



#4901

STATE OF NEBRASKA  
COUNTY OF ROCK

Filed for record March 23, 2012 at 10:30 AM and Recorded in Book No. 66 of Rock County at page 78 of \_\_\_\_\_ County Clerk By \_\_\_\_\_ Deputy

**UCC FINANCING STATEMENT**

**FOLLOW INSTRUCTIONS (Front and back) CAREFULLY**

**A. NAME & PHONE OF CONTACT AT FILER (optional)**  
Corporation Service Company 1-800-850-6204

**B. SEND ACKNOWLEDGMENT TO:** (Please send Address)

65397841 - 333710 - 3/26/2012

Corporation Service Company  
801 Adlai Stevenson Drive  
Springfield, IL 62703-4281

Filed In: Nebraska Rock

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

**1. DEBTOR'S EXACT FULL LEGAL NAME - (Insert only one debtor name (2a or 2b) - do not abbreviate or combine names)**

(a) ORGANIZATION'S NAME Elkhorn River Holdings LLC

(b) INDIVIDUAL'S LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MIDDLE NAME \_\_\_\_\_ SUFFIX \_\_\_\_\_

(c) MAILING ADDRESS P O Box 7180 CITY Fargo STATE ND POSTAL CODE 58108-7180 COUNTRY USA

(d) IDENTIFICATIONS: ADDL INFO RE ORGANIZATION DEBTOR (LLC) TYPE OF ORGANIZATION LLC JURISDICTION OF ORGANIZATION NE ORGANIZATIONAL ID #, if any \_\_\_\_\_ NONE

**2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - (Insert only one debtor name (2a or 2b) - do not abbreviate or combine names)**

(a) ORGANIZATION'S NAME \_\_\_\_\_

(b) INDIVIDUAL'S LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MIDDLE NAME \_\_\_\_\_ SUFFIX \_\_\_\_\_

(c) MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ COUNTRY \_\_\_\_\_

(d) IDENTIFICATIONS: ADDL INFO RE ORGANIZATION DEBTOR TYPE OF ORGANIZATION \_\_\_\_\_ JURISDICTION OF ORGANIZATION \_\_\_\_\_ ORGANIZATIONAL ID #, if any \_\_\_\_\_ NONE

**3. SECURED PARTY'S NAME (per NAME of TOTAL ASSIGNOR of ASSIGNOR'S COPY - Insert only one secured party name (3a or 3b))**

(a) ORGANIZATION'S NAME Metropolitan Life Insurance Company

(b) INDIVIDUAL'S LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MIDDLE NAME \_\_\_\_\_ SUFFIX \_\_\_\_\_

(c) MAILING ADDRESS 4600 Westown Parkway, Suite 330A CITY West Des Moines STATE IA POSTAL CODE 50268 COUNTRY USA

4. This FINANCING STATEMENT covers the following collateral:  
The collateral is further described in the addendum and attached Exhibits "A"

8. ALTERNATIVE DESIGNATION (if applicable)	9. FILER'S ERROR	10. CONDI/GET/CON/SHOR	11. SALES/MAJOR	12. SELLER/BUYER	13. AG. LEND	14. SIGN/UCF FILING
15. PAY THE FINANCING STATEMENT by the third (per record) for recording in the REG. 16. POSTAL RECORDS - Rock County	17. CHECK IN REGISTRY RESEARCH/RECORD (1st or 2nd copy)	18. DATE	19. DATE	20. DATE	21. DATE	22. DATE

8. OPTIONAL FILER REFERENCE DATA 195134:Elkhorn River

65397841

**UCC FINANCING STATEMENT ADDENDUM**

**FOLLOW INSTRUCTIONS (Read and check) CAREFULLY**

**9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT**

**1a. ORGANIZATION'S NAME** Ekhorn River Holdings LLC

**OR**

**1b. INDIVIDUAL'S LAST NAME**      **FIRST NAME**      **MIDDLE NAME(S), IF ANY**

**10. MISCELLANEOUS:**

**THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY**

**11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - (Insert only (a) name (1 to or 11a) - do not abbreviate or omit middle names)**

