

MODIFICATION OF EASEMENT

This agreement made this 14th day of January, 1964, between AMERICAN TELEPHONE AND TELEGRAPH COMPANY, a New York corporation, successor in interest to American Telephone and Telegraph Company of Nebraska, as first party, and LORRAINE UPDIKE GUILD, Executrix of the Estate of Robert B. Updike, Deceased, as second party,

WITNESSETH:

WHEREAS, Frances Stanek, an unmarried woman, by grant dated September 27, 1940, and recorded in Book 149, page 219 of the Miscellaneous Record Books of the Register of Deeds for Douglas County, Nebraska, granted to American Telephone and Telegraph Company of Nebraska, its associated and allied companies, its and their successors and assigns, a right of way and easement to construct, operate, maintain, replace and remove such communication systems as the grantees may from time to time require, consisting of underground cables, wires, conduits, manholes, drains and splicing boxes and surface testing-terminals, repeaters and markers and other appurtenances upon, over and under the south 16.88 acres of the South Half of the Southwest Quarter of the Southeast Quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) of Section Thirty-five (35), Township Fifteen (15) North, Range Twelve (12) East, Douglas County, Nebraska; and

WHEREAS, second party is now the owner of the south 16.88 acres of the South Half of the Southwest Quarter of the Southeast Quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) (except the east 6.326 acres thereof) in Section Thirty-five (35), Township Fifteen (15) North, Range Twelve (12) East, Douglas County, Nebraska, lying south of the railroad, north of "F" Street and west of the "Thermo King" property, across which land, by virtue of the rights, privileges and authorities contained in the said grant dated September 27, 1940, first party has constructed and maintains its communication systems; and

WHEREAS, first party, pursuant to specific request made by second party, has realigned, relocated and moved its communication systems on the said land of the second party to a location more in conformity with the development plans of second party and it is now the mutual desire of the parties to more

definitely describe the new location of first party's right of way and easement and to release from the effect of said right of way and easement that part of the lands of the second party not traversed by first party's communication systems.

NOW, THEREFORE, in consideration of the premises and mutual benefits to be derived by the parties hereto the said parties mutually agree as follows:

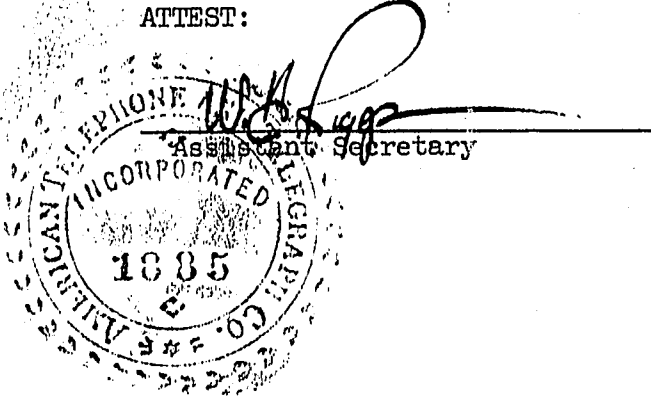
1. The communication systems and facilities of the first party having been relocated across second party's property described as the south 16.88 acres of the South Half of the Southwest Quarter of the Southeast Quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) (except the east 6.326 acres thereof) in Section Thirty-five (35), Township Fifteen (15) North, Range Twelve (12) East, Douglas County, Nebraska, lying south of the railroad, north of "F" Street and west of the "Thermo King" property, the right of way and easement dated September 27, 1940, granted by Frances Stanek and recorded in Book 149, page 219 of the Miscellaneous Record Books of the Register of Deeds for Douglas County, Nebraska, including all of the terms, conditions and covenants therein expressed, shall remain in force and effect as to first party's relocated communication systems to the same extent as if said systems had been so located at the time of the initial construction and said right of way and easement, one rod in width, shall henceforth be located, fixed and described as being the east $16\frac{1}{2}$ feet of the second party's said land and a strip of land $16\frac{1}{2}$ feet in width lying north of and abutting the north boundary of "F" Street located along the south boundary of the land of the second party.
2. First party for itself, its associated and allied companies, its and their respective successors and assigns, hereby disclaims all right, title and interest which they have or may have by virtue of the said grant of right of way and easement dated September 27, 1940, granted by Frances Stanek to American Telephone and Telegraph Company of Nebraska, in and to the south 16.88 acres of the South Half of the Southwest Quarter of the Southeast Quarter ($S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$) (except the east 6.326 acres thereof) in Section Thirty-five (35), Township Fifteen (15) North, Range Twelve (12) East, Douglas County, Nebraska, lying south of the railroad, north of "F" Street and west of the "Thermo King" property, EXCEPT the east $16\frac{1}{2}$ feet thereof and a strip of land $16\frac{1}{2}$ feet in width lying north of and abutting the north boundary of "F" Street located along the south boundary of second party's said land.

