

MISC

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## PREFACE TO DEED OF TRUST UNDER FARM HOMESTEAD PROTECTION ACT DISCLAIMER

BORROWER BRO BROTHERS, L.L.C.	GRANTOR BRO BROTHERS, L.L.C.
ADDRESS 14644 N. 74TH STREET SUITE 101	ADDRESS 14644 N. 74TH STREET SUITE 101
SCOTTSDALE, AZ 85260 TELEPHONE NO. IDENTIFICATION NO.	SCOTTSDALE, AZ 85260 TELEPHONE NO. IDENTIFICATION NO.
TRUSTEE: SECURITY LAND & TITLE 13924 GOLD CIRCLE, OMAHA, NE	68144

## **DISCLAIMER**

In accordance with the provisions of the Nebraska Trust dated April 26, 2006	Farm Homestead Protection Act, Grantor, prior to executing the attached Deed of, by and between Grantor and FIRST AMERICAN BANK , 12333
UNIVERSITY AVE, CLIVE, IA 50325	
	Lender, hereby states and acknowledges:

1. That no part of the homestead of Grantor is presently or will be in the future, situated on the following described real estate (the Property), nor are there any buildings sufficient to be designated as a homestead presently located on the Property.

SEE SCHEDULE C

- 2. Grantor acknowledges that while this Deed of Trust is unsatisfied and a lien remains on the Property, Grantor shall have no right presently or in the future to make a designation of homestead on the Property, including, without limitation, in the event of a trustee's sale under the Deed of Trust.
- 3. Grantor acknowledges that if, contrary to this Disclaimer, Grantor establishes a homestead on the Property during the time the Deed of Trust is unsatisfied and a lien remains on the Property, Grantor shall have no right to make a designation of homestead in the event of a trustee's sale under the Deed of Trust.
- 4. Grantor states that this acknowledgment is Grantor's knowing and voluntary act and deed, and constitutes a written disclaimer and acknowledgment under the Nebraska Farm Homestead Protection Act and Grantor hereby disclaims any right to designate a homestead in the event of a trustee's sale under the Deed of Trust.
- 5. Grantor further understands and agrees that this acknowledgment and Disclaimer shall be filed as a Prefaceto and become a part of the Deed of Trust.

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Notary Public

## SCHEDULE C Legal Description

The land referred to is situated in the State of Nebraska, County of Douglas and is described as follows:

That part of the Southwest Quarter of the Southeast Quarter of Section 35, Township 15 North, Range 12 East of the 6th P.M., in the City of Omaha, Douglas County, Nebraska, more particularly described as follows:

Beginning at a point 50 feet North and 287.5 feet East of the Southeast corner of the Southwest Quarter of said Section 35, which point is also 50 feet North and 1037.7 feet West of the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 35; thence West along the North right of way line of "F" Street, a distance 200 feet; thence North a distance of 485.1 feet; thence East along the South right of way line of the Union Pacific Railroad, a distance of 200 feet; thence South a distance of 485.1 feet, to the point of beginning;

EXCEPT that part described as follows:

A strip of land 87.0 feet wide situate in the SW ¼ of SE ¼ of Section 35, Township 15 North, Range 12 East of the 6th P.M., in the City of Omaha, Douglas County, Nebraska, described as follows:

Beginning at a property corner in the Southerly right of way line of the Union Pacific Railroad Company that is 287.1 feet distant East from the NOrth-South center line of said Section 35, measured along said right of way line which is a straight line parallel with and 138.0 feet distant South, measured at right angles, from the center line of the Northerly or Westbound main track of said railroad company as now constructed and operated; thence South along a property line a distance of 87.0 feet; thence West along a straight line parallel with and 225.0 feet distant South, measured at right angles, from said center line of Northerly main track a distance of 200.0 feet to a property line; thence North along said property line a distance of 87.0 feet to a point in said Southerly right of way line parallel with and 138.0 feet distant South, measured at right angles, from said center line of Northerly main track a distance of 200.0 feet to the point of beginning.