



MISC 2011029199



APR 04 2011 08:29 P 3

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COMP: LM

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
04/04/2011 08:29:08.00



2011029199

SUBORDINATION AGREEMENT

This Agreement executed this 25th day of March, 2011, by **Kermit A. Brashear, Trustee of the Brashear 711 Trust**, a revocable nominee trust, whose address is 711 North 108th Court, Omaha, Nebraska 68154 ("Trustor"), **Amy Behnke**, whose address is 21407 Hampton Drive, Gretna, Nebraska 68028 ("Behnke") and **Herman Trust**, whose address is 1302 South 101st Street, Suite 201, Omaha, Nebraska 68124 ("Beneficiary").

WHEREAS, Behnke is the Trustee and Herman Trust is the Beneficiary under that certain Deed of Trust executed by Trustor, recorded on January 21, 2011 as Instrument No. 2011007545 in the Office of the Register of Deeds of Douglas County, Nebraska ("Herman Deed of Trust"), affecting the following-described real estate:

Lot 2, North Old Mill, an Addition to the City of Omaha, Douglas County, Nebraska

a/k/a 711 North 108th Court, Omaha, Nebraska 68154 and 10861 Mill Valley Road, Omaha, Nebraska 68154 ("Property")

AND WHEREAS, Kermit A. Brashear, Trustee of the Brashear 711 Trust, executed a Deed of Trust in favor of **Union Bank and Trust Company** as Trustee and Beneficiary dated March 25, 2011, securing, among other things, loans advanced in the original principal amount of \$720,000.00, which Deed of Trust was recorded on March 21, 2011, as Instrument No. 2011029089 in the Office of the Register of Deeds of Douglas County, Nebraska ("Union Deed of Trust") covering the above-referenced Property.

NOW THEREFORE, in consideration of the premises and of the sum of \$1.00 in hand paid, receipt of which is hereby acknowledged, and for other good and valuable consideration, Behnke, as Trustee, and Herman Trust, as Beneficiary, under the Herman Deed of Trust, do hereby subordinate and do hereby declare to be subordinate and junior the lien of the Herman Deed of Trust to and in favor of the Union Deed of Trust; this subordination shall remain in full force and effect as to all indebtedness now or hereafter secured by the Union Deed of Trust and any extensions, renewals, modifications or refinancings and substitutions of any such indebtedness.

Behnke and Herman Trust hereby waive any notice of the creation, existence, extension or renewal of any indebtedness secured by the Union Deed of Trust or of any modification of the

indebtedness secured by the Union Deed of Trust or of any other actions or matters of any nature whatsoever in connection with the Union Deed of Trust. In no event shall the consent of Behnke or the Herman Trust be required for any creation, extension, renewal or other modifications of the indebtedness secured by the Union Deed of Trust.

This Agreement shall be construed and enforced in accordance with the laws of the State of Nebraska.

This Agreement shall be binding upon Trustor, Behnke and Herman Trust and shall be for the benefit of Union Bank & Trust Company, as Trustee and Beneficiary, and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals all as of the day and year first above written.

Brashear 711 Trust, Trustor

By:


Kermit A. Brashear, Trustee

Amy Behnke, Trustee

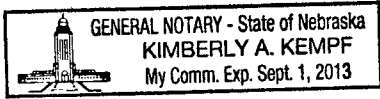
Herman Trust, Beneficiary

By:


As Trustee for Herman Trust

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) SS.

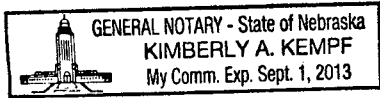
The foregoing instrument was acknowledged before me this ^{24th} 25th day of March, 2011, by Kermit A. Brashear, Trustee on behalf of the Brashear 711 Trust, Trustor, of behalf of the Trust.



Kimberly A. Kempf
Notary Public

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) SS.

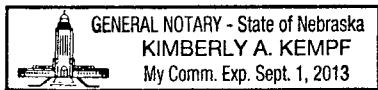
The foregoing instrument was acknowledged before me this ^{24th} 25th day of March, 2011, by Amy Behnke, Trustee on behalf of the Herman Trust, Beneficiary, under that certain Deed of Trust recorded on January 21, 2011 as Instrument No. 2011007545, on behalf of the Beneficiary.



Kimberly A. Kempf
Notary Public

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) SS.

The foregoing instrument was acknowledged before me this ^{24th} 25th day of March, 2011, by Richard M. Herman, Trustee for Herman Trust, as Beneficiary, on behalf of the Trust.



Kimberly A. Kempf
Notary Public