Reserving, however, unto the first party, its associated and allied companies, its and their respective successors and assigns, all right, title and

interest which they have or may have by virtue of said easement dated September 27, 1940, in and to lands herein not specifically disclaimed.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in duplicate the day and year first above written.

ATTEST:



W. H. Forsythe
AMERICAN TELEPHONE AND TELEGRAPH COMPANY

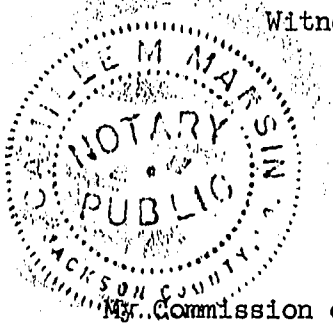
W. H. Forsythe
Right of Way Superintendent

Lorraine Updike Guild
Lorraine Updike Guild, Executrix of the
Estate of Robert B. Updike, Deceased

STATE OF MISSOURI }
COUNTY OF JACKSON } SS.

Before me, a Notary Public, qualified for said county, personally came P. W. Forsythe, Right of Way Superintendent of American Telephone and Telegraph Company, a corporation, known to me to be the Right of Way Superintendent and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such Right of Way Superintendent and the voluntary act and deed of said corporation and its corporate seal was affixed thereto by its authority.

Witness my hand and notarial seal on January 21, 1964.



Camille M. Martin
Notary Public

My Commission expires February 26, 1964.

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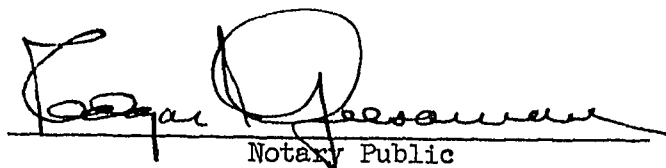
STATE OF NEBRASKA

County of Douglas

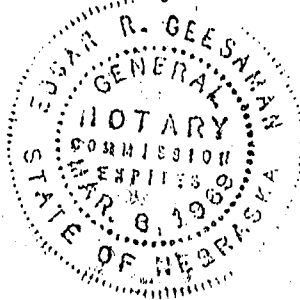
ss.

On this 14 day of January, 1964, before me, a Notary Public in and for said County, personally came the above named Lorraine Updike Guild, Executrix of the Estate of Robert B. Updike, Deceased, who is personally known to me to be the identical person whose name is affixed to the above instrument as grantor and she acknowledged said instrument to be her voluntary act and deed.

Witness my hand and notarial seal, the date last aforesaid.


Notary Public

My commission expires on the 8th day of March, 1969.



RECEIVED

1964 JAN 29 AM 9 18

THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

Entered in Indexed and filed
for Record in the office of the Register of
Deeds of said County and recorded in
Book 408 of Index.

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Register of Deeds

By Beth Updike
MAH Beth Updike

GP.N.P.C. 650

Commission Fee 650

= 35-15-12