

APR 02 2012 15:54 P 13

Fee amount: 73.50 FB: 0C-42392 COMP: LM

Received – DIANE L. BATTIATO Register of Deeds, Douglas County, NE 04/02/2012 15:54:58.00

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WHEN RECORDED, MAIL TO:	filed	as	received

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DODGE STATION is made by Waite Development, LLP, a Nebraska limited liability partnership and Rodney Rhoden (together referred to as "Owner") as of November 30, 2011, and is as follows:

WITNESSETH:

WHEREAS, 180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 (collectively, the "Declaration"); and

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0c - 42392

WHEREAS, Owner is the owner of Lots 1 and 2, West Dodge Station Replat 2 (formerly Lot 4 of West Dodge Station), and which has been or will be replatted as Lot 1, West Dodge Station Replat 7, a subdivision in Douglas County, Nebraska ("Owner's Lot"); and

WHEREAS, Owner desires that the Declaration be amended as provided below and has obtained the agreement to such amendment by owners of Lots within West Dodge Station that, together with Owner's Lot, collectively contain not less than seventy-five percent (75%) of the land area subject to and covered by the Declaration and therefore have the right, power and authority to amend the Declaration in accordance with Section 7.1 thereof.

NOW, THEREFORE, Owner, as the owner of the Owner's Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on Lots 1 and 2, West Dodge Station Replat 2 (formerly Lot 4 of West Dodge Station), and which has been or will be replatted as Lot 1, West Dodge Station Replat 7, a subdivision in Douglas County, Nebraska." Attached are Agreements to Amend from other Lot owners whereby this amendment to Section 2.6(i) has been approved by the owners of Lots within West Dodge Station that, together with Owner's Lot, collectively contain not less than seventy-five percent (75%) of the land area subject to and covered by the Declaration, such that the requirements for amendment of the Declaration have been satisfied.

IN WITNESS WHEREOF, Owner has executed this Amendment which shall be effective as of the recording of this document in the records of the Register of Deeds for Douglas County, Nebraska.

Waite	Development,	LLP,	a	Nebraska	limited
liabilit	y partnership		_		
Ву	Rolent.	da	(aile	
Name	Roland F. Wait	e			
Its Pa	rtner				

STATE OF NEBRASKA)

State of Douglas) ss

The foregoing instrument was acknowledged before me this <u>l</u> day of <u>December</u>, 2011 by Roland F. Waite, known to me to be a partner of Waite Development, LLP, a Nebraska limited liability partnership, for and on behalf of said partnership.

Notary Public

My Commission Expires: 6.18.14

JACKIE J RUSHLAU
State of Nebraska-General Notary
My Commission Expires
June 18, 2014

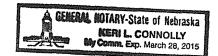
Rodney Rhoden

STATE OF NEBRASKA)	
)	SS
County of Douglas)	

The foregoing instrument was acknowledged before me this <u>B</u> day of <u>Nov</u> 2011 by Rodney Rhoden.

Notary Public Connolly

My Commission Expires: 3/23/15



TO BE INDEXED AGAINST THE FOLLOWING LEGAL DESCRIPTIONS: Lots 1, 2, 3, 7, 8, 9, 10 West Dodge Station 0_{C} -42390 Lots 1 and 2 and Outlot 1, West Dodge Station Replat 1 0_{C} -42391 Lots 1 and 2, West Dodge Station Replat 2 0_{C} -42392 Lots 1 and 2, West Dodge Station Replat 5 0_{C} -42402 Lots 1, 2 and 3, West Dodge Station Replat 6 0_{C} -42403 All in Douglas County, Nebraska.

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 (collectively, the "Declaration"). 0c - 42390The undersigned is the Lot Owner of Lot \,\ . West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on Lots 1 and 2, West Dodge Station Replat 2 (formerly Lot 4 of West Dodge Station), and which has been or will be replatted as Lot 1, West Dodge Station Replat 7, a subdivision in Douglas County, Nebraska." By Name The foregoing instrument was acknowledged before me this 2012 by John White, known to me to be the President WE Nonprofit Com for and on behalf of said Lytheran Church of the GENERAL NOTARY - State of Nebraska NANCY A. CURRAN Notary Public My Comm. Exp. June 24, 2012

My Commission Expires

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska (the "Declaration").

0c - 42390

The undersigned is the Lot Owner of Lot 2, West Dodge Station, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (the "Lot"). The undersigned, as Owner of the Lot, hereby consents to the Amendment to Declaration of Covenants, Conditions and Restrictions for West Dodge Station to which this Consent is affixed that provides for the amendment of Section 2.6 (i) of the Declaration to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on Lots 1 and 2, West Dodge Station Replat 2 (formerly Lot 4 of West Dodge Station), and which has been or will be replatted as Lot 1, West Dodge Station Replat 7, a subdivision in Douglas County, Nebraska."

