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FOR RECORDING PURPOSES

THIRD AMENDMENT TO THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR SOUTHPORT EAST

PREPARED BY AND RETURN TO:

Kendra J. Ringenberg, Esq. Ringenberg & Rattner Law, LLC 14301 FNB Parkway, Suite 204 Omaha, NE 68154

GRANTOR:

Southport East Landowners Association, Inc. 9500 West Dodge Road, Suite 100 Omaha, NE 68114

GRANTEE:

Property Owners in Southport East

LEGAL DESCRIPTION:

See Page 24.

THIRD AMENDMENT TO THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR SOUTHPORT EAST

This Third Amendment to the Second Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Southport East ("Third Amendment") is made effective as of March 10, 2020 (the "Effective Date") by and between Southport East Landowners Association, Inc., a Nebraska nonprofit corporation (the "Association"), and the undersigned Owners.

RECITALS

WHEREAS, that certain Second Amended and Restated Declaration of Covenants, Conditions and Easements for Southport East dated September 24, 2002, recorded on November 27, 2002, as Instrument No. 2002-49202 with the Register of Deeds of Sarpy County, Nebraska, as amended by that certain (i) First Amendment to the Second Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Southport East dated July 21, 2011, recorded on August 5, 2011, as Instrument No. 2011-19133 with the Register of Deeds of Sarpy County, Nebraska and (ii) Second Amendment to the Second Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Southport East dated March 13, 2018, recorded on November 2, 2018, as Instrument No. 2018-26064 with the Register of Deeds of Sarpy County, Nebraska (collectively, the "Declaration") affects the property legally described on Exhibit A attached hereto (the "Property");

WHEREAS, the Board of Directors desires to simplify the process to establish the yearly operating budget and regular assessments.

WHEREAS, Section 13.2 of the Declaration provides that the Declaration may be amended by a vote of the Owners holding at least seventy-five percent (75%) of the memberships in the Association; and

WHEREAS, the Owners executing this Declaration represent the record owners of more than seventy-five percent (75%) of the memberships in the Association and such Owners desire to amend the Declaration in accordance with the terms and conditions set forth herein and to bind the Property to the terms and conditions of this Third Amendment.

NOW, THEREFORE, pursuant to Section 13.2 of the Declaration, this Third Amendment is executed by the request Owners and shall become effective when recorded in the Register of Deed of Sarpy County, Nebraska.

- 1. <u>Definitions.</u> Terms used in this Third Amendment shall have the meanings set forth in the Declaration except as otherwise defined herein.
- 2. <u>Budget.</u> Section 10.5.3 of the Declaration shall be amended and restated in its entirety to the following:

"Within seventy-five (75) days after the end of each fiscal year of the Association, the Board shall (i) review an operating statement showing income and expenses for the preceding fiscal year and preliminary budget, (ii) review and discuss any written

comments received from any Member and any other information available to it and (iii) establish the operating budget and regular assessment for the forthcoming fiscal year. A majority vote of the members of the Board of Directors shall govern the determination of the operating budget and regular assessment. Regular and special Meetings of the Board may be held by telephone conference call or any other means permitted under applicable law and approved by a majority vote of the members of the Board. Participation in a meeting through telephonic or other permitted means constitutes presence in person at such meeting.

3. <u>Notice Addresses</u>. The address for notice to the Board or to any committee shall be amended to be:

Southport Eat Landowner Association, Inc. Attn: John L. Hoich 5410 North 279th Street Valley, NE 68064

With a copy to:

Ringenberg & Rattner Law, LLC Attn: Kendra J. Ringenberg 14301 FNB Parkway, Suite 204 Omaha, NE 68154

- 4. Association Meetings. Notwithstanding anything to the contrary in the Declaration or the Bylaws, any action required or permitted to be taken at any annual or special meeting of Members of the Association may be taken without a meeting, without prior notice, and without a vote, if a written consent setting forth the action so taken shall be signed by not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting of Members entitled to vote thereon were present and voted. Prompt notice of the taking of the action without a meeting by less than unanimous written consent shall be given to those Members entitled to vote on such action who have not consented in writing or provided a proxy to another voting Member.
- 5. <u>Authorization</u>. The Owners hereby authorize the Board of Directors to execute and deliver such other instruments and do such further acts and things as may be required to carry out the intent and purpose of this Third Amendment.
- 6. No Other Amendment. Except as specifically set forth herein, the Declaration shall remain in full force and effect.

