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**Upon recording return to:**

Brandon M. Warrington  
Richardson Madden, P.C., L.L.O.  
11819 Miracle Hills Drive, Suite 104  
Omaha, Nebraska 68154

**TERMINATION AND RELEASE OF EASEMENT**

THIS TERMINATION AND RELEASE OF EASEMENT (this "Release") is made effective the 16<sup>th</sup> day of September, 2022 (the "Effective Date"), by and between **FOUNTAIN WEST OFFICE PARK, LLC**, a Nebraska limited liability company ("Fountain West"), **WATERFORD WEST, LLC**, an Iowa limited liability company ("Waterford"), and **JASPER STONE 192<sup>nd</sup> AND DODGE, LLC**, a Delaware limited liability company ("Jasper Stone").

WHEREAS, Fountain West, Jasper Stone Land Opportunity II, LLC ("Opportunity"), H1927a, LLC ("H1927a"), and H1927c, LLC ("H1927c") were all parties to that certain Temporary Cross Access Easement Agreement dated October 23, 2013 and recorded as Instrument 2013109254 in the Official Records of Douglas County, Nebraska, (the "Easement Agreement," and the easement interest created thereby, the "Easement"), which Easement Agreement was then assigned by Instruments 2014092065, 2014092066, and 2014099655 in the Official Records of Douglas County, Nebraska;

WHEREAS, the Easement benefitted and/or encumbered the real property described on Exhibits A, B, and C to the Easement Agreement, all of which real property is now more properly described as set forth on Exhibit A attached hereto (the "Affected Property");

WHEREAS, since the date of the Easement Agreement, Opportunity, H1927a, and H1927c have transferred ownership of their portions of the real property benefitted and encumbered by the Easement to Jasper Stone, Fountain West, and Waterford so that, as of the date hereof, Jasper Stone, Fountain West, and Waterford are the sole fee owners of all of the Affected Property;

WHEREAS, the cross access granted by the Easement is no longer needed;

WHEREAS, the parties now desire to enter into and grant unto one another this Release to evidence the termination and release of the Easement from the Affected Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each of the parties hereto agree as follows:

1. The parties hereto acknowledge that the Easement and the Easement Agreement is hereby terminated and any and all additional rights any party may hold in the Easement or the Easement Agreement which were granted by virtue of the Easement Agreement are hereby terminated. Each of the parties hereby releases the Easement from the Affected Property and further acknowledges on behalf of itself, its successors, and assigns, that the Easement shall be of no further force or effect from and after the date hereof.

2. Effective as of the Effective Date, none of the parties hereto shall have any further rights or obligations with respect to the Easement or the Easement Agreement.


**[Signature Pages Follow.]**

IN WITNESS WHEREOF, each of the parties hereto have caused this Release to be executed as of the Effective Date.

**FOUNTAIN WEST:**

FOUNTAIN WEST OFFICE PARK, LLC n/k/a  
FOUNTAIN RIDGE OFFICE PARK EAST, LLC,  
a Nebraska limited liability company

By: PMR Realty Group, LLC, an Iowa limited liability company, Managing Member

By:   
a Mark A. Rupprecht, Manager

STATE OF IOWA                     )  
                                                   ) ss.  
COUNTY OF DALLAS             )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of September, 2022 by Mark A. Rupprecht, Manager of PMR Realty Group, LLC, which is the managing member of Fountain West Office Park, LLC n/k/a Fountain Ridge Office Park East, LLC, a Nebraska limited liability company, on behalf of the limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



Notary Public  
My Commission Expires:

5-29-23

.....  
[SEAL]



IN WITNESS WHEREOF, each of the parties hereto have caused this Release to be executed as of the Effective Date.

**WATERFORD:**

WATERFORD WEST, LLC, an Iowa limited liability company

By: FOUNTAIN RIDGE OFFICE PARK EAST, LLC, a Nebraska limited liability company, Sole Member

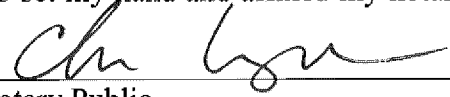
By: R&R Real Estate Investors II, LLC, an Iowa limited liability company, Managing Member

By:   
Mark A. Rupprecht, President

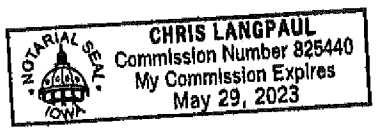
STATE OF IOWA )  
                                                          ) ss.  
COUNTY OF DALLAS )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of September, 2022 by Mark A. Rupprecht, President of R&R Real Estate Investors II, LLC, which is the Managing Member of Fountain Ridge Office Park East, LLC, which is the Sole Member of Waterford West, LLC, an Iowa limited liability company, on behalf of the limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

  
Notary Public  
My Commission Expires:  
5-29-23

[SEAL]



IN WITNESS WHEREOF, each of the parties hereto have caused this Release to be executed as of the Effective Date.

