



BK 2238 PG 530-537



DEED 2003 04916

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RECEIVED  
 03 APR -4 PM 3:33  
 REGISTER OF DEEDS  
 DOUGLAS COUNTY, NE

UPON RECORDING RETURN TO:  
 RICHARD J. ROSENBLATT, ESQ.  
 KUTAK ROCK LLP  
 1650 FARNAM STREET  
 OMAHA, NE 68102-2186

*Deed*

*F*

*8/6*

FEE	4300	FB	
BKP		C/O	<i>Y</i> COMP
DEL		SCAN	<i>CR</i> FV

**GENERAL WARRANTY DEED**

**THE UNDERSIGNED** (collectively, "Grantors"), in consideration of \$10 and other good and valuable consideration received from **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware Statutory Trust ("Grantee"), convey to Grantee the following described real estate (as defined in Neb. Rev. Stat. § 76-201) in Douglas County, Nebraska:

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Grantors covenant with Grantee that Grantors:

- (a) are lawfully seized of such real estate and that it is free from encumbrances, subject only to the easements, restrictions, covenants and other encumbrances attached hereto as Exhibit B;
- (b) have legal power and lawful authority to convey the same; and
- (c) warrant and will defend the title to the real estate against the lawful claims of all persons.

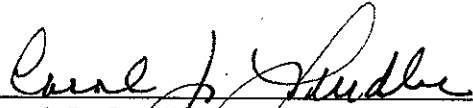
This General Warranty Deed may be executed by the Grantors in counterparts, all of which together shall constitute one and the same instrument.

Executed this 3 day of APRIL, 2003.

*12*

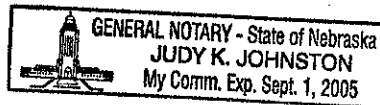
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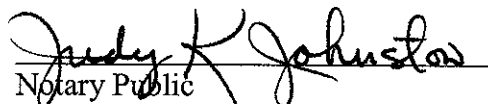
GRANTOR:

  
\_\_\_\_\_  
Carol J. Gendler, Co-Trustee of the H.  
Lee Gendler Family Trust


STATE OF Nebraska )  
                                  ) ss.  
COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 2<sup>ND</sup> day of  
April, 2003 by Carol J. Gendler, Co-Trustee of the H. Lee Gendler  
Family Trust, on behalf of the trust.



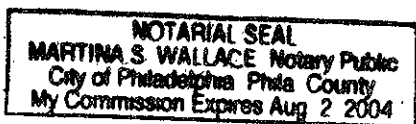
  
\_\_\_\_\_  
Notary Public

GRANTOR:

  
\_\_\_\_\_  
Steven H. Gendler, Co-Trustee of the  
H. Lee Gendler Family Trust

STATE OF Pennsylvania  
COUNTY OF Philadelphia ) ss.

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of  
MARCH, 2003 by Steven H. Gendler, Co-Trustee of the H. Lee Gendler  
Family Trust, on behalf of the trust.



  
\_\_\_\_\_  
Notary Public



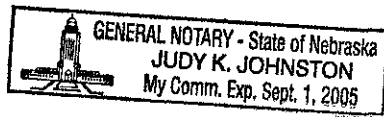
GRANTOR:

Carol J. Gendler

Carol J. Gendler, Trustee of the Carol J. Gendler Revocable Trust

STATE OF Nebraska )  
 ) ss.  
COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 2<sup>ND</sup> day of April, 2003 by Carol J. Gendler, Trustee of the Carol J. Gendler Revocable Trust, on behalf of the trust.



Judy K. Johnston  
Notary Public

GRANTOR:

*Irvin Gendler*

Irvin Gendler, Trustee of the Irvin Gendler Revocable Trust

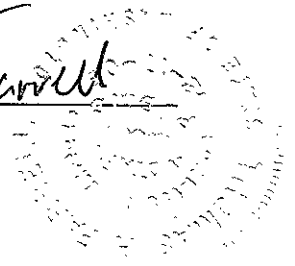
STATE OF WASHINGTON ) SS.