F & C	Inwestment	e II.	Nehraska limited
liability	company		, a Nebraska limited
By (lek		ef
Name	ECIAS	J.	ELIDPOULOS
Its	MEM	13ER	

STATE OF NEBRASKA)	
)	SS
County of Douglas)	

The foregoing instrument was acknowledged before me this **28** day of **March**, 2012 by Elias Eliopoulos, known to me to be a Member of E & G Investments, LLC, a Nebraska limited liability company, for and on behalf of said company.

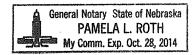
GENERAL NOTARY - State of Nebraska SANDY KASADA My Comm. Exp. November 10, 2015

Handy Kasade

My Commission Expires: 11-10-15

Declaration of Covenants, Conditions at 28, 2005 as document no. 2005074928 by that Designation to Amend Declaration	limited liability company, executed and recorded that and Restrictions for West Dodge Station recorded on June of the records of Douglas County, Nebraska as amended aration recorded on June 23, 2010 as document no. orded on June 23, 2010 as document no. 2010055015 OC-42390
(the "Lot"). The undersigned, as Own- Declaration is amended to permit franc following to the end thereof: "and on L	er of Lot 3, West Dodge Station er of the Lot, hereby agrees that Section 2.6 (i) of the chised new vehicle dealership operations by adding the ots 1 and 2, West Dodge Station Replat 2 (formerly Lot is been or will be replatted as Lot 1, West Dodge Station ty, Nebraska."
	Elkhorn Public Schools a Nebraska Governmental Entity By Sterbourn Baker Name Stephen R Baker Its Superintendent
STATE OF NEBRASKA)) SS County of POUGLAS)	
	eknowledged before me this 12 day of January me to be the Superintindent of Elkhara Public a said Elkhara Public Schools Tamel Z Cott

My Commission Expires: 10 38 3014



Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015

(collectively, the "Declaration").

PHOENIX/602246.1

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that

0c-42402

The undersigned is the Lot Owner of Lot 2, West Dodge Station Keplat 5 (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on Lots 1 and 2, West Dodge Station Replat 2 (formerly Lot 4 of West Dodge Station), and which has been or will be replatted as Lot 1, West Dodge Station Replat 7, a subdivision in Douglas County, Nebraska." Bank, a bank chartered under the laws of the By Name^e Authorized Officer STATE OF South Dakota County of Minnehaha The foregoing instrument was acknowledged before me this 19 day of __December , known to me to be the Auth. Officer of Great Western Bank a. bank 2011 by Ewan Black Dakota of for and on behalf of said corporation Notary Public My Commission Expires: 3.6.201

Declaration of Covenants, Conditions and	mited liability company, executed and recorded that d Restrictions for West Dodge Station recorded on June f the records of Douglas County, Nebraska as amended
by that Designation to Amend Declar	ration recorded on June 23, 2010 as document no. rded on June 23, 2010 as document no. 2010055015
(someonvery, me <u>recommence</u>).	0c-42390
(the "Lot"). The undersigned, as Owner Declaration is amended to permit franch following to the end thereof: "and on Lo	r of Lot, West Dodge Station r of the Lot, hereby agrees that Section 2.6 (i) of the dised new vehicle dealership operations by adding the ts 1 and 2, West Dodge Station Replat 2 (formerly Lot been or will be replatted as Lot 1, West Dodge Station y, Nebraska."
	Pinnacle Bank, a
	By June Hum.
	Name <u>Justin Horst</u> Its CFO
STATE OF Nebraska)	
STATE OF Nebraska.) County of Douglas)	
	mowledged before me this 22 day of March,
201 2 by <u>Justin Horst</u> , known to m	
	Notary Public
My Commission Expires: 9-8 - 2012	
	GENERAL NOTARY - State of Nebraska CRISTY L. VAN CAMP My Comm. Exp. Sept. 8, 2012

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 (collectively, the "Declaration"). 0c-42390 The undersigned is the Lot Owner of Lot \mathscr{S}_{-} , West Dodge Station (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on Lots 1 and 2, West Dodge Station Replat 2 (formerly Lot 4 of West Dodge Station), and which has been or will be replatted as Lot 1, West Dodge Station Replat 7, a subdivision in Douglas County, Nebraska." Vinnacle Banka Name STATE OF Nebraska County of Douglas The foregoing instrument was acknowledged before me this 22 day of March 2012 by Justin Herst, known to me to be the cfo, for and on behalf of said finnacle fram My Commission Expires: 9-8 -2012 GENERAL NOTARY - State of Nebraska