**JASPER STONE:**

JASPER STONE 192<sup>nd</sup> AND DODGE, LLC, a Delaware limited liability company

By: Jasper Stone Properties III LLC, its sole manager

By: Jasper Stone Partners LLC, its sole manager

By:  \_\_\_\_\_

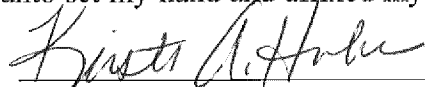
Name: Curt Hofer

Title: Manager

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 8 day of <sup>Sept.</sup> ~~May~~, 2022 by Curt Hofer, the sole manager of Jasper Stone Partners LLC, which is the sole manager of Jasper Stone Properties III LLC, which is the sole manager of Jasper Stone 192<sup>nd</sup> and Dodge, LLC, a Delaware limited liability company, on behalf of the limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

 \_\_\_\_\_

Notary Public

My Commission Expires:

01/22/2024

[SEAL]



**EXHIBIT A**  
**Parcels Comprising the Affected Property**

Parcels A, B, and C as defined in in the Easement Agreement were formerly described as follows:

*Parcel A:*

A PARCEL OF LAND BEING PART OF THE NW1/4 OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NW1/4 OF SECTION 20, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 517, THE GROVE, A SUBDIVISION LOCATED IN SAID SECTION 20, AND ALSO THE NORTHWEST CORNER OF LOT 446, SAID THE GROVE, AND ALSO THE NORTHEAST CORNER OF LOT 333, SAID THE GROVE; THENCE S87°13'00"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID NW1/4 OF SECTION 20, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 333, THE GROVE AND ALSO THE NORTH RIGHT-OF-WAY LINE OF 187TH STREET, AND ALSO THE NORTH LINE OF LOT 332, SAID THE GROVE AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 1455.41 FEET; THENCE N03°01'20"W, A DISTANCE OF 769.03 FEET; THENCE S86°59'40"W, A DISTANCE OF 1136.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE 192ND STREET; THENCE N03°01'20"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF 192ND STREET, A DISTANCE OF 534.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N03°01'20"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF 192ND STREET A DISTANCE OF 373.96 FEET THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE 192ND STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST DODGE ROAD; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY OF WEST DODGE ROAD ON THE FOLLOWING SIX (6) DESCRIBED COURSES: N53°23'52"E, A DISTANCE OF 8.90 FEET; THENCE N02°55'12"W, A DISTANCE OF 426.51 FEET; THENCE N13°01'31"E, A DISTANCE OF 119.42 FEET, THENCE N60°24'47"E, A DISTANCE OF 145.84 FEET; THENCE N82°01'46"E, A DISTANCE OF 382.38 FEET; THENCE N72°17'32"E, A DISTANCE OF 608.26 FEET; THENCE S03°01'41"E, A DISTANCE OF 1230.72 FEET; THENCE S86°58'19"W, A DISTANCE OF 397.05 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 1250.00 FEET, A DISTANCE OF 289.32 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N86°23'51"W, A DISTANCE OF 288.68 FEET; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1000.00 FEET, A DISTANCE OF 231.48 FEET; SAID CURVE HAVING A LONG CHORD WHICH BEARS N86°23'51"W, A DISTANCE OF 230.94 FEET; THENCE S86°58'19"W, A DISTANCE OF 207.98 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 1,200,834 SQUARE FEET OR 27.567 ACRES, MORE OR LESS.

