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Document Title: Third Amendment to Declaration of Condominium
for The Kimball Lofts Condominiums

Document Date: February 10, 2014

Grantor Name: The Kimball Lofts LLC

Grantee Names: None

Grantor's Address: c/o Scott A. Meyerson, Esq.
Stinson Leonard Street LLP
1299 Farnam St., #1500
Omaha, Nebraska 68102

City of Omaha, Douglas County, Nebraska

THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR
THE KIMBALL LOFTS CONDOMINIUMS

THIS THIRD AMENDMENT TO DECLARATION ("Third Amendment") is made this 10th day of February, 2014 by The Kimball Lofts LLC, a Nebraska limited liability company, (hereinafter referred to as "Declarant").

A. OWNERSHIP, DECLARATION AND AMENDMENT

1. Declarant is the owner in fee simple of certain Units contained within the Kimball Lofts Condominiums located in the City of Omaha, Douglas County, Nebraska, legally described in Attachment 1 hereto. Declarant retains control pursuant to the Declaration, as amended, to relocate the boundaries between adjoining Units in accordance with Neb. Rev. Stat. §76-849 of the Act without obtaining approval from other Unit Owners.

2. On or about April 6, 2006 Declarant filed a Declaration of Condominium for The Kimball Lofts Condominiums with the Register of Deeds of Douglas County, Nebraska at Instrument No. 2006038407, which declaration was thereafter amended on May 17, 2006 at Instrument No. 2006054765, and again on January 19, 2007 at Instrument No. 2007007544 (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 amend the Declaration to combine Units PH2, PH3 and PH4 into one (1) Unit, to be known as Unit 502.

B. 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 Third Amendment shall have the meanings ascribed to them in the Declaration.

C. AMENDMENT TO PLAT AND PLANS

The drawing attached hereto as Attachment 2 which was prepared by a _____ and replaces "Sheet 5 of 9" of the existing Plat and Plans as filed as part of the Second Amendment to Declaration of Condominium for The Kimball Lofts Condominium filed at Instrument No. 2007007544.

D. UNITS

Section 2 of the Declaration shall be amended as follows:

2.1 The Units are legally described as shown on the existing Plat and Plans as amended by the attached Attachment 2. The Condominium consists of twenty-nine (29) Units on levels two through five of the Condominium. Each Unit includes a Percentage of Ownership (as hereinafter defined in Section 3.2) that is appurtenant thereto. The Units are further identified on the Plat and Plans recorded pursuant to the terms of this Declaration as Amended and the Act. A physical portion of the Condominium designated for separate ownership or occupancy and identified as Units 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2J, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3J, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, PH1, and 502 the boundaries of which are delineated in the existing Plat and Plans as amended by the attached Attachment 2 hereto and further described in the Declaration. Unit numbers as previously filed are unaffected hereby and remain in full force and effect, excepting however, Units PH2, PH3 and PH4 are now combined into one (1) Unit hereafter known as 502.

D. COMMON ELEMENTS; OWNERSHIP; COVENANT AGAINST PARTITION

Attachment 3 to Section 3.2 shall be replaced by Attachment 3 hereto.

E. AUTHORIZATION BY DECLARANT

This Amendment shall only require the execution of one manager of the Declarant.

F. RATIFICATION

All of the terms, covenants, declarations and conditions of the Declaration shall continue in full force and effect, and the same are hereby reaffirmed, remade and rewritten, except to the extent that any such terms, covenants, declarations or conditions have been modified or nullified hereby or conflict or are inconsistent with the terms of this Amendment, in which event the terms of this Amendment shall, in all respects, govern and prevail.

G. ATTACHMENTS

The following are attached hereto and incorporated herein by this reference and shall replace the attachments which are appended to the Declaration:

- Attachment 1 - Description of the Units
- Attachment 2 - Replacement of Sheet 5 of 9 of Plat and Plans
- Attachment 3 - Amended Percentage of Ownership

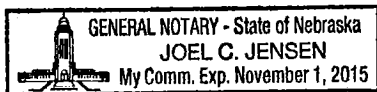
IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed in its behalf.

