

MISC 2016021359



MAR 25 2016 16:28 P 15

Fee amount: 94.00 FB: 0C-42390 COMP: SB

Received – DIANE L. BATTIATO Register of Deeds, Douglas County, NE 03/25/2016 16:28:04.00



WHEN RECORDED, MAIL TO:

Taul Elofson Fitzgerald Schorr PC 10050 Regency Cs., Suite 200 Omaha, NE 68114

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 E & G Investments, L.L.C, a Nebraska limited liability company ("E&G") and Rakes Family Investments, LLC, a Nebraska limited liability company ("RFI", and collectively with E&G, referred to as "Owner") as of March _______, 2016, 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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration"); and

WHEREAS, Owner is the owner of Lot 2, West Dodge Station, a subdivision in Douglas County, Nebraska ("Owner's Lot"), each of E&G and RFI owning an undivided one-half tenant in common interest; and

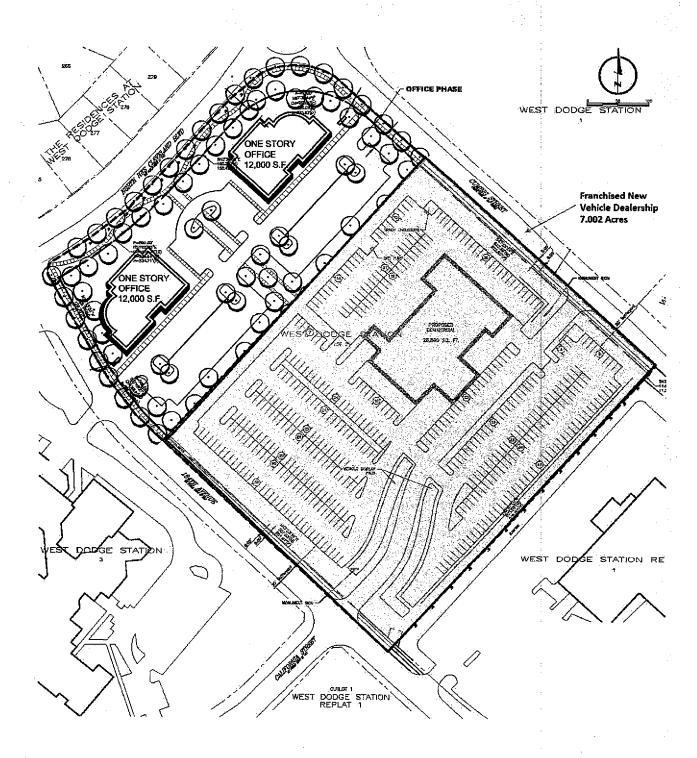
WHEREAS, Owner desires that the Declaration be amended as provided below and has obtained the agreement to such amendment by owners of Lots within West Dodge Station that, together with Owner's Lot, collectively contain not less than seventy-five percent (75%) of the land area subject to and covered 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, 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.

[Space Below Intentionally Left Blank – Signature Page to Follow]

effective as of the recording of this document in the records of the Register of Deeds for Douglas County, Nebraska.
E& G Investments, Z.D.C., 'a Nebraska limited
liability company
By:
Its: Member
Rakes Family Investments, LLC, a Nebraska limited liability company
maintary company
George M. Rakes, Manager
STATE OF NEBRASKA)
) ss
County of Douglas)
The foregoing instrument was acknowledged before me this 2 day of February, 2016 by Elias J. Eliopoulos, known to me to be a member of E & G Investments, L.L.C., a Nebraska limited liability company, for and on behalf of said company.
initited hability company, for and on behalf of said company.
() an 1/1/2m
GENERAL NOTARY - State of Nebraska JAMES D. BUSER NOTATE Public My Comm. Exp. June 26, 2016
My Commission Expires:
STATE OF NEBRASKA)) ss
County of Douglas
The foregoing instrument was acknowledged before me this 2nd day of February, 2016
by George M. Rakes, known to me to be the Manager of Rakes Family Investments, L.L.C., a
Nebraska limited liability company, for and on behalf of said company.
GENERAL NOTARY - State of Nebraska JAMES D. BUSER Notary Public My Comm. Exp. June 26, 2016
My Commission Expires:

EXHIBIT A
Lot 2 Franchised New Vehicle Dealership Area



TO BE INDEXED AGAINST THE FOLLOWING LEGAL DESCRIPTIONS:
Lots 1, 2, 3, 7, 8, 9, 10 West Dodge Station (0C-42390)
Lots 1 and 2 and Outlot 1, West Dodge Station Replat 1 (0C-42391)
Lots 1 and 2, West Dodge Station Replat 2 **vacated
Lots 1 and 2, West Dodge Station Replat 5 (0C-42402)
Lots 1, 2 and 3, West Dodge Station Replat 6 (0C-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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 1, 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska." Lutheran Church of the Master, a Nebraska non-profit corporation STATE OF NEBRASKA) ss County of Douglas The foregoing instrument was acknowledged before me this Athday of February, David G Anderson known to me to be President of the Master, a Nebraska non-profit corporation, for and on behalf of said corporation.

