

Num Pgs 5
Doc Tax \$5136.75
Fees \$34.00
Received by: AH
P&MFund 4.50
Gen Fund 29.50
From: First American Title Ins Co



ADAMS COUNTY, NE
FILED
INST NO 20131307
Date Mar 29, 2013 Time 03:30 PM
Jamie D. Johnson
REGISTER OF DEEDS
ELECTRONICALLY RECORDED

**275 NEBRASKA
DOCUMENTARY STAMP
TAX**
Date Mar 29, 2013 By AH
\$5136.75
Exempt #

**NO
CORP.
SEAL**

NUM Allen Second Sub
RD. COMP X BM 9:31 4/1/13
COMPARE v ah
CADAS 7-16 BM COMP BM
ok ah ah

[Space Above This Line For Recording Data]

Recording Requested By: Kristin Brown

When Recorded Return to: First American Title Insurance Company
2425 East Camelback Road, Suite 300
Phoenix, AZ 85016
Attn: Kristin Brown

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **STORE INVESTMENT CORPORATION**, a Delaware corporation, having its principal place of business at 8501 E. Princess Drive, Suite 190, Scottsdale, AZ 85255 ("Grantor"), in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, in hand paid, does hereby GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto **GALE E. BROOKS, TRUSTEE OF THE GALE E. BROOKS TRUST, A REVOCABLE TRUST DATED AUGUST 9, 2004 AND SHERRY K. BROOKS, TRUSTEE OF THE SHERRY K. BROOKS TRUST, A REVOCABLE TRUST DATED AUGUST 9, 2004**, each with an address at 12815 Flint Street, Overland Park, KS 66213 (collectively, "Grantee"), the following described real estate (as defined in Neb. Rev. Stat. § 76-201) described on Exhibit A and incorporated herein (the "Property").

Together with all the tenements, hereditaments and appurtenances to the same belonging and all the estate, title, dower, right of homestead, claim or demand whatsoever of the Grantor of, in, or to the same or any part thereof.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said Grantee and to its successors and assigns forever, and the said Grantor, for itself and its successors and assigns, does covenant with the said Grantee and with its successors and assigns, that it is lawfully seized of said premises; that they are free from encumbrance done or suffered by Grantor, except as may be set forth on attached Exhibit B (the "Permitted Exceptions"); that it has good right and lawful authority to sell the same and that it will and its successors and assigns

4824-9492-5843.2
STORE/Brooks
Special Warranty Deed Nebraska
2303 Osborne Drive West, Hastings, NE 68901
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shall warrant and defend the same unto the said Grantee and its successors and assigns forever against the lawful claims of all persons claiming the same or any part thereof through, by or under Grantor, subject to the Permitted Exceptions.

Except as set forth herein, Grantor makes no representations or warranties as to such premises except those representations and warranties expressly set forth in the Purchase and Sale Agreement dated as of February 26, 2013, by and among Grantor and Grantee.

[Remainder of page intentionally left blank; signature page to follow]

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EXHIBIT A

LEGAL DESCRIPTION

Lot Three (3) Block One (1), Allen Second Subdivision, in the City of Hastings, Adams County, Nebraska.

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EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and Assessments not yet due or payable and special assessments not yet certified to the county treasurer's office.
2. Easements as set forth on the Plat and contained in the Dedication of Allen Second Sub, filed December 19, 2005, as Inst. No. 20056032, Official Records.
3. Terms and provisions of Ordinance No. 2396, filed January 16, 1973 in Book 304 at Page 59, Official Records, Adams County, Nebraska.
4. Terms and provisions of Ordinance No. 3010.04, filed May 19, 1987 as Inst. No. 871864; and Amended by Ordinance No. 3010.04, filed October 15, 1987 as Inst. No. 873647, Official Records, Adams County, Nebraska.
5. Public Right of Way Easement granted to the City of Hastings, Nebraska, by instrument filed April 2, 2003 as Inst. No. 20032133, Official Records, Adams County, Nebraska.
6. Terms and provisions of the Declaration of Protective Covenants and Grant of Easements filed May 5, 2006 as Inst. No. 20062026, Official Records, Adams County, Nebraska. Amendments and Restatement of the Declaration of Protective Covenants and Grant of Easements filed November 18, 2011 as Inst. No. 20114594, Official Records, Adams County, Nebraska.
7. Terms and provisions of the Reciprocal Agreement filed November 18, 2011 as Inst. No. 20114595, Official Records, Adams County, Nebraska.
8. Terms and provisions of the Reciprocal Agreement filed November 18, 2011 as Inst. No. 20114596, Official Records, Adams County, Nebraska.
9. Terms and conditions of unrecorded lease as evidenced by the Memorandum of Lease, by and between Store Investment Corporation, a Delaware corporation, Lessor, and RMH Franchise Corporation, a Kansas corporation, Lessee, dated December 28, 2012, filed January 3, 2013, as Inst. No. 20130022, Official Records, Adams County, Nebraska.
10. The rights or interest of tenants in possession, as tenants only, pursuant to unrecorded or recorded leases, contracts and/or verbal agreements.

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