



MISC

2010015323



FEB 22 2010 09:04 P 14

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Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 2/22/2010 09:04:28.63



2010015323

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**SECOND AMENDMENT TO  
 DECLARATION AND MASTER DEED OF  
 DUNSANY FLATS CONDOMINIUM PROPERTY REGIME**

This Second Amendment to the Declaration and Master Deed of Dunsany Flats Condominium Regime is made and entered into this 19 day of February, 2010, by Forest Hill Properties, LLC, a Nebraska limited liability company, as the Declarant of the Dunsany Flats Condominium Regime.

**WITNESSETH:**

WHEREAS, this Second Amendment is being made pursuant to Section 14.2 and 16.1 of the Declaration and Master Deed of Dunsany Flats Condominium Regime dated June 24, 2009, which was recorded on June 25, 2009, at Instrument No. 2009067034 of the Register of Deeds of Douglas County, Nebraska, and the First Amendment to Declaration and Master Deed of Dunsany Flats Condominium Property Regime dated August 27<sup>th</sup>, 2009, and recorded on August 28, 2009, at Instrument No. 2009094664 of the Register of Deeds of Douglas County, Nebraska (the "Declaration") and shall be recorded against the following legally-described real property:

Lot 1, Dunsany Flats, a Subdivision in Douglas County, Nebraska, and

Units 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, and the Commercial Units of the Dunsany Flats Condominium Regime, a Condominium Property Regime, located in Douglas County, Nebraska; and

WHEREAS, Declarant is exercising its rights under Section 14.2, 15.1 and 16.1 of the Declaration to expand the Dunsany Flats Condominium Regime by adding Units 7, 8, 9, 10, and 11 to the Dunsany Flats Condominium Regime.

NOW, THEREFORE, and pursuant to the Act and Sections 14.2 and 16.1 of the Declaration, the Declarant hereby amends the Declaration as follows:

1. Exhibit "A" attached hereto is substituted as the Exhibit "A" for the Declaration and shall be the Property as defined in the Declaration.

C

2. The Plans attached hereto as Exhibit "B" are hereby substituted for Exhibit "B" attached to the Declaration and shall be the Plans as defined in the Declaration.

3. Exhibit "C" attached hereto is substituted as the Exhibit "C" for the Declaration and shall show each Unit's appurtenant percentage of undivided interest in the Common Elements as provided in the Declaration.

4. The following sentence shall be added to the end of Section 3.4 of the Declaration:

"The staircase landing at the front entryway of Unit 9 shall be a Limited Common Element of Unit 9."

5. All terms defined herein shall have the same meaning as those definitions contained in the Declaration. Except as specifically set forth herein, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, we the undersigned, the owners of Property described in Schedule A have caused this Declaration to be executed this 19 day of February, 2010.

DECLARANT:

FOREST HILL PROPERTIES, LLC, a  
Nebraska limited liability company

By: Redimensions LLC, a Nebraska limited liability company

By: Sylvester J. Orsi, its Sole Member

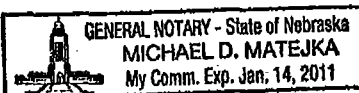
STATE OF NEBRASKA )

) ss.

COUNTY OF DOUGLAS )

Before me, a notary public, in and for said county and state, on February 19, 2010, personally came Sylvester J. Orsi, the sole member of Redimensions LLC, which is the sole member of FOREST HILL PROPERTIES, LLC, a Nebraska limited liability company, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Witness my hand and Notarial Seal this 19 day of February, 2010.



Michael D. Matejka  
Notary Public

### CONSENT BY LENDER

First National Bank of Omaha, a national banking association,, is the Trustee and Beneficiary of the Deed of Trust on the real property described on Lot 1 and Exhibit "A" attached hereto and hereby consents to this Second Amendment to Declaration of Master Condominium of Dunsany Flats and agrees that the Deed of Trust will be subordinate and subject to this Declaration.

Dated this 19 day of February, 2010.

FIRST NATIONAL BANK OF OMAHA, a  
national banking association,

By:

Title:

[Signature]  
Vice President

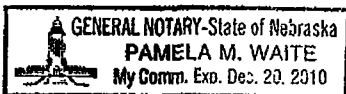
STATE OF NEBRASKA

)  
) ss.  
)

COUNTY OF DOUGLAS

On this 19 day of February, 2010, personally appeared Joe Jensen,  
Vice President of First National Bank of Omaha, a national banking association,  
and acknowledged before me, a Notary Public, to be the person who signed on behalf of said  
Bank and that he/she acknowledged said instrument to be the free act and deed of said Bank.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on  
the day and year first above written, in the County and State aforesaid.