*Parcel B:*

A PARCEL OF LAND BEING PART OF THE NW1/4 OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NW1/4 OF SECTION 20, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 517, THE GROVE, A SUBDIVISION LOCATED IN SAID SECTION 20, AND ALSO THE NORTHWEST CORNER OF LOT 448, SAID THE GROVE, AND ALSO THE NORTHEAST CORNER OF LOT 333, SAID THE GROVE; THENCE N02°55'47"W ALONG THE EAST LINE OF SAID NW1/4 OF SECTION 20, SAID LINE ALSO BEING THE WEST LINE OF LOTS 517 THRU 512, AND OUTLOT "FF" SAID THE GROVE, AND ALSO THE WEST RIGHT-OF-WAY LINE OF FARNAM STREET, AND ALSO THE WEST LINE OF LOT 24, WEST DODGE HILLS, A SUBDIVISION LOCATED IN SAID SECTION 20, A DISTANCE OF 1215.09 FEET TO THE POINT OF BEGINNING; THENCE S86°58'19"W, A DISTANCE OF 333.90 FEET; THENCE N03°01'41"W, A DISTANCE OF 35.00 FEET; THENCE S86°58'19"W, A DISTANCE OF 1138.55 FEET; THENCE N03°01'41"W, A DISTANCE OF 1230.72 FEET TO A POINT ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST DODGE ROAD; THENCE ALONG THE FOLLOWING SEVEN (7) DESCRIBED COURSES, THENCE N72°17'32"E, A DISTANCE OF 155.72 FEET; THENCE S88°22'40"E, A DISTANCE OF 1069.42 FEET; THENCE N73°11'14"E, A DISTANCE OF 135.27 FEET; N02°46'36"W, A DISTANCE OF 16.40 FEET; THENCE N87°13'24"E, A DISTANCE OF 59.05 FEET; THENCE S02°46'36"E, A DISTANCE OF 16.40 FEET; THENCE S87°45'34"E, A DISTANCE OF 67.92 FEET TO A POINT ON THE EAST LINE OF SAID NW1/4 OF SECTION 20, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 1, WEST DODGE HILLS REPLAT 1, A SUBDIVISION LOCATED IN SAID SECTION 20; THENCE S02°55'47"E ALONG SAID EAST OF THE NW1/4 OF SECTION 20, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 1, WEST DODGE HILLS REPLAT 1, AND ALSO THE WEST RIGHT-OF-WAY LINE OF CAPITAL AVENUE, AND ALSO SAID WEST LINE OF LOT 24, WEST DODGE HILLS, A DISTANCE OF 1244.22 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 1,818,812 SQUARE FEET OR 41.754 ACRES, MORE OR LESS.

*Parcel C:*

A PARCEL OF LAND BEING PART OF THE NW1/4 OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, Nebraska, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NW1/4 OF SECTION 20, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 517, THE GROVE, A SUBDIVISION LOCATED IN SAID SECTION 20, AND ALSO THE NORTHWEST CORNER OF LOT 448, SAID THE GROVE, AND ALSO THE NORTHEAST CORNER OF LOT 333, SAID THE GROVE; THENCE S87°13'00"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID NW1/4 OF SECTION 20, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 333, THE GROVE AND ALSO THE NORTH RIGHT-OF-WAY LINE OF 187TH STREET, AND ALSO THE NORTH LINE OF LOT 332, SAID THE GROVE AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 1455.41 FEET; THENCE N03°01'20"W, A DISTANCE OF 769.03 FEET; THENCE S86°59'40"W, A DISTANCE OF 1136.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE 192ND STREET; THENCE N03°01'20"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE 192ND STREET, A DISTANCE OF 534.38 FEET; THENCE N86°58'19"E, A DISTANCE OF 207.98 FEET; THENCE ON A CURVE TO THE RIGHT WITH AN RADIUS OF 1000.00 FEET, A DISTANCE OF 231.46, SAID CURVE HAVING A LONG CHORD WHICH BEARS S86°23'51"E, A DISTANCE OF 230.94 FEET; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1250.00 FEET, A DISTANCE OF 289.32 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S86°23'51"E, A DISTANCE OF 288.68 FEET; THENCE N86°58'19"E, A DISTANCE OF 1535.60 FEET; THENCE S03°01'41"E, A DISTANCE OF 35.00 FEET; THENCE N86°58'19"E, A DISTANCE OF 333.90 FEET TO A POINT ON THE EAST LINE OF SAID NW1/4 SECTION 20, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 24, WEST DODGE HILLS, A SUBDIVISION LOCATED IN SAID SECTION 20; THENCE S02°55'47"E ALONG SAID EAST LINE OF THE NW1/4 OF SECTION 20, SAID LINE ALSO BEING SAID WEST LINE OF LOT 24, WEST DODGE HILLS, AND ALSO THE WESTERLY RIGHT-OF-WAY LINE OF FARNAM STREET, AND ALSO THE WEST LINE OF OUTLOT "FF" AND LOTS 512 THRU 517, SAID THE GROVE, A DISTANCE OF 1215.09 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 2,371,085 SQUARE FEET OR 54.433 ACRES, MORE OR LESS.

Parcels A, B, and C as defined in the Easement Agreement are now described as follows:

Lots 1 through 7 of Avenue One, a subdivision surveyed, platted, and recorded in Douglas County, Nebraska, together with lot 1 and outlet "A" of Fountain Ridge East Replat 1, a subdivision surveyed, platted and recorded, in Douglas County, Nebraska, together with outlet "B" of Fountain Ridge East, a subdivision surveyed, platted and recorded, in Douglas County, Nebraska, together with the unplatted portion of the NW  $\frac{1}{4}$  of Section 20, Township 15, Range 11 lying north and west of outlet "B" of Fountain Ridge East, a subdivision surveyed, platted and recorded, in Douglas County, Nebraska.