

APPROVAL OF CONSENTING OWNERS

V/12400

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This Approval of Consenting Owners ("Approval") is made and entered into on this 2 day of Lithly 2013, by and among ROBERT M. ALLEN FAMILY LIMITED PARTNERSHIP, a Nebraska limited partnership ("Allen"), and GRAND ISLAND VENUE, L.L.C., a Nebraska limited liability company ("GIV").

RECITALS

- A. Allen and Albertson's, Inc. ("Albertson's") entered into a certain Declaration of Restrictions and Grant of Easements dated March 11, 1999 (the "1999 Declaration"). Declaration was recorded on June 24, 1999 as Instrument No. 99 106376 in the Official Records of Hall County, Nebraska. The 1999 Declaration was amended by a certain First Amendment to Declaration of Restrictions and Grant of Easements dated August 21, 2000 (the "First Amendment"). The First Amendment was recorded on September 25, 2000 as Instrument No. 0200007944. The 1999 Declaration and the First Amendment are hereinafter collectively referred to as the "Original Declaration". The 1999 Declaration and the First Amendment were amended by a certain Second Amendment to Declaration of Restrictions and Grant of Easements dated July 24, 2002 (the "Second Amendment"), that certain Third Amendment to Declaration of Restrictions and Grant of Easements dated August 15, 2008 (the "Third Amendment"), and that certain Fourth Amendment to Declaration of Restrictions and Grant of Easements dated August 29, 2011 (the "Fourth Amendment"). The Second Amendment was recorded on July 25, 2002 as Instrument No. 0200207725, the Third Amendment was recorded on August 18, 2008 as Instrument No. 0200807155, and the Fourth Amendment was recorded on August 30, 2011 as Instrument No. 0201106471. The 1999 Declaration, the First Amendment, the Second Amendment, the Third Amendment and Fourth Amendment are hereinafter collectively referred to as the "Declaration".
- B. PepperJax Development Company, a Nebraska corporation or its assigns (as applicable, the "Buyer"), has purchased (or is about to purchase) from Allen 281 LLC, a Nebraska limited liability company, Lot 14, Meadowlark West Third Subdivision, a subdivision, as surveyed platted and recorded in Hall County, Nebraska (sometimes referred to as the "PepperJax Parcel") for the construction of a PepperJax Grill restaurant building. Pursuant to the Declaration, Allen and GIV are Consenting Owners with respect to Parcel 14 as that term is defined in the Declaration.
- C. The parties desire to approve and consent to certain matters with respect to the construction of the PepperJax Grill restaurant building as required by the Declaration.

After recording, return to: John Q. Bachman PANSING HOGAN ERNST & BACHMAN LLP 10250 Regency Circle, Suite 300 Omaha, NE 68114

Agreement

Now, therefore, in consideration of the foregoing Recitals which are incorporated herein by this reference, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

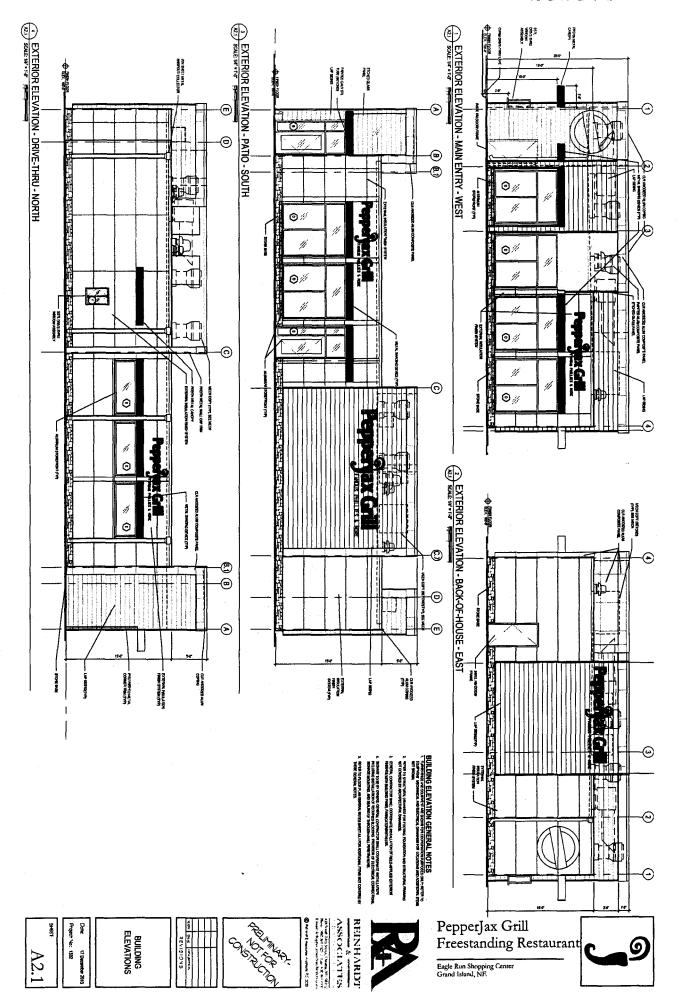
- 1. Recitals. Except as set forth herein, the recitals are incorporated herein as if set forth in full.
- 2. <u>Capitalized Terms</u>. All capitalized terms shall have the meanings respectively given to them in the Original Declaration.
- 3. Approval of Plans; PepperJax Building Envelope. Pursuant to Sections 2.3(a), 2.3(e), 4.3(d)(iii) and 5.4 of the 1999 Declaration, Allen and GIV hereby approve the PepperJax Building Design Drawings, the location and height of the proposed PepperJax Grill building and monument sign, and the location of the trash enclosure and the location, parking and drive-thru lanes and design for the PepperJax Parcel, all as described and depicted on Exhibit "A" attached hereto. Pursuant to Section 2.1(b) of the 1999 Declaration, Allen and GIV hereby approve the Common Area improvements located within the Building Envelope for the PepperJax Grill restaurant to be located on the PepperJax Parcel as depicted on Exhibit "A".
- 4. <u>Counterparts</u>. This Approval may be executed in two (2) or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same agreement.

