



MISC 2004165194



DEC 22 2004 13:35 P 16

Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
12/22/2004 13:35:55.35



2004165194

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**FIRST AMENDMENT TO DECLARATION**

This First Amendment to Declaration ("First Amendment") is made this 7<sup>th</sup> day of June, 2004, by the parties hereto.

**RECITALS:**

WHEREAS, Father Flanagan's Boys' Home, a Nebraska nonprofit corporation ("Declarant") executed the Declaration on December 21, 1994, and caused it to be recorded on January 10, 1995, at Book 1137, Page 641, of the Miscellaneous Records of Douglas County, Nebraska ("Declaration"); and

WHEREAS, Declarant, together with a majority in number of the current contract purchasers and owners of the First National Business Park (as defined in the Declaration) and also together with a majority number of the then current contract purchasers and owners of the Retained Property, (as defined in the Declaration) can amend the Declaration; and

WHEREAS, the Retained Property has been platted and is now known as the Commercial Federal Business Park; and

WHEREAS, the Declaration restricts the use of the Retained Property to certain uses, including primarily office and restaurant purposes with retail uses incidental to such office usage and service businesses commonly found within office buildings of the first class provided primarily for the convenience of and patronage by employees and owners and tenants and other occupants or users thereof; and

WHEREAS, Commercial Federal Bank, a federal savings bank, as the owner of Lot 4, Commercial Federal Business Park Replat 1 of Douglas County, Nebraska, ("Lot 4") desires to sell Lot 4 to a buyer that will use the property, in part, for an ophthalmology office that will operate an optical dispensary as part of its practice; and

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Box 35

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FEE 47.00 fee attached  
BYP \_\_\_\_\_ C/O \_\_\_\_\_ Comp 8th  
DEL \_\_\_\_\_ SPAN \_\_\_\_\_ FV \_\_\_\_\_

WHEREAS, the parties wish to amend the Declaration to clarify that the operation of an optical dispensary in connection with an ophthalmology practice is a permitted use on Lot 4.

NOW, THEREFORE, the Declarant and the parties hereto hereby amend the Declaration as follows:

1. The operation of an optical dispensary in connection with the conduction of an ophthalmology practice is a permitted use on Lot 4.
2. Other than the Declarant, each of the undersigned are owners or contract purchasers of the real property in the First National Business Park or the Commercial Federal Business Park identified on the pages of their respective signatures
3. This Amendment may be signed in counterparts.

[The remainder of this page is intentionally left blank.]

EXECUTED this 7<sup>th</sup> day of June, 2004.

DECLARANT:

FATHER FLANAGAN'S BOYS' HOME, a  
Nebraska nonprofit corporation

By: Philip Ruden  
Its: Exec. Vice President

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 7 day of June, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came Philip Ruden, Exec. V.P. of Father Flanagan's Boys' Home, a Nebraska nonprofit corporation, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed on behalf of the corporation.

Tara D. Helms  
Notary Public



EXECUTED this 11 day of June, 2004.

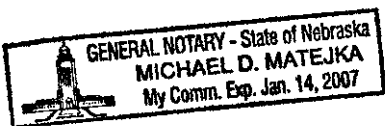
Owner of Lots 1, 2, 3, 4, ~~5~~, 6, 7, 8, 9, 10, Commercial Federal Business Park Replat 1; Lot 3, Commercial Federal Business Park Replat 3; and Lot 1, Commercial Federal Business Park Replat 4.

COMMERCIAL FEDERAL BANK, a federal savings bank

By: *Thomas N. Perkins*  
Its: Senior Vice President

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 11 day of June, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came Thomas N. Perkins, Senior Vice-President of Commercial Federal Bank, a federal savings bank, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed on behalf of the bank.



*Michael D. Matejka*  
Notary Public



EXECUTED this 11<sup>th</sup> day of June, 2004.

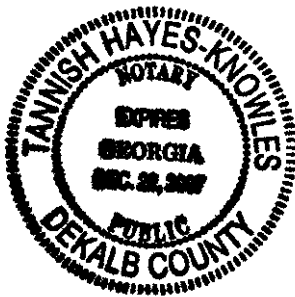
Owner of Lot 2, Commercial Federal Business Park Replat 3.

TED'S REAL ESTATE COMPANY, L.L.C.

By: [Signature]  
Its: J. Rutherford Seydel, Secretary

STATE OF Georgia )  
COUNTY OF Fulton ) ss.

On this 11<sup>th</sup> day of June, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came J. Rutherford Seydel, Secretary of Ted's Real Estate Company, L.L.C., to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the limited liability company.



Tannish Hayes-Knowles  
Notary Public

EXECUTED this 14 day of June, 2004.

Owner of Lot 1, First National Business Park.

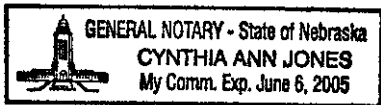
FIRST NATIONAL BANK OF OMAHA

By: First National Buildings, Inc., a Nebraska corporation, as Agent

By: Brenda Dooley  
Its: PRESIDENT

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 14 day of June, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came BRENDA DOOLEY, President of First National Buildings, Inc. Agent for First National Bank of Omaha, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the bank.



Cynthia Ann Jones  
Notary Public

EXECUTED this 14 day of June, 2004.

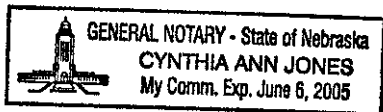
- Owner of Outlot 1 and Outlot 2, First National Business Park.

FIRST NATIONAL BUSINESS PARK  
PROPERTY OWNERS ASSOCIATION

By: Brenda Dooley  
Its: PRESIDENT

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 14 day of June, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came BRENDA DOOLEY, President of First National Business Park Property Owner's Association, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the bank.



