

Farmington, MN  
Hwy 50  
L/C: 022-0486

Prepared by Kathy Madigan, Esq.  
After recording, return to: Kim Delmedico  
McDonald's USA, LLC  
One McDonald's Plaza  
Oak Brook, IL 60523

26290 43 (A) Jm

AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS & EASEMENTS FOR  
VERMILLION RIVER CROSSINGS

THIS AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS & EASEMENTS ("Amendment") dated May 18, 2006 is made by **VERMILLION RIVER CROSSING, LLC**, a Minnesota limited liability company ("Declarant"). The following statements are a material part of this agreement:

A. Whereas Declarant is the owner of certain land in the City of Farmington (the "City"), County of Dakota, State of Minnesota, legally described on the attached Exhibit A (the "Property").

B. Whereas Declarant recorded that certain Declaration of Protective Covenants and Easements for Vermillion Crossings dated November 2, 2005 against the Property on December 23, 2005 at Document No. 2391471, Office of the County Recorder, Dakota County, Minnesota (the "Declaration").

C. Whereas Declarant desires to amend the Declaration.

THEREFORE, in consideration of TEN AND NO/100THS DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which are acknowledged, the following amendments to the Declaration are made:

1. Article I Definitions shall be amended to add the following at Article 1.15:

"1.15 **"Ground Lease Occupant"** shall mean any person or persons, other than an Owner, in possession of a Lot or a portion thereof as a tenant pursuant to a ground lease with an Owner."

2. In Article 7.1(c), the word "invitees" shall be deleted.

3. Article 7.3 is amended to add the words "and Ground Lease Occupants" following the word "Owners" in the last sentence.

4. The last sentence of Article 7.6 is hereby deleted with respect to Lot 1, Block 2, Vermillion River Crossing, according to the plat thereof on file or of record in the office of the County Recorder in and for Dakota County, Minnesota.

5. Article 7.8 is hereby deleted with respect to Lot 1, Block 2, Vermillion River Crossing, according to the plat thereof on file or of record in the office of the County Recorder in and for Dakota County, Minnesota.

6. Article 8.4 is amended to add the words ", Ground Lease Occupants," following the word "Owners" in the first and third sentences. Article 8.4 is further amended to add the following at the end of the fourth sentence: ", provided any Ground Lease Occupant has provided written consent to the grant of such easement".

RECEIVED

MAY 22 2006

DAKOTA COUNTY  
TREASURER-AUDITOR

- 1 -

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Commercial Partners Title, LLC  
200 South Sixth Street  
Suite 1300  
Minneapolis, MN 55402  
26290 Jm 304

7. Except as herein specifically modified, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has caused this Amendment to be executed as of the day and year first above written.

DECLARANT:

**VERMILLION RIVER CROSSING, LLC,**  
a Minnesota limited liability company

By

Its

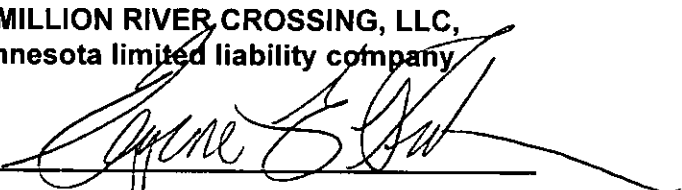
  
Assistant Secretary

Exhibit A: legal description of Declarant's property

This instrument was drafted by:

Halleland Lewis Nilan & Johnson PA (RBP)  
600 U.S. Bank Plaza South  
220 South Sixth Street  
Minneapolis, MN 55402  
612.338.1838

**ACKNOWLEDGEMENT**

STATE OF Minnesota ) SS:  
COUNTY OF Hennepin )

I, Jane M. Miller, a Notary Public in and for the county and state aforesaid,  
DO HEREBY CERTIFY that Eugene E. Pedersen, Assistant Secretary of Vermillion River  
Crossing, LLC, a Minnesota limited liability company, who is personally known to me to be the  
same person whose name is subscribed to the foregoing instrument as such assistant secretary  
appeared before me this day in person and acknowledged that (he) (she) signed, sealed and  
delivered the said instrument as (his) (her) free and voluntary act as such assistant sec. as  
the free and voluntary act of said business trust for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 18 day of May, 2006.

Jane M. Miller  
My commission expires Jan 31, 2010





EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Lot 1, Block 1; Lot 1, Block 2; Lots 1 and 2, Block 3; Lot 1, Block 4; and Outlots A, B, C, E, F, G, H, I and J, Vermillion River Crossings

and

Lot 1, Block 1, Vermillion River Crossings Second Addition

according to the plats there of on file or of record in the office of the County Recorder in and for Dakota County, Minnesota.

**2431737**

Office of the County Recorder  
Dakota County, Minnesota

**05/22/2006 at 12:46pm**

Certified and filed on  
the date and time above.

Joel T. Beckman, County Recorder  
By: DH, Deputy

**Fee: 46.00**

Escrow: 46.00

Commercial Partners

**Return:**

Commercial Partners

*Commercial Partners*  
(4)