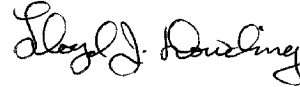


COUNTER <u>DKH</u>
VERIFY <u>DKH</u>
FEES \$ <u>40.00</u>
CHG <u>SFILE</u>
SUBMITTED <u>CROKER, HUCK, KASHER, DEWIT</u>

FILED SARPY CO. NE.
INSTRUMENT NUMBER

2013-34082

2013 Nov 05 10:25:05 AM



REGISTER OF DEEDS



After recording, please return to:
James F. Kasher, Esq.
CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, L.L.C.
2120 South 72nd Street, Suite 1200
Omaha, NE 68124

**FOURTH AMENDMENT TO
RESTRICTIVE COVENANTS FOR HILLTOP INDUSTRIAL PARK,
A SUBDIVISION IN SARPY COUNTY, NEBRASKA**

THIS FOURTH AMENDMENT TO RESTRICTIVE COVENANTS is made on the date hereinafter set forth by HILLTOP INDUSTRIAL PARK, L.L.C., a Nebraska limited liability company (the "Declarant") and the other undersigned owners of Lots in Hilltop Industrial Park, which Declarant and other owners constitute the owners of a majority of the land (by square footage of the Lots) in Hilltop Industrial Park.

WITNESSETH:

WHEREAS, the Declarant is the declarant under certain Restrictive Covenants applicable to Hilltop Industrial Park, a subdivision in Sarpy County, Nebraska (the "Original Declaration") which Original Declaration was filed in the office of the Register of Deeds of Sarpy County, Nebraska on March 11, 1998 as Instrument No. 1998-005465, and which Original Declaration was amended and restated by that certain First Amendment to Restrictive Covenants for Hilltop Industrial Park (the "First Amendment"), which First Amendment was filed in the office of the Register of Deeds of Sarpy County, Nebraska on October 25, 2002 as Instrument No. 2002-42518, and was further amended by that certain Second Amendment to Restrictive Covenants for Hilltop Industrial Park (the "Second Amendment"), which Second Amendment was filed in the office of the Register of Deeds of Sarpy County, Nebraska on January 15, 2003 as Instrument No. 2003-02595, and was further amended by that certain Third Amendment to Restrictive Covenants for Hilltop Industrial Park (the "Third Amendment"), which Third Amendment was filed in the office of the Register of Deeds of Sarpy County, Nebraska on March 20, 2006 as Instrument No. 2006-09334 (the Original Declaration, as amended by the First Amendment, the Second Amendment, and the Third Amendment is hereinafter referred to as the

“Declaration”)(capitalized terms used but not otherwise defined herein are as defined in the Declaration”); and

WHEREAS, the Declaration governs the Properties, which are now known as: Lot 1 and the north 95 feet of Lot 2, Lot 6, Lot 7, Lot 18 and the north 212 feet of Lot 19, Lot 24 and the north 142 feet of Lot 25, and Lot 33, Hilltop Industrial Park; Lots 1, 2, and 3, Hilltop Industrial Park Replat 1; Lot 1, Hilltop Industrial Park Replat 2; Lot 1, Hilltop Industrial Park Replat 3; Lot 1, Hilltop Industrial Park Replat 4; Lot 1, Hilltop Industrial Park Replat 5; Lots 1 and 2, Hilltop Industrial Park Replat 6; Lots 1 and 2, Hilltop Industrial Park Replat 7; Lot 1, Hilltop Industrial Park Replat 8; Lots 1 and 2, Hilltop Industrial Park Replat 9; Lots 1 and 2, Hilltop Industrial Park Replat 10; Lot 1, Hilltop Industrial Park Replat 11; and Lots 1 and 2, Hilltop Industrial Park Replat 12, all as platted and recorded in Sarpy County, Nebraska; and

WHEREAS, pursuant to the terms and conditions of Paragraph 16 of the Declaration, the Declaration may be amended by an instrument executed by the owners of a majority of the land (by square footage of Lots) subject to the Declaration, and pursuant to such provision, the Declarant and the other undersigned owners, who together constitute the owners of a majority of the land (by square footage of Lots) subject to the Declaration, desire to amend the Declaration as hereinafter set forth.

NOW THEREFORE, the Declaration is hereby amended as set forth below:

1. Section 3 of the Declaration is deleted in its entirety and replaced by the following new Section 3:

3. Building Set-Backs. There shall be a minimum set-back of seventy feet (70') from both 132nd Street and Cornhusker Road and one hundred fifty feet (150') from all other public streets, except that the minimum set-back from 132nd Street for Lot 1, Hilltop Industrial Park Replat 1, shall be fifty feet (50') rather than seventy feet (70'). There shall otherwise be a minimum side yard and rear yard set-back of ten feet (10') from the respective Lot line. Signs, awnings, canopies or other similar items shall not extend more than two feet (2') from any building into the set-back area.