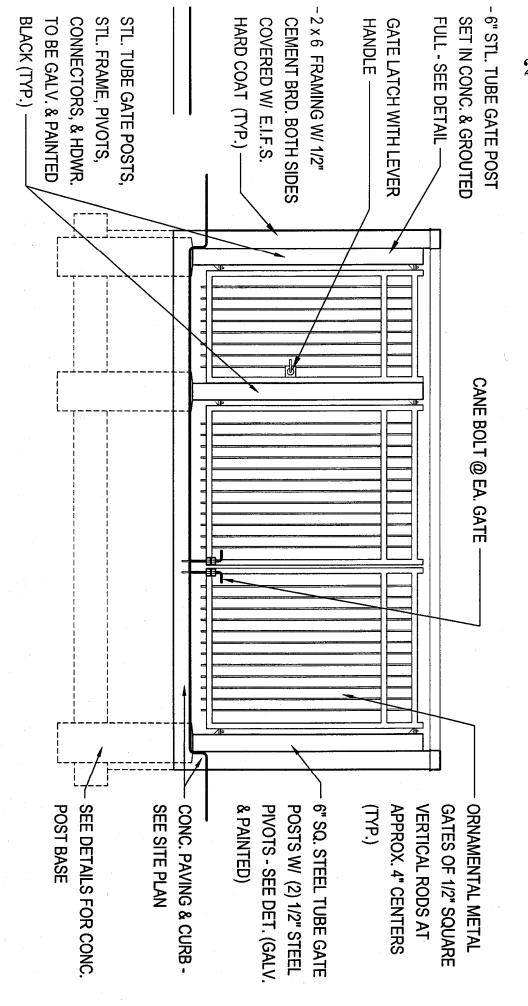
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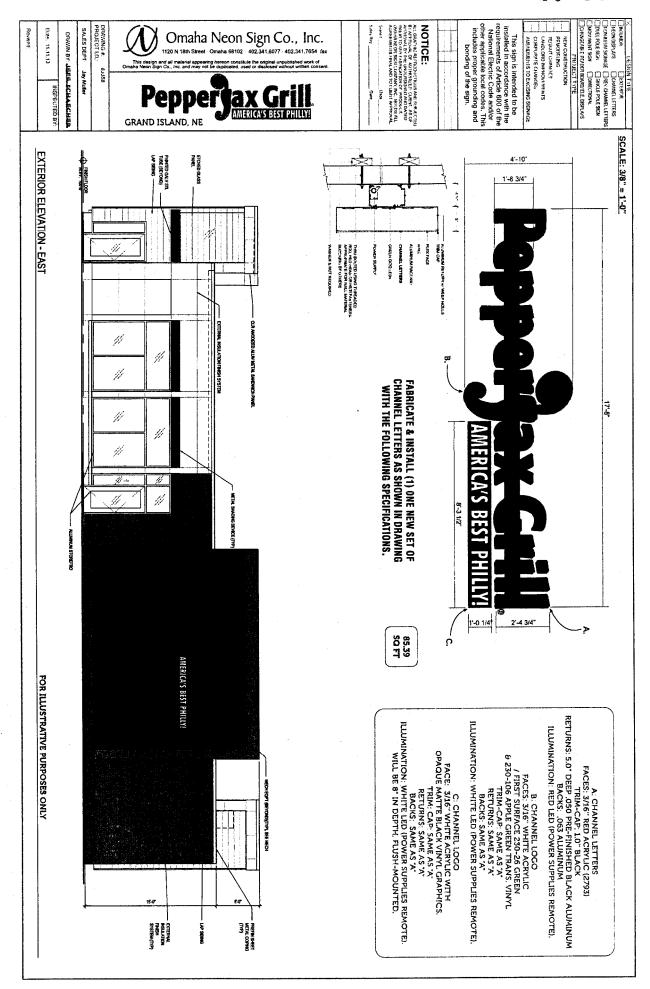
	ROBERT M. ALLEM FAMILY LIMITED PARTNERSHIP, a Nebraska limited partnership
	By Knistin M. Allen, General Partner
	GRAND ISLAND VENUE, L.L.C., a Nebraska limited liability company
	ByRaymond O'Connor, Managing Member
STATE OF NEBRASKA) ss.	
COUNTY OF HOAMS	
Partner of the Robert M. Allen Family Limited I executed the foregoing instrument, and acknowl	, 2013, before me, the undersigned, a Notary Public ppeared Kristin M. Allen, known to me to be the General Partnership, a Nebraska limited partnership, the entity that edged to me that she executed the foregoing instrument as oluntary act of said limited partnership, and on oath stated tent.
	Notary Public No
STATE OF NEBRASKA)	GENERAL NOTARY - State of Nebraska CHRISTINE M. GUEST My Comm. Exp. June 16, 2017
) ss. COUNTY OF HALL	
On this 2 day of	
	Notary Public July A CONTROL MOTORY Date of National A
	3 GENERAL NOTARY - State of Nebraska YVONNE L. WRIGHT My Comm. Exp. Sept. 30, 2014

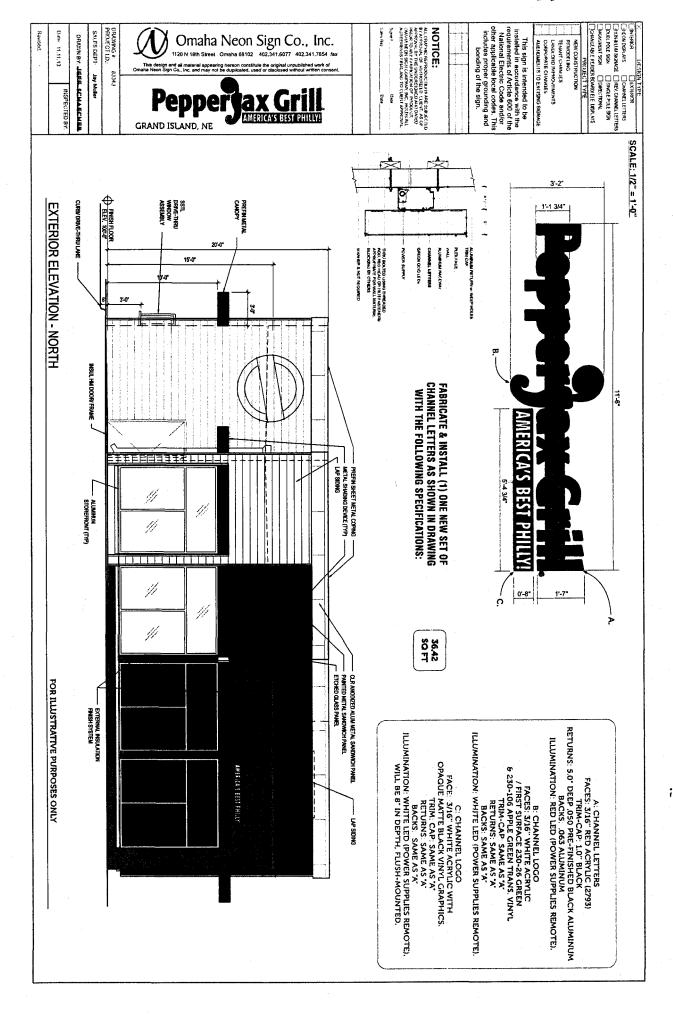
EXHIBIT "A"

