



MISC 2006127854



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
11/8/2006 08:39:37.79



2006127854

EXCLUSIVE PARKING EASEMENT

THIS EXCLUSIVE PARKING EASEMENT ("Parking Easement") is made this 3rd day of November 2006, by Fountainhead Development, LLC, a Nebraska limited liability company ("Declarant").

I. PRELIMINARY STATEMENTS

1. Declarant is the owner in fee simple of a parcel of real estate located in the City of Omaha, Douglas County, Nebraska, legally described in Exhibit "A" hereto. Declarant remains the sole and exclusive owner of all of such property and all of the Units as of the filing of this Parking Easement.

2. On or about November 16, 2005 Declarant filed a Declaration with the Register of Deeds of Douglas County, Nebraska at Instrument No. 2005145444 and an Amendment to Declaration filed on or about October 12, 2006 with the Register of Deeds of Douglas County, Nebraska at Instrument No. 2006117517 (collectively, the "Declaration") pursuant to which Declarant submitted said property to the provisions of the Nebraska Condominium Act (Neb. Rev. Stat. §§ 76-825 to 76-894) in effect as of the date of the recording of said Declaration (the "Act").

3. Declarant desires to grant certain easements regarding said property.

II. DEFINITIONS

Unless specifically defined herein or the context clearly requires a different meaning, the words and phrases used herein that are defined in the Declaration and not otherwise defined in this Parking Easement shall have the meanings ascribed to them in the Declaration.

III. DECLARATION OF EASEMENTS

1. Pursuant to the Declaration, there are twelve (12) Parking Units located in the Parking Garage of the Building. Such Parking Units and their dimensions are depicted on the Plat and Plans referred to in the Declaration, a copy of the relevant page of the Plat and Plans is attached hereto as Exhibit "B" and incorporated herein by this reference. Use of the Parking Units is limited, pursuant to the Declaration, to the air space immediately above the surface of the horizontal plane of the concrete floor for the purposes of vehicular parking. Pursuant to all limitations and restrictions set forth in the Declaration, Declarant hereby grants exclusive easements to use the Parking Unit(s), subject to the terms and conditions set forth in the Declaration, to the following Units for the benefit of the relevant Unit Owner, its mortgagees, successors and assigns:

- #2A Parking Unit 9
- #2B Parking Unit 3
- #2C Parking Unit 10
- #2D Parking Unit 6
- #3A Parking Unit 11
- #3B Parking Units 1 & 12

- 1 -

MISC
 FEE 25.00 FB 39-09875
 BKP _____ C/O _____ COMP SK
 DEL _____ SCAN _____ FV _____

When recorded return to:
 Fountainhead Development, LLC
 809 N. 96th Street
 Omaha NE 68114

25
 01-006929

#3C	Parking Unit 8
#4A	Parking Unit 2
#4B	Parking Units 4 & 5
#4C	Parking Unit 7

2. **Alterations and Improvements.** The recipient of the relevant easement(s) set forth herein, their successors and assigns, shall have NO right to alter and/or improve the relevant Parking Unit(s) and/or the easement area(s) without first obtaining prior written consent from the Association pursuant to the Declaration. The Unit Owners shall keep their Parking Unit(s) clean of excess trash and debris. Maintenance of the Parking Garage and the Parking Units shall be performed by the responsible party and/or parties in accordance with the Declaration.

3. **Run With The Land.** This Parking Easement and the easements granted herein, shall run with the land and shall be binding upon, and inure to the benefit of, the relevant recipient(s) and their successors and assigns, including, but not limited to, all subsequent owners of the relevant Unit, and all other persons claiming by, through or under any of them.

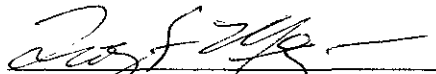
4. **Permanent.** The easements granted in this Parking Easement shall continue in perpetuity from the date hereof.

5. **Enforcement.** The provisions of this Parking Easement may be enforced by an action for injunctive relief as well as by an action for damages. No breach of any provision of this Parking Easement by any party who is bound by this Parking Easement shall give any other party the right to cancel, rescind, or otherwise terminate this Parking Easement, but the foregoing limitation shall not affect any other rights or remedies which such other party may have by reason of such breach or through or under the Declaration.

