

98-34114

FILED SARPY CO. NE.

INSTRUMENT NUMBER

98-034114

98 NOV 30 PM 3:27

REGISTER OF DEEDS

Counter aa
Verify DJ
D.E. DJ
Proof aa
Fee \$ 85.50
Ck [X] Cash [] Chg []

State of Nebraska

Space Above This Line For Recording Data

DEED OF TRUST

(With Future Advance Clause)

Construction Security Agreement

1. DATE AND PARTIES. The date of this Deed of Trust (Security Instrument) is November 20, 1998 and the parties, their addresses and tax identification numbers, if required, are as follows:

TRUSTOR: BALLENA LIMITED PARTNERSHIP
11850 NICHOLAS STREET
OMAHA, NE 68154
Taxpayer I.D. #: 47-0730152

If checked, refer to the attached Addendum incorporated herein, for additional Trustees, their signatures and acknowledgments.

TRUSTEE: MID CITY BANK
A NEBRASKA CORPORATION
352 NORTH 114TH STREET
OMAHA, NE 68154
Taxpayer I.D. #: 47-0486424

BENEFICIARY: MID CITY BANK
Organized and existing under the laws of the state of Nebraska
352 N 114TH STREET
OMAHA, NE 68154
Taxpayer I.D. #: 47-0486424

2. CONVEYANCE. For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (defined below) and Trustor's performance under this Security Instrument, Trustor irrevocably grants, conveys and sells to Trustee, in trust for the benefit of Beneficiary, with power of sale, the following described property: LOTS 2 THROUGH 7 INCLUSIVE, 10, 13 THROUGH 15 INCLUSIVE, 38 THROUGH 41 INCLUSIVE, 44 THROUGH 80 INCLUSIVE, 82 THROUGH 94 INCLUSIVE, 96 THROUGH 99 INCLUSIVE, 118 THROUGH 120 INCLUSIVE, 123 THROUGH 127 INCLUSIVE, AND 130 THROUGH 184 INCLUSIVE, ALL IN BALLENA, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA

The property is located in SARPY (County) at

BALLENA, A SUBDIVISION (Address), Nebraska (City) (ZIP Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, all water and riparian rights, ditches, and water stock and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property").

3. MAXIMUM OBLIGATION LIMIT. The total principal amount secured by this Security Instrument at any one time shall not exceed \$ 1,000,076.50. This limitation of amount does not include interest and other fees and charges validly made pursuant to this Security Instrument. Also, this limitation does not apply to advances made under the terms of this Security Instrument to protect Beneficiary's security and to perform any of the covenants contained in this Security Instrument.

4. SECURED DEBT AND FUTURE ADVANCES. The term "Secured Debt" is defined as follows:
A. Debt incurred under the terms of all promissory note(s), contract(s), guaranty(s) or other evidence of debt described below and all their extensions, renewals, modifications or substitutions. (When referencing the debts below it is suggested that you include items such as borrowers' names, note amounts, interest rates, maturity dates, etc.)