Cynthia Ann Jones  
Notary Public



EXECUTED this 11 day of June, 2004.

Owner of Lot 2, First National Business Park.

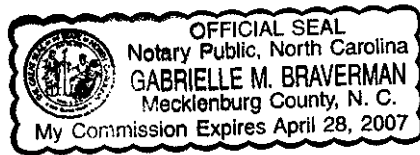
WACHOVIA DEVELOPMENT CORPORATION

By: [Signature]  
Its: Vice President

STATE OF NORTH CAROLINA            )  
  ) ss.  
COUNTY OF MECKLENBURG            )

On this 11 day of JUNE, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came Ganders, James, Jr., Vice President of Wachovia Development Corporation, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the corporation.

[Signature]  
Notary Public



EXECUTED this 14<sup>th</sup> day of June, 2004.

Owner of Lot 2, First National Business Park Replat 1.

LINDEN PLACE LIMITED PARTNERSHIP II

By: *Ron Cizek*

Its: *GEN PARTNER*

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 14<sup>th</sup> day of June, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came Ron Cizek, General Partner of Linden Place Limited Partnership II, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the partnership.

*Kristie H. McKernan*  
Notary Public





EXECUTED this 10 day of June, 2004.

Owner of Lot 2, First National Business Park Replat 2.

ASSET MANAGEMENT GROUP, LLC

By: *David Brauckmann*  
Its: *member*

Oklahoma  
STATE OF ~~NEBRASKA~~ )  
Oklahoma ) ss.  
COUNTY OF ~~DOUGLAS~~ )

On this 10<sup>th</sup> day of June, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came David Brauckmann, Member of Asset Management Group, LLC, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the company.

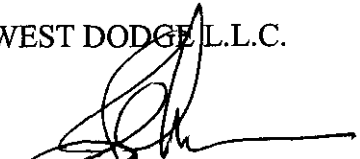
*Diane C Fair*  
Notary Public



EXECUTED this 26 day of August, 2004.

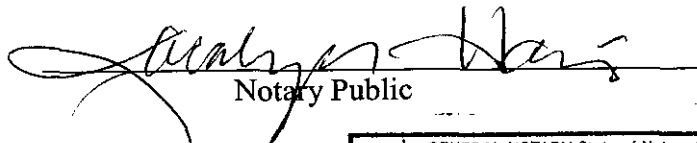
Owner of Lot 3, First National Business Park.

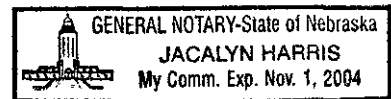
NDC WEST DODGE L.L.C.

By:   
Its: Authorized Representative

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 26<sup>th</sup> day of August, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came Jay Noddle, Authorized Rep of NDC West Dodge L.L.C., to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the company.

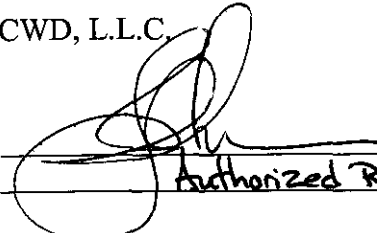
  
Notary Public



EXECUTED this 26 day of August, 2004.

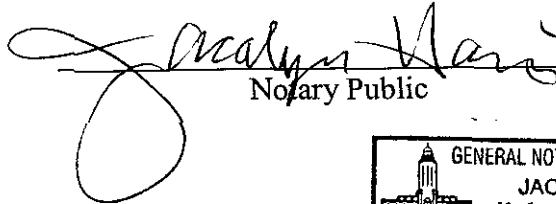
✓ Owner of Lot 4, First National Business Park.

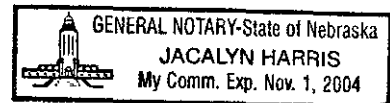
NDCWD, L.L.C.

By:   
Its: Authorized Representative

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 26<sup>th</sup> day of August, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came Jay Noddle, Authorized Rep. of NDCWD, L.L.C. to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the company.


  
\_\_\_\_\_  
Notary Public



EXECUTED this 14<sup>th</sup> day of June, 2004.

Owner of Lot 1, First National Business Park Replat 1.

LINDEN PLACE LIMITED PARTNERSHIP 1

By:   
Its: General Partner

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

On this 14<sup>th</sup> day of June, 2004, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came Ron Cizek, General Partner of Linden Place Limited Partnership 1, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the partnership.

  
Notary Public



EXHIBIT "A"

- MC-07102 Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, Outlot 1, Outlot 2, Outlot 3 and Outlot 4, in Commercial Federal Business Park Replat 1, a Subdivision in Douglas County, Nebraska.
- MC-07103. Lots 1 and 2, Commercial Federal Business Park Replat 2, a Subdivision in Douglas County, Nebraska.
- MC-07104. Lots 1, 2 and 3, in Commercial Federal Business Park Replat 3, a Subdivision in Douglas County, Nebraska.
- MC-07105. Lots 1 and <sup>501</sup>2, Commercial Federal Business Park Replat 4, a Subdivision in Douglas County, Nebraska.
- 73-12142. Lots 1, 2, 3, 4, 6, Outlot 1, Outlot 2, Outlot 3, Outlot 4 and Outlot 5, First National Business Park, a Subdivision in Douglas County, Nebraska.
- 73-12143 Lots 1 and 2, First National Business Park Replat 1, a Subdivision in Douglas County, Nebraska.
- 73-12144 Lots 1 and 2, First National Business Park Replat 2, a Subdivision in Douglas County, Nebraska.