



MISC 2016058646



JUL 22 2016 15:08 P 4

Fee amount: 28.00
FB: 59-05683
COMP: SB

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
07/22/2016 15:08:29.00



2016058646

**FIRST AMENDMENT TO
DECLARATION OF GRADING, CONSTRUCTION AND
INGRESS AND EGRESS EASEMENT AGREEMENT**

THIS FIRST AMENDMENT TO DECLARATION OF GRADING, CONSTRUCTION AND INGRESS AND EGRESS EASEMENT AGREEMENT (this "First Amendment") is made as of the 22nd day of July, 2016, by ROYCE CANDLEWOOD, LLC, a Nebraska limited liability company ("Royce"), and PARK 125 WDODGE, LLC, a Nebraska limited liability company ("Park 125").

Preliminary Statement

Royce is the owner of certain real property located in Douglas County, Nebraska, legally described as follows (the "Commercial Property"):

Lots 4, and 5, Candlewood Hills, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, (59-05683)

and

Lot 2, Candlewood Hills Replat 2, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska. (59-05685)

Park 125 is the owner of certain real property located in Douglas County, Nebraska, legally described as follows (the "Apartment Property"):

Lot 7, Candlewood Hills, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, (59-05683)

and

Lot 1, Candlewood Hills Replat 2, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska. (59-05685)

The Commercial Property and Apartment Property are collectively referred to in this First Amendment as the "Joint Development Property".

Royce executed and filed a Declaration of Grading, Construction and Ingress and Egress Easement Agreement dated February 3, 2015, and recorded with the Douglas County, Nebraska, Register

Return to:
James D. Buser
Pansing Hogan Ernst & Bachman, LLP
10250 Regency Circle, Suite 300
Omaha, Nebraska 68114

of Deeds on February 3, 2015, as Instrument No. 2015007947 (the "Declaration") providing for certain easements and restrictions pertaining to the Joint Development Property. Royce and Park 125 desire to amend the Declaration and are entering into this First Amendment for purposes of memorializing the terms of such amendments.

NOW, THEREFORE, in consideration of the foregoing and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Royce and Park 125 agree as follows:

1. Terms used in this First Amendment with an initial capitalized letter that are not otherwise defined herein shall have the meanings ascribed to them by the Declaration.

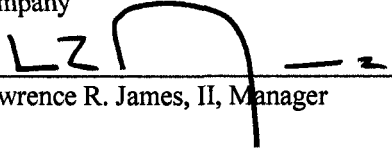
2. Exhibit "A" attached to the Declaration is hereby deleted and replaced in its entirety with Exhibit "A" attached hereto, which identifies the Candlewood Access Drive.

3. Except as amended and modified by this First Amendment, the Declaration remains in full force and effect in accordance with its terms and is hereby ratified and affirmed.

**[Space Below Intentionally Left Blank –
Signature Page to Follow]**

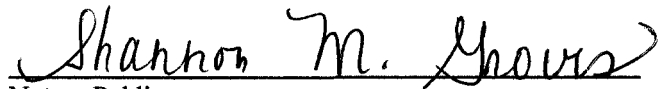
IN WITNESS WHEREOF, the parties have executed this First Amendment to be effective as of the date and year first above written.

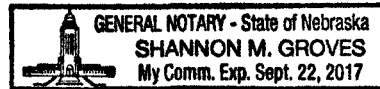
ROYCE CANDLEWOOD, LLC, a Nebraska limited liability company

By: 
Lawrence R. James, II, Manager

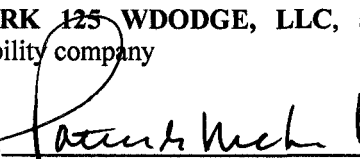
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 21st day of July, 2016, by Lawrence R. James, II, Manager of Royce Candlewood, LLC, a Nebraska limited liability company, on behalf of the company.


Notary Public

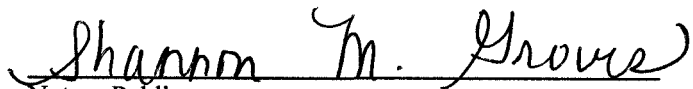


PARK 125 WDODGE, LLC, a Nebraska limited liability company

By: 
Patrick G. McNeil, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on this 21st day of July, 2016, by Patrick G. McNeil, Manager of Park 125 WDodge, LLC, a Nebraska limited liability company, on behalf of said company.


Notary Public

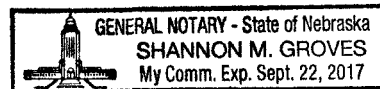
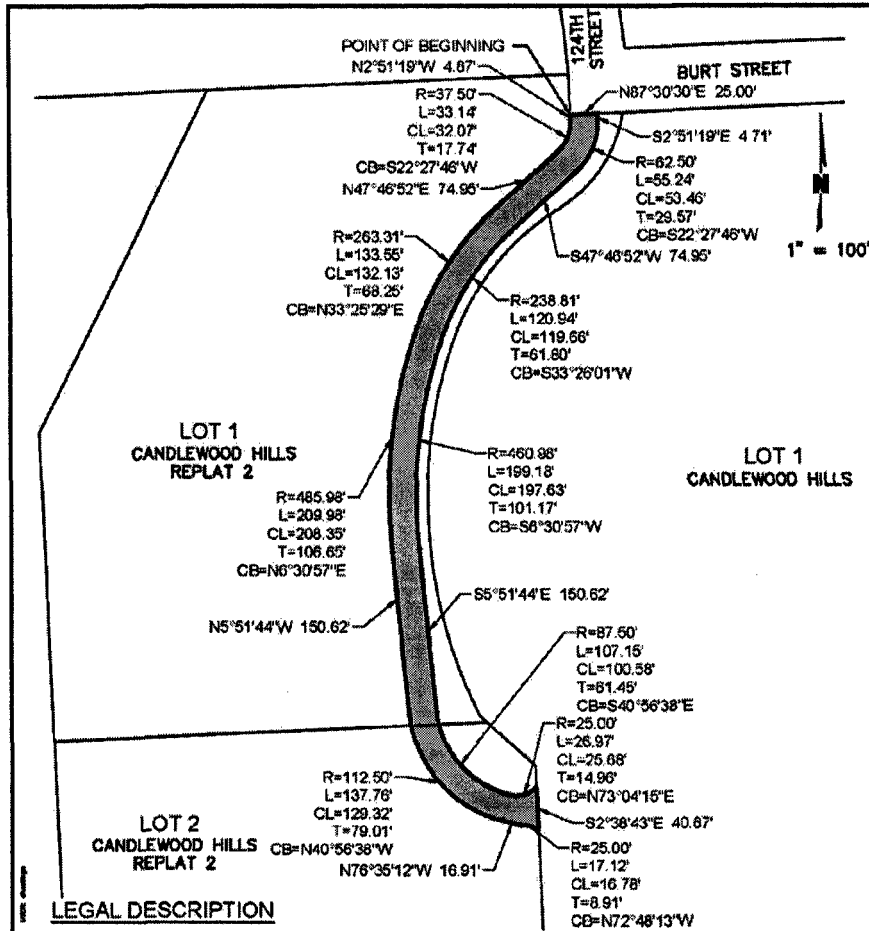


EXHIBIT "A"
CANDLEWOOD ACCESS DRIVE



PROJECT NO: 012-1773	INGRESS/EGRESS EASEMENT	MOLSSON ASSOCIATES	2111 South 67th Street, Suite 300 Omaha, NE 68105 TEL: 402.241.1136 FAX: 402.241.5396	EXHIBIT
DRAWN BY: RML			A	
DATE: 05/12/2015				