> CRISTY L. VAN CAMP My Comm. Exp. Sept. 8, 2012

Declaration of Covenants, Conditions and F 28, 2005 as document no. 2005074928 of the that Designation to Amend Declaration 2010055013 and that Amendment recorder (collectively, the "Declaration").	ted liability company, executed and recorded that Restrictions for West Dodge Station recorded on June he records of Douglas County, Nebraska as amended on recorded on June 23, 2010 as document noted on June 23, 2010 as document no. 2010055015
Declaration is amended to permit franchise following to the end thereof: "and on Lots	of the Lot, hereby agrees that Section 2.6 (i) of the ed new vehicle dealership operations by adding the 1 and 2, West Dodge Station Replat 2 (formerly Lot een or will be replatted as Lot 1, West Dodge Station
	Pinnacle Bank, a
	By
	Name Sustin Horst Its CFO
STATE OF Nebraska)) ss County of Douglas)	
The foregoing instrument was acknown to me to the said on behalf of said	wledged before me this 22 day of March, a so be the CFO of Rinnacle Bank, a Pinnacle Bank, a Notary Public
My Commission Expires: 9-8-2012	GENERAL NOTARY - State of Nebraska CRISTY L. VAN CAMP My Comm. Exp. Sept. 8, 2012

	Declaration of Covenants, Conditions and 28, 2005 as document no. 2005074928 of by that Designation to Amend Declara 2010055013 and that Amendment record	Restrictions for West Dodge Station recorded on June the records of Douglas County, Nebraska as amended ation recorded on June 23, 2010 as document no. ded on June 23, 2010 as document no. 2010055015
	Othe "Lot"). The undersigned, as Owner Declaration is amended to permit franchifollowing to the end thereof: "and on Lot	of Lot, West Dodge Station Replat
		OMAHABTS, LLC A Colorado limited liability company, d/b/a WDS Office Building, LLC in the State of Nebraska, By: McWhinney Real Estate Services, Inc. A Colorado corporation, Its Manager
	STATE OF COLORDOO) County of LORDOR) ss	Name: Den Borber Its: VP of Development
fi	The foregoing instrument was ackre 2010 by DEAN BACBEL, known to me led as is", for and on behalf of satistic of the state of colorado My Comm. Exp. 01/15/2016 My Commission Expires: 1516	
	•	•

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 (collectively, the "Declaration"). 0c - 42403The undersigned is the Lot Owner of Lot 2, West Dodge Station_Kepla+ (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on Lots 1 and 2, West Dodge Station Replat 2 (formerly Lot 4 of West Dodge Station), and which has been or will be replatted as Lot 1, West Dodge Station Replat 7, a subdivision in Douglas County, Nebraska." OMAHABTS, LLC A Colorado limited liability company, d/b/a WDS Office Building, LLC in the State of Nebraska, McWhinney Real Estate Services, Inc. A Colorado corporation, Its Manager STATE OF Colorado Name: County of Livernee The foregoing instrument was acknowledged before me this day of 2017 by DEAN BACKER, known to me to be the Vice President for and on behalf of said manager of Cmaha 85 LC NOTARY PUBLIC STATE OF COLORADO Notary Public My Comm. Exp. 01/15/2016 My Commission Expires

180 Dodge, L.L.C., an Iowa limited liability company, executed and recorded that Declaration of Covenants, Conditions and Restrictions for West Dodge Station recorded on June 28, 2005 as document no. 2005074928 of the records of Douglas County, Nebraska as amended by that Designation to Amend Declaration recorded on June 23, 2010 as document no. 2010055013 and that Amendment recorded on June 23, 2010 as document no. 2010055015 (collectively, the "Declaration"). 0c - 42403The undersigned is the Lot Owner of Lot 3, West Dodge Station Replat 6 (the "Lot"). The undersigned, as Owner of the Lot, hereby agrees that Section 2.6 (i) of the Declaration is amended to permit franchised new vehicle dealership operations by adding the following to the end thereof: "and on Lots 1 and 2, West Dodge Station Replat 2 (formerly Lot 4 of West Dodge Station), and which has been or will be replatted as Lot 1, West Dodge Station Replat 7, a subdivision in Douglas County, Nebraska." OMAHABTS, LLC A Colorado limited liability company, d/b/a WDS Office Building, LLC in the State of Nebraska, McWhinney Real Estate Services, Inc. By: A Colorado corporation, Its Manager STATE OF COLORD) ss County of LORUME The foregoing instrument was acknowledged before me this day of Jou 2017 by DENN BORRER, known to me to be the Vice President for and on behalf of said manager a oma HABB LC. NOTARY PUBLIC STATE OF COLORADO Notary Public My Comm. Exp. 01/15/2016 My Commission Expires: