



MISC 2004123715



SEP 17 2004 13:12 P 3

Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
9/17/2004 13:12:53.98



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*3/20*

**FIRST AMENDMENT TO ECR DECLARATION**

THIS FIRST AMENDMENT TO ECR DECLARATION, ("First Amendment") is made and entered into as of this 13<sup>th</sup> day of September, 2004 ("Effective Date") by M.J.A., L.L.C., a Nebraska limited liability company ("Declarant").

WHEREAS, an ECR Declaration (the "Original Declaration") covering Lots 297 through 309, inclusive, and Outlots B, C, D, and E, Whispering Ridge, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, was recorded in the office of the Register of Deeds of Douglas County, Nebraska, on December 19, 2003, as Instrument No. 2003245123; and

WHEREAS, Lots 298, 299 and 300 of Whispering Ridge are now known as Lot 3 of Whispering Ridge Replat Two, a subdivision as surveyed, platted and recorded in Douglas County Nebraska and Lots 1 and 2 of Whispering Ridge Replat Three, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, pursuant to Section 15 of the Original Declaration, the Original Declaration may be modified or amended upon the express written consent of the Declarant; and

WHEREAS, the Declarant desires to amend the Original Declaration as hereinafter set forth.

NOW, THEREFORE, for good and valuable consideration, the Declarant hereby declares as follows:

- 1. All capitalized terms not defined herein shall be defined and have the meanings set forth in the Original Declaration.

Return to:  
Jacqueline Pueppke  
Baird Holm  
1500 Woodmen Tower  
Omaha, NE 68102

2. Section 4.3(c) shall be amended by adding the following sentence to the end of said Section:

Nothing stated in this Section 4.3 or stated in any other portion of the covenants shall prohibit the Owner, tenant or other licensee of Lot 1, Whispering Ridge Replat Three from installing and maintaining on said Lot 1 a sign containing a light-emitting diode (LED) screen or other sign containing an illuminated screen with similar functionality as an LED screen.

3. Except as specifically amended herein, the Original Declaration shall remain in full force and effect as originally executed. This First Amendment shall have the same legal effect as the Original Declaration.

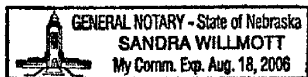
IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed at Omaha, Douglas County, Nebraska, this 10<sup>th</sup> day of September, 2004.

M.J.A., L.L.C., a Nebraska limited liability company

By: *Gerald Torczon*  
Gerald Torczon, Manager

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on the 10<sup>th</sup> day of September, 2004, by Gerald Torczon, the Manager of M.J.A., L.L.C., a Nebraska limited liability company, on behalf of the company.



*Sandra Willmott*  
Notary Public

**CONSENT OF TRUSTEE AND BENEFICIARY UNDER DEED OF TRUST**

In consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, Great Western Bank, Trustee and Beneficiary under that certain Deed of Trust dated March 30, 2001, filed April 5, 2001, in Book 6394, Page 548 of the Mortgage Records of Douglas County, Nebraska, hereby agrees that the Original Declaration and the foregoing First Amendment shall in all respects be superior to said Deed of Trust, and that for itself and its successors and assigns, hereby ratifies the Original Declaration and consents to the foregoing First Amendment and agrees that in the event of foreclosure of the Deed of Trust, it shall not take any action to terminate the Original Declaration or the foregoing First Amendment.

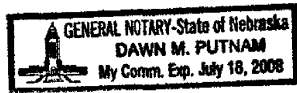
Executed this 13 day of September, 2004.

Great Western Bank,  
Trustee and Beneficiary

By: [Signature]  
Its: SVP

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

13<sup>th</sup> The foregoing instrument was acknowledged before me, a Notary Public, this 13<sup>th</sup> day of September, 2004, by Paul T. Friesen, the Senior Vice President of Great Western Bank, a Nebraska corporation, on behalf of said corporation, as Trustee and Beneficiary.



Dawn M. Putnam  
Notary Public

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