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MISC 2002 24741

EDWARD N JANECKI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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 FEE 44.50 FB see attached
 $\frac{7}{19}$ BKP _____ C/O _____ COMP BW
 DEL _____ SCAN kr FV _____

RETURN: JERRY HEINRICHS
INVESTORS REALTY
11301 DAVENPORT
OMAHA NE 68154

✓ 2551

SECOND AMENDMENT TO EASEMENTS
WITH COVENANTS AND RESTRICTIONS
AFFECTING LAND

This Second Amendment to Easements With Covenants and Restrictions Affecting Land ("Second Amendment") is made as of this 20th day of March, 2002, among Wal-Mart Real Estate Business Trust, a Delaware business trust ("Wal-Mart"); Lowe's Home Centers, Inc., a North Carolina corporation ("Lowe's"); and Lanoha-Center Development, Inc., a Nebraska corporation ("Developer").

Preliminary Statement

Wal-Mart and Developer are parties to an Easement With Covenants and Restrictions Affecting Land dated January 20, 2000, which was recorded with the Douglas County Register of Deeds on January 21, 2000, in Book 1324, at Page 501, Miscellaneous Records, and which was amended by an Amendment to Easements With Covenants and Restrictions Affecting Land dated September 1, 2000, by and among Wal-Mart, Developer and Lowe's, and which was recorded with the Douglas County Register of Deeds on September 1, 2000, in Book 1350, at Page 183, Miscellaneous Records (as amended, the "ECR").

Wal-Mart is the owner of Tract 1, as defined in the ECR, which is legally described as follows ("Tract 1 "):

Lot 2 Ridgeview, subdivision, as surveyed, platted and recorded in Douglas County, Nebraska. 66-32931

Lowe's is the owner of that part of Tract 2, as defined in the ECR, which is legally described as follows (the "Lowe's Tract"):

Lot 2 Ridgeview Replat 1, subdivision as surveyed, platted and recorded in Douglas County, Nebraska. 66-32932

Developer is the owner of that part of Tract 2 and is the owner of the Outparcels, as defined in the ECR, which are legally described as follows (the "Developer Property"):

Lot 1 Ridgeview Replat 1, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; Lot 1, Lots 3, 4, 7, and 66-32931
Lots 11 through 17, inclusive, Ridgeview, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; Lot 1, Ridgeview Replat 2, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; Lots 1 and 2, Ridgeview. 66-32942
66-32943

Replat 3, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and Lots 1 and 2, Ridgeview Replat 4, -66-32944 a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Wal-Mart, Lowe's, and the Developer, collectively as owners of Tract 1 and Tract 2, desire to amend Section 4f(6) of the ECR. Section 15 of the ECR provides that the ECR may be modified by mutual agreement of the owners of Tract 1 and Tract 2.

NOW, THEREFORE, in consideration of the foregoing, and pursuant to the authority granted in the ECR, Wal-Mart, Lowe's, and Developer hereby amend and supplement the ECR as follows:

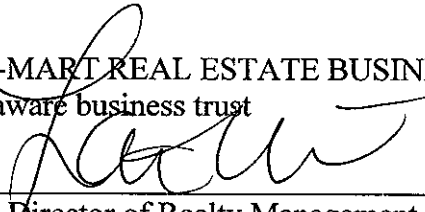
1. Section 4f(6) is hereby amended in its entirety to provide as follows:

(6) Lot 9 cannot be combined with any other Lot. In addition, the front footage of Lot 9 shall not be modified to be less than one hundred seventy (170) feet or more than two hundred ten (210) feet.

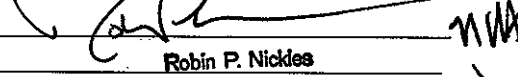
2. In each and every other respect, the ECR shall remain in full force and effect according to its terms.

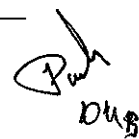
IN WITNESS WHEREOF, this Second Amendment has been executed effective as of the date and year first above written.

WAL-MART REAL ESTATE BUSINESS TRUST
a Delaware business trust

By:  PEO
Title: Director of Realty Management

LOWE'S HOME CENTERS, INC.
a North Carolina corporation

By:  NWA
Title: Robin P. Nickles
Vice President



LANOHA-CENTER DEVELOPMENT, INC., a
Nebraska corporation

By: [Signature]
David F. Lanoha, President

STATE OF ARKANSAS)
) ss.
COUNTY OF BENTON)

The foregoing instrument was acknowledged before me this 19th day of April, 2002, by Latriece Watkins, Director of Realty Management of Wal-Mart, Inc., a Delaware business trust corporation, on behalf of the Trust corporation.



[Signature]
Notary Public

STATE OF North Carolina)
) ss.
COUNTY OF Wilkes)

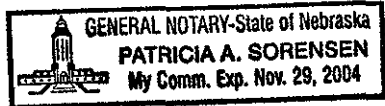
The foregoing instrument was acknowledged before me this 9 day of October, 2002, by Robin P. Nickles, Vice President of Lowe's Home Centers, Inc., a North Carolina corporation, on behalf of the corporation.