COUNTY OF KING )

The foregoing instrument was acknowledged before me this 13 day of MARCH, 2003 by Irvin Gendler, Trustee of the Irvin Gendler Revocable Trust, on behalf of the trust.

*Thomas P. Farrell*

Notary Public



**EXHIBIT A**

**LEGAL DESCRIPTION**

Lots 1 and 6, Starwood South Replat, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska

## EXHIBIT B

### TITLE EXCEPTIONS

1. Limitation of access contained in Warranty Deed Dated September 8, 1966, Recorded November 4, 1966 in Book 1303 at Page 81 of the Miscellaneous Records of Douglas County, Nebraska.
2. Limitations of access and control of advertising contained in Return of Appraisers Recorded December 1, 1966 in Book 444 at Page 309 of the Miscellaneous Records of Douglas County, Nebraska.
3. Easement granted to the State of Nebraska for control of advertising Dated August 18, 1966, Recorded October 14, 1988 in Book 442 at Page 567 of the Miscellaneous Records of Douglas County, Nebraska.
4. Metropolitan Utilities District Notice of Water Main Dated December 15, 1972, Recorded December 29, 1972 in Book 517 at Page 310 of the Miscellaneous Records, Douglas County, Nebraska, a connection charge of \$4.62 per foot will be made as to each of said lots or parcels of land whose owners apply for and receive service from such main.
5. Limitations of access contained in Trustee's Deed Dated December 29, 1980, Recorded March 5, 1981 in Book 1665 at Page 174 of the Deed of Records of Douglas County, Nebraska.
6. Terms and Conditions of Agreement with the State of Nebraska Dated December 2, 1980, Recorded March 5, 1981 in Book 647 at Page 544 of the Miscellaneous Records of Douglas County, Nebraska.
7. Plat and Dedication, Dated January 11, 1996, Recorded August 26, 1997 in Book 2069 at Page 108 of the Deed of Records of Douglas County, Nebraska.
8. Plat and Dedication, Dated January 11, 1996, Recorded August 26, 1997, Book 2069, Page 108, Deed Records, Douglas County, Nebraska.
9. Limitations of Access, Control of Advertising and Reservations Contained in Quit Claim Deed, Dated February 16, 1996, Recorded February 29, 1996, Book 2026, Page 209, Deed of Records, Douglas County, Nebraska.
10. Terms and Conditions of Declarations of Ingress/Egress Easements, Dated July 21, 1997, Recorded August 26, 1997, Book 1220, Page 448, Miscellaneous Records, Douglas County, Nebraska. (Lots 12, 13 and OutLot 1)

11. Terms and Provisions of the Declaration of Ingress/Egress Easements, Dated May 27, 1998, Recorded June 2, 1998, Book 1250, Page 20, Miscellaneous Records, Douglas County, Nebraska. (Lots 12 and 13)
12. Affidavit, Dated May 6, 2002, Recorded May 21, 2002, Book 1441, Page 72, Miscellaneous Records, Douglas County, Nebraska, re-recording Declaration of Ingress/Egress Easement at Book 1250, Page 20, to Include the Exhibit.
13. Easement and Right-of Way granted to Metropolitan Utilities District of Omaha of Omaha over the Southeasterly 15' of Lots 12 and 13, Dated June 2, 1997, Recorded September 17, 1997, Book 1222, page 437, Miscellaneous Records, Douglas County, Nebraska.
14. Real Estate Use Restriction Agreement, Dated June 1, 1998, Recorded June 29, 1998, Book 1253, Page 292, Miscellaneous Records, Douglas County, Nebraska, Between the Owners of Lot 13 and the Owners of Lots 1, 3, 4, 5 and 12, for the use or occupancy of the restricted property for any Restaurant for the benefit of Lot 13, as amended by that certain Amendment to Real Estate Use Restriction Agreement dated on or about the date hereof and to be filed on or about the date hereof.