

2013-27267

08/26/2013 1:37:16 PM

*Lloyd J. Dowling*

REGISTER OF DEEDS



COUNTER	<u>P</u>	C.E.	<u>P</u>
VERIFY	<u>P</u>	P.V.	<u>P</u>
PROOF	<u>P</u>		<u>P</u>
FEES \$	<u>28.00</u>		
CHECK#	<u>24487</u>		
CHG		CASH	
REFUND		CREDIT	
SHORT		NCR	

**When recorded return to:**

Cadwell Sanford Deibert & Garry, LLP  
 Attn: Kristi M. Laber  
 200 E. 10<sup>th</sup> Street, Suite 200  
 PO Box 2498  
 Sioux Falls, SD 57101-2498

*R+L*

**NOTICE STATEMENT  
 PURSUANT TO THE TERMS OF THE  
 EASEMENTS WITH COVENANTS AND  
 RESTRICTIONS AFFECTING LAND**

Pursuant to the terms of Section 21(a) of the EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND executed by and among Market Pointe, LLC, a Missouri limited liability company, Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust and Lowe's Home Centers, Inc., a North Carolina corporation, dated January 23, 2006 and filed with Sarpy County, Nebraska Register of Deeds on January 24, 2006 as Inst. No. 2006-02430; as amended by that certain First Amendment to Easements with Covenants and Restrictions Affecting Land, dated September 1, 2006 and filed with Sarpy County, Nebraska Register of Deeds on September 5, 2006 as Inst. No. 2006-30539; and as further amended by that certain Second Amendment to Easements with Covenants and Restrictions Affecting Land, dated December 22, 2008, and filed with Sarpy County, Nebraska Register of Deeds February 9, 2009 as Inst. No. 2009-03341; hereinafter to be referred to collectively as the "ECR", covering the Market Pointe Shopping Center located in Papillion, Nebraska (the "Shopping Center") and as described in **Exhibit A** attached hereto, Jackrabbit Holdings, LLC, a South Dakota limited liability company ("Jackrabbit"), hereby provides notice that on the 9th day of July, 2013, it acquired a fee interest from Market Pointe, LLC, a Missouri limited liability company, in that portion of the Shopping Center that is legally described in **Exhibit B** attached hereto (the "Jackrabbit Property").

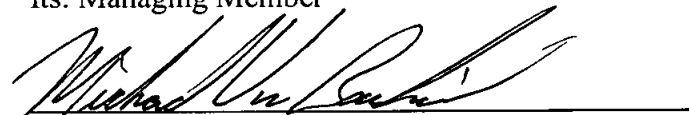
All notices and other communications under the ECR shall be sent to Jackrabbit at the following address:

Jackrabbit Holdings, LLC  
 ATTN: Michael Van Buskirk  
 as President of VBC, Inc.  
 5800 S. Remington Place, Suite 100  
 Sioux Falls, South Dakota 57108

With a copy to:

CADWELL SANFORD DEIBERT & GARRY, LLP  
 ATTN: Kristi M. Laber  
 200 E. 10<sup>th</sup> Street, Suite 200  
 Sioux Falls, SD 57101-2498.

JACKRABBIT HOLDINGS, LLC  
 a South Dakota limited liability company  
 By: VBC, Inc.  
 Its: Managing Member



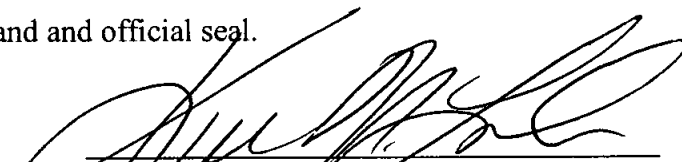
By: Michael Van Buskirk  
 Its: President

STATE OF SOUTH DAKOTA )  
                                       : SS  
 COUNTY OF Minnehaha

On this 22<sup>nd</sup> day of August, 2013, before me, the undersigned officer, personally appeared Michael Van Buskirk, who acknowledged himself to be the President of VBC, Inc., the Managing Member of JACKRABBIT HOLDINGS, LLC a South Dakota limited liability company, and that he as President of VBC, Inc., being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by himself as the President of its Managing Member.

In witness whereof I hereunto set my hand and official seal.

(SEAL)

  
 \_\_\_\_\_  
 Notary Public - South Dakota  
 My commission expires: Aug 21, 2019

**Exhibit A**

## LEGAL DESCRIPTION OF THE SHOPPING CENTER

Lot 2 Market Pointe Addition Replat 6; Lot 2 Market Point Addition Replat 4; Lot 1 Market Pointe Addition Replat 4; Lot 9 Market Pointe Addition Replat 1; Lot 10 Market Pointe Addition Replat 1; Lot 11 Market Pointe Addition Replat 1; Lot 12 Market Pointe Addition Replat 1; Lot 13 Market Pointe Addition Replat 1; Lot 1 Market Pointe Addition Replat 2; Lot 2 (ALLA) Market Point Addition; Lot 3 (ALLA) Market Pointe Addition; Outlot E Stockman's Hollow; and Outlot F Stockman's Hollow; all in a subdivision in Sarpy County, Nebraska

2013-27367 C

**Exhibit B**

**LEGAL DESCRIPTION OF THE JACKRABBIT PROEPRTY**

Lot 1, Market Pointe Addition Replat 6, a subdivision in Sarpy County, Nebraska,