

FILED SARPY CO. NE.
INSTRUMENT NUMBER

2018-08075

2018 Apr 18 09:55:04 AM

Lloyd J. Dowling

REGISTER OF DEEDS



COUNTER_JB
VERIFY_JB
FEES \$ 28.00
CHG_SFILE
SUBMITTED_AMBASSADOR TITLE SERVICES

Space Above Reserved for Recording Information

WHEN RECORDED MAIL TO:

Jude J. Beller, Esq.
Fullenkamp Jobeun Johnson & Beller, LLP
11440 West Center Road, Suite C
Omaha, Nebraska 68144

FIRST AMENDMENT TO DEED OF TRUST

This **FIRST AMENDMENT TO DEED OF TRUST** (this "Amendment") is made and entered into as of April 16, 2018, by **192&370 LLC, a Nebraska limited liability company** (hereinafter referred to as "Trustor") for the benefit of **NewStreet Properties, L.L.C., a Nebraska limited liability company** (hereinafter referred to as "Lender").

WITNESSETH:

WHEREAS, Lender has extended certain credit accommodations to Trustor; and

WHEREAS, said credit accommodations are secured in part by a certain Deed of Trust, Security Agreement, Assignment of Rents and Fixture Filing Statement dated March 15, 2018 and recorded in the Office of the Recorded of Deeds of Sarpy County, Nebraska as Instrument #2018-05407 (the "Deed of Trust") which is a lien upon the real estate more fully described on Exhibit A, which is attached hereto and made a part hereof (the "Real Estate"); and

WHEREAS, said Trustor has requested addition credit be extended from Lender and Lender is intending to extend such credit provided this Amendment is executed and recorded by Trustor;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Trustor, Trustor and Lender hereby agree as follows:

1. Trustor represents and warrants it is the current owner of the Real Estate, and there has not been any change in the title to the Real Estate since the date of the Deed of Trust.

2. This Deed of Trust shall also secure the Trustor's indebtedness and obligations to Lender secured by that certain Deed of Trust, Security Agreement, Assignment of Rents and Fixture Filing Statement dated April 16, 2018 and recorded in the Office of the Recorded of Deeds of Sarpy County, Nebraska as Instrument # 2018-07874 (as may be amended from time to time, the "Additional Deed of Trust"). Any default arising under such Additional Deed of Trust or any other loan document referred to in such Additional Deed of Trust, shall also be deemed a default hereunder.

3. The lien of the Deed of Trust and the covenants and agreements therein, except as herein modified, shall be and remain in full force and effect, subject to all of the conditions and provisions contained in the Deed of Trust. Trustor hereby assumes and agrees to be bound by and to perform all of the covenants and agreements contained in the Note originally secured by the Deed of Trust, and other obligations in the Deed of Trust to be performed by the makers thereof, at the times and in the manner therein specified, except as expressly modified and/or extended herein.

4. This Amendment shall not be deemed to constitute an alteration, waiver, annulment, or variation of any of the terms and conditions of the Deed of Trust except as expressly set forth herein.

5. This Amendment may be executed by the parties on any number of separate counterparts, and all such counterparts so executed constitute one agreement binding on all the parties notwithstanding that all the parties are not signatories to the same counterpart.

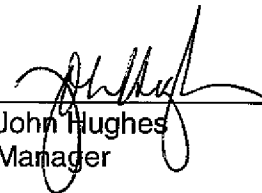
Signature Page to Follow

IN WITNESS WHEREOF, the Trustor has executed this First Amendment to Deed of Trust on the date and year set forth above.

TRUSTOR:

192&370 LLC, a Nebraska limited liability company


By: MDC Gretna, LLC, a Nebraska limited liability company, its Manager and Sole Member

By: 
Name: John Hughes
Title: Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

BEFORE ME, the undersigned authority, on this day personally appeared John Hughes, who acknowledged to be the Authorized Signatory of MDC Gretna, LLC, a Nebraska limited liability company, the manager and sole Member of 192&370 LLC, a Nebraska limited liability company, and that as such person, being authorized to do so, acknowledged to me that he executed the same for purposes and consideration therein expressed and in the capacity therein stated.

Witness my hand and notarial seal in said county and state, the day and year last above written.



Notary Public

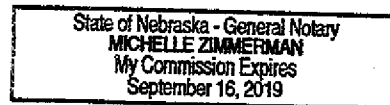


EXHIBIT A

The West One-Half (W1/2) of the Southwest Quarter (SW1/4) in Section 32, Township 14 North, Range 11, East of the 6th P.M., Sarpy County, Nebraska.