



DEED 2008009493



JAN 31 2008 11:19 P 10

Nebr Doc
Stamp Tax

1-31-08
Date

\$13,594.50

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deed
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1-14-12 9-60000
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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE

1/31/2008 11:19:51.01



2008009493

SPECIAL WARRANTY DEED

KNOW ALL MEN by these presents that Wells Dairy, Inc., an Iowa corporation, GRANTOR, in consideration of One Dollar and other valuable consideration received from GRANTEE, conveys to GRANTEE, GILSA PRODUCTS AND SERVICES, CO., a Delaware corporation, the following described real estate (the "Property") (as defined in Neb. Rev. Stat. 76-201) located in Douglas County, Nebraska:

See Exhibit "A" attached hereto and incorporated herein as though fully set forth.

GRANTOR covenants with GRANTEE that GRANTOR:

1. Is lawfully seized of such Property, subject to the following permitted encumbrances (the "Permitted Encumbrances"): See Exhibit "B" attached hereto and incorporated herein as though fully set forth;
2. Has legal power and lawful authority to convey the Property; and
3. Warrants and will defend title to the Property against the lawful claims of all persons other than the Permitted Encumbrances, claiming the same or any part thereof by, through or under Grantor.

Executed this 23 day of January, 2008.

Wells Dairy, Inc., an Iowa corporation

By: Mark A. Gauth
Its: SVP & CFO

Prepared by:

Patrick R. McGill
1601 Dodge Street, Suite 3700
Omaha, NE 68102
(402) 341-3070

After recording return to:

Law Offices of George I. Nagler
468 N. Camden Drive, #200
Beverly Hills, CA 90210
(310) 278-7584

STATE OF Iowa

COUNTY OF Plymouth

Before me, this 23rd day of January, 2008, personally appeared Mark Garth, the SVP + CFO of Wells Dairy, Inc., an Iowa corporation, and acknowledged the execution of the foregoing instrument on behalf of the corporation.

Robin Venaas

Notary Public

Robin Venaas (Type Name)

My commission expires: 6-28-09



EXHIBIT "A"

Legal Description

The Property is situated in the State of Nebraska, County of Douglas and is described as follows:

Parcel 1:

Part of the Northwest Quarter of Section 1, Township 14 North, Range 12 East of the 6th P.M., in the City of Omaha, Douglas County, Nebraska, more particularly described as follows:

Beginning at a point which is South 1,337.50 feet, and South 89°54' East, 616.00 feet from the Northwest corner of said Section 1; thence continuing South 89°54' East, 115.00 feet; thence South 00°05' East, 339.45 feet; thence North 88°56' West, 115.00 feet; thence North 00°05' West, 337.60 feet, to the point of beginning. (The West line of the Northwest Quarter of Section 1 is assumed North-South in direction).

Parcel 2:

That part of the Northwest Quarter of Section 1, Township 14 North, Range 12 East of the 6th P.M., in the City of Omaha, Douglas County, Nebraska, more particularly described as follows:

Beginning at a point 1306.5 feet South of and 42 feet East of the Northwest corner of said Section 1, on the East R.O.W. line of 72nd Street; thence South 89°54'56" East for a distance of 574.00 feet to a point; thence South 0°05'00" East for a distance of 368.60 feet to a point on the North R.O.W. line of "J" Street; thence North 88°55'35" West along said North R.O.W. line of "J" Street for a distance of 557.41 feet to a point; thence North 48°12'58" West along said North R.O.W. line of "J" Street a distance of 22.79 feet to a point on the East R.O.W. line of 72nd Street; thence due North along the East R.O.W. line of 72nd Street for a distance of 343.57 feet to the point of beginning. For this description, the West line of Section 1 is assumed due North.

EXHIBIT "B"

Permitted Encumbrances

1. Statutory liens for current taxes or assessments not yet due or delinquent or the validity of which is being contested in good faith by appropriate proceedings.
2. Terms and provisions of reservation of mineral rights, exceptions, reservations, covenants and conditions, contained in Warranty Deed filed November 28, 1955 in Book 983 at Page 457, Official Records, Douglas County, Nebraska.

Notice of Claim to Mineral Interest, filed October 20, 1969 in Book 482 at Page 109, Official Records, Douglas County, Nebraska.

Notice of Claim to Mineral Interest, filed August 27, 1992 in Book 1028 at Page 365, Official Records, Douglas County, Nebraska.
3. Terms and provisions of reservation of mineral rights, exceptions, reservations, covenants and conditions, contained in Warranty Deed filed August 5, 1957 in Book 1021 at Page 567, Official Records, Douglas County, Nebraska.