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 20 day of March 2002, by David F. Lanoha, President of Lanoha-Center Development, Inc., a Nebraska corporation, on behalf of the corporation.



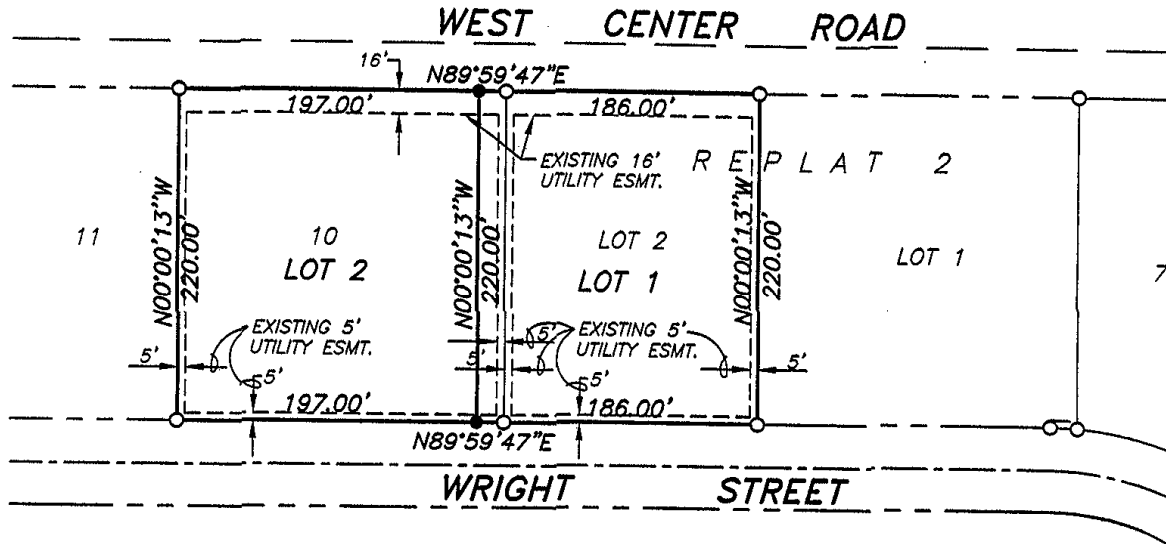
[Signature]
Notary Public

RIDGEVIEW REPLAT 4

LOTS 1 AND 2

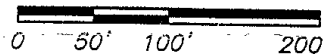
LEGAL DESCRIPTION

LOT 2, RIDGEVIEW REPLAT 2, AND LOT 10, RIDGEVIEW, PLATTED AND RECORDED SUBDIVISIONS IN DOUGLAS COUNTY, NEBRASKA.



LEGEND

- CORNERS SET (5/8" REBAR)
- CORNERS FOUND (5/8" REBAR)
(UNLESS OTHERWISE NOTED)



RIDGEVIEW REPLAT 4 LOTS 1 AND 2

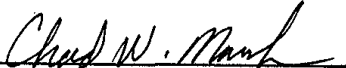
SURVEYOR'S CERTIFICATE

I, CHAD W. MARSH, A REGISTERED LAND SURVEYOR IN THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT AN ON THE GROUND SURVEY OF THE LOTS SHOWN ON THIS ADMINISTRATIVE SUBDIVISION WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND I SHALL INSTALL PERMANENT IRON PINS (5/8" X 24" REBARS) AT THE RELOCATED CORNERS AS SHOWN ON THIS PLAT UPON THE COMPLETION OF GRADING.

LEGAL DESCRIPTION OF LOTS WITHIN THE ADMINISTRATIVE SUBDIVISION

LOT 2, RIDGEVIEW REPLAT 2, AND LOT 10, RIDGEVIEW, PLATTED AND RECORDED SUBDIVISIONS IN DOUGLAS COUNTY, NEBRASKA.

DATED THIS 20th DAY OF February, 2002 A.D.


CHAD W. MARSH
REGISTERED LAND SURVEYOR L.S. 560



OWNER'S CERTIFICATION

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE UNDERSIGNED IS THE OWNER OF THE PROPERTY AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, AND HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN ON THIS PLAT.


LANOHA CENTER DEVELOPMENT, INC.
DAVID F. LANOHA, PRESIDENT

DATE _____

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS

ON THIS _____ DAY OF _____, 2002, BEFORE ME, A NOTARY PUBLIC, DULY QUALIFIED AND COMMISSIONED IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAVID F. LANOHA, WHO IS PERSONALLY KNOWN TO ME TO BE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED THE SIGNING OF THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATION

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND AS SHOWN BY THE RECORDS OF THIS OFFICE.