My Commission Expires: Ju

GENERAL NOTARY - State of Nebraska DIANA K. WILKEY My Comm. Exp. July 2, 2016

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned collectively are the Lot Owner of Lot 2, 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska." E & G Investments, I Nebraska limited Mability company By: Name: Elias J. Eliopoulos Member Its: Rakes Family Investments, LLC, a Nebraska limited liability compa George M. Rakes, Manager STATE OF NEBRASKA County of Douglas day of March, 2016 by Elias J. The foregoing instrument was acknowledged before me this *\int\$ Eliopoulos, known to me to be a member of E & G Investments, L.L.C., a Nebraska limited liability company, for and on behalf of said company. GENERAL NOTARY - State of Nebraskat ITV JAMES D. BUSER My Comm. Exp. June 26, 2016 My Commission Expires: STATE OF NEBRASKA) ss County of Douglas The foregoing instrument was acknowledged before me this day of March, 2016 by George M. Rakes, known to me to be the Manager of Rakes Family Investments, L.L.C., a Nebraska limited liability company, for and on behalf of said company. GENERAL NOTARY - State of Nebraskini JAMES D. BUSER

My Comm. Exp. June 26, 2016

My Commission Expires: PHOENIX/602246.1

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 3, 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

end thereof: "and on the southeastern 7.0 West Dodge Station, a subdivision in Do	02 acres of Lot 2 as depicted on the attached Exhibit A Iglas County, Nebraska."
	Elkhorn Public Schools, a Nebraska Governmental Entity By: Name: Stephen R. Baker Its: Superintendent
STATE OF NEBRASKA) ss County of Douglas)	owledged before me this 19^{44} day of January, 2016

The foregoing instrument was acknowledged before me this 19^{12} day of January, 2016 by Stephen R. Baker known to me to be the Superintendent of Elkhorn Public Schools, a Nebraska Governmental Entity, for and on behalf of said Elkhorn Public Schools.

Notary Public

My Commission Expires: 11-19-16

General Notary - State of Nebraska

DEBORAH J. KAFKA

My Comm. Exp. Nov. 19, 2016.

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 7, 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Station, a subdivision in Douglas County, Nebraska."

Pinnacle Data Services, LLC,

By:

Name:

Tustin Horst

Its:

Chief Financial Officer

STATE OF Nebraska

Ss

County of Douglas

The foregoing instrument was acknowledged before me this 10 day of Harch, 2016

by Justin Horst known to me to be Chief Financial Officer of Pinnacle

Data Services, LLC, for and on behalf of said corporation.

Notary Public

My Commission Expires: 98 2016

GENERAL NOTARY - State of Nebraska CRISTY L. VAN CAMP My Comm. Exp. Sept. 8, 2016

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 8, 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Pinnacle Bank,

	By: Name: Its:	Justin Hor Chief Finan	ers of	
STATE OF <u>Nebroska</u> ss County of <u>Douglos</u>				
The foregoing instrument was acknown by Justin Horst known Bank, for and on behalf of said corporation.	vledged before me to me to be <u>Ch</u>	this <u>10</u> day of If Financial off	Harch icer of	, 2016 Pinnacle
	Notary Put	Jic Van Co	P	
My Commission Expires: 9 8 3016	_		/ - State of Nebras	

My Comm. Exp. Sept. 8, 2016

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 9, 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Pinnacle Bank,

By:

Name:

Tustin Horst

Its:

Chef Financial office

STATE OF Nebroska

Ss

County of Novilles

ss

The foregoing instrument was acknowledged before me this lo day of March, 2016 by Justin Horst known to me to be Chief Financial Office of Pinnacle Bank, for and on behalf of said corporation.

