

95-22830

RATIFICATION OF SUBDIVISION PLAT

WHEREAS, the undersigned, D-M-F Company, L.P., a Kansas limited partnership ("D-M-F"), owns the approximately 8.5 acre parcel of land in Sarpy County, Nebraska, described in Exhibit A attached hereto (the "D-M-F Parcel"); and

WHEREAS, the D-M-F Parcel was included within a plat of subdivision signed on behalf of Ballena Limited Partnership, a limited partnership ("Ballena"), prepared by Hill-Farrell Associates, Inc., recorded with the Register of Deeds for Sarpy County, Nebraska, on May 7, 1993, as Document No. 93-009665 (the "Ballena Subdivision Plat"), creating a subdivision of land known as "Ballena" containing Lots numbered 1 through 188 inclusive; and

WHEREAS, Lot 185 as created by and shown on the Ballena Subdivision Plat ("Lot 185") is similar but not identical to the D-M-F Parcel; and

WHEREAS, Ballena has requested that D-M-F ratify and approve the Ballena Subdivision Plat, and D-M-F is willing to do so provided that Ballena and D-M-F shall execute and deliver for recording quit-claim deeds effecting such conveyances as are necessary in order to vest sole title to Lot 185 in D-M-F.

NOW, THEREFORE, in consideration of the premises, the mutual covenants of the parties and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, D-M-F does hereby in all respects ratify, affirm and approve the Ballena Subdivision Plat, and does hereby join in the Dedication contained thereon.

IN WITNESS WHEREOF, D-M-F has caused this Ratification of Plat to be duly executed effective as of the 12th day of December, 1995.

D-M-F COMPANY, L.P., a Kansas limited partnership

By: M D MANAGEMENT, INC., a Missouri corporation, its General Partner

By: Thomas S. Morgan
Thomas S. Morgan, Vice President

STATE OF KANSAS)
COUNTY OF JOHNSON) SS.

The foregoing instrument was acknowledged before me on DECEMBER 12, 1995, by THOMAS S. MORGAN, Vice President of M D MANAGEMENT, INC., a Missouri corporation, General Partner of D-M-F COMPANY, L.P., a Kansas limited partnership, on behalf of said corporation as general partner of said limited partnership.

(SEAL)

Tom Morgan
Notary Public

My Commission Expires:

Notary Public - State of Kansas
My Appt. Expires: 3-21-98

Notary Seal - 1995-1998

EXHIBIT A**Legal Description of D-M-F Parcel**

That part of Lot 185, BALLENA, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, included within the following description:

Beginning at a point on the Westerly right-of-way line of 168th Street, said point being 600.0 feet North of the South line of Section 28-14-11, Sarpy County, Nebraska; thence South 80°00' West, a distance of 450.00 feet; thence South 64°00' West, a distance of 500.0 feet; thence South 19°00' West, a distance of 210.0 feet to a point on the Northerly right-of-way line of Nebraska State Highway 370; thence Easterly along said Northerly right-of-way line, a distance of approximately 1000.0 feet to the intersection of the Northerly right-of-way line of Nebraska State Highway 370 and the Westerly right-of-way line of 168th Street; thence Northerly along said right-of-way line, a distance of 540.0 feet to the Point of Beginning.

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