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RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

98 OCT 28 AM 7:50

RECEIVED

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PERMANENT FENCE EASEMENT

THIS INDENTURE AND GRANT OF EASEMENT made this 29 day of June, 1998, between HearthStone Homes, Inc., f/k/a Construction Sciences, Inc., a Nebraska corporation, and Todd A. Roland and Jodi L. Roland, husband and wife (hereinafter referred to collectively as "Grantor"), in favor of Rayman Associates Omaha, L.P., an Illinois limited partnership, its agents, employees, successors and assigns (hereinafter referred to as the "Grantee").

Hearthstone Homes, Inc. - a/k/a Construction Sciences, Inc.
RECITALS: *JME*

WHEREAS, Grantor is the owner of the following described real property, to wit:

Lots 2 through 21, inclusive, Arbor Oaks, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska. (hereinafter referred to collectively as the "Lots" and individually as a "Lot");

WHEREAS, Todd A. Roland and Jodi L. Roland, husband and wife, are the owners of the following described real property, to-wit:

Lot 1, Arbor Oaks, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska. (hereinafter also referred to as a "Lot" as set forth above);

WHEREAS, Grantee is the owner of the following described real property, to wit:

Lot 254, Arbor Oaks, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska. (hereinafter "Lot 254");

WHEREAS, Grantor desires to grant to Grantee, for the benefit of Grantee and the future owners of Lot 254, a one (1') foot permanent easement running along the rear boundary line of the Lots and a one (1') foot permanent easement running along the east boundary line of Lot 1, for the purpose of erecting a fence in the approximate location indicated on Exhibit A attached hereto, and incorporated herein by this reference.

NOW, THEREFORE, for and in consideration of One (\$1.00) Dollar and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Grantor does hereby GRANT, SELL and CONVEY unto Grantee a one (1') foot permanent easement running along the rear boundary line of the Lots and a one (1') foot permanent easement running along the east boundary line of Lot 1, for the purpose of erecting a fence in the approximate location indicated on Exhibit A attached hereto, and incorporated herein by this reference.

TO HAVE AND TO HOLD for the ~~not~~ exclusive uses, benefits, purposes and burdens hereinafter set forth:

1. All provisions of this instrument, including the benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the Grantor and the Grantee herein and to their respective successors and assigns.
2. The easement hereby created is not a public easement, but is a permanent, private easement for the use and benefit of the Grantee referred to herein above. The parties hereto further expressly disclaim the creation of any rights in or for the benefit of the public.
3. The Grantee agrees to erect and maintain the fence at its sole cost and expense and shall keep and maintain the fence in good condition and repair. *normal wear: tear excepted JME*
4. Grantee shall have the right of reasonable access over, across and through the Lots for the purposes of erecting, maintaining and replacing the fence.
5. This instrument shall be construed and governed in accordance with the laws of the State of Nebraska.

EXECUTED this 29 day of June, 1998.

GRANTOR:

HEARTHSTONE HOMES, INC., f/k/a
CONSTRUCTION SCIENCES, INC., a
Nebraska corporation,

By: *[Signature]*
Title: VICE PRESIDENT

15542
FEE 20 *MA-00910*
BKP COMP C/O _____ COMP *VP*
DEL _____ SCAN *dc* FV _____

15-797-6943

GRANTEE:

RAYMAN ASSOCIATES OMAHA, L.P., an Illinois limited partnership, by its general partner,

By: [Signature]
Title: President

[Signature]
Todd A. Roland

[Signature]
Jodi L. Roland

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

Before me, a Notary Public qualified for said County and State, personally came JAMES M. ECKER, ~~VICE PRESIDENT~~ of HearthStone Homes, Inc., f/k/a Construction Sciences, Inc., known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed on behalf of said corporation.

WITNESS my hand and Notary Seal on this 26 day of June 1998.

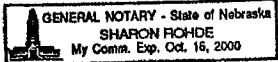


[Signature]
Notary Public

STATE OF _____)
COUNTY OF _____) ss.

Before me, a Notary Public qualified for said County and State, personally came STEVEN RAYMAN, ~~PRESIDENT~~ of RAYMAN ASSOCIATES, general partner of Rayman Associates Omaha, L.P., a Illinois limited partnership, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed on behalf of said corporation.

WITNESS my hand and Notary Seal on this ___ day of _____ 1998.

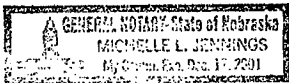


[Signature]
Notary Public

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

Before me, a Notary Public qualified for said County and State, personally came Todd A. Roland and Jodi L. Roland, husband and wife, known to me to be the identical persons who signed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notary Seal on this 3rd day of August 1998.



[Signature]
Notary Public

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS