

Affects Lots 1, 2, 8+9.

BOOK 471 PAGE 709
401-1-2

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this ^{10th} day of December, 1968, by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation, (hereinafter referred to as "Northern") and Applewood, Inc., a Nebraska corporation (hereinafter referred to as "Owners").

WITNESSETH THAT:

WHEREAS, Northern is the holder of an Easement Grant covering the following described premises in Douglas County, Nebraska:

Northeast Quarter (NE $\frac{1}{4}$) of Section 9, Township 14 North, Range 12 East,

which Easement Grant has been recorded in Book 345 of Miscellaneous Records at Page 241 in the Office of the Register of Deeds for Douglas County, Nebraska, and

WHEREAS, pursuant to the authority contained in said Easement Grant, Northern has constructed and currently operates and maintains a 3-1/2 inch O.D. pipeline through and across the premises above-described; and

WHEREAS, of the premises described in said Easement Grant, Owners are present owners of the following described premises; hereinafter referred to as the "Owned Premises":

Lots 3 through 35 inclusive Applewood Addition, a recorded platting in the East half (E $\frac{1}{2}$) of Section 9, Township 14 North, Range 12 East, Douglas County, Nebraska.

WHEREAS, the parties hereto desire to more clearly define their rights under such Easement Grant and further desire to modify and amend said Easement Grant in certain respects.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements hereinafter set forth, it is agreed by and between the parties hereto as follows:

(1) That Northern shall, and by these presents does, hereby limit its right-of-way under the aforescribed Easement Grant across the Owned Premises only to a strip of land 40 feet in width, the centerline of which strip shall be 5 feet southerly of the present location of Northern's 3-1/2 inch O.D. pipeline. A plat showing the location of said strip of land is attached hereto as Exhibit "A" and is, by this reference, made a part hereof.

(2) That Northern shall, and by these presents does, hereby release from its said Easement Grant all of the Owned Premises EXCEPT the strip of land described in Paragraph 1 above, upon which strip said Easement Grant is retained as herein modified.

(3) That Owners shall not build, create, construct, nor allow to be built, created or constructed, any hard surface road, building, or other structure, nor alter the grade or permit such alteration anywhere on the land upon which Northern has reserved its Easement rights without the written consent of Northern.

This instrument and the covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this instrument the day and year first above written.

"NORTHERN"

"OWNERS"

NORTHERN NATURAL GAS COMPANY

APPLEWOOD, INC.

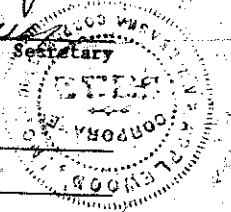
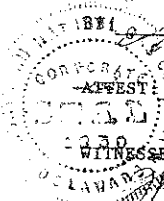
BY: [Signature]
 Vice President

ATTEST: [Signature]
 Assistant Secretary

WITNESSES:
[Signature]
[Signature]

BY: [Signature]
 John J. Moritz, President

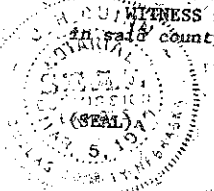
ATTEST: [Signature]
 George F. Russell, Secretary



STATE OF NEBRASKA: SS.
COUNTY OF DOUGLAS: SS.

On this 10th day of December, A.D., 19 68 before me, a Notary Public duly commissioned and qualified in and for said county and state, personally came A. L. Vaughan, Vice President, and S. M. Sawtell, Assistant Secretary of NORTHERN NATURAL GAS COMPANY, who are personally known to me to be the identical persons whose names are affixed to the above instrument as Vice President and Assistant Secretary of said corporation, and they acknowledged the said instrument to be their free and voluntary act and deed and the free and voluntary act and deed of said corporation.

WITNESS my hand and official seal at Omaha in said county and state, the date aforesaid.



[Signature]
 J. H. Quinn, Notary Public
 My Commission Expires March 5, 1970

STATE OF Nebraska:
COUNTY OF Douglas: SS.

On this 22 day of November, A.D., 19 68 before me, a Notary Public in and for said County in said State, personally appeared John J. Moritz, President & George F. Russell, Secretary of Applewood, Inc. to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

[Signature]
 Wallace O. Miller
 Notary Public
 My Commission Expires October 25, 1969