This Third Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and the counterparts taken together shall constitute the whole.

[REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK; SIGNATURE PAGES FOLLOWS.]

IN WITNESS WHEREOF, the undersigned has caused this Third Amendment to be executed on the Effective Date.

Southport East Landowners Association, Inc., a Nebraska nonprofit corporation

Bv:

John L. Hoich, President

STATE OF NEBRASKA) SS COUNTY OF DOUGLOS)

The foregoing instrument was acknowledged before me on this day of March, 2020, by John L. Hoich, as the President of Southport East Landowners Association, Inc., a Nebraska nonprofit corporation, on behalf of said nonprofit corporation.

GENERAL NOTARY - State of Nebraska
DIANE L. STEFFENS
My Comm. Exp. January 1, 2024

Notary Public

90/370, L.L.C., a Nebraska limited liability company

	By: Que M. Zuin Its: President
STATE OF	acknowledged before me on this <u>3rd</u> day of <u>Quinn</u> , as the <u>Qraident</u> of 90/370, y, on behalf of said limited liability company.
	Muchelle R. Carrier Notary Public
	GENERAL NOTARY - State of Nebraska MICHELLE R. CARRIER My Comm. Exp. December 12, 2022

JULIE PABEN

My Comm. Exp. December 28, 2020

	By: Member By: Member
STATE OF Nebraska) ss COUNTY OF Wuglas) The foregoing instrument volument of the county of the c	was acknowledged before me on this <u>ル</u> day of <u>3なr みstadt</u> , as the <u>Member</u> of Bargstadt liability company, on behalf of said limited liability company.
GENERAL NOTARY - State of Nebraska DIANE L. STEFFENS My Comm. Exp. January 1, 2024	Juan L. Steffens Notary Public

Bargstadt Properties L.L.C., a Nebraska limited liability company

	nited liability company
Ву	: Just Eller
its	: MGR
STATE OF <u>Nebraska</u>) ss COUNTY OF <u>Douglas</u>)	
COUNTY OF Longlas)	_
Property Management, L.L.C., a Nebraska lin	nowledged before me on this <u>3</u> day of nall, as the <u>President</u> of Cutchall nited liability company, on behalf of said limited
GENERAL NOTARY - State of Nebraska ABBY BINDERUP My Comm. Exp. August 28, 2021	Notary Public Buth

Galaxy Ventures III, LLC, a Nebraska limited liability company

By:	
Its: Manying Munber	
STATE OF Nebraska) ss) ss	
The foregoing instrument was acknowledged before me on this <u>Jo</u> day <u>Anril</u> , 2020, by <u>Dry ປະຊາຊາ</u> , as the <u>Manging Manber</u> of Ga Ventures III, LLC, a Nebraska limited liability company, on behalf of said limited liability comp	of laxy any.
GENERAL NOTARY - State of Nebraska KATHRYN S. WACHTLER My Comm. Exp. April 25, 2023 Notary Public	

Safe Harbour EAT-XXIX, L.L.C, a Kansas limited liability company

Its: Munight
COUNTY OF LANCES SEV
The foregoing instrument was acknowledged before me on this day of day of . 2020, by Anni Line and the Manager of Safe Harbour EAT-XXIX, L.L.C., a Kansas limited liability company, on behalf of said limited liability
GENERAL NOTARY - State of Nebraska ALEXANDER ZAMARRIPA My Comm. Eq. November 6, 2023 Notary Public

	La Vista Investors, LLC, a California limited liability company
	By: Warren Berzack, Managing Member
STATE OF	
COUNTY OF)	
be the person whose name is subscribed to he executed the same in his authorized cap LLC, a California limited liability company, a or entity upon behalf of which the person ac	RY under the laws of the State of that
WITNESS my hand and official seal.	
[SEAL]	Notary Public
	See attached

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

Signer's Name:

√ Individual

Trustee ⊤

□ Other:

☐ Corporate Officer — Title(s):

Signer Is Representing:

☐ Partner — ☐ Limited ☐ General

L) Attorney in Faet

☐ Guardian of Conservator

CIVIL CODE § 1189

document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of La before me, ANIK PRMANDSIAN, NOTAI Here Insert Name and Title of the Office personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(e), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph ANIK DRMANDJIAN is true and correct. Notary Public - California Los Angeles County Commission # 2269920 WITNESS my hand and official seal. My Comm. Expires Dec 31, 2022 Place Notary Seal Above **OPTIONAL** Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document AMENDMENT to the Description of Attached Document the Ref. Title or Type of Document: Number of Pages: 4 pages Signer(s) Other Than Named Above. Capacity(ies) Claimed by Signer(s)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the

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Signer's Name:

Individual

Trustee

📋 Other:

: Corporate Officer — Title(s):

Signer Is Representing

Partner — I Limited I General

El Guardian or Conservator

Lund Southport 14, L.L.C., a Nebraska limited liability company

	By: Its: Market Market
STATE OF Norachy) ss COUNTY OF Douglas)	
April, 2020, by John Lund	cknowledged before me on this 1 day of liability company, on behalf of said limited liability
GENERAL NOTARY - State of Nebraska JANE M. HEATH My Comm. Exp. February 14, 2022	Notary Public Meath

PayPay, Inc., a Delaware corporation

	By: Joseph Smisek
	Its: Joseph Smisek Head of Facilities Operations
state of <u>Nebraska</u>))ss county of <u>Sarpy</u>)	
	acknowledged before me on this 4th day of nise to as the Head of Facilities of PayPal, and corporation.
GENERAL NOTARY - State of Nebraska DIANE L. STEFFENS My Comm. Exp. January 1, 2024	Notary Public Stations

Pinnacle Bank, a Nebraska state banking corporation

Ву:

Its: Assistant Vice President

STATE OF <u>Nebraska</u>)) ss COUNTY OF <u>Douglas</u>)

The foregoing instrument was acknowledged before me on this <u>IDH</u> day of <u>March</u>, 2020, by <u>Stephanie McTInau</u>, as the <u>Asst Via President</u> of Pinnacle Bank, a Nebraska state banking corporation, on behalf of said bank.



Notary Public Stoffens

By: Member

STATE OF Nebraska |) ss

COUNTY OF Sarpy)

The foregoing instrument was acknowledged before me on this 14 day of April , 2020, by Milliague , as the member of Premiums Building Group, LLC, a Nebraska limited liability company, on behalf of said limited liability company.

liability company

Premiums Building Group, LLC, a Nebraska limited

GENERAL NOTARY - State of Nebraska KIMBERLY A WIRTH My Comm. Exp. April 1, 2023 RW La Vista, LLC, a South Dakota limited liability company

Its: <u>Vice President</u>

STATE OF South Deloter) ss COUNTY OF Bour

The foregoing instrument was acknowledged before me on this by day of April , 2020, by Ryan J. Dwell , as the Vivi Pre, den of RW La Vista, LLC, a South Dakota limited liability company, on behalf of said limited liability company.

Notary Public

12040 McDermott Plaza, LLC, a Nebraska limited liability company

STATE OF <u>Nebraska</u>) ss COUNTY OF <u>DOUGLAS</u>)

The foregoing instrument was acknowledged before me on this of day of March, 2020, by John L. Hoich, as the Hrsident Owner of 12040 McDermott Plaza, LLC, a Nebraska limited liability company, on behalf of said limited liability company.