Pamela M. Waite  
Notary Public

My Commission expires:

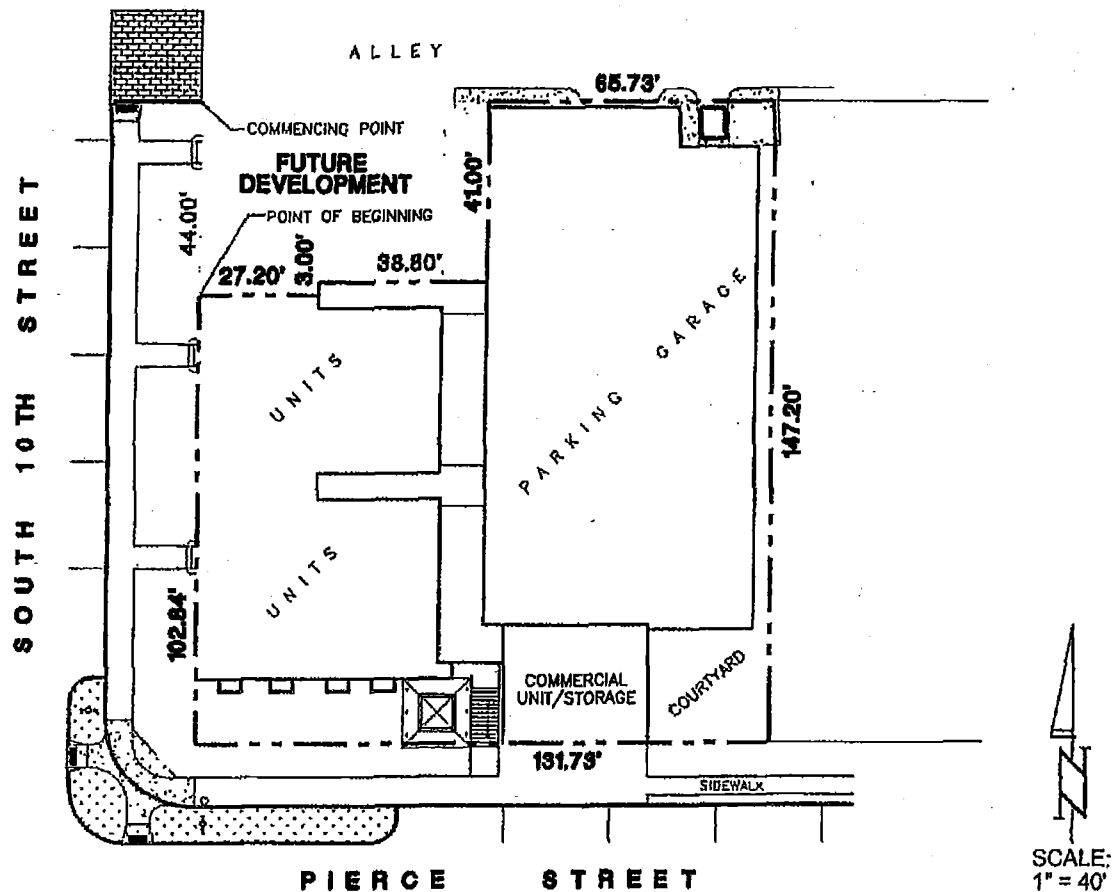
12-20-10

Return to:  
Michael D. Matejka  
Woods & Aitken LLP  
10250 Regency Circle, Suite 525  
Omaha, NE 68114