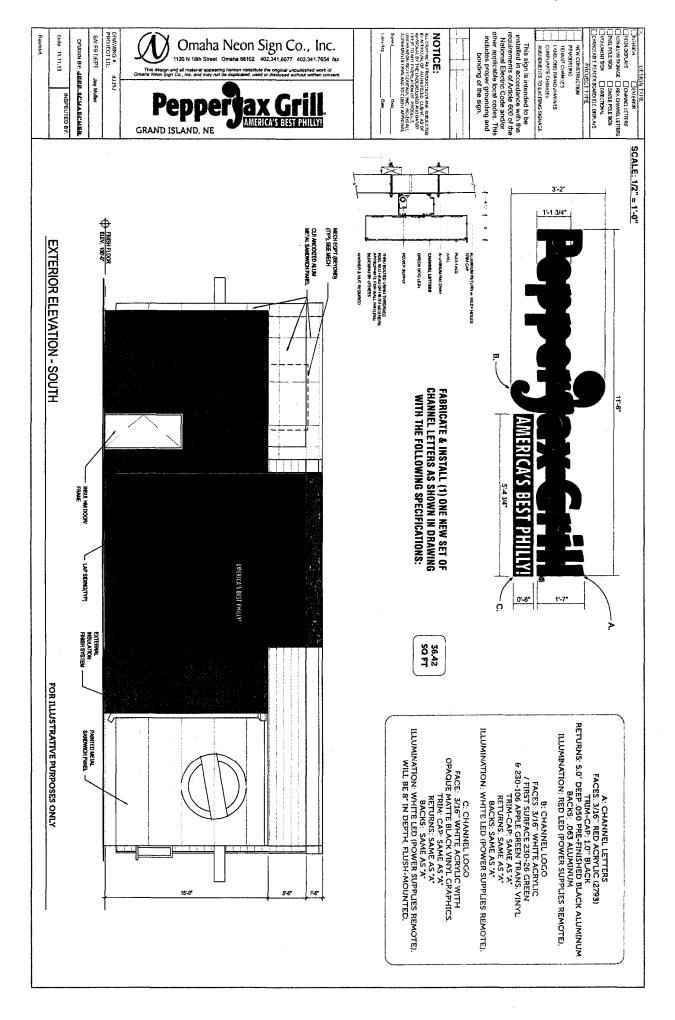
PepperJax Grill Design Drawings and Plans

