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17-15-12

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AMENDMENT TO MASTER DEED
CREATING MILLTOWN VILLAGE
CONDOMINIUM PROPERTY REGIME

WHEREAS, the Master Deed creating Milltown Village Condominium Property Regime was filed in the Office of the Register of Deeds of Douglas County, Nebraska, on September 18, 1973, in Book 1489 at Page 169 of the Deed Records;

WHEREAS, it was intended in said Master Deed and By-Laws that The Milltown Village Association, Inc., a Nebraska nonprofit corporation, should govern the Condominium Regime as therein provided;

WHEREAS, it was further intended that The Milltown Village Association, Inc., should not engage in any business activity for its own benefit but that all of its activities should be charitable nonprofit activities for the benefit of the Condominium Regime and for the betterment of living conditions and standards in the community;

WHEREAS, it was intended that all funds received by The Milltown Village Association, Inc., should be held in a fiduciary capacity, in trust, for the use and benefit of the Owners of Units in the Condominium Regime as determined by the Board of Administrators pursuant to the Articles of Incorporation, By-Laws and Master Deed; and

WHEREAS, question has arisen as to whether The Milltown Village Association, Inc., holds such funds for its own use and benefit;

NOW, THEREFORE, the Master Deed creating The Milltown Condominium Property Regime is amended as follows:

* For legal see attached Exhibit "A"

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1. PARAGRAPH VII.b. OF THE MASTER DEED SHALL HERE-AFTER READ AS FOLLOWS:

b. All general common elements are for the use and enjoyment of all owners. The limited common elements are for the exclusive use of the owner of the unit to which they are appurtenant, his family, guests, servants and invitees. The ownership of the common elements shall remain undivided, and no person or owner shall bring any action for the partition or division of the common elements. The Association shall from time to time establish rules and regulations for the use of the common elements, and all owners and users shall be bound thereby. The Association shall have the sole jurisdiction over and responsibility for alterations, improvements, repairs and maintenance of the common elements. The share of an owner in the common elements is appurtenant to his apartment and inseparable from apartment ownership. Assessments against owners for insurance, common element expenses and reserves, and for other expenses incurred by the Association shall be made pursuant to the By-Laws. All assessments collected by the Association shall be considered to be held in a fiduciary capacity by the Association to be applied by the Association to the use and benefit of the owners pursuant to the provisions of the Articles of Incorporation of the Association, the By-Laws attached hereto as Exhibit "A" and this Master Deed.

Any excess of assessments over current expenses or income upon said funds shall be held by the Association and applied to the benefit of the owners in accordance with the Articles of Incorporation, the By-Laws attached hereto as Exhibit "A" and this Master Deed. Assessments paid within thirty (30) days after the date when due shall not bear interest, but all sums not paid within said thirty (30) day period shall bear interest at the highest legal rate from due date until paid. If any owner shall fail or refuse to make any payment of such assessments when due, the amount thereof plus interest shall constitute a lien upon the owner's interest in his unit and in the property, and upon the recording of such lien by the Association in the Office of the Register of Deeds of Douglas County, Nebraska, such amount shall constitute a lien prior and preferred over all other liens and encumbrances except assessments, liens and charges for taxes past due and unpaid on the unit and except prior duly recorded mortgage and lien instruments.

2. A NEW PARAGRAPH DESIGNATED AS ARTICLE V, SECTION 11 SHALL BE ADDED UPON PAGE 15 OF THE BY-LAWS, ATTACHED AS EXHIBIT "A" OF THE MASTER DEED READING AS FOLLOWS:

Section 11. Assessment Purpose. Assessments shall be levied and collected by the Association to be applied for the use and

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benefit of the owners as in the Articles of Incorporation, Master Deed and these By-Laws provided. Any reserves, excess of assessments over expenses or income upon assessment funds shall be held by the Association for the use and benefit of the owners and shall be applied as aforesaid.

IN WITNESS WHEREOF, the Undersigned officers of The Milltown Village Association, Inc., verify that the foregoing amendments to the Master Deed of the Milltown Village Condominium Property Regime have heretofore been duly approved by owners holding more than seventy-five percent (75%) of the basic value of said Condominium Regime as set forth in Paragraph VI of the Master Deed at a special meeting of the owners held at 10804 Seward Street, Omaha, Nebraska, on February 19, 1975, at 7:30 o'clock P.M., and by all first mortgagees of record of units upon said date.

Dated this 20th day of February, 1975.

THE MILLTOWN VILLAGE ASSOCIATION, INC.

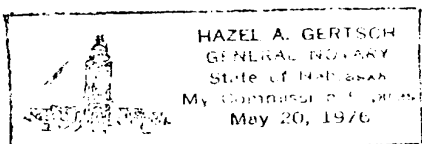
By *Sylvia Ball*
Sylvia Ball, President

ATTEST: *Natalie Anderson*
Natalie Anderson, Secretary

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS)

On this 20th day of February, 1975, before me, a Notary Public duly commissioned and qualified in and for said County, personally came SYLVIA BALL, President of THE MILLTOWN VILLAGE ASSOCIATION, INC., to me personally known to be the President and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed as such officer and the voluntary act and deed of said corporation.

Witness my hand and notarial seal the day and year last above written.



Hazel A. Gertsch
Notary Public

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"Exhibit A"

II. INVOLVED PROPERTY.

The lands owned by the Developer which are hereby submitted to the condominium regime are described as follows:

A tract of land located in the NE 1/4 of the NE 1/4 of Section 17, T15N, R12E of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Commencing at the SE corner of the NE 1/4 of the NE 1/4 of said Section 17-15-12; thence S 89°23'10" W, a distance of 50 ft. to the point of beginning; thence S 89°23'10" W, a distance of 400.2 ft.; thence N 00°00" E, a distance of 204.9 ft.; thence N 36°53'20" E, a distance of 250.0 ft; thence N 90°00' E, a distance of 249.8 ft.; thence S 0°00' E, a distance of 400.54 ft. to the point of beginning; containing 3.35 acres, more or less.

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INDEXED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
20 DAY OF February 19 75 AT 2:42 P.M. G. HAROLD OSTLER, REGISTER OF DEEDS

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