



DEED 2010067050



JUL 29 2010 11:21 P 2

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| 7-29-10 |
| Date |
| \$ 3712 ⁵⁰ |
| By MH |

2/1 Deed

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| FEE | 10.52FB | 73-14162 |
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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
7/29/2010 11:21:22.32



2010067050

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TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS:

That a Deed of Trust was made and entered into on or about September 5, 2007, by and between 144-Maple, L.L.C., an Iowa limited liability company, as Trustor, and TierOne Bank, Beneficiary, wherein TierOne Bank was named Trustee. This Deed of Trust was recorded on September 7, 2007 as Instrument No. 2007102879, in the Office of the Register of Deeds of Douglas County, Nebraska. On June 4, 2010, Great Western Bank succeeded to all right, title and beneficial interest in and to the Deed of Trust pursuant to acquisition of assets from the FDIC as Receiver of TierOne Bank, which was closed by the Office of Thrift Supervision on June 4, 2010.

Great Western Bank, a bank chartered under the laws of the State of South Dakota, was appointed Successor Trustee pursuant to a Substitution of Trustee recorded on July 6, 2010 as Instrument No. 2010059042 in the Office of the Register of Deeds of Douglas County, Nebraska.

Hereinafter the Successor Trustee, Great Western Bank, will be referred to as GRANTOR.

The GRANTOR in consideration of **One Million Six Hundred Fifty Thousand and no/100 Dollars (\$1,650,000.00)** and other valuable consideration received from **ACORN, LLC**, a Nebraska limited liability company, hereinafter GRANTEE, does hereby grant, bargain, sell, convey and confirm unto GRANTEE the following described real property in Douglas County, Nebraska:

Lot 5, Grayhawk, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

To have and to hold the above-described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the GRANTEE, and to the GRANTEE'S successors and assigns forever.

GRANTOR does hereby covenant with the GRANTEE and with the GRANTEE'S successors and assigns:

(1) That 144-Maple, LLC, a Nebraska limited liability company, as Trustor, failed to pay the Beneficiary payments which were contractually due, and TierOne Bank, Trustee, at the request of the Beneficiary, elected to declare the entire unpaid principal balance, together with interest thereon, at once immediately due and payable.

(2) That a Notice of Default was recorded by TierOne Bank, Trustee, on March 24, 2010, as Instrument No. 2010024837 in the records of the Register of Deeds, Douglas County, Nebraska. Within ten (10) days thereafter, a copy of the recorded Notice of Default was mailed by certified mail, postage prepaid, to all parties entitled to notice, pursuant to said Deed of Trust and in compliance with Neb. Rev. Stat. § 76-1008 (Reissue 2003).

(3) That Trustor, 144-Maple, LLC, a Nebraska limited liability company, failed to cure the default referenced in the Notice of Default within 30 days after the recording of the Notice of Default.

(4) That a Notice of Trustee's Sale was executed by TierOne Bank, Trustee. At least twenty (20) days prior to the scheduled date of sale, a copy of the Notice of time and place of the scheduled Trustee's Sale was mailed by certified mail, postage prepaid, to all parties entitled to notice, pursuant to said Deed of Trust and in compliance with Neb. Rev. Stat. § 76-1008 (Reissue 2003).

*Acorn LLC
4969 W. Street
Omaha, NE 68117*

(5) TierOne Bank, Trustee, published the Notice of Trustee's Sale, scheduled to be held on June 30, 2010 at 10:00 A.M., at the Roskens Room (Room F02) located in the northeast corner of the Farnam level North entrance of the Douglas County Courthouse, Omaha-Douglas Civic Center, 1819 Farnam Street, in the City of Omaha, Douglas County, Nebraska, which notice was published in Daily Record of Omaha, Nebraska, once a week for five (5) consecutive weeks, commencing on May 21, 2010, and ending June 18, 2010. The last publication of Notice was at least ten (10) days prior to the scheduled Trustee's Sale, scheduled to be held on June 30, 2010, and said sale was scheduled to be held not later than thirty (30) days after the last publication of Notice.

(6) GRANTOR conducted the Trustee's Sale of the real property at public auction on July 13, 2010 at or about 10:00 A.M., at the Roskens Room (Room F02) located in the northeast corner of the Farnam level North entrance of the Douglas County Courthouse, Omaha-Douglas Civic Center, 1819 Farnam Street, in the City of Omaha, Douglas County, Nebraska, after having first postponed the Trustee's Sale from the original date and time in accordance with the Nebraska Trust Deeds Act. GRANTOR accepted the bid of **ACORN, LLC, a Nebraska limited liability company**, in the sum of **One Million Six Hundred Fifty Thousand and no/100 Dollars (\$1,650,000.00)** as the highest bid upon said real property. GRANTOR has complied with the requirements of Neb. Rev. Stat. §§ 76-1001 through 76-1018 (Reissue 2003), in the exercise of the sale of the real property described herein at the Trustee's Sale held on July 13, 2010.

This Deed shall operate to convey to the GRANTEE, the GRANTOR'S title and all right, title, interest and claim of the Trustor, and its successors in interest and of all persons claiming by, through or under it, in and to the above-described real property, including all such right, title, interest and claim in and to such property acquired by the Trustor or its successors in interest subsequent to the execution of the Deed of Trust.

This Deed is subject to all easements, restrictions or covenants of record which GRANTOR is not entitled to convey pursuant to Neb. Rev. Stat. § 76-1010(2) (Reissue 2003).

DATED this 14~~th~~ day of July, 2010.

Great Western Bank, a bank chartered under the laws of the State of South Dakota, Successor Trustee.

By: Lloyd Sohl
Lloyd Sohl, Its Senior Vice President

STATE OF NEBRASKA]
] ss.
COUNTY OF LANCASTER]

On this 14 day of July, 2010, before me the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Lloyd Sohl, Senior Vice President of Great Western Bank, a bank chartered under the laws of the State of South Dakota, Successor Trustee, and personally known to me to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be the voluntary act and deed of such person and said organization.

WITNESS my hand and notarial seal the date last aforesaid.

Sarah Kantor
Notary Public

RETURN TO:
Tom Ost diek
Walentine, O'Toole, McQuillan & Gordon.
11240 Davenport Street
P.O. Box 540125
Omaha, NE 68154