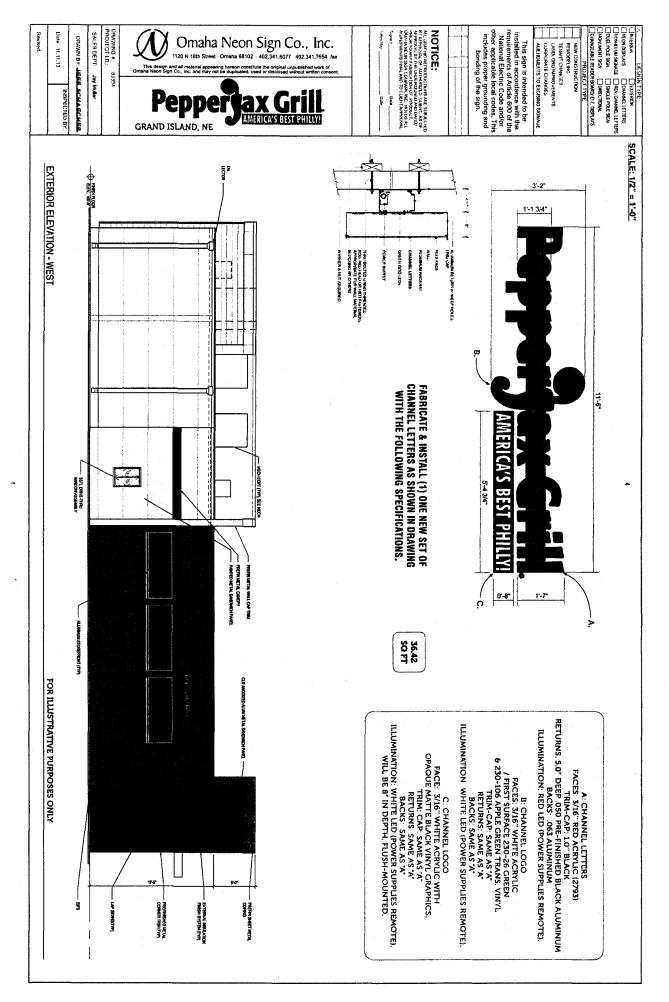


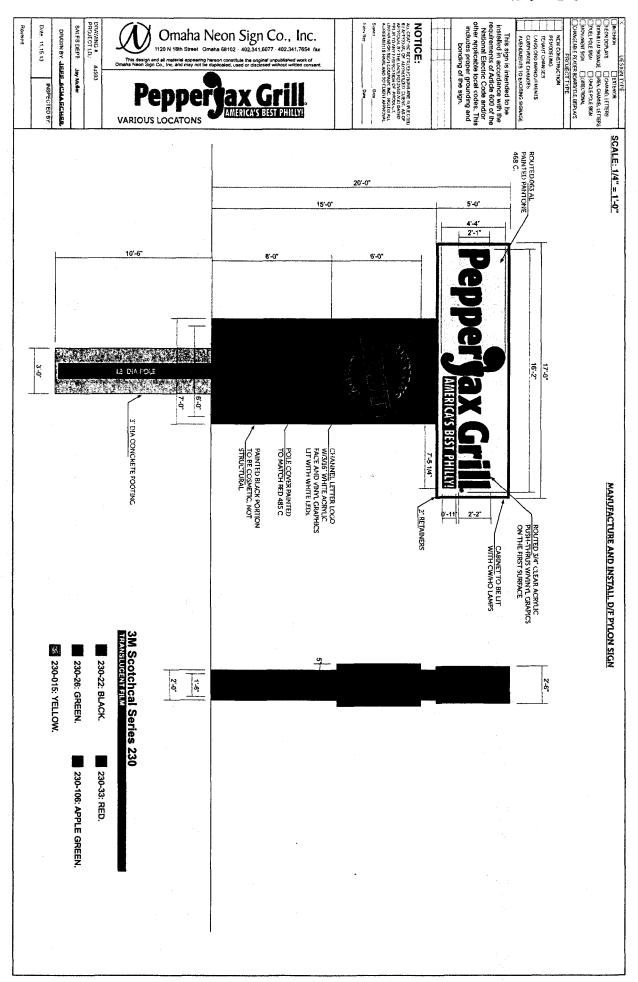


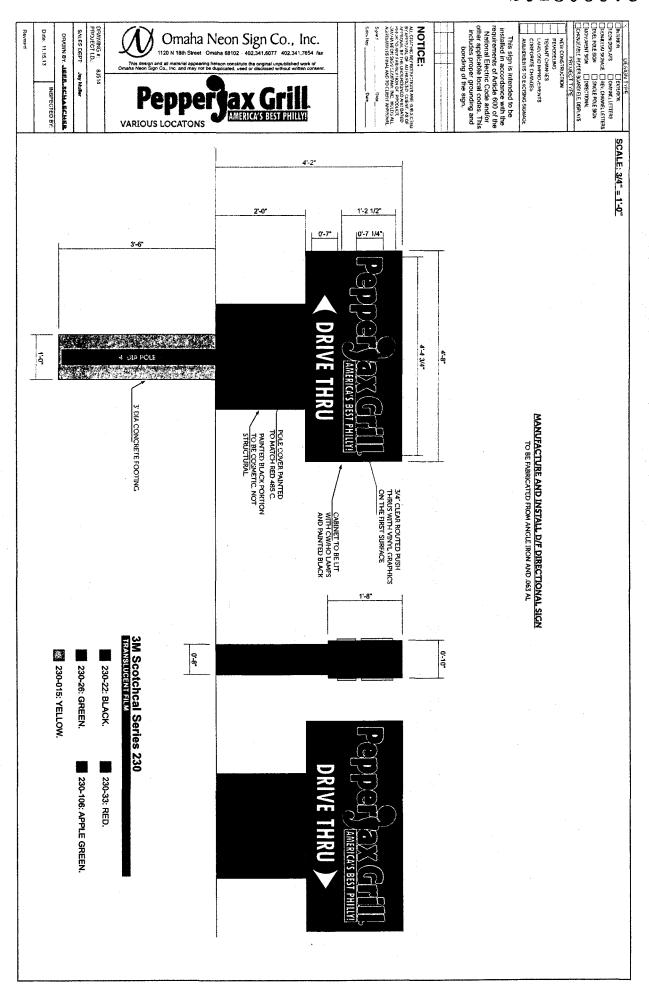