My Commission Expires:

98 2016

GENERAL NOTARY - State of Nebraska
CRISTY L. VAN CAMP
My Comm. Exp. Sept. 8, 2016

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 10, 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

	ng the following to the end thereof: 'and on the southeastern 7.0 Exhibit A, West Dodge Station, a subdivision in Douglas Coun	
	Red Rover, LLC, a Nebraska limited liability company	
	By: \(\lambda	
STATE OF NE		
County of Douglas ss	, , , , , , , , , , , , , , , , , , ,	
The foregoing instrument was acknown	wledged before me this 4 day of Much, 20 to me to be Munaging Durmer of Red Rover, LL)16 .C.
a Nebraska limited liability company, for and		ĺ
	Michelle R Carrie	
	Notary Public	
My Commission Expires: 17/17/18		
	GENERAL NOTARY - State of Nebraska MICHELLE R. CARRIER My Comm. Exp. December 12, 2018	
	My Consult CAD December 11, 2010	
e mente est de la contraction de la co		

PHOENIX/602246.1

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 1, West Dodge Station Replat 1 (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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

MAJIK, LLC, a Nebraska limited liability company By: State of Melasa. Name: O. Micker Indicate Indicate Its: STATE OF NE County of Douglas ss The foregoing instrument was acknowledged before me this 3 day of March 2016 by S. Mickey Anderson known to me to be Manager of MAJIK, LLC, a Nebraska limited liability company, for and on behalf of said corporation. My Commission Expires: 12/12/18 My Commission Expires: 12/12/18	Station, a subdivision in Douglas County,	, Nebraska."	
The foregoing instrument was acknowledged before me this 3 day of March 2016 by S. Mickey Anderson known to me to be March of MAJIK, LLC, a Nebraska limited liability company, for and on behalf of said corporation. Notary Public My Commission Expires: 1212118 GENERAL NOTARY- State of Nebraska Michelle B. 2000 Michelle B. 200		By: S. Mickey (In Aug.) Name: G. Mickey Aug.	elasa ceson
2016 by S. M. Okky Hnderson known to me to be Manager of MAJIK, LLC, a Nebraska limited liability company, for and on behalf of said corporation. Notary Public My Commission Expires: 1212118 GENERAL NOTARY- State of Nebraska	STATE OF NE County of Douglas ss		
My Commission Expires: 12/12/18 GENERAL NOTARY - State of Nebraska	2016 by S. Mickly Hndysonknown	n to me to be Manager	arch of MAJIK,
MICHELLE D. Or Nebraska	•		nn
	My Commission Expires: 17/17/18		

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 1, Replat 5, 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

Develotel Omaha, LLC, a South Dakota

	By:	<u> </u>	
	Name: Dewe		
	Its: Man	aging Member	
STATE OF Louisians			
STATE OF <u>louisians</u>) ss County of <u>Ouachida</u>)		· •	
The foregoing instrument was ackn	nowledged before me	this <u>14⁴</u> day of <u>Mo</u>	rnch
, 2016 by Dewly F. Weaver, Jr.	known to me to b	e <u>Managina Membe</u>	ofof
Develotel Omaha, LLC, a South Dakota	limited liability comp	pany, for and on behalf of sa	aid corporation.
	1	. 1.	
	I Whi	a C. Sirnerella	
	Notary Pul	hlic	

limited liability company

My Commission Expires: With IFC

Nikki C. Tinnerello, Notary Public Identification No. 68388
My Commission Expires at Death

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 and that Amendment recorded on April 2, 2012 as document no. 2012031064 (collectively, the "Declaration").

The undersigned is the Lot Owner of Lot 2 Replat 5, 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 the southeastern 7.002 acres of Lot 2 as depicted on the attached Exhibit A, West Dodge Station, a subdivision in Douglas County, Nebraska."

	GYC Properties, LLC, a Nebraska
	limited liability company
	By:
	Name: Gregg Young (\
	Its: Managing Member
yay marangan y ayay marangan da marang	
STATE OF Notroyles	
County of Deugley) ss	
County of Deurice	
	wledged before me this <u>Ale</u> day of February,
2016 by Grega Using	known to me to be Managing Member o
GYC Properties, LLC a Nebraska limited I	iability company, for and on behalf of said corporation:
, , , , , , , , , , , , , , , , , , , ,	and the state of senation of suite of politicon.
	kim M Xuela
	Notary Public
My Commission Expires: <u>1. ろいんか</u>	🎖 en transferior en la companya de transferior
A GENERAL NOTARY - State of Nebraska	
1 - W Charlet in the American	

KIM M ZUERLEIN Comm. Exp. July 31, 2018