



MISC 2007141638



DEC 28 2007 10:30 F 6

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 FEE 32.00 FB See below
 BKP _____ C/O _____ COMP 86
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Received - DIANE L. BATTIATO

Register of Deeds, Douglas County, NE

12/28/2007 10:30:45.96



2007141638

AMENDED CROSS EASEMENT AGREEMENT

THIS AMENDED CROSS EASEMENT AGREEMENT is made and entered into this 24 day of December, 2007 by and between Rodney Kush and Kathleen Kush, husband and wife (collectively "Kush") and 72nd and L Storage Limited ("72nd").

WHEREAS, Kush and Blue One Partnership, a Nebraska limited partnership ("Blue One") entered into a Cross Easement Agreement dated May 13, 1996 and recorded on September 9, 1996 in Book 1187 at Page 262, Miscellaneous Records, Douglas County, Nebraska.

WHEREAS, Kush is the owner of certain real property located in Omaha, Douglas County, Nebraska, and which is more particularly described as follows:

TRACT (1)

47-21333:

Lot 1, Kush Plaza Replat 1, a Subdivision in Douglas County, Nebraska;

TRACT (2)

47-03913:

Lot 1, Blue One Addition Replat 1, a Subdivision in Douglas County, Nebraska;

TRACT (3)

Lot 2, Blue One Addition Replat 1, a Subdivision in Douglas County, Nebraska.

WHEREAS, Tract 1, Tract 2 and Tract 3 shall hereinafter be collectively referred to as the "Kush Property";

47-03112

WHEREAS, 72nd is the owner of certain real property located in Omaha, Douglas County, Nebraska, which is more particularly described as Lot Two (2), Blue One Addition, an Addition to the City of Omaha, Douglas County, Nebraska ("72nd Property"); and

WHEREAS, Kush desires to amend Easement Nos. 1 and 2 of the Cross Easement Agreement for the benefit of 72nd and all subsequent owners of any part of the Kush Property or the 72nd Property.

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1. Amendment of Kush Easement Nos. 1 and 2.

Kush hereby grants to 72nd and all subsequent owners of any part of the Kush Property or the 72nd Property and their respective successors, assigns, heirs and representatives a nonexclusive easement to use that portion of the Kush Property which is generally depicted and more particularly described on Exhibit "A" and Exhibit "B" attached hereto and incorporated herein, for access and ingress/egress of motor vehicles. It is the intent of this Agreement that the easements granted in Exhibit "A" and Exhibit "B" herein shall amend and supersede Easement Nos. 1 and 2 of the Cross Easement Agreement.

Kush and 72nd ratify and restate all Sections and Provisions of the Cross Easement Agreement other than as amended herein.

IN WITNESS WHEREOF, the parties hereto have executed this Amended Cross Easement Agreement as of the day first above written.

Rodney Kush
RODNEY KUSH
Kathleen Kush
KATHLEEN KUSH

72nd and L STORAGE, LIMITED
LIABILITY COMPANY

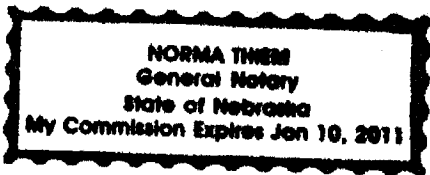
By: [Signature]

Its: MANAGER

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

On this 24 day of December, 2007, before me, a notary public in and for said county and state, personally came Rodney Kush and Kathleen Kush, personally known to me to be the identical persons whose names are affixed to the above and foregoing instrument, and acknowledged said instrument to be their voluntary act and deed.

Norma Thiem
NOTARY PUBLIC

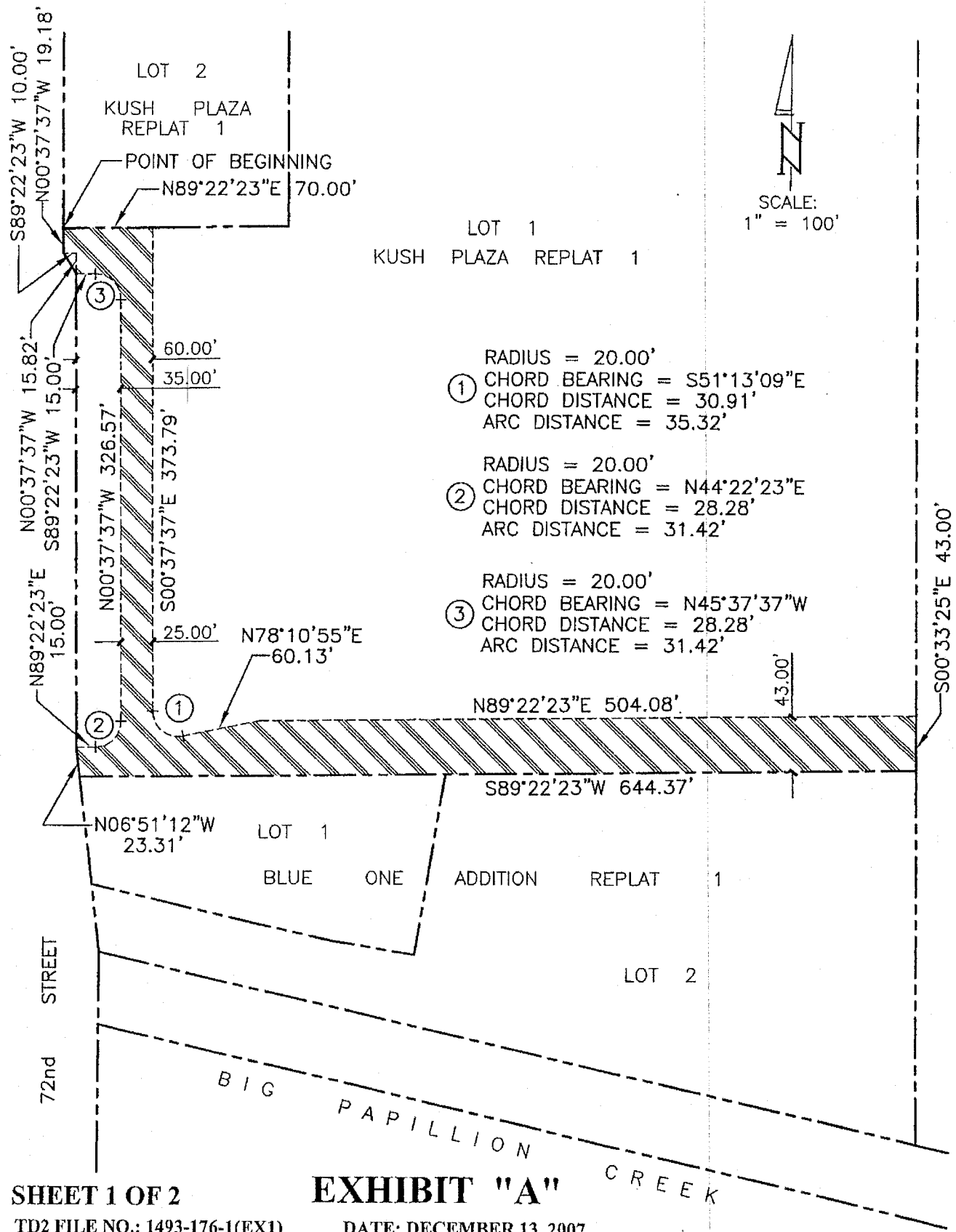


STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

On this 24th day of December, 2007, before me, a notary public in and for said county and state, personally came Ron Zizek, Manager of 72nd and L Storage, Limited Liability Company, a Nebraska limited liability company, personally known to me to be the identical person whose name is affixed to the above and foregoing instrument, and acknowledged said instrument to be his/her voluntary act and deed on behalf of said company.



Jean Ellis
NOTARY PUBLIC



SHEET 1 OF 2

EXHIBIT "A"

TD2 FILE NO.: 1493-176-1(EX1)

DATE: DECEMBER 13, 2007

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

LEGAL DESCRIPTION

THAT PART OF LOT 1, KUSH PLAZA REPLAT 1, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 1;

THENCE N89°22'23"E (ASSUMED BEARING) 70.00 FEET ON THE NORTH LINE OF SAID LOT 1;

THENCE S00°37'37"E 373.79 FEET ON A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 1;

THENCE SOUTHEASTERLY ON A 20.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S51°13'09"E, CHORD DISTANCE 30.91 FEET, AN ARC DISTANCE OF 35.32 FEET;

THENCE N78°10'55"E 60.13 FEET;

THENCE N89°22'23"E 504.08 FEET ON A LINE 43.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1 TO THE EAST LINE THEREOF;

THENCE S00°33'25"E 43.00 FEET ON THE EAST LINE OF SAID LOT 1 TO THE SE CORNER THEREOF;

THENCE S89°22'23"W 644.37 FEET ON THE SOUTH LINE OF SAID LOT 1 TO THE SW CORNER THEREOF;

THENCE N06°51'12"W 23.31 FEET ON THE WEST LINE OF SAID LOT 1;

THENCE N89°22'23"E 15.00 FEET;

THENCE NORTHEASTERLY ON A 20.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N44°22'23"E, CHORD DISTANCE 28.28 FEET, AN ARC DISTANCE OF 31.42 FEET;

THENCE N00°37'37"W 326.57 FEET ON A LINE 35.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 1;

THENCE NORTHWESTERLY ON A 20.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N45°37'37"W, CHORD DISTANCE 28.28 FEET, AN ARC DISTANCE OF 31.42 FEET;

THENCE S89°22'23"W 15.00 FEET TO THE WEST LINE OF SAID LOT 1;

THENCE N00°37'37"W 15.82 FEET ON THE WEST LINE OF SAID LOT 1;

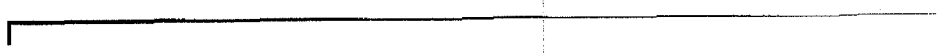
THENCE S89°22'23"W 10.00 FEET ON THE WEST LINE OF SAID LOT 1;

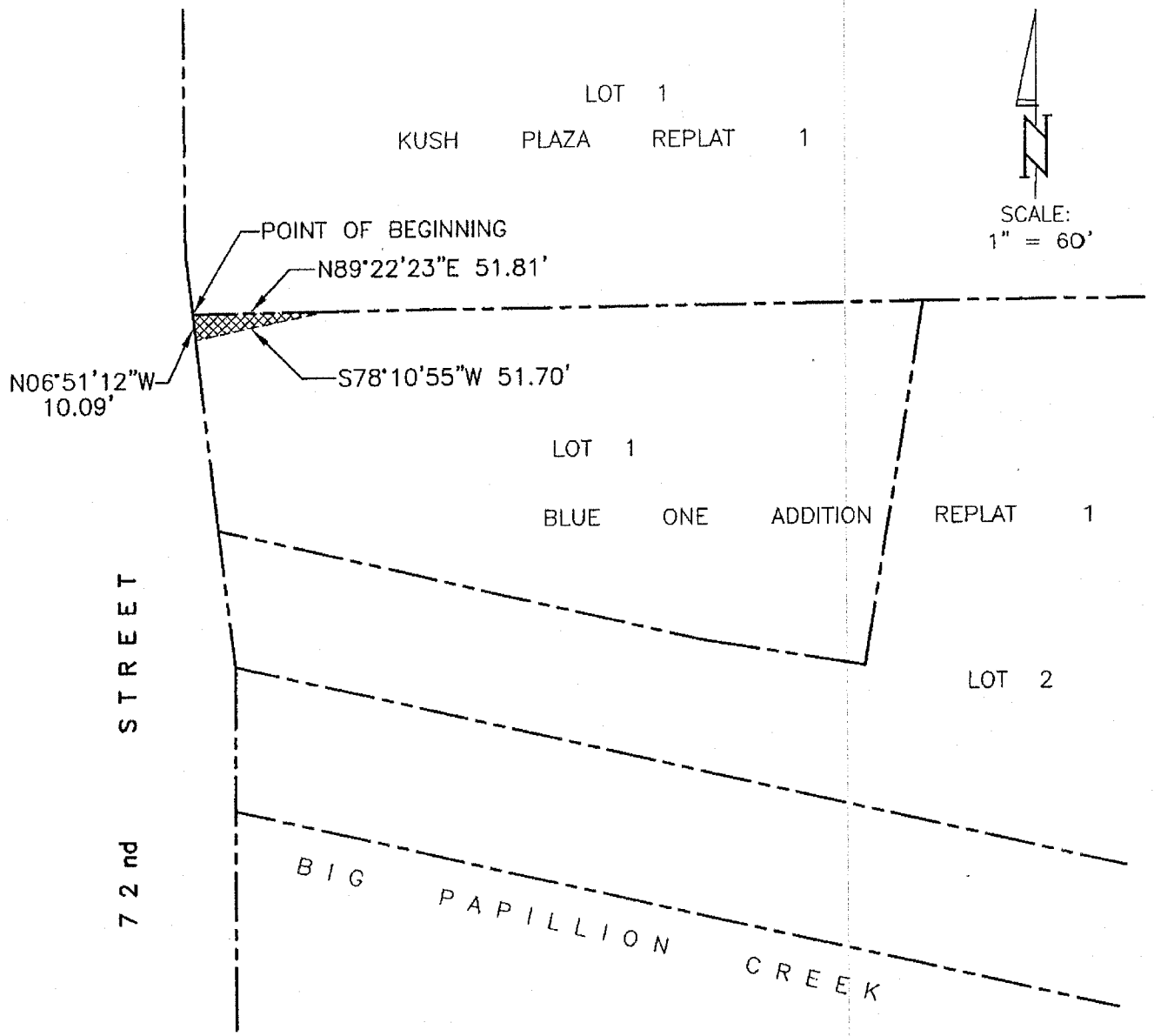
THENCE N00°37'37"W 19.18 FEET ON THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

SHEET 2 OF 2

TD2 FILE NO.: 1493-176-1(EX1) DATE: DECEMBER 13, 2007

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860





LEGAL DESCRIPTION

THAT PART OF LOT 1, BLUE ONE ADDITION REPLAT 1, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 1;

THENCE N89°22'23"E 51.81 FEET ON THE NORTH LINE OF SAID LOT 1;

THENCE S78°10'55"W 51.70 FEET TO THE WEST LINE OF SAID LOT 1;

THENCE N06°51'12"W 10.09 FEET ON THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

EXHIBIT "B"

TD2 FILE NO.: 1493-176-1(EX2)

DATE: DECEMBER 13, 2007

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860