under my hand and Notarial Seal this of *22* day of *August*,
2018.

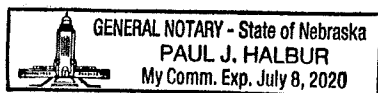


Paul J. Halbur
Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

I, *Paul J. Halbur*, Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Joseph Schmidt of Midtown Crossing Parcel 1 Condominium Association, Inc., a Nebraska nonprofit corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument as President, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of the company, for the uses and purpose therein set forth.

GIVEN, under my hand and Notarial Seal this of *22* day of *August*,
2018.



Paul J. Halbur
Notary Public

EXHIBIT 1

(SAME AS EXHIBIT A TO THE MTC DECLARATION)

LEGAL DESCRIPTION

LOTS 1, 3, 4 AND 5, INCLUSIVE, AND OUTLOTS 2 THROUGH 4, INCLUSIVE, MIDTOWN CROSSING AT
TURNER PARK, AN ADDITION TO THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA

UNITS 1 AND 2, MIDTOWN CROSSING BUILDING 6 CONDOMINIUM, A CONDOMINIUM ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF NEBRASKA PURSUANT TO THE DECLARATION THEREOF
RECORDED OCTOBER 12, 2017 AS INSTRUMENT NO. 2017082057 OF THE RECORDS OF DOUGLAS
COUNTY, NEBRASKA