GENERAL NOTARY - State of Nebraska
DIANE L. STEFFENS
My Comm. Exp., Saruery 1, 2024

Southport Investors, LLC, a Nebraska limited liability company

By: 23 a
Its: MEMBER
STATE OF Nebraska) SS COUNTY OF DOUGLAS)
The foregoing instrument was acknowledged before me on this 13 day of April 2020, by Lobert B. Underwood, as the we were of Southport Investors, LLC, a Nebraska limited liability company, on behalf of said limited liability company.
GENERAL NOTARY - State of Nebraska PAM MICHALAK PAM MICHALAK Notary Public

SP 10 Lot 2 L.L.C., a Nebraska limited liability company

By:	23 4
/ Its:	MEMBER
STATE OF <u>Nebraska</u>) COUNTY OF <u>Douglas</u>)	
The foregoing instrument was acknown 2020, by Robert 13. Under 2 L.L.C., a Nebraska limited liability company, on b	rledged before me on this <u>13</u> day of <u>ewood</u> , as the <u>ryy over</u> of SP 10 Lot behalf of said limited liability company.
GENERAL NOTARY - State of Nebraska PAM MICHALAK My Comm. Exp. March 7, 2021	Hom Wichalde Notary Public

Southport 10 L.L.C., a Nebraska limited liability company

By: FS D	
Its: MEMBER	
STATE OF <u>Nebraska</u>) ss COUNTY OF Douglas	
The foregoing instrument was acknowledged before me on this <u>13</u> day of the hold of the state of the said limited liability company, on behalf of said limited liability company.	of t
GENERAL NOTARY - State of Nebraska PAM MICHALAK PAM My Comm. Exp. March 7, 2021 Notary Public	_

The Eating Establishment-Giles, L.L.C., a Nebraska limited liability company

	By: Pari DPlants Its: member
STATE OF <u>MORASKA</u>) COUNTY OF <u>SAYPY</u>) ss	
The foregoing instrument was	acknowledged before me on this 25 day of MCZUC, as the of The aska limited liability company, on behalf of said limited
GENERAL NOTARY - State of Nebraska STACY C BISGROVE My Comm. Exp. April 4, 2021	Notary Public

WC Holdings, LLC, a Nebraska limited liability company

Ву:	1 Henry
Its:	Member
STATE OF HAWA!!) ss COUNTY OF HAWA!! The foregoing instrument was acknow APRIL , 2020, by C.L. WERNER Holdings, LLC, a Nebraska limited liability compan	vledged before me on this 10 th day of of WC as the <u>member</u> of WC ay, on behalf of said limited liability company.
oc. Date: <u>04/10/2020</u> # Pages: <u>4</u> otary Name: Bart Dale Selman Third Circuit	Notary Public ALE SEMAN DALE SEMA
OC. Description: AMEND. F DEC. OF CC+R'S ON/10/20 Date 09-350	NOTARY PUBLIC State of Hawaii My Cernmission Expires 8/09/2021
tary Signature Date 09-350 OHIO/20 OH	August 09, 2021

EXHIBIT A

Legal Description

- Lot 5, Lot 6, Lot 16 except for part of Eastport Parkway, Outlot "A", Southport East, City of La Vista, Sarpy County, Nebraska.
- Lot 1, Southport East Replat 1, City of La Vista, Sarpy County, Nebraska.
- Lot 1 except road right-of-way, Lot 2, Southport East Replat Three, City of La Vista, Sarpy County, Nebraska.
- Lot 1, Lot 2, Southport East Replat Four, City of La Vista, Sarpy County, Nebraska.
- Lot 11A, Southport East Replat Five, City of La Vista, Sarpy County, Nebraska.
- Lot 14-A, Lot 15-A, Southport East Replat Eight, City of La Vista, Sarpy County, Nebraska.
- Lot 2, Southport East Replat Ten, City of La Vista, Sarpy County, Nebraska.
- Lot 2, Outlot A, Southport East Replat Eleven, City of La Vista, Sarpy County, Nebraska.
- Lot 1, Lot 2, Southport East Replat Twelve, City of La Vista, Sarpy County, Nebraska.
- Lot 1, Lot 2, Southport East Replat Thirteen, City of La Vista, Sarpy County, Nebraska.
- Lot 1, Lot 2, Southport East Replat Fourteen, City of La Vista, Sarpy County, Nebraska.
- Lot 1 and Lot 2, Southport East Replat Two, City of La Vista, Sarpy County, Nebraska,
- Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, and Lot 10, Southport East Replat Six, City of La Vista, Sarpy County, Nebraska.
- Lot 1, Lot 2, Lot 3, and Lot 4, Southport East Replat Nine, City of La Vista, Sarpy County, Nebraska.