**11a. ORGANIZATION'S NAME**

**OR**

**11b. INDIVIDUAL'S LAST NAME**      **FIRST NAME**      **MIDDLE NAME**      **SUFFIX**

**11c. MAILING ADDRESS**      **CITY**      **STATE**      **POSTAL CODE**      **COUNTRY**

**11d. REPRODUCTION**      **ADDN. INFO RE ORG/INDIVIDUAL DEBTOR**      **11e. TYPE OF ORGANIZATION**      **11f. JURISDICTION OF ORGANIZATION**      **11g. ORGANIZATIONAL ID #, if any**       **NONE**

**12. ADDITIONAL SECURED PARTIES or ASSIGNOR S/P'S NAME - (Insert only (a) name (12a) or 12b)**

**12a. ORGANIZATION'S NAME**

**OR**

**12b. INDIVIDUAL'S LAST NAME**      **FIRST NAME**      **MIDDLE NAME**      **SUFFIX**

**12c. MAILING ADDRESS**      **CITY**      **STATE**      **POSTAL CODE**      **COUNTRY**

**13. THE FINANCING STATEMENT covers**  **Similar to be out of** or  **as-abstracted** collateral, or is filed as a  **future filing**

**14. Description of real estate:**  
 Township 30 North, Range 20 West of the 6th P.M. in Rock County, Nebraska. Section 13: A tract of land located in part of the SE 1/4 more particularly described as follows: Commencing at the corner common to Sections 12, 18, 19 and 24, Township 30 N, Range 19 and 20, West of the 6th P.M., thence North 0 20'20" West (record) on the East line of said SE 1/4 of Section 13, 369.00 feet (record) to the true point of beginning; thence South 88 34'39" West 533.00 feet (record); thence South 88 64'48" West 37.00 feet; thence North 00 19'23" West 626.49 feet; thence South 88 64'48" West 640.35 feet to the southerly right-of-way of U.S. Highway No. 20; thence North 66 09'40" East on said southerly right-of-way 1,815.42 feet to said East line of the SE 1/4 of said Section 13; thence South 0 20'20" East (record) on said East line of the SE 1/4 of said Section 13, 1,100.34 feet to the 1/4. Name and address of a RECORD COPY of above-described real estate (if Debtor does not have a record history):

**15. Additional collateral description:**  
 Please see attached Exhibit "A"

**17. Check (a) if applicable and check (a)(1) see here.**  
 Debtor is a  **Taxi** or  **Trucking** acting with respect to property held in trust or  **Debtors's Estate**

**18. Check (a) if applicable and check (a)(1) see here.**  
 **Debtor is a TRANSMITTING UTILITY**  
 **Filed in connection with a Manufactured Home Transaction - effective 30 years**  
 **Filed in connection with a Public Finance Transaction - effective 30 years**

## EXHIBIT "A"

## UCC Financing Statement

All of the following located upon or related to certain real property in Holt and Rock Counties, Nebraska, and more particularly described in Exhibit "A-1" attached hereto and by this reference made a part hereof (the "Land"):

All apparatus, fixtures, building systems and equipment, goods (but not inventory), equipment, machinery, furniture, furnishings, appliances, systems, building materials, and articles of tangible and intangible personal property now owned or hereafter acquired by Debtor, including, without limitation:

(a) pneumatic systems, piping, sprinklers and related equipment, leasehold improvements, furnaces, radiators, oil burners, pipes, heating and electrical equipment and appliances, fans, thermostats, draperies, shades, awnings, mirrors, screens, screen doors, blinds, basins, faucets, pipes and other plumbing fixtures and equipment, wires, gas and electric fixtures, sprinkler systems, motors, generators, cabinets, incinerators, lawn plants and shrubbery, canopies, speaker boxes, tools, materials of every kind, nature and description, gas and electric fixtures, scales, fans, fuel tanks, motors, dryers, hoists, engines, meters, elevators, conveyors, cooling and refrigeration equipment, tanks, metering equipment, compressors, cooling towers, refrigerant storage tanks, pipes, coils, controls, valves, vessels, dock levelers, condensers, receivers, coolers, purgers, pumps, air compressors, refrigerants, blowers, radiators, boilers, transformers and related transmission and safety facilities, heating fixtures and systems, slips, carpeting and other floor coverings, water heaters, air-conditioning and ventilation apparatus and systems; and

