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SUBMITTED <u>TITLECORE - OMAHA ESCROW</u>

FILED SARPY CO. NE.
INSTRUMENT NUMBER

2013-21855

2013 Jul 09 12:31:27 PM

Lloyd J. Dandridge

REGISTER OF DEEDS



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**FIRST AMENDMENT TO DECLARATION OF
RESTRICTIONS AND GRANT OF EASEMENTS**

THIS FIRST AMENDMENT TO DECLARATIONS OF RESTRICTIONS AND GRANT OF EASEMENTS (this "First Amendment") is made this 5 day of July, 2013 (the "Effective Date"), by and among PETERSON CHANDLER SHAMROCK, LLC, a Nebraska limited liability company (hereinafter referred to as "Peterson Chandler Shamrock"), PETERSON PARCEL, LLC, a Nebraska limited liability company (hereinafter referred to as "Peterson"), and PPP LOT 4, LLC, a Nebraska limited liability company (hereinafter referred to as "PPP"; Peterson Chandler Shamrock, Peterson and PPP shall be collectively referred to herein as the "Parties").

RECITALS:

WHEREAS, Peterson Chandler Shamrock, LLC is the owner of the real property legally described as Lot 1, Papillion Professional Park Replat One, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska (the "Peterson Chandler Shamrock Property"), which property was formerly legally described as Lot 1 and Lot 2, each in Papillion Professional Park, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, and was combined into one (1) lot pursuant to a replatting (the "Lot Combination").

WHEREAS, Peterson is the owner of the real property legally described as Lot 3, Papillion Professional Park, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska (the "Peterson Property").

WHEREAS, PPP is the owner of the real property legally described as Lot 4, Papillion Professional Park, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska (the "PPP Property").

WHEREAS, the Parties are parties to that certain Declaration of Restrictions and Easements recorded July 2, 2002 as Instrument No. 200224668 with the Sarpy County, Nebraska Register of Deeds (the "Declaration"), which Declaration sets forth the Parties' agreements relating to certain conditions, covenants, easements and restrictions against the Parcels.

12-110024

WHEREAS, as a result of the Lot Combination, the Parties desire to amend the Declaration as of the Effective Date.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Definitions. All capitalized terms used in this First Amendment shall have the meanings set forth in the Declaration except as otherwise defined herein.

2. Amendment to the Definition of "Building Area". The definition of "Building Area", found in Section 1.1(a), shall be amended by deleting the Building Area/Site Plan exhibit attached to the Declaration as Exhibit "A" in its entirety and replacing the same with the revised Building Area/Site Plan exhibit attached hereto as Exhibit "A".

3. Amendment to the Definition of "Parcel". The definition of "Parcel" found in Section 1.1(h) is hereby amended by deleting the reference to "Parcel 1" and "Parcel 2" in its entirety and replacing the same with "Parcel 1".

4. Amendment to the Definition of "Parties". The definition of "Parties" found in Section 1.2 is hereby amended by deleting the reference to "Parcel 1" and "Parcel 2" in its entirety and replacing the same with "Parcel 1".

5. Amendment to Section 2.3(b). Section 2.3(b) is hereby deleted in its entirety and is replaced with the following:

"(b) Every building shall be no greater than: (i) 24,000 square feet on Parcel 1, (ii) 10,000 square feet on Parcel 3, and (iii) 12,000 square feet on Parcel 4."

6. Amendment to Schedule I. Schedule I to the Declaration is deleted in its entirety and replaced with the Schedule I attached hereto.

7. No Other Amendment. Except as specifically set forth herein, the Declaration shall remain in full force and effect.

8. Counterparts. This First Amendment may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which, when taken together, constitute one and the same document. The signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.

[Remainder of page left intentionally blank; execution page follows.]

IN WITNESS WHEREOF, the undersigned has executed this First Amendment on the day and year first above written.

PETERSON CHANDLER SHAMROCK, LLC,
a Nebraska limited liability company,

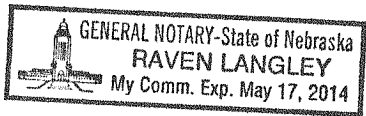
By: [Signature]
Name: Michael T. Moylan
Title: Member

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged, subscribed and sworn to before me by Michael Moylan, member of PETERSON CHANDLER SHAMROCK, LLC, a Nebraska limited liability company, on behalf of said limited liability company, this 5 day of July, 2013.

[Seal]

[Signature]
Notary Public



PETERSON PARCEL, LLC,
a Nebraska limited liability company

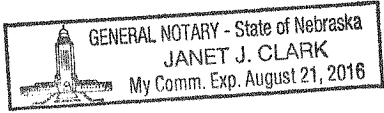
By: *Kristi Peterson*
Name: *Kristi Peterson*
Title: *Member*

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged, subscribed and sworn to before me by *KRISTI PETERSON*, *Member* of PETERSON PARCEL, LLC, a Nebraska limited liability company, on behalf of said limited liability company, this *5* day of *July*, 2013.

[Seal]

Janet J. Clark
Notary Public



PPP LOT 4, LLC,
a Nebraska limited liability company

By: _____
Name: Michael T. Moylan
Title: Member

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged, subscribed and sworn to before me by Michael Moylan, member of PPP LOT 4, LLC, a Nebraska limited liability company, on behalf of said limited liability company, this 5 day of July, 2013.

[Seal]



Raven Langley
Notary Public

Schedule I
Description of Center

The Center is made up of Parcels 1, 3 and 4, which are legally described as follows:

Parcel 1: Lot 1, Papillion Professional Park Replat One, as surveyed, platted and recorded in Sarpy County, Nebraska

Parcel 3: Lot 3, Papillion Professional Park, as surveyed, platted and recorded in Sarpy County, Nebraska

Parcel 4: Lot 4, Papillion Professional Park, as surveyed, platted and recorded in Sarpy County, Nebraska