

RELEASE AND RELINQUISHMENT

THIS INDENTURE, Made this 9<sup>th</sup> day of April, 1976 by and between UNION PACIFIC LAND RESOURCES CORPORATION, a corporation existing under and by virtue of the laws of the State of Utah, party of the first part, and the OWNER OR OWNERS of the surface of the land described in the Recitals herein, party of the second part, WITNESSETH:

RECITALS

By Warranty Deed dated May 20, 1968, identified in the records of Union Pacific Railroad Company as C. D. No. 48797-5, Audit No. A-682, the Railroad Company conveyed to Omaha Industrial Foundation certain real estate situated in Douglas County, Nebraska, a portion of which is described as follows:

Three (3) parcels of land situate in the South Half (S 1/2) of Section 36, Township 15 North, Range 11 East of the Sixth Principal Meridian and in the North Half (N 1/2) of Section 1, Township 14 North, Range 11 East of the Sixth Principal Meridian, all in the County of Douglas, State of Nebraska.

Said deed was made subject to certain exceptions, reservations, covenants and restrictions, including, but not limited to, the following:

"(b) Said premises shall not be used or occupied at any time for any purpose other than for the purposes of the business of manufacturing, wholesaling, jobbing, warehousing or business of a kindred nature."

Union Pacific Land Resources Corporation, party of the first part herein, is the successor in interest to Union Pacific Railroad Company mentioned in said deed dated May 20, 1968 with respect to said exceptions, reservations, covenants and restrictions.

The present OWNER OR OWNERS of the above-described real estate now desire to be relieved of the covenant and restriction above quoted with respect to the above-described

real estate. Union Pacific Land Resources Corporation is willing to relinquish, with respect to the above-described land, all of its right to have said covenant and condition kept, observed and performed.

RELEASE AND RELINQUISHMENT

NOW THEREFORE, Union Pacific Land Resources Corporation, in consideration of the sum of One Dollar (\$1.00) to it paid by the party of the second part, receipt whereof is hereby confessed and acknowledged, for itself, its successors and assigns, hereby releases, relinquishes and surrenders to the party of the second part, its successors and assigns, forever, the right of Union Pacific Land Resources Corporation to have said covenant and restriction hereinabove quoted in the Recitals hereof kept, observed and performed by the party of the second part or its successors or assigns, it being the intent hereof to relinquish only the right of Union Pacific Land Resources Corporation with respect to said covenant and restriction, and to leave in full force and effect all other provisions of said deed dated May 20, 1968 and all other rights reserved therein, including, but not limited to, the mineral exceptions and reservations contained in said deed.

IN WITNESS WHEREOF, Union Pacific Land Resources Corporation has caused these presents to be signed by its Vice President and attested by its Assistant Secretary, and its corporate seal to be hereunto affixed this 9<sup>th</sup> day of April, 1976.

In Presence of:

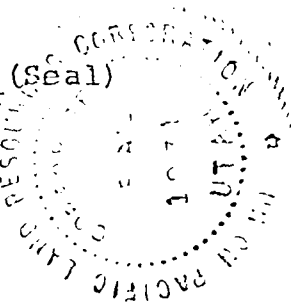
C. H. Peck

UNION PACIFIC LAND RESOURCES CORPORATION

By [Signature]  
Vice President

Attest:

[Signature]  
Assistant Secretary



STATE OF NEBRASKA )  
                                  )  
COUNTY OF DOUGLAS )

On this 9<sup>th</sup> day of April, 1976,  
before me, a Notary Public in and for said County in the  
State aforesaid, personally appeared H. F. Hansen,  
to me personally known, and to me personally known to be  
Vice President of UNION PACIFIC LAND RESOURCES  
CORPORATION, and to be the same person whose name is sub-  
scribed to the foregoing instrument, and who, being by me  
duly sworn, did say that he is Vice President of  
Union Pacific Land Resources Corporation; that the seal  
affixed to said instrument is the corporate seal of said  
corporation; and that said instrument was signed and sealed  
on behalf of said corporation by authority of its board of  
directors; and the said H. F. Hansen acknowledged  
said instrument to be his free and voluntary act and deed,  
and the free and voluntary act and deed of said corporation,  
by it voluntarily executed, for the uses specified therein.

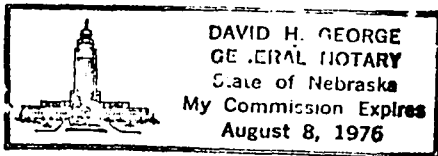
IN WITNESS WHEREOF, I have hereunto set my hand  
and official seal the day and year last above written.

My commission expires August 8, 1976.

David H. George  
Notary Public

Residing at Cook, Nebraska

(SEAL)



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ENTERED IN NUMERICAL INDEX AND FILED IN OFFICE OF THE CLERK OF COURTS IN DOUGLAS COUNTY, NEBRASKA  
23 DAY OF April 1976 AT 3:11 P M. C. HAROLD OSTLER, REGISTER OF DEEDS

9.50