The Kimball Lofts LLC

By:

[Signature]
Jim Posey, Member and Manager

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)



On this 11 day of February, 2014 before me appeared Jim Posey to me personally known, who, being by me duly sworn, did say that he is a Manager of The Kimball Lofts LLC and acknowledged that he executed the foregoing instrument on behalf of such limited liability company as the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

[Signature]

Notary Public

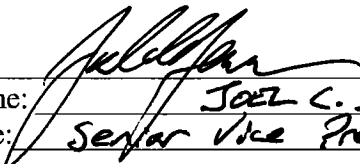
My commission expires:

11/1/15

CONSENT OF MORTGAGEE

The undersigned, First Westroads Bank, a national bank, being the holder of a Deed of Trust, recorded in the records of the Recorder of Deeds for Douglas County, on the parcel or tract of real estate forming the subject matter of the foregoing Declaration, hereby consents to the recording of said Declaration and the submission of said parcel or tract of real estate to the provisions of the Nebraska Condominium Act, and agrees that its said Deed of Trust shall be subject to the provisions of said Act and said Declaration and the Exhibits appended thereto.

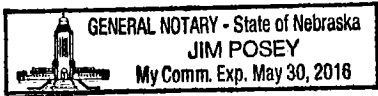
IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on its behalf and its corporate seal to be hereunto affixed.

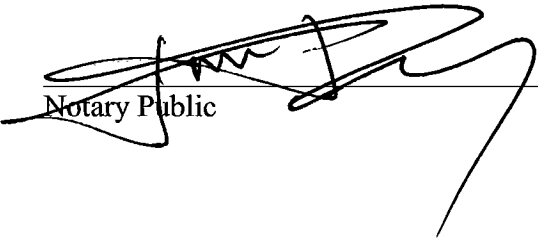
By: 
Name: JOEL C. JENSEN
Title: Senior Vice President

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 11 day of February, 2014 before me appeared Joel Jensen to me personally known, who, being by me duly sworn, did say that he is the Senior Vice President of First Westroads Bank, a national bank, and that said instrument was signed and sealed in behalf of said bank by authority of its Board of Directors, and he/she acknowledged said instrument to be the free act and deed of said bank.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.




Notary Public

My commission expires:
5/30/18

ATTACHMENT 1
TO
THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM

Legal Description of the Units

LEGAL DESCRIPTION OF UNITS BEING SUPERSEDED BY AMENDMENT
THREE

Units PH2, PH3 and PH4 of The Kimball Lofts Condominiums, pursuant to the Declaration of Condominium for The Kimball Lofts Condominiums dated April 6, 2006, filed April 6, 2006, at Instrument Number 2006038407 and thereafter amended on May 17, 2006 at Instrument No. 2006054765, and further amended on January 19, 2007 at Instrument No. 2007007544, all in the Records of Douglas County, Nebraska.

ATTACHMENT 2
TO
THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM

Condominium Plat and Plans (Replacement for Sheet 5 of 9)

[See attached]

ATTACHMENT 3
TO
THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM

Percentage of Ownership

<u>Identifying Number</u>	<u>Percentage Interest</u>
Unit 2A	4.51%
Unit 2B	3.65%
Unit 2C	3.32%
Unit 2D	3.36%
Unit 2E	3.04%
Unit 2F	2.97%
Unit 2G	2.57%
Unit 2H	2.21%
Unit 2J	1.91%
Unit 3A	4.51%
Unit 3B	3.65%
Unit 3C	3.32%
Unit 3D	3.36%
Unit 3E	3.04%
Unit 3F	2.97%
Unit 3G	2.57%
Unit 3H	2.21%
Unit 3J	1.91%
Unit 4A	4.51%
Unit 4B	3.65%

Unit 4C	3.32%
Unit 4D	3.36%
Unit 4E	3.04%
Unit 4F	2.97%
Unit 4G	2.57%
Unit 4H	2.21%
Unit 4J	1.91%
Unit PH1	5.28%
Unit 502	12.10%
TOTAL	100%