DATED this 3rd day of November 2006.

Fountainhead Development, LLC

By:


Troy F. Meyerson, President

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a notary public duly authorized in the state and county above written, by Troy F. Meyerson, President of Fountainhead Development, LLC, a Nebraska limited liability company, who is personally known to me to be the identical person whose name is affixed above, and acknowledged the said instrument to be his voluntary act and deed.

Witness my hand and Official Seal as of this 3 day of November 2006.



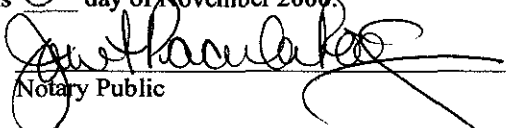

Notary Public

EXHIBIT "A"

That certain real estate formerly legally described as Lots 1 and 2, block 115, Dundee Place, a subdivision of Douglas County, Nebraska, and now known as Units 2A, 2B, 2C, 2D, 3A, 3B, 3C, 4A, 4B, 4C, Dundee Place Condominiums, pursuant to the Declaration of Condominium for Dundee Place Condominiums dated November 14, 2005, and filed November 16, 2005, at Instrument No. 2005145444 of the Records of Douglas County, Nebraska.

When recorded return to:
Fountainhead Development, LLC
809 N. 96th Street
Omaha, NE 68114

EXHIBIT "B"

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.



SEPTEMBER 25, 2006

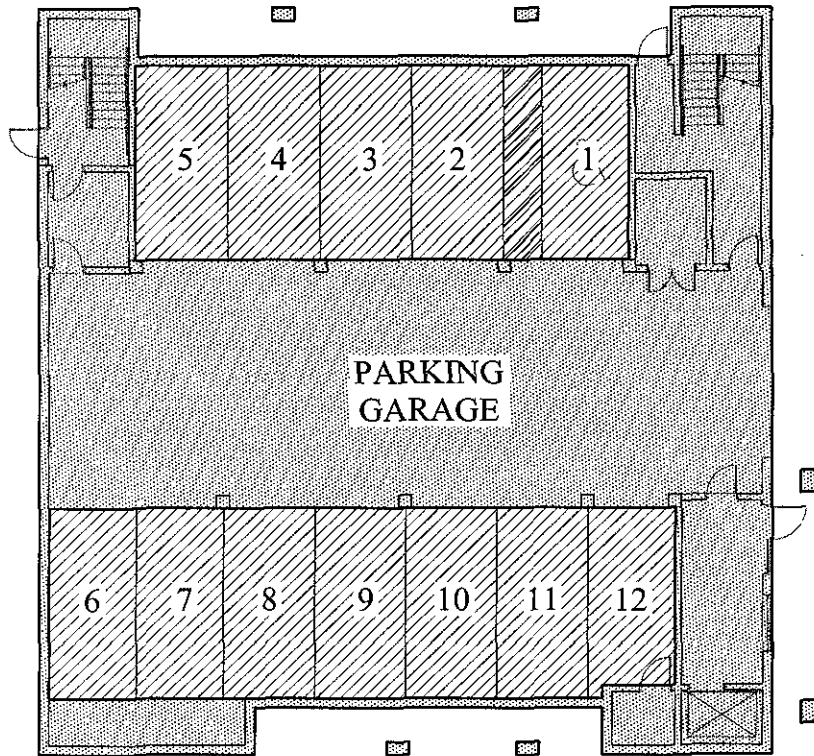
DATE

REVISED: OCTOBER 10, 2006

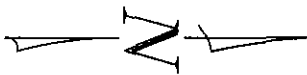
DAVID H. NEEF
NEBRASKA R.L.S. 475

NOTE:

THESE DRAWINGS ARE BASED ON CONSTRUCTION DRAWINGS, NOT ON AS-BUILT INFORMATION.



FIRST FLOOR



SCALE: 1" = 20'



LIMITED COMMON ELEMENT



COMMON ELEMENT

SHEET 1 OF 6

DUNDEE PLACE CONDOMINIUM REGIME

200334351.DWG

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860