



COUNTER P C.E. P
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 FEES \$ 10.00
 CHECK# 26326
 CHG _____ CASH _____
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FILED SARPY COUNTY NEBRASKA
 INSTRUMENT NUMBER
 2019-04010
 03/04/2019 12:34:42 PM

 COUNTY CLERK/REGISTER OF DEEDS


Re: Lots 1 through 17, inclusive, and Outlots "A" through "D", inclusive, Granite Falls Commercial, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

FIRST AMENDMENT TO ECR DECLARATION

B.H.I. Development, Inc., a Nebraska corporation ("Declarant"), hereby enters into this First Amendment of ECR Declaration (the "Amendment") for the purposes as set forth herein.

PRELIMINARY STATEMENT

Declarant previously filed that certain ECR Declaration, dated December 21, 2015 (the "Declaration"), and filed of record on December 29, 2015, as Instrument No. 2015-31751 with the Sarpy County Register of Deeds.

In accordance with Section 16 of the Declaration, Declarant has the right to amend the Declaration with regard to any or all Parcels in the Shopping Center.

Declarant desires to amend the Declaration to remove Article 9, all as further set forth in this Amendment.

TERMS AND CONDITIONS

In consideration of Declarant's sale of certain Parcels, and in consideration of the foregoing Preliminary Statement, which by this reference is repeated and incorporated in this portion of the Amendment in its entirety, and other consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant hereby amends the Declaration as follows:

1. Definitions. All capitalized terms utilized in this Amendment which are not otherwise defined herein shall have the meaning as set forth in the Declaration.
2. Article 9. Effective as of the date of this Amendment, Declarant hereby deletes Article 9 ("Advertising; Marketing Funds; Merchants Associations; Gift Card Program") from the Declaration, including the deletion of Sections 9.1, 9.2, 9.3 and 9.4, and replaces it with the following:

"9. Intentionally Omitted."

RETURN TO: TITLE CORE NATIONAL
 8701 W. DODGERD STE 156
 4852-4897-0360.2 OMAHA, NE 68114

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3. Effect of Amendment. Except as specifically set forth in this Amendment, the Declaration is otherwise ratified, confirmed and unchanged. The terms of this Amendment shall run with the land and apply to all Parcels whereby the provisions of this Amendment will benefit and be binding on the Owners of Parcels and their respective successors, assigns, heirs, personal representatives, mortgagees, and beneficiaries under deeds of trusts to the extent provided in the Declaration.

Dated as of Feb. 26th, 2019.

DECLARANT:

B.H.I. Development, Inc., a Nebraska corporation

By: Gerald L. Torczon
Gerald L. Torczon, President

STATE OF Nebraska)
) ss.
COUNTY OF Sarge)

The foregoing instrument was acknowledged before me this 26th day of Feb., 2019, by Gerald L. Torczon as President of B.H.I. Development, Inc., a Nebraska corporation, on behalf of said corporation.

Mary Jayne Throener
Notary Public

State of Nebraska - General Notary
MARY JAYNE THROENER
My Commission Expires
September 27, 2020