



DEED 2012060882



JUN 25 2012 08:04 P 4

|                       |
|-----------------------|
| Legacy LLC            |
| Stamp fax             |
| 6-25-12               |
| Date                  |
| \$ 7650.00            |
| By <i>[Signature]</i> |

*Deed #1*

|     |       |      |          |
|-----|-------|------|----------|
| FEE | 20.50 | FB   | MI-22275 |
| RKP |       | C/O  | COMP 82  |
| DFL |       | SCAN | FY       |

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
6/25/2012 08:04:27.77



2012060882

### SPECIAL WARRANTY DEED

Legacy Upstream, L.L.C., an Iowa limited liability company ("Grantor"), in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell, convey and demise unto 17070 Wright Plaza, LLC, a Nebraska limited liability company ("Grantee") all of Grantor's right, title and interest in and to the following described real estate (as defined in Neb. Rev. Stat. § 76-201), together with all improvements thereupon, if any, in Douglas County, Nebraska (the "Property"):

Lot 1, Legacy Replat 5, an Addition to the City of Omaha, Douglas County, Nebraska.

SUBJECT, however, to those matters set forth on Exhibit "A" attached hereto and incorporated herein by this reference (collectively, the "Permitted Exceptions").

Grantor hereby covenants with Grantee that Grantor:

1. is lawfully seised of the interest in the Property and that the Property is free and clear of all liens and encumbrances, but subject to the Permitted Exceptions;
2. has legal power and lawful authority to sell and convey Grantor's interest in the Property; and
3. warrants and will defend the title to the Property conveyed hereunder against the lawful claims of all persons claiming the same or any part thereof, through, by or under Grantor.

**[The remainder of this page is intentionally left blank. Signature page follows.]**

WHEN RECORDED, PLEASE  
RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

645309.3

63784 (4) NLTA

202219

Executed this 20<sup>th</sup> day of June, 2012.

LEGACY UPSTREAM, L.L.C.,  
an Iowa limited liability company

By: \_\_\_\_\_

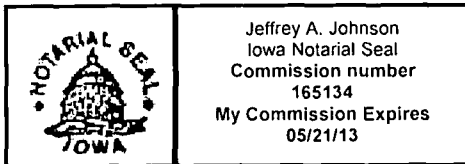
Name: Jerry Johnson

Title: Manager

STATE OF IOWA )  
COUNTY OF WOODBURY ) SS.

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2012, by Jerry Johnson, the Manager of Legacy Upstream, L.L.C., an Iowa limited liability company, on behalf of the company.

[NOTARY SEAL]



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

EXHIBIT "A"

PERMITTED EXCEPTIONS

1. Matters created by, through or under Grantee.
2. Real estate taxes not yet delinquent.
3. Plat and Dedication filed October 29, 2001 in Book 2194 at Page 674; Plat Survey shows *permanent utility and reciprocal ingress and egress and also shows direct vehicular access to West Center Road, not allowed and direct vehicular access to Oak Drive is restricted* AND  
grants perpetual easement to Omaha Public Power District, and any company which has been granted a franchise to provide cable television system and U.S. West Communications, their successors and assigns to erect operate, maintain, repair and renew utility facilities on, over, through, under and across portions of subject property.  
AND  
grants a perpetual easement to Metropolitan Utilities District of Omaha, their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines and related appurtenances, on, through, under and across a portion of subject property.
4. Terms and Provisions of Return of Appraisers filed July 22, 1958 in Book 333 at Page 101; contains easement granted to Department of Roads of the State of Nebraska, for right of way purposes for widening and reconstructing and limitation of ingress and egress to highway.
5. Terms and Provisions of Notice of Corridor Designation Protection filed June 25, 1986 in Book 779 at Page 34; regarding conditions and restrictions for property abutting Highway and adjoining roads. (Corridor Protection Plan No. F-275-7(149))
6. Terms and Provisions of Easements, Covenants and Restrictions Agreement filed October 21, 2003 at Instrument No. 2003203741.
7. Administrative Subdivision, filed December 23, 2003 at Instrument No. 2003245800, resulting in the current legal description and bearing City of Omaha Planning Directors Approval. Plat Survey shows permanent utility and reciprocal ingress egress easement granted to the lot owners of Lots 1 and thru 7, Legacy, inclusive invitees their guests and invitees.
8. Disclaimer and Release filed March 9, 2004 at Instrument No. 2004030497 by Omaha Public Power District regarding common lot line easement granted in the Plat and Dedication of Legacy in Book 2194 at Page 674.
9. Disclaimer and Release filed March 9, 2004 at Instrument No. 2004030498 by Cox Communications, Inc., regarding common lot line easement granted in the Plat and Dedication of Legacy in Book 2194 at Page 674.
10. Partial Release of Easement filed March 9, 2004 at Instrument No. 2004030499 by QWest Corporation, a Colorado Corporation regarding common lot line easement granted in Plat and Dedication.

11. Terms and Provisions of Declaration of Easements, Covenants, Conditions and Restrictions, filed April 26, 2005 at Instrument No. 2005047001, including a Legacy Owners Association with possible dues and assessments.
12. Terms and Provisions of First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions, filed September 9, 2005 at Instrument No. 2005112708.
13. Deed of Easement, filed December 26, 2006 at Instrument No. 2006147092, regarding a non-exclusive, perpetual easement for the purpose of construction, accessing, maintaining, repairing and replacing a signage monument and landscaping and electrical utilities.
14. Terms and Provisions of Second Amendment to Declaration of Easements, Covenants, Conditions and Restrictions, filed December 28, 2006 at Instrument No. 2006147307.
15. Terms and Provisions of Unrecorded Shopping Center Lease between Legacy Development, LLC, (landlord) and Upstream Brewing Company West, LLC, (tenant), dated December 17, 2002 and any amendments thereto.
16. Terms and Provisions of Unrecorded Parking Plan Agreement and Memorandum of Understanding by and between Legacy Upstream, L.L.C., an Iowa limited liability company, Legacy Development, L.L.C., an Iowa limited liability company, Continental 159 Fund, LLC and Upstream Brewing Company West, LLC, a Nebraska limited liability company, set out in Paragraph 3.2 of Purchase Agreement dated September 14, 2011.
17. Lawsuit in the District Court of Douglas County, Nebraska, Doc. 1107, No. 224, (Justice Case ID CI 10-9389039), entitled: Legacy Upstream, L.L.C., an Iowa limited liability company, Plaintiff(s) vs. Brian K. Magee, Sr., Joseph E. Klosner and Gary M. Hoffman, Defendant(s). Petition entered May 13, 2010. PENDING.
18. Lawsuit in the District Court of Douglas County, Nebraska, Doc. CI 11, No. 4113, entitled: Upstream Brewing Company West, LLC, Plaintiff(s) vs. Legacy Development, LLC and Legacy Upstream, LLC, Defendant(s). Petition entered July 14, 2011. Order to Dismiss, entered January 17, 2012, wherein this action stands dismissed without prejudice.
19. Terms and Provisions of Third Amendment to Declaration of Easements, Covenants, Conditions and Restrictions, filed February 24, 2012 at Instrument No. 2012019925, including provisions for Common Area Fees and Expenses.
20. Terms and Provisions of Temporary Construction Easement filed February 24, 2012 at Instrument No. 2012017928.