

FILED FOR RECORD 7-31-79 AT 3:30 P.M. IN BOOK 52 OF Misc Recs.  
PAGE 525 Carl L. Hillebrand REGISTER OF DEEDS, SARPY COUNTY, NEB. 1925

ASSIGNMENT OF LEASE

THIS AGREEMENT made as of this 1st day of January, 1979 by and between ALAN BAER, J. D. DIESING, LESTER K. MARCUS and ALLAN JAY GARFINKLE, as Trustees of the E. John Brandeis Trust, (the "Assignors") and ALAN BAER (the "Assignee").

WITNESSETH:

For and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, the Assignors do hereby sell, assign, transfer and set over to the Assignee all their right, title and interest in and to the leasehold estate created by the lease dated June 29, 1965 between Woodmen of the World Life Insurance Society, a Nebraska corporation, and Alan Baer and J. D. Diesing as Trustees of the E. John Brandeis Trust, which lease is made a part hereof, (the "Lease"), the Short Form of the Lease being filed on June 30, 1965 and recorded in the office of the Register of Deeds of Sarpy County, Nebraska, in Book 35 Miscellaneous records at Page 367.

TO HAVE AND TO HOLD the leasehold estate created by the Lease, and the buildings and improvements thereon, to the Assignee, his heirs, successors and assigns forever, and the Assignors do hereby covenant with the Assignee, his heirs, successors and assigns, the Assignors are the true and lawful owners of the leasehold estate created by the Lease, and have good right and title to bargain, sell, assign and transfer the same in manner and form above written; that the Lease and leasehold estate are free and clear of encumbrances, taxes and liens, except the unpaid balance as of this date of the indebtedness secured by the real estate mortgage dated September 1, 1965 between Alan Baer and J. D. Diesing, as Trustees of the E. John Brandeis Trust, and Woodmen of the World Life Insurance Society and recorded in the office of the Register of Deeds of Sarpy County, Nebraska, in Book 158 Miscellaneous records at Page 269, covering the leasehold estate and except the rights and interests of all tenants now in possession of the premises or any part of the premises.

The current real estate taxes, the interest of any indebtedness secured by the above-described mortgage and all rentals payable to the lessor under the Lease creating the leasehold estate and all rentals payable by tenants then in possession shall be prorated as of the date of this Assignment.

*Rec'd*  
06983

The Assignors hereby warrant and represent that, as of the date of this Assignment, the Lease is unmodified and remains in full force and effect with no default in any covenant or condition therein contained.

In consideration of this Assignment, the Assignee does for himself, his heirs, successors and assigns, hereby formally accept the assignment and transfer of the Lease and leasehold estate and expressly agrees to assume all rights, liabilities and duties of the Assignors in the leasehold estate which is assigned by this instrument.

This Assignment supercedes the Assignment of Lease dated December 31, 1974 between Alan Baer, J. D. Diesing, Lester K. Marcus, and Harry B. Cchen, as Trustees of the E. John Brandeis Trust, recorded August 27, 1975 in Book 48 at Page 465 of Miscellaneous records of the office of the Register of Deeds of Sarpy County, Nebraska, the terms and conditions of which Assignment of Lease shall be null and void from and after execution of this Assignment.

IN WITNESS WHEREOF, the said Assignors and Assignee have executed this instrument on this 26<sup>th</sup> day of July, 1979.

ASSIGNORS:

THE E. JOHN BRANDEIS TRUST

Alan Baer  
Alan Baer, Trustee

J. D. Diesing  
J. D. Diesing, Trustee

Lester K. Marcus  
Lester K. Marcus, Trustee

Allan Jay Garfinkle  
Allan Jay Garfinkle, Trustee

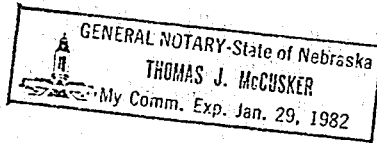
ASSIGNEE:

Alan Baer  
Alan Baer

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 26<sup>th</sup> day of July, 1979, before me, a Notary Public in and for said County, personally came the above named Alan Baer, who is personally known to me to be the identical person whose name is affixed to the above instrument as Trustee of the E. John Brandeis Trust, and he acknowledged said instrument to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.

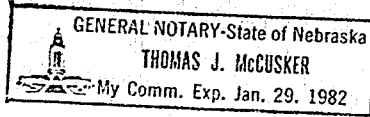


Thomas J. McCusker  
Notary Public

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 26<sup>th</sup> day of July, 1979, before me, a Notary Public in and for said County, personally came the above named J. D. Diesing, who is personally known to me to be the identical person whose name is affixed to the above instrument as Trustee of the E. John Brandeis Trust, and he acknowledged said instrument to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.