(b) to the extent not otherwise described above, all apparatus, fixtures, equipment, machinery, furniture, furnishings, appliances, systems, building materials, and articles of tangible and intangible personal property related to or used in the operation of all packing lines (whether potato or other products), storage, refrigeration, fruit and vegetable handling and controlled atmosphere ("CA") facilities on the Land including, without limitation, all refrigeration equipment (including, without limitation, all pumps, motors, compressors, condensers, evaporators, generators/burners, electrical panels and related support equipment), drenching facilities and equipment, hydro-cooling facilities and equipment, CA operating and monitoring equipment, tanks (whether dump, chemical dip, water holding or any other type), belts (whether take-away, transfer, grading, distribution fruit return, diverter or other type), truck scales and related equipment, computers and all hardware and software therefore to the extent used or usable in operating and monitoring packing line, storage and CA operations, pumps, bin handling equipment (whether stackers, dumps, tracks, feeds, accumulator or other bin handling equipment), blending and sorting equipment and systems, elevators, motors, chains, eliminators, fruit washers, pre-sorting and sorting tables (whether motorized or not), dryers, blowers, heat lamps, wax applicators, sprayers, conveyor floas, sizers, strappers, strapping tools, case sealers, glue machines, box stampers, shakers, scales, box filters, box-folding machines, baggers, bagging tables, labo. machines, defrost pumps, all monitoring equipment (including, without limitation, ammonia detectors, oxydrains, scrubbers and temperature monitors), flumes, washing brushes, circulating pumps, brush (fruit) drying and polishing sections, drying tunnels, accumulators, slicers, controllers, cleaner pumps, glyco-coolers, generators, separators, chain eliminators, track, dumper hoppers and water dumps, cutting tables, fungicide baths, filling stations, *provided, however*, that expressly excluded from the security interest hereby created are all vehicles and rolling stock owned by Debtor (collectively, the "Excluded Collateral"); and

(c) all vegetable bins, wherever located, which are or shall be attached to, or used for the operation or maintenance of, the buildings, structures or improvements which are or shall be located in, on or about the Land, or which, wherever located (including, without limitation, in warehouse or other

storage facilities or in the possession of or on the premises of vendors or manufacturers thereof), are used or intended to be used in or in connection with the construction, fixturing, equipping, furnishing, use, transportation of personal property to or from, operation or enjoyment of the Land or the improvements thereon; and

(d) all permits, licenses, franchises, contract rights and leasehold interests, now or hereafter owned by Debtor and relating to the ownership, use, operation or enjoyment of the Land, the improvements thereon, and the fixtures, equipment and personal property described above; and

(e) all laboratory and testing equipment, office equipment, computers and related software; and

(f) all irrigation pumps, motors, engines, pipes, sprinklers, control panels and accessories, and all other irrigation equipment together with all water and watering rights of every kind and description, and all improvements, fixtures, and appurtenances connected therewith now or hereafter placed or installed on the Land; and

(g) all of Debtor's rights and interest, as Lessee, under any Leases pursuant to which Debtor leases from third parties any personal property of the nature described above; and

(h) all extensions, additions, improvements, betterments, renewals, replacements, proceeds, accessions, products and substitutions of any of the foregoing, together with the benefit of any deposits or payments now or hereafter made by Debtor or on its behalf in connection with any of the foregoing; and

(i) all contracts for the construction of improvements to the Facility, for the purchase of the Facility or for the purchase of equipment for the Facility; and

(j) all proceeds (including without limitation, insurance and condemnation proceeds) of the foregoing.

## EXHIBIT "A-1"

## Land

Township 30 North, Range 20, West of the 6<sup>th</sup> P.M. in Rock County, Nebraska  
Section 13: A tract of land located in part of the SE<sup>1</sup>/<sub>4</sub> more particularly described as follows: Commencing at the corner common to Sections 13, 18, 19 and 24, Township 30 North, Range 19 and 20, West of the 6<sup>th</sup> P.M., thence North 0°20'30" West (record) on the East line of said SE<sup>1</sup>/<sub>4</sub> of Section 13, 369.00 feet (record) to the true point of beginning, thence South 88°34'19" West 331.00 feet (record); thence South 88°54'48" West 37.00 feet; thence North 00°19'23" West 626.49 feet; thence South 88°54'48" West 840.35 feet to the southerly right-of-way of U.S. Highway No. 20; thence North 68°09'40" East on said Southerly Right-of-way 1,318.88 feet to the East line of the SE<sup>1</sup>/<sub>4</sub> of said Section 13; thence South 0°20'20" East (record) on said East line of the SE<sup>1</sup>/<sub>4</sub> of said Section 13, 1,160.34 feet to the point of beginning.