

Affects

BOOK 527 PAGE 553

LICENSE AND EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Cabot, Cabot & Forbes Land Trust, a Massachusetts Business Trust of the County of Suffolk, Commonwealth of Massachusetts, is the owner of the land underlying the premises known as the August Moon Apartments, generally located at 5439 North 100th Plaza, County of Douglas, State of Nebraska, more particularly described on Exhibit "A" attached hereto and made a part hereof and incorporated herein as if fully set forth; and

WHEREAS, August Development Co., a Nebraska corporation, hereinafter referred to as "Grantee" is the owner of the improvement located on the property described and set forth in Exhibit "A" and also the property described and set forth in Exhibit "B" attached hereto and made a part hereof and incorporated herein as if fully set forth; and

WHEREAS, the improvements located on the property described in Exhibit "A" attached hereto owned by the Grantee include a swimming pool and clubhouse facilities; and

WHEREAS, it is the desire of Grantor herein to Grant and convey to Grantee and to its successors and assigns a license and easement over, through and across the property described in Exhibit "A" to permit future tenants of Grantee who shall reside in the improvements to be located on the property described in Exhibit "B" the use and right of ingress and egress to and from said swimming pool and clubhouse facilities.

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other valuable consideration, Grantor does hereby grant and convey unto Grantee, its successors and assigns, a license and easement over, through and across the property described in Exhibit "A"

to permit future tenants of Grantee who shall reside in the improvements to be located on the property described in Exhibit "B" the use and right of ingress and egress to and from said swimming pool and clubhouse facilities.

TO HAVE AND TO HOLD the same unto Grantee and to its successors and assigns until the expiration or sooner termination of that certain lease between Grantor, August Moon Associates, a partnership, and Grantee of the property described in Exhibit "A". The license and easement granted herein shall vest exclusively in Grantee and to its successors and assigns and nothing herein contained shall be construed to vest any right, title or interest in any individual tenant who now or shall in the future reside in the improvements located on the property described in Exhibit "B".

Upon the expiration or sooner termination of said lease the easement and license herein granted shall terminate until such time as the Grantor and Grantee can mutually agree as to the sharing of the costs of maintaining said swimming pool and clubhouse facilities.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and affixed their corporate seals this 26th day of October, 1972.

The name Cabot, Cabot & Forbes Land Trust is the designation of the Trustees for the time being under a Declaration of Trust dated January 21, 1971, as amended, and all persons dealing with Cabot, Cabot & Forbes Land Trust must look solely to the Trust property for the enforcement of any claims against Cabot, Cabot & Forbes Land Trust as neither the Trustees, officers, agents or shareholders assume any personal liability for obligations entered into on behalf of Cabot, Cabot & Forbes Land Trust.

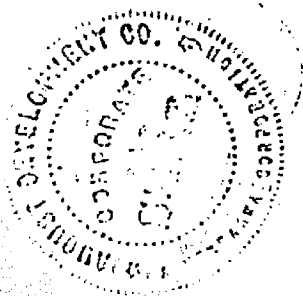
Trustees of
CABOT, CABOT, & FORBES LAND TRUST
A Massachusetts Business Trust, Grantor

By William S. Abbott *W.S.*
~~For self and Co-Trustees but~~
not individually.
AUGUST DEVELOPMENT CO., Grantee

ATTEST:

By Edward E. Wilczewski
Edward E. Wilczewski,
Secretary

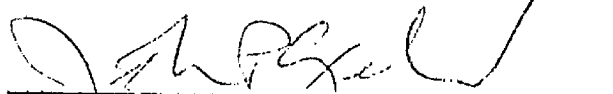
By S. R. Flott
S. R. Flott, President



COMMONWEALTH OF MASSACHUSETTS)
)
 COUNTY OF SUFFOLK) ss.
)
 CITY OF BOSTON)

On the 26th day of OCTOBER, 1972, before me personally came WILLIAM S. ABBOTT, to me known, who, being by me duly sworn did depose and say that he resides at ONE BEDFORD PLACE, BOSTON; that he is a ^{VICE PRESIDENT} Trustee of Cabot, Cabot & Forbes Land Trust, the Trust described in and which executed the above instrument; and that such signature is his voluntary act and deed and the voluntary act and deed of such Trust.

Sworn to before me this 26th day of OCTOBER, 1972.



 Notary Public

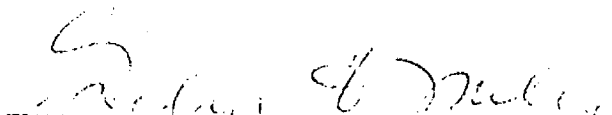
My Commission Expires:

JOHN P. AXELROD, Notary Public
 My Commission Expires July 12, 1979

STATE OF NEBRASKA)
) ss.
 COUNTY OF DOUGLAS)

Now on this 26 day of October, 1972, before me, the undersigned, a Notary Public in and for said county and state, personally appeared S. R. Flott, President, and Edward E. Wilczewski, Secretary, of August Development Co., a Nebraska corporation, to me known to be the identical persons who executed the foregoing instrument and acknowledged same to be their voluntary act and deed and the voluntary act and deed of said corporation.

 GORDON H. MILES
 Notary Public, State of Neb.
 My Commission Expires
 February 26, 1976
 My Commission Expires:


 Notary Public

A tract of land in the Southwest 1/4 of the Southeast 1/4 of Section 33, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of said Southwest 1/4 of the Southeast 1/4 of Section 33; thence $N00^{\circ}02'00''W$ (assumed bearing) along the East line of said Southwest 1/4 of the Southeast 1/4 of Section 33, a distance of 58.30 feet; thence $S89^{\circ}50'00''W$, a distance of 50.00 feet to a point on the Northerly right-of-way line of Fort Street; thence $N78^{\circ}48'10''W$, along said Northerly right-of-way line of Fort Street, a distance of 137.67 feet to the point of beginning; thence continuing $N78^{\circ}48'10''W$, a distance of 96.48 feet; thence $N84^{\circ}52'20''W$, along said Northerly right-of-way line of Fort Street, a distance of 244.31 feet to a point on the Easterly right-of-way line of Interstate Highway No. 680; thence $N20^{\circ}14'20''W$, along said Easterly right-of-way line of Interstate Highway No. 680, a distance of 606.97 feet; thence $N09^{\circ}39'20''W$, along said Easterly right-of-way line of Interstate Highway No. 680, a distance of 256.08 feet; thence $N01^{\circ}47'30''E$, along said Easterly right-of-way line of Interstate Highway No. 680, a distance of 361.46 feet to a point on the North line of said Southwest 1/4 of the Southeast 1/4 of Section 33; thence $N89^{\circ}56'20''E$, along said North line of the Southwest 1/4 of the Southeast 1/4 of Section 33, a distance of 762.96 feet; thence $S00^{\circ}02'00''E$, a distance of 344.35 feet; thence $S89^{\circ}58'00''W$, a distance of 113.00 feet; thence $S00^{\circ}02'00''E$, a distance of 300.00 feet; thence $S89^{\circ}58'00''W$, a distance of 155.0 feet; thence $S00^{\circ}02'00''E$, a distance of 246.32 feet; thence $S78^{\circ}48'10''E$, a distance of 278.33 feet; thence $S00^{\circ}02'00''E$, a distance of 61.17 feet; thence $N78^{\circ}48'10''W$, a distance of 187.67 feet; thence $S00^{\circ}02'00''E$, a distance of 255.0 feet to the Point of Beginning.

A tract of land in the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of said Northwest 1/4 of the Southeast 1/4 of Section 33; thence S89°56'20"W (assumed bearing) along the South line of said Northwest 1/4 of the Southeast 1/4 of Section 33, a distance of 50.00 feet to a point on the West right-of-way line of 99th Street, said point being the Point of Beginning; thence continuing S89°56'20"W, along said South line of the Northwest 1/4 of the Southeast 1/4 of Section 33, a distance of 762.96 feet to the Easterly right-of-way line of Interstate Highway No. 680; thence Northerly along said Easterly right-of-way line of Interstate Highway No. 680 on the following described courses; thence N01°47'30"E, a distance of 275.29 feet; thence N07°25'06"E, a distance of 905.50 feet; thence N73°14'12"E, a distance of 172.17 feet; thence N00°25'49"W, a distance of 67.00 feet, to a point on the South right-of-way line of Military Avenue; thence N89°56'10"E, along said South right-of-way line of Military Avenue, a distance of 472.34 feet, to a point on said West right-of-way line of 99th Street; thence S00°02'00"E, along said West right-of-way line of 99th Street, a distance of 1289.17 feet to the Point of Beginning.

15 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA

5 DAY OF October 1973 AT 3:44 P.M. C. HAROLD OSTLER, REGISTER OF DEEDS

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