2. In all other respects, the Declaration heretofore executed, as previously amended, is hereby ratified and confirmed in its original form.

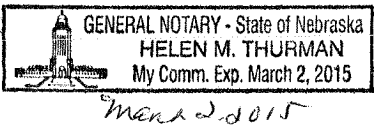
IN WITNESS WHEREOF, the Declarant and the other undersigned owners have executed this Fourth Amendment to Restrictive Covenants effective as of the date of the last of the signatures below.

HILLTOP INDUSTRIAL PARK, L.L.C.
a Nebraska limited liability company

By: [Signature]
Rudolph Mudra, President

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

The foregoing instrument was acknowledged before me this 4th day of November, 2013, by Rudolph Mudra, President, of Hilltop Industrial Park, L.L.C., a Nebraska limited liability company, on behalf of the company.



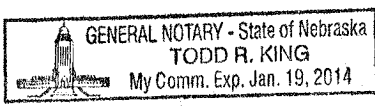
[Signature]
Notary Public

McHILL, LLC

By: [Signature]
Its Member

STATE OF NEBRASKA)
COUNTY OF Douglas) ss.

The foregoing instrument was acknowledged before me this 29 day of October, 2013, by Jennifer E Storm, of McHill, LLC, a Nebraska limited liability company, on behalf of the company.



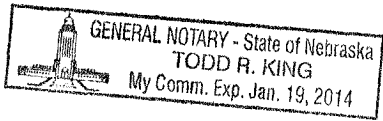
[Signature]
Notary Public

K & J INVESTMENTS, L.L.C.

By: Jennifer E. Storm
Its Member

STATE OF NEBRASKA)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 29 day of October, 2013, by Jennifer E Storm, _____, of K & J Investments, L.L.C., a Nebraska limited liability company, on behalf of the company.



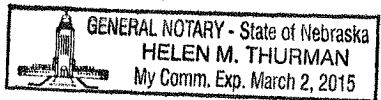
[Signature]
Notary Public

MEYERS FAMILY ENTERPRISES IV, LLC

By: Bruce Meyers
Its MEMBER

STATE OF NEBRASKA)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 4th day of November, 2013, by Bruce Meyers, _____, of Meyers Family Enterprises IV, LLC, a Nebraska limited liability company, on behalf of the company.



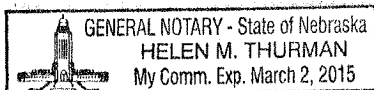
[Signature]
Notary Public

CANNONBALL EXPRESS, INC.

By: Bruce Meyers
Its PRESIDENT

STATE OF NEBRASKA)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 4th day of NOVEMBER, 2013, by Bruce MEYERS, of Cannonball Express, Inc. a Nebraska corporation, on behalf of the corporation.



March 2, 2015

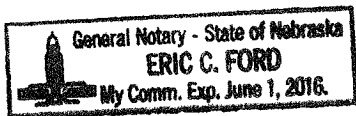
Helen M. Thurman
Notary Public

FORD'S MERCANTILE WAREHOUSES CO.

By: Robert D. Ford
Its President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 30 day of OCTOBER, 2013, by ROBERT FORD, PRESIDENT, of Ford's Mercantile Warehouses Co., a Nebraska corporation, on behalf of the corporation.



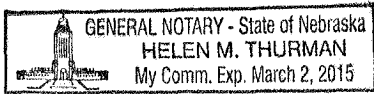
Eric C. Ford
Notary Public

MFEIVB, LLC

By: Bruce Meyers
Its MEMBER

STATE OF NEBRASKA)
COUNTY OF Douglas) ss.

The foregoing instrument was acknowledged before me this 14th day of November, 2013, by Bruce Meyers, of MFEIVB, LLC, a Nebraska limited liability company, on behalf of the company.



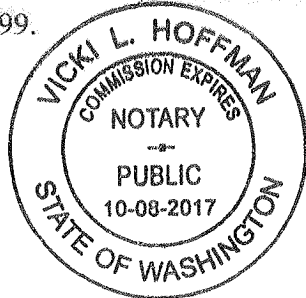
March 2-2015

Helen M. Thurman
Notary Public

Russell D. Jeter
RUSSELL D. JETER, as Trustee of the R. Jeter Family Trust under Trust Agreement dated January 29, 1999

STATE OF WA)
COUNTY OF SKAGIT) ss.

The foregoing instrument was acknowledged before me this 24th day of OCT., 2013, by RUSSELL D. JETER, as Trustee of the R. Jeter Family Trust under Trust Agreement dated January 29, 1999.



Vicki L. Hoffman
Notary Public