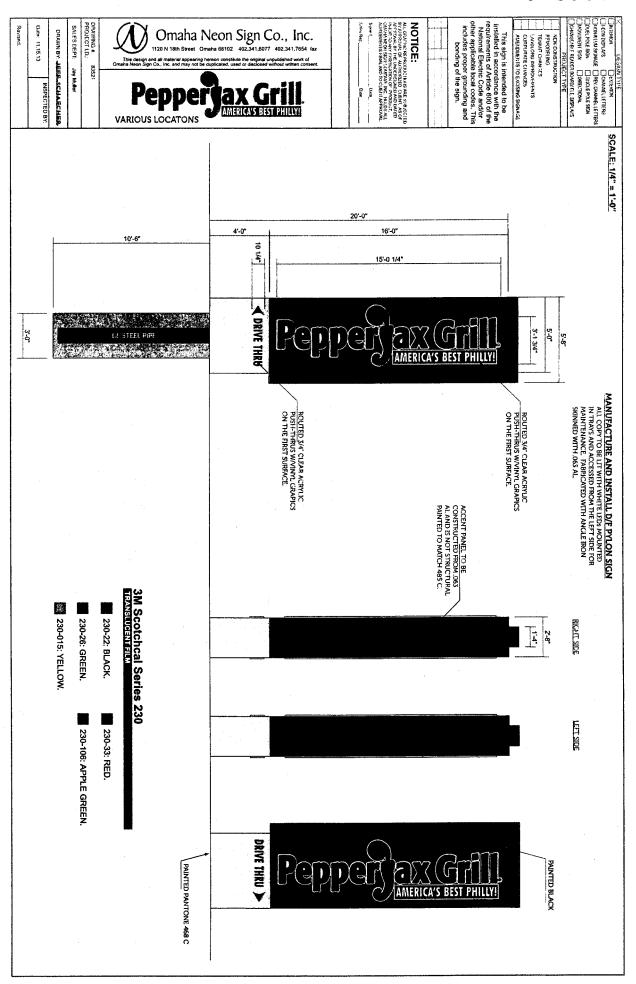


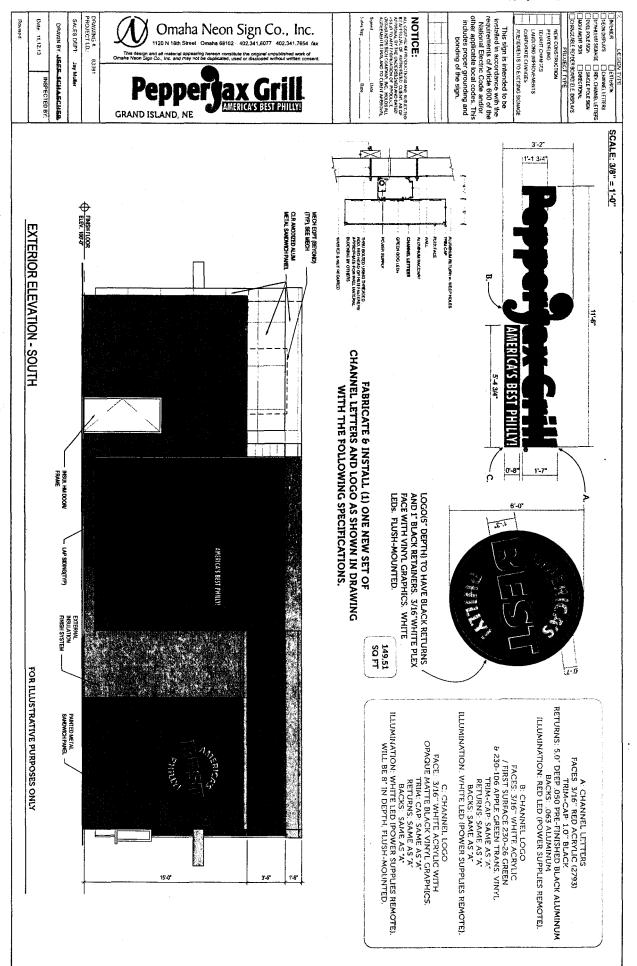




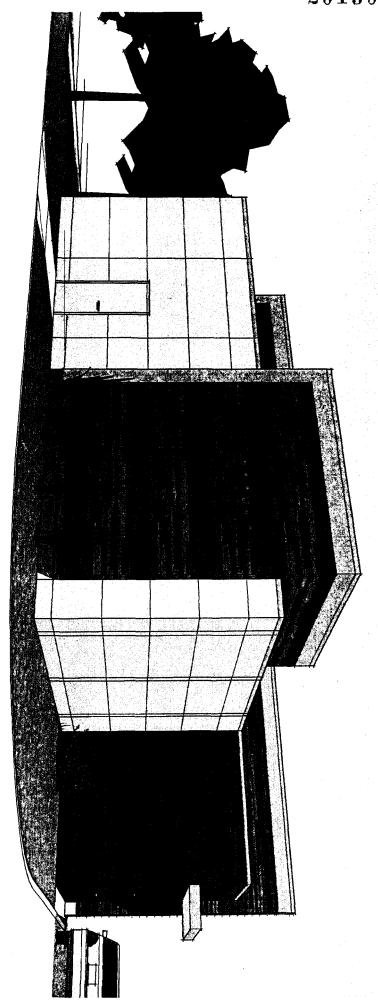




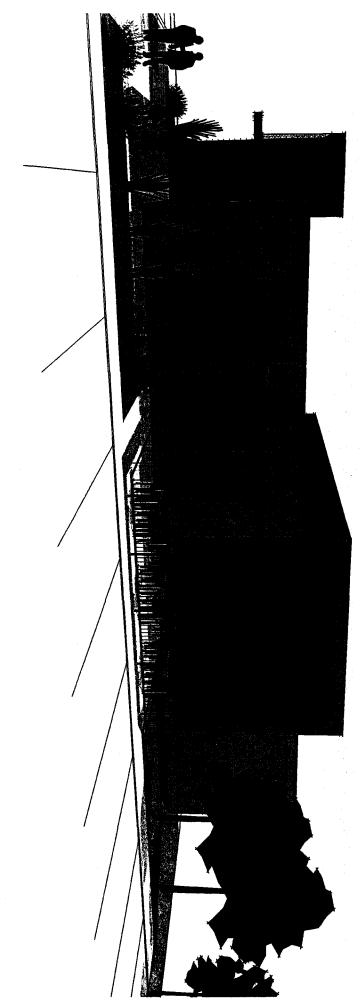








PEPPERJAX PROTOTYPE - DINING PATIO





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