**EXHIBIT "A"**

**DESCRIPTION OF PROPERTY**

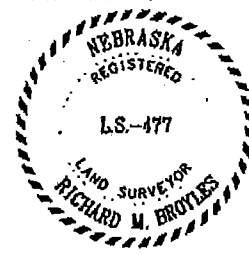
# DUNSANY FLATS CONDOMINIUMS



## LEGAL DESCRIPTION (DUNSANY FLATS CONDOMINIUMS)

THAT PART OF LOT 1, DUNSANY FLATS, AN ADMINISTRATIVE SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID LOT 1; THENCE SOUTH, (ASSUMED BEARING) 44.00 FEET ON THE WEST LINE OF SAID LOT 1, TO THE CENTERLINE OF A PARTY WALL, AND THE POINT OF BEGINNING; THENCE EAST 27.20 FEET ON THE CENTERLINE OF SAID PARTY WALL TO THE EAST EXTERIOR FACE OF A WALL RUNNING NORTH AND SOUTH; THENCE NORTH 3.00 FEET ON SAID EAST FACE TO THE SOUTH EXTERIOR FACE OF A WALL RUNNING EAST; THENCE EAST ON SAID SOUTH FACE AND IT'S EASTERLY EXTENSION 38.80 FEET TO THE WEST EXTERIOR FACE OF A WALL RUNNING NORTH AND SOUTH; THENCE NORTH ON SAID WEST FACE ON A LINE 66.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, 41.00 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE EAST ON THE NORTH LINE OF SAID LOT 1 65.73 FEET TO THE NE CORNER THEREOF; THENCE SOUTH ON THE EAST LINE OF SAID LOT 1, 147.20 FEET TO THE SE CORNER THEREOF; THENCE WEST ON THE SOUTH LINE OF SAID LOT 1, 131.73 FEET TO THE SW CORNER THEREOF; THENCE NORTH ON THE WEST LINE OF SAID LOT 1, 102.84 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THAT THIS DRAWING WAS MADE UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.



FEBRUARY 8, 2010  
RICHARD M. BROYLES  
NEBRASKA RLS 477

GRID BOOK 96, PAGES 63 THRU 65

SHEET 1 OF 8

14381325CONDO.dwg

**TD<sup>2</sup> THOMPSON, DRESSEN & DORNER, INC.**  
Consulting Engineers & Land Surveyors  
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
P: 402.330.8860 F: 402.330.5866 WWW.TD2CO.COM

SITE PLAN

TD2 NO. 1438-132-5

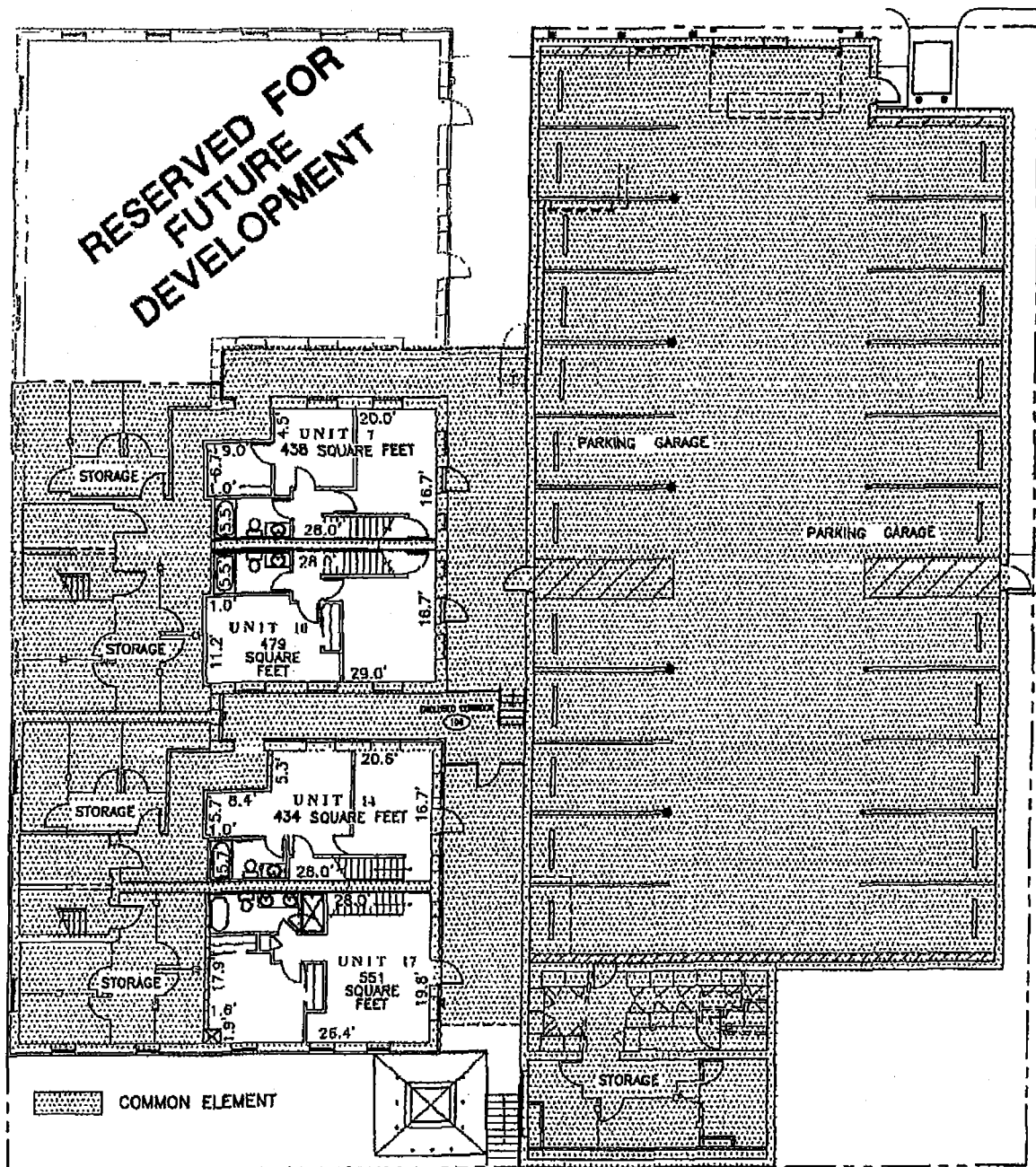
DATE	02/08/2010
DRAWN BY	RJR
CHECKED BY	RMB
REVISION	