DATED THIS _____ DAY OF _____, 2002, A.D.

COUNTY TREASURER

PLANNING DIRECTOR'S APPROVAL

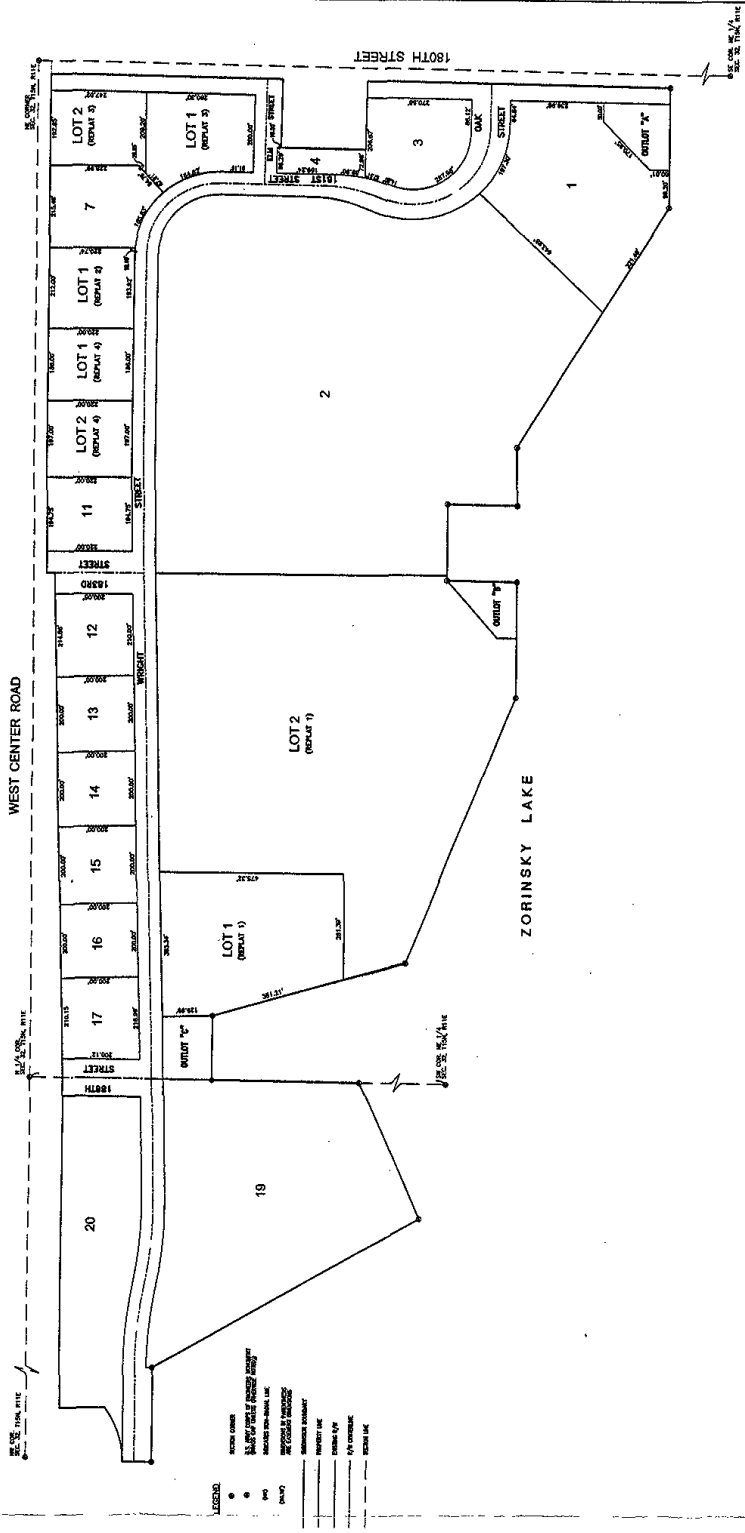
APPROVED AS A SUBDIVISION OF NOT MORE THAN TWO (2) LOTS, PARCELS OR TRACTS, WITH PLAT REQUIREMENTS WAIVED PER SECTION 7.08 HOME RULE CHARTER OF THE CITY OF OMAHA, 1956. THIS SUBDIVISION APPROVAL IS VOID UNLESS THIS PLAT IS FILED AND RECORDED WITH THE COUNTY REGISTER OF DEEDS WITHIN THIRTY (30) DAYS OF THIS DATE.

PLANNING DIRECTOR

DATE

RIDGEVIEW

PART OF THE E 1/2, NW 1/4, AND PART OF THE NE 1/4, SECTION 32, T. 15 N., R. 11 E. OF THE 6TH P.M.
DOUGLAS COUNTY, NEBRASKA



**KIRKHAM
MICHAEL**
CONSULTING ENGINEERS
1115 S. 25th St., Lincoln, NE 68502
(402) 333-5527 FAX (402) 333-3333