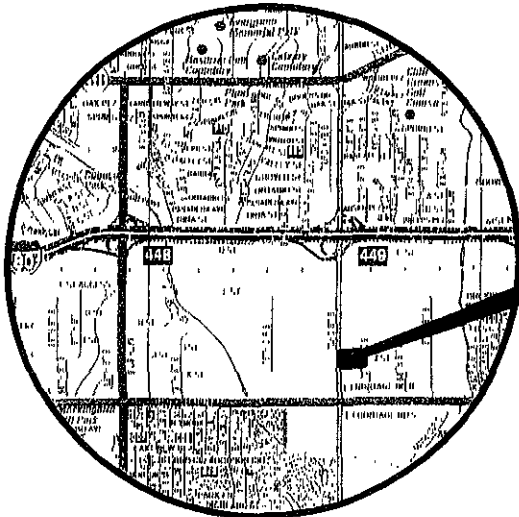
Notice of Claim to Mineral Interest, filed October 20, 1969 in Book 482 at Page 113, Official Records, Douglas County, Nebraska.

Notice of Claim to Mineral Interest, filed August 27, 1992 in Book 1028 at Page 365, Official Records, Douglas County, Nebraska.
4. Terms and provisions of Easement granted to Omaha Public Power District and Northwestern Bell Telephone Company, filed April 17, 1973 in Book 521 at Page 261, Official Records, Douglas County, Nebraska.
5. Terms and provisions of Right of Way Easement granted to Omaha Public Power District, filed May 20, 1983 in Book 689 at Page 564, Official Records, Douglas County, Nebraska.
6. Metropolitan Utilities District Notice, filed February 11, 1959 in Book 339 at Page 59, Miscellaneous Records, Douglas County, Nebraska. Regarding installation of gas main.
7. Any items shown on that certain ATLA/ACSM Land Survey of the Property dated December 27, 2007 and certified by Chris E. Dorner, Nebraska R.L.S. 477, attached hereto as Exhibit "C" and incorporated herein.

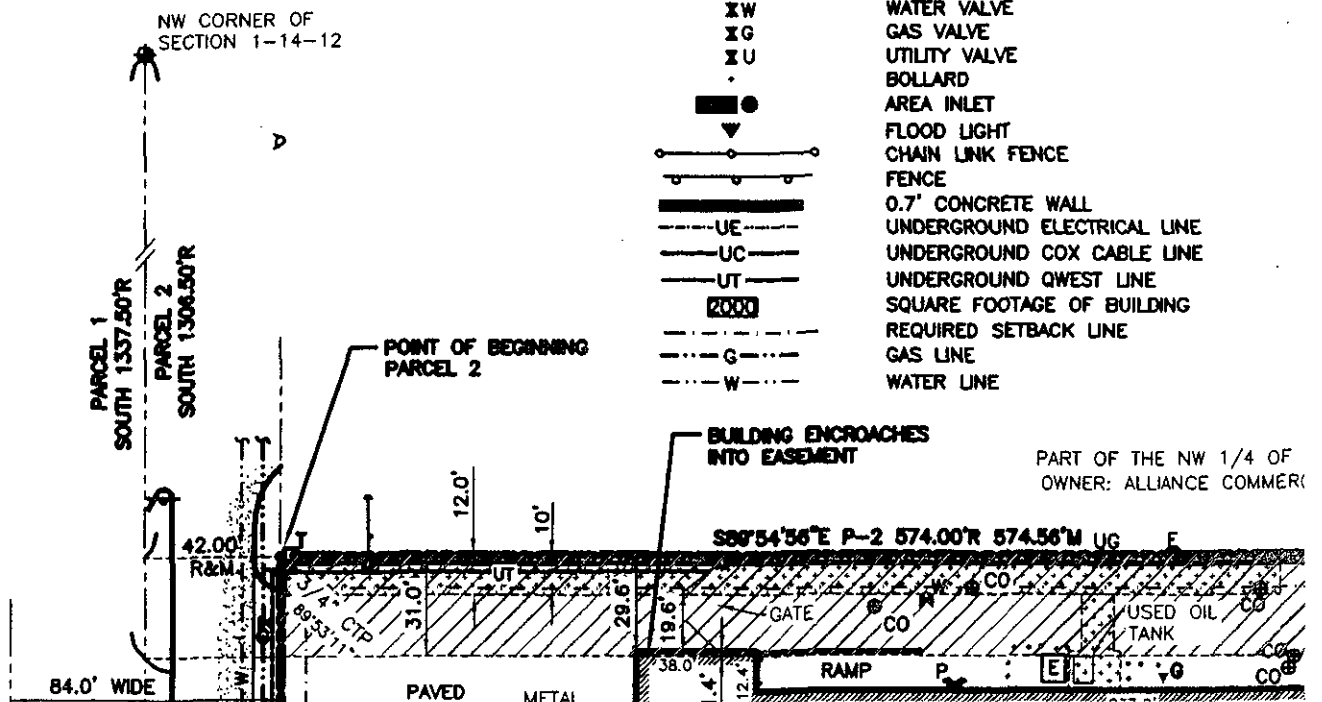
EXHIBIT "C"

LEGEND

•	CORNERS FOUND
○	CORNERS SET (5/8" REBAR W/CAP #507)
R	RECORDED DISTANCE
M	MEASURED DISTANCE
P-1	RECORDED BEARING PARCEL 1 LEGAL DES
P-2	RECORDED BEARING PARCEL 2 LEGAL DES
CTP	CRIMPED TOP PIPE
⊙	POWER POLE
⊙UG	POWER POLE WITH UNDERGROUND DROP
⊙	LIGHT POLE
—	GUY WIRE
□E	ELECTRICAL PEDESTAL
□T	TELEPHONE PEDESTAL
□C	CABLE TV PEDESTAL
▽G	GAS METER
—	SIGN
□M	MAILBOX
□A	AIR CONDITIONING UNIT
□U	UTILITY VAULT
⊙	HANDICAPPED PARKING SPACE
⊙	SEWER MANHOLE
⊙CO	CLEAN OUT
⊙U	UTILITY MANHOLE
⊙W	WATER MANHOLE
⊙	FIRE HYDRANT
⊙P	POST INDICATOR VALVE
⊙W	WATER VALVE
⊙G	GAS VALVE
⊙U	UTILITY VALVE
•	BOLLARD
●	AREA INLET
▽	FLOOD LIGHT
—	CHAIN LINK FENCE
—	FENCE
—	0.7' CONCRETE WALL
—UE	UNDERGROUND ELECTRICAL LINE
—UC	UNDERGROUND COX CABLE LINE
—UT	UNDERGROUND QWEST LINE
2000	SQUARE FOOTAGE OF BUILDING
---	REQUIRED SETBACK LINE
---	GAS LINE
---	WATER LINE



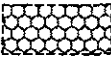



VICINITY MAP

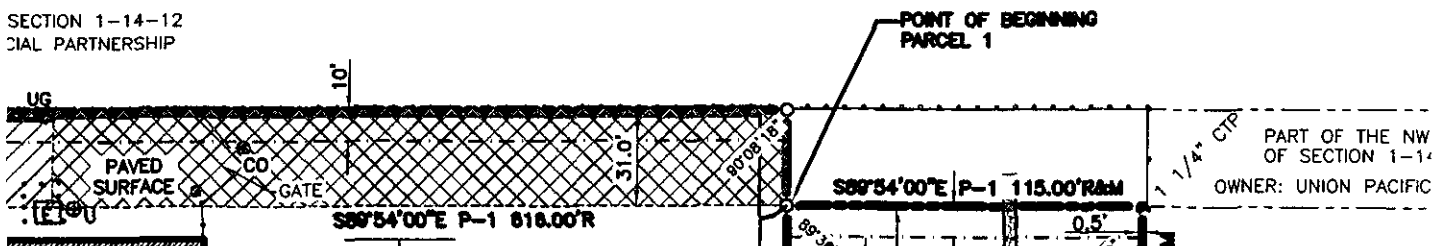


NOTES

1. PHYSICAL ITEMS DESCRIBED IN THE LEGEND ARE NOT DRAWN TO SCALE FOR THE SAKE OF CLARITY AND ARE SUBJECT TO SUBSEQUENT INACCURACIES.
2. THE SURVEYED PROPERTY LIES WITHIN A DESIGNATED ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOODPLAIN) PER THE DOUGLAS COUNTY, NEBRASKA AND INCORPORATED AREAS FLOOD INSURANCE RATE MAP, MAP NUMBER 31055C0334H DATED DECEMBER 2, 2005.
3. PARCEL 1 CONTAINS 209,240 SQUARE FEET OR 4.80 ACRES AND PARCEL 2 CONTAINS 38,929 SQUARE FEET OR 0.89 ACRES.
4. THE SURVEYED PROPERTY IS ZONED GI (GENERAL INDUSTRIAL) PER THE DOUGLAS COUNTY ASSESSOR'S WEBSITE (<http://www.dcasessor.org/valsearch.html>). THIS ZONING HAS THE FOLLOWING MINIMUM SITE DEVELOPMENT REGULATIONS:
 SETBACK..... 50 FEET FROM CENTERLINE OF STREET
 SIDEYARD..... NO REQUIREMENT
 STREET SIDEYARD... THE LESSER OF 10 FEET OR 50 FEET FROM CENTERLINE OF STREET
 REARYARD..... 10 FEET
 PARKING REQUIREMENTS FOR THE SURVEYED PROPERTY ARE (1 SPACE PER 1,000 SQUARE FEET) PER TABLE 55- (OFF STREET PARKING REQUIREMENTS) LISTED UNDER SCHEDULE A. 3 HANDICAPPED PARKING SPACES PER 51 TO STANDARD PARKING SPACES PER TABLE 55-738.
5. THE BUILDINGS LOCATED ON THE SURVEYED PROPERTY CONTAIN 76,954 SQUARE FEET. THESE AREA'S WERE CALCULATED EXTERIOR BUILDING DIMENSIONS MEASURED AT GROUND LEVEL.
6. PARCEL 1 CONTAINS 10 STANDARD PARKING SPACES
 PARCEL 2 CONTAINS 76 STANDARD PARKING SPACES AND 4 HANDICAPPED PARKING SPACES.
7. THE DRAWING SHOWS OR NOTES THE EASEMENTS LISTED UNDER SCHEDULE B-SECTION 2 OF FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NUMBER NCS-308909-OMHA, EFFECTIVE DATE 07/18/2007 AT 8:00 A.M.

- ITEM 10
 THE SURVEYED PROPERTY IS SUBJECT TO THE TERMS AND PROVISIONS OF RESERVATION OF MINERAL RIGHTS, EXCEPTIONS, RESERVATIONS, COVENANTS AND CONDITIONS RECORDED IN BOOK 983 AT PAGE 457, AND NOTICE OF CLAIM TO MINERAL INTEREST RECORDED IN BOOK 482 AT PAGE 109 BOTH OF THE DOUGLAS COUNTY RECORDS.
- ITEM 11
 THE SURVEYED PROPERTY IS SUBJECT TO NOTICE OF CLAIM TO MINERAL INTEREST RECORDED IN BOOK 1028 AT PAGE 365 AND TO THE TERMS AND PROVISIONS OF RESERVATION OF MINERAL RIGHTS, EXCEPTIONS, RESERVATIONS, COVENANTS AND CONDITIONS RECORDED IN BOOK 1021 AT PAGE 567, AND NOTICE OF CLAIM TO MINERAL INTEREST RECORDED IN BOOK 482 AT PAGE 113 AND NOTICE OF CLAIM TO MINERAL INTEREST RECORDED IN BOOK 1028 AT PAGE 365 ALL OF THE DOUGLAS COUNTY RECORDS.
- ITEM 12
 EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT AND NORTHWESTERN BELL TELEPHONE COMPANY RECORDED IN BOOK 521 AT PAGE 261 OF THE DOUGLAS COUNTY RECORDS.
- ITEM 13
 RIGHT-OF-WAY EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT RECORDED IN BOOK 689 AT PAGE 564 OF THE DOUGLAS COUNTY RECORDS.

SECTION 1-14-12
 RAIL PARTNERSHIP



LEGAL DESCRIPTION

O ANY THE LAND REFERRED TO IS SITUATED IN THE STATE OF NEBRASKA, COUNTY OF DOUGLAS AND IS DESCRIBED AS FOLLOWS:

CHANCE BERS
DRES.
734
76
USING
FRANCE

PARCEL 1:
PART OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS SOUTH 1,337.50 FEET, AND SOUTH 89°54' EAST, 616.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 1; THENCE CONTINUING SOUTH 89°54' EAST, 115.00 FEET; THENCE SOUTH 00°05' EAST, 339.45 FEET; THENCE NORTH 88°56' WEST, 115.00 FEET; THENCE NORTH 00°05' WEST, 337.60 FEET, TO THE POINT OF BEGINNING. (THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 1 IS ASSUMED NORTH-SOUTH IN DIRECTION)

PARCEL 2:
THAT PART OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1306.5 FEET SOUTH OF AND 42 FEET EAST OF THE NORTHWEST CORNER OF SAID SECTION 1, ON THE EAST R.O.W. LINE OF 72ND STREET; THENCE SOUTH 89°54'56" EAST FOR A DISTANCE OF 574.00 FEET TO A POINT; THENCE SOUTH 0°05'00" EAST FOR A DISTANCE OF 368.60 FEET TO A POINT ON THE NORTH R.O.W. LINE OF "J" STREET; THENCE NORTH 88°55'35" WEST ALONG SAID NORTH R.O.W. LINE OF "J" STREET FOR A DISTANCE OF 557.41 FEET TO A POINT; THENCE NORTH 48°12'58" WEST ALONG SAID NORTH R.O.W. LINE OF "J" STREET A DISTANCE OF 22.79 FEET TO A POINT ON THE EAST R.O.W. LINE OF 72ND STREET; THENCE DUE NORTH ALONG THE EAST R.O.W. LINE OF 72ND STREET FOR A DISTANCE OF 343.57 FEET TO THE POINT OF BEGINNING. FOR THIS DESCRIPTION, THE WEST LINE OF SECTION 1 IS ASSUMED DUE NORTH.

CERTIFICATION

