



DEED 2012133446



DEC 31 2012 11:25 P 5

|                       |
|-----------------------|
| Nebr Doc<br>Stamp Tax |
| 12-31-2012<br>Date    |
| \$7031.25             |
| By SB                 |

Fee amount: 25.50  
FB: 60-21563  
COMP: SB

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
12/31/2012 11:25:54.00



2012133446

### GENERAL WARRANTY DEED

Return to: TitleCore, 1905 Harney Street, Suite 210, Omaha, Nebraska 68102

THAT **SEVENTY-EIGHT, LLC**, a Nebraska limited liability company ("**Grantor**"), for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, AND CONVEY unto 17021 LHD, LLC, a Nebraska limited liability company, ("**Grantee**") that certain tract of land in Omaha, Douglas County, Nebraska, more particularly described in Exhibit A attached hereto, together with all rights, titles, and interests appurtenant thereto including, without limitation, Grantor's interest, if any, in any and all adjacent streets, alleys, rights of way and any adjacent strips and gores(collectively, the "**Property**").

This General Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject only to the matters set forth on Exhibit B attached hereto, to the extent the same are validly existing and applicable to the Property (collectively, the "**Permitted Exceptions**").

TO HAVE AND TO HOLD the Property, together with all the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND the title to the Property unto the said Grantee, its successors and assigns against every person whomsoever, subject to the Permitted Exceptions.

EXECUTED as of December 26<sup>th</sup>, 2012


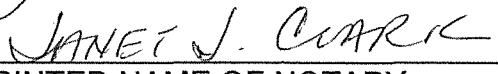
Seventy-Eight, LLC a Nebraska limited liability company  
By: BES Development, L.L.C., a Nebraska limited liability company, Member

By: Bradley S. Gosch  
Bradley S. Gosch, Member

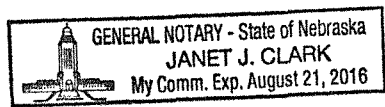
SB

THE STATE OF NEBRASKA   §  
  §  
COUNTY OF DOUGLAS       §

This instrument was acknowledged before me on December 26, 2012, by Bradley S. Gosch, as a Member of BES Development, L.L.C. a Nebraska limited liability company, as Member of **Seventy-Eight, LLC**, on behalf of said limited liability company.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF NEBRASKA  
  
\_\_\_\_\_  
PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES: 8-21-2014



**EXHIBIT "A" TO DEED**

**Lot 1, in LAKESIDE HILLS REPLAT 4, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska**

## EXHIBIT "B" TO DEED

### Permitted Exceptions

1. Easements granted by Plat and Dedication of Lakeside Hills recorded October 21, 1994, in Book 990 at Page 238 of the Deed Records of Douglas County, Nebraska, on, over, through, under and across an 8 foot wide strip of land abutting all streets dedicated by this Plat, an 8 foot wide strip of land abutting the exterior lot lines adjacent to 168th Street and West Center Road, an 8 foot wide strip of land abutting the exterior lot lines adjacent to 168th Street and West Center Road, an 8 foot wide strip of land abutting exterior lot lines adjacent to land which is surveyed, platted and recorded, and a 16 foot wide strip of land abutting the remaining exterior lot lines adjacent to unplatted land, with provision for said 16 foot wide easements to be reduced to 8 feet. Further grants easements to Metropolitan Utilities District of Omaha on, through, under and across a 5 foot wide strip of land abutting all streets dedicated by this plat. (Subject property was platted from a portion of Lot 7, Lakeside Hills.)
  - a. Plat Notes state that Outlot 1 shall be owned by the Lakeside Hills Property Owners Association and shall be a private access street, and that Outlots 2 through 7 shall be owned by the Lakeside Hills Property Owners Association and shall be private common areas restricted to entrance markers and landscaping.
2. Easements granted by the Plat and Dedication of Lakeside Hills Replat 4 recorded December 29, 1999, in Book 2141 at Page 27 of the Deed Records of Douglas County, Nebraska, as shown on Plat Survey, and on, over, through, under and across a 5 foot wide strip of land abutting the front and side boundary lot lines; an 8 foot wide strip of land abutting the rear boundary lines of all interior lots and all exterior lots that are adjacent to presently platted and recorded lots; and, a 16 foot wide strip of land abutting the rear boundary lines of all exterior lots that are not adjacent to presently platted and recorded lots, with provision for said 16 foot wide easements to be reduced to 8 feet. Further grants easements to Metropolitan Utilities District of Omaha on, through, under and across a 5 foot wide strip of land abutting all cul-de-sacs.
  - a. Plat Survey reveals existing drainage, storm sewer, utility, landscaping easements affecting portions of subject property, and an ingress and egress easement in favor of Lots 1, 2 and 3 centered along the Southerly line of subject property.
  - b. Plat Notes state that direct vehicular access to 171st Street will be right-in and right-out only.
3. Terms and provisions of Easement and Covenants Agreement dated January 17, 1992 and recorded January 22, 1992, in Book 994 at Page 6 of the Miscellaneous Records of Douglas County, Nebraska.
4. Terms and provision of Mixed Use District Development Agreement dated July 13, 1994, a Memorandum of which was recorded December 12, 1994, in Book 1135 at Page 636 of the Miscellaneous Records of Douglas County, Nebraska.
  - a. Unrecorded First Amendment to Mixed Use District Development Agreement dated on or about October 29, 1996.
  - b. Unrecorded Amendment No.2 to Mixed Use District Development Agreement dated on or about November 20, 1998.
  - c. Amendment No. 3 to Mixed Use District Development Agreement dated November 29, 2000 and recorded December 13, 2000, in Book 1361 at Page 604 of the Miscellaneous Records of Douglas County, Nebraska.
5. Covenants, conditions and restrictions contained in Declaration of Covenants, Conditions and Restrictions dated December 12, 1994 and recorded December 13, 1994, in Book 1136 at Page 1 of the Miscellaneous Records of Douglas County, Nebraska.