**EXHIBIT "B"**

**PLANS**

332248

# DUNSANY FLATS CONDOMINIUMS



SCALE:  
1" = 20'

## BASEMENT / PARKING GARAGES

SHEET 2 OF 8

14381325CONDO.dwg



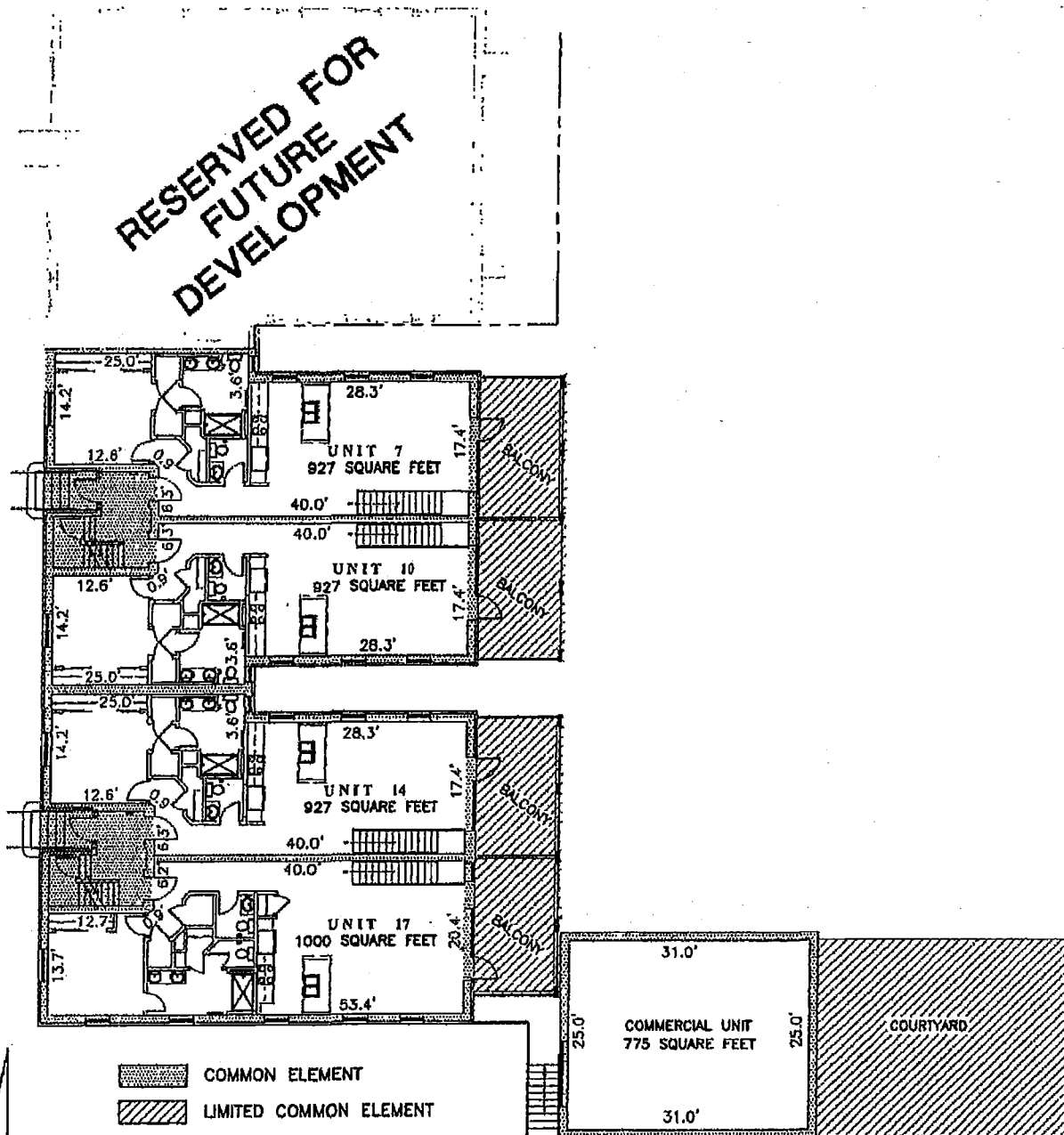
**THOMPSON, DREESSEN & DÖRNER, INC.**  
Consulting Engineers & Land Surveyors  
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
P: 402.330.8860 F: 402.330.5866 WWW.TD2CO.COM