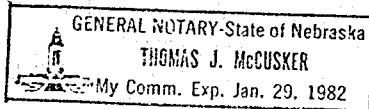


Thomas J. McCusker  
Notary Public

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 26<sup>th</sup> day of July, 1979, before me, a Notary Public in and for said County, personally came the above named Lester K. Marcus, who is personally known to me to be the identical person whose name is affixed to the above instrument as Trustee of the E. John Brandeis Trust, and he acknowledged said instrument to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.

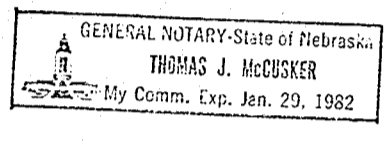


Thomas J. McCusker  
Notary Public

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 26<sup>th</sup> day of July, 1979, before me, a Notary Public in and for said County, personally came the above named Allan Jay Garfinkle, who is personally known to me to be the identical person whose name is affixed to the above instrument as Trustee of the E. John Brandeis Trust, and he acknowledged said instrument to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.

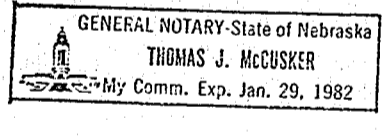


Thomas J. McCusker  
Notary Public

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 26<sup>th</sup> day of July, 1979, before me, a Notary Public in and for said County, personally came the above named Alan Baer, who is personally known to me to be the identical person whose name is affixed to the above instrument as Assignee, and he acknowledged said instrument to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.



Thomas J. McCusker  
Notary Public

## EXHIBIT "A"

A tract of land lying wholly within the Southwest Quarter (SW1/4) of Section 14, Township 14 North Range 13 East of the 6th Principal Meridian, Sarpy County, Nebraska, containing the following parcels of land: All of Lots 2C1A, 2C1B, 2C2, 3, 4A2, 4A2B, 4C, 5A, 5A2, 5C, 6A1A1, 6A1A2, 6A1A3, 6B, 7A1, 7B, 8A, 8A1, 8A2, 8A3, 8C, and 8D, of Clinton's Subdivision in said Section 14, all of Tax Lots F2B1B1, F2B1B2 and G4 in said Section 14, all of Lots 7 and 10, part of Lots 11 and 12 of Lawndale Subdivision in said Section 14, all of Lots 1 and 2 and part of Lots 3, 6 and 7 of Jull's Subdivision in said Section 14, also portions of vacated Prairie Avenue. Said tract of land is more particularly described as follows:

Beginning at the point of intersection of the northerly right of way line of Child's Road and the southwesterly right of way line of Prairie Avenue; thence S 90°00'00"W (Assumed) along the northerly right of way line of Child's Road a distance of 1099.18 feet to a point on the easterly right of way line of State Highway No. 73 and 75; thence N 15°18'00"W along the easterly right of way of State Highway No. 73 and 75 a distance of 488.69 feet to a point; thence in a northwesterly direction along the right of way line of State Highway 73 and 75 and said right of way line being on a curve to the left, and said curve having a radius of 2,914.9 feet, a distance of 452.92 feet to a point on the southerly right of way line of Brewster Road; thence N 73°25'50"E along the southerly right of way line of Brewster Road a distance of 654.09 feet to a point; thence N 69°00'48"E continuing along the southerly right of way line of Brewster Road a distance of 354.84 feet to a point on the westerly right of way line of vacated Prairie Avenue; thence N 76°10'04"E a distance of 20.62 feet to a point on the centerline of vacated Prairie Avenue; thence S 00°15'54"W along the centerline of vacated Prairie Avenue a distance of 134.97 feet to a point; thence S 89°44'06"E a distance of 20.00 feet to a point on the easterly right of way line of vacated Prairie Avenue; thence S 33°33'21"E a distance of 185.13 feet to a point; thence S 00°15'39"W a distance of 75.56 feet to a point; thence N 87°18'39"E a distance of 82.60 feet to a point; thence S 00°15'39"W a distance of 71.70 feet to a point; thence N 89°42'21"W a distance of 37.66 feet to the northeast corner of Lot 7 of Lawndale Subdivision; thence S 00°16'07"W along the easterly line of Lots 7 and 10 and the easterly line of Lots 7 and 10 extended south a distance of 610.98 feet to a point on the southerly line of Lot 12 of Lawndale Subdivision; thence N 89°45'09"W a distance of 29.54 feet to the southwest corner of Lot 12 of Lawndale Subdivision; thence S 55°04'07"W a distance of 15.00 feet to a point on the centerline of vacated Prairie Avenue; thence S 34°55'53"E along the centerline of vacated Prairie Avenue a distance of 349.00 feet to a point; thence S 10°19'33"E a distance of 36.03 feet to the point of beginning. The above said tract of land contains 27.06 acres more or less.