- a. Provisions for pedestrian access, vehicular access, temporary encroachment, association, utility and other easements provided therein.
  - b. Provisions for membership in an association and for dues and assessments set forth therein.
  - c. Provisions for architectural control and approval of construction plans set forth therein.
  - d. Amendment No. 1 to Declaration of Covenants, Conditions and Restrictions dated July 18, 1996 and recorded July 22, 1996, in Book 1182 at page 617 of the Miscellaneous Records of Douglas County, Nebraska.
  - e. Amendment No. 2 to Declaration of Covenants, Conditions and Restrictions dated June 30, 1997 and recorded June 30, 1997, in Book 1224 at page 508 of the Miscellaneous Records of Douglas County, Nebraska.
  - f. Amendment No. 3 to Declaration of Covenants, Conditions and Restrictions dated July 13, 2000 and recorded December 13, 2000, in Book 1361 at page 599 of the Miscellaneous Records of Douglas County, Nebraska.
6. Terms and provisions of Declaration of Restrictions and Grant of Easements dated January 4, 2000 and recorded January 12, 2000, in Book 1323 at Page 259 of the Miscellaneous Records of Douglas County, Nebraska.
  7. Terms and provisions of Declaration of Landscaping Easement granted to Lakeside Hills Property Owners Association dated June 5, 1997 and recorded June 6, 1997, in Book 1212 at Page 96 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate, and maintain landscaping, drainage ways and storm sewers and appurtenances in, through, over and under a portion of subject property.
  8. Permanent Sidewalk Easement granted to Sanitary and Improvement District No. 381 of Douglas County, Nebraska, its successors and assigns, by instrument dated July 7, 1997 and recorded July 10, 1997, in Book 1215 at Page 591 of the Miscellaneous Records of Douglas County, Nebraska, to construct and maintain sidewalks in, through and over portions of subject property.
  9. Permanent Sewer Easement granted to Lakeside Hills Association, Inc. by instrument dated July 6, 1995 and recorded August 29, 1997, in Book 1221 at Page 26 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain drainage ways and storm sewers and appurtenances in, through, over and under a portion of subject property.
  10. Permanent Sewer Easement granted to Sanitary and Improvement District No. 381 of Douglas County, Nebraska, its successors and assigns, by instrument dated July 6, 1995 and recorded August 29, 1997, in Book 1221 at Page 42 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain drainage ways, storm sewers and appurtenances in, through, over and under a portion of subject property.
  11. Permanent Utility Easements granted to U.S. West Communications and Cox Communications by instrument dated October 24, 1997 and recorded November 3, 1997, in Book 1227 at Page 366 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain their utilities and appurtenances upon, over, along, through, under and across a portion of subject property.