### BASEMENT FLOOR PLAN

TD2 NO. 1438-132-5

DATE	02/08/2010
DRAWN BY	RJR
CHECKED BY	RMB
REVISION	

# DUNSANY FLATS CONDOMINIUMS



SCALE:  
1" = 20'

## FIRST FLOOR

SHEET 3 OF 8

14381325CONDO.dwg



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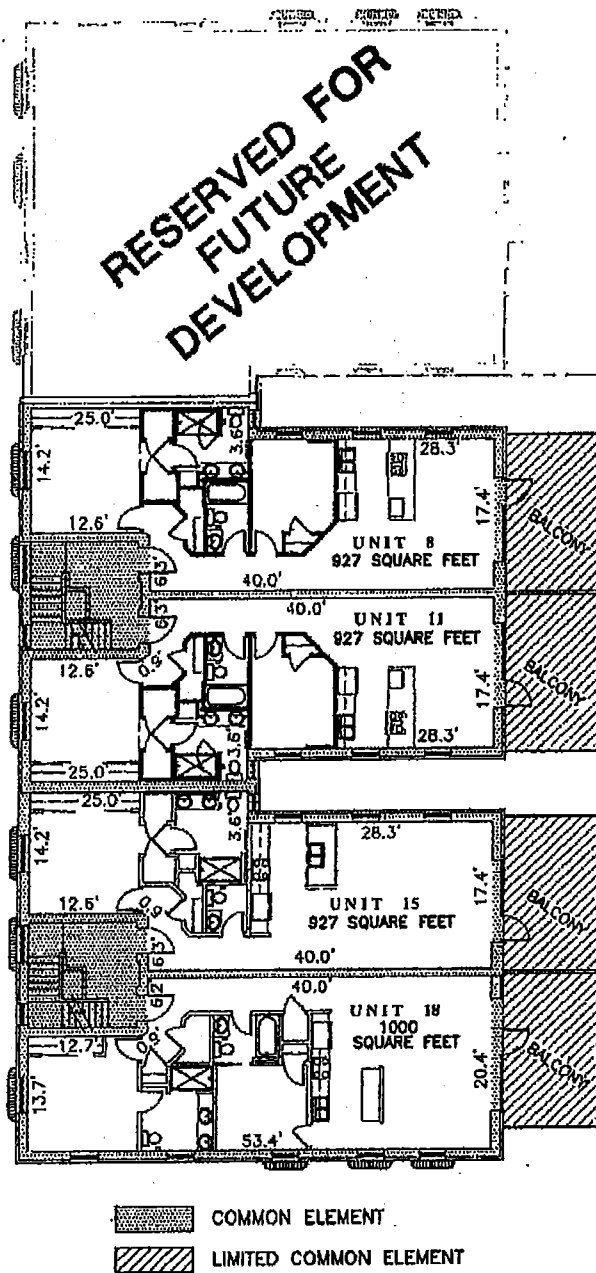
### FIRST FLOOR PLAN

TD2 NO. 1438-132-5

DATE	02/08/2010
DRAWN BY	RJR
CHECKED BY	RMB
REVISION	



# DUNSANY FLATS CONDOMINIUMS



## SECOND FLOOR

SCALE:  
1" = 20'

SHEET 4 OF 8  
14381325CONDO.dwg

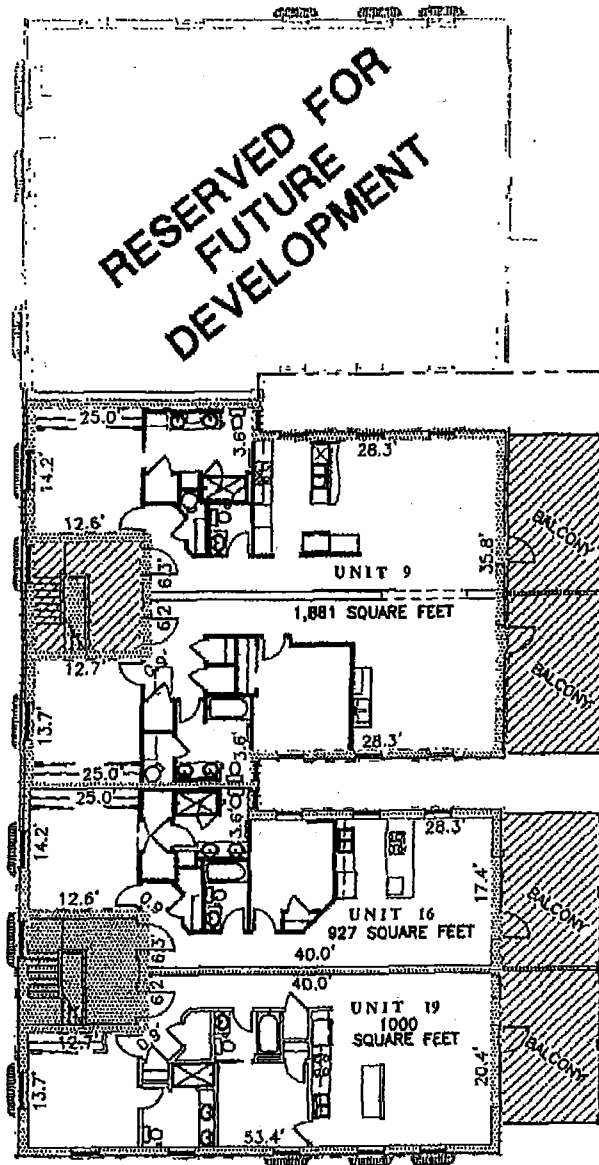
**TD<sup>2</sup> THOMPSON, DRESSEN & DORNER, INC.**  
Consulting Engineers & Land Surveyors  
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
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### SECOND FLOOR PLAN

TD2 NO. 1438-132-5

DATE	02/08/2010
DRAWN BY	RJR
CHECKED BY	RMB
REVISION	

# DUNSANY FLATS CONDOMINIUMS



## THIRD FLOOR



SCALE:  
1" = 20'

SHEET 5 OF 8

14381325CON00.dwg



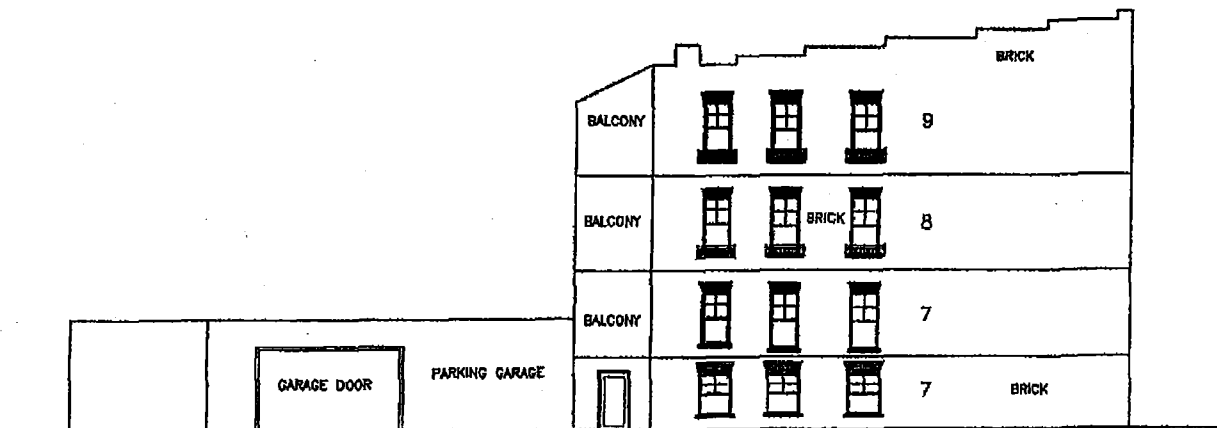
**THOMPSON, DREESSEN & DÖRNER, INC.**  
Consulting Engineers & Land Surveyors  
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
P: 402.330.8860 F: 402.330.5866 WWW.TD2CO.COM

THIRD FLOOR PLAN

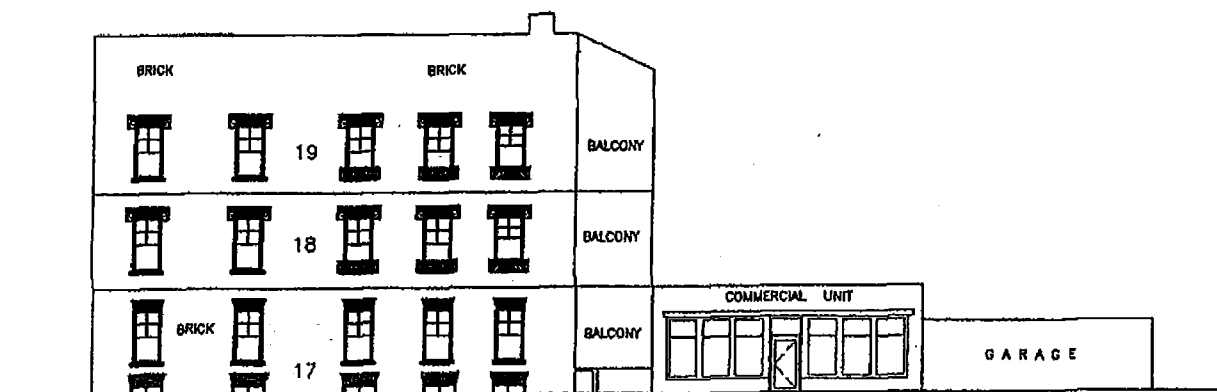
TD2 NO. 1438-132-5

DATE	02/08/2010
DRAWN BY	RJR
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REVISION	

# DUNSANY FLATS CONDOMINIUMS



## NORTH ELEVATION



## SOUTH ELEVATION



SCALE:  
1" = 20'

SHEET 6 OF 8

14381325CONDO.dwg



**THOMPSON, DREESSEN & DÖRNER, INC.**  
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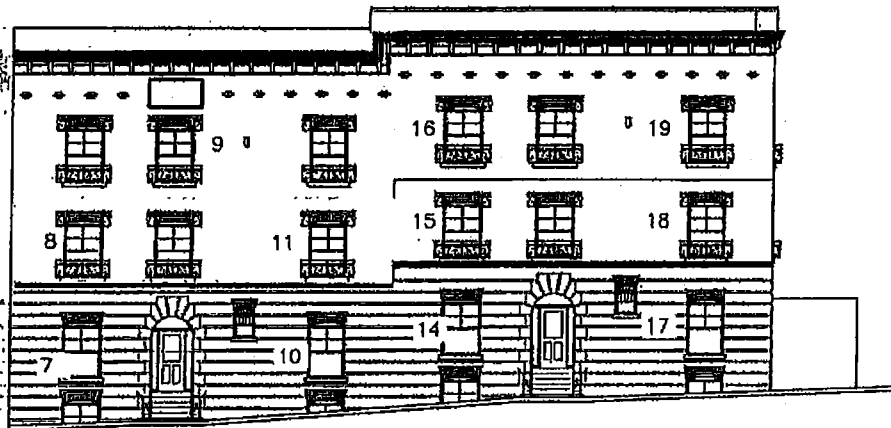
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TD2 NO. 1438-132-5

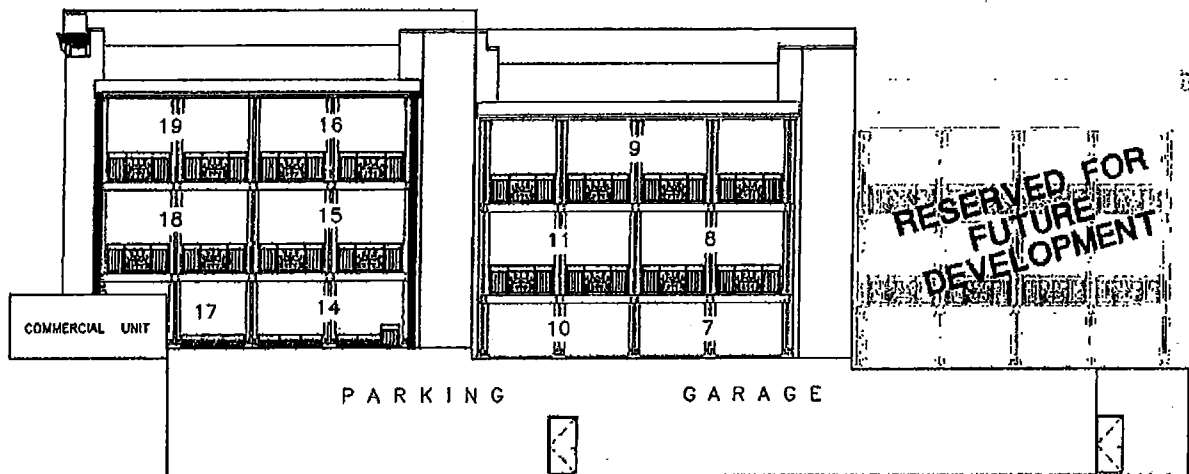
DATE	02/08/2010
DRAWN BY	RJR
CHECKED BY	RMB
REVISION	

# DUNSANY FLATS CONDOMINIUMS

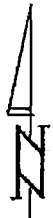
RESERVED FOR  
FUTURE  
DEVELOPMENT



## WEST ELEVATION



## EAST ELEVATION



SCALE:  
1" = 20'

SHEET 7 OF 8

14381325CONDO.dwg



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### ELEVATIONS

TD2 NO. 1438-132-5

DATE	02/08/2010
DRAWN BY	RJR
CHECKED BY	RMB
REVISION	

# DUNSANY FLATS CONDOMINIUMS

UNIT #	LIVABLE SQUARE FOOTAGE	MARKETABLE SQUARE FOOTAGE	ELEVATIONS
7	1,365	1,536	BASEMENT FLOOR 93.2 FIRST FLOOR 102.2
8	927	1,053	FLOOR ELEVATION 113.1
9	1,881	2,106	FLOOR ELEVATION 124.0 ROOF ELEVATION 135.7 (EAST SIDE)
10	1,406	1,582	BASEMENT FLOOR 93.2 FIRST FLOOR 102.2
11	927	1,053	FLOOR ELEVATION 113.1
14	1,361	1,536	BASEMENT FLOOR 95.3 FIRST FLOOR 104.3
15	927	1,053	FLOOR ELEVATION 115.2
16	927	1,053	FLOOR ELEVATION 126.1 ROOF ELEVATION 137.8 (EAST SIDE)
17	1,551	1,747	BASEMENT FLOOR 95.3 FIRST FLOOR 104.3
18	1,000	1,139	FLOOR ELEVATION 115.2
19	1,000	1,139	FLOOR ELEVATION 126.1 ROOF ELEVATION 137.8 (EAST SIDE)
COMMERCIAL UNIT	775	886	FLOOR ELEVATION 100.0 ROOF ELEVATION 109.0

## NOTES:

1. THIS DRAWING IS BASED ON MEASUREMENTS MADE DURING CONSTRUCTION AND ON CONSTRUCTION DRAWINGS.
2. THE LIVABLE SQUARE FEET SHOWN WAS CALCULATED TO THE UNIT SIDE OF THE WALLS AND DOES NOT INCLUDED BALCONIES. THE MARKETABLE SQUARE FEET SHOWN WAS SUPPLIED BY THE ARCHITECT.
3. THE STAIRS ARE INCLUDED IN THE SQUARE FOOTAGE OF UNITS 7, 10, 14 AND 17.

SHEET 8 OF 8

14381325CONDO.dwg



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## NOTES

TD2 NO. 1438-132-5

DATE	02/08/2010
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REVISION	

**EXHIBIT "C"****Allocated Interests in Common Elements and Votes**

<u>Unit Number</u>	<u>Allocated Interests</u>	<u>Votes</u>
7	9.71%	1
8	6.60%	1
9	13.39%	1
10	10.01%	1
11	6.60%	1
14	9.69%	1
15	6.60%	1
16	6.60%	1
17	11.04%	1
18	7.12%	1
19	7.12%	1
Commercial Unit	5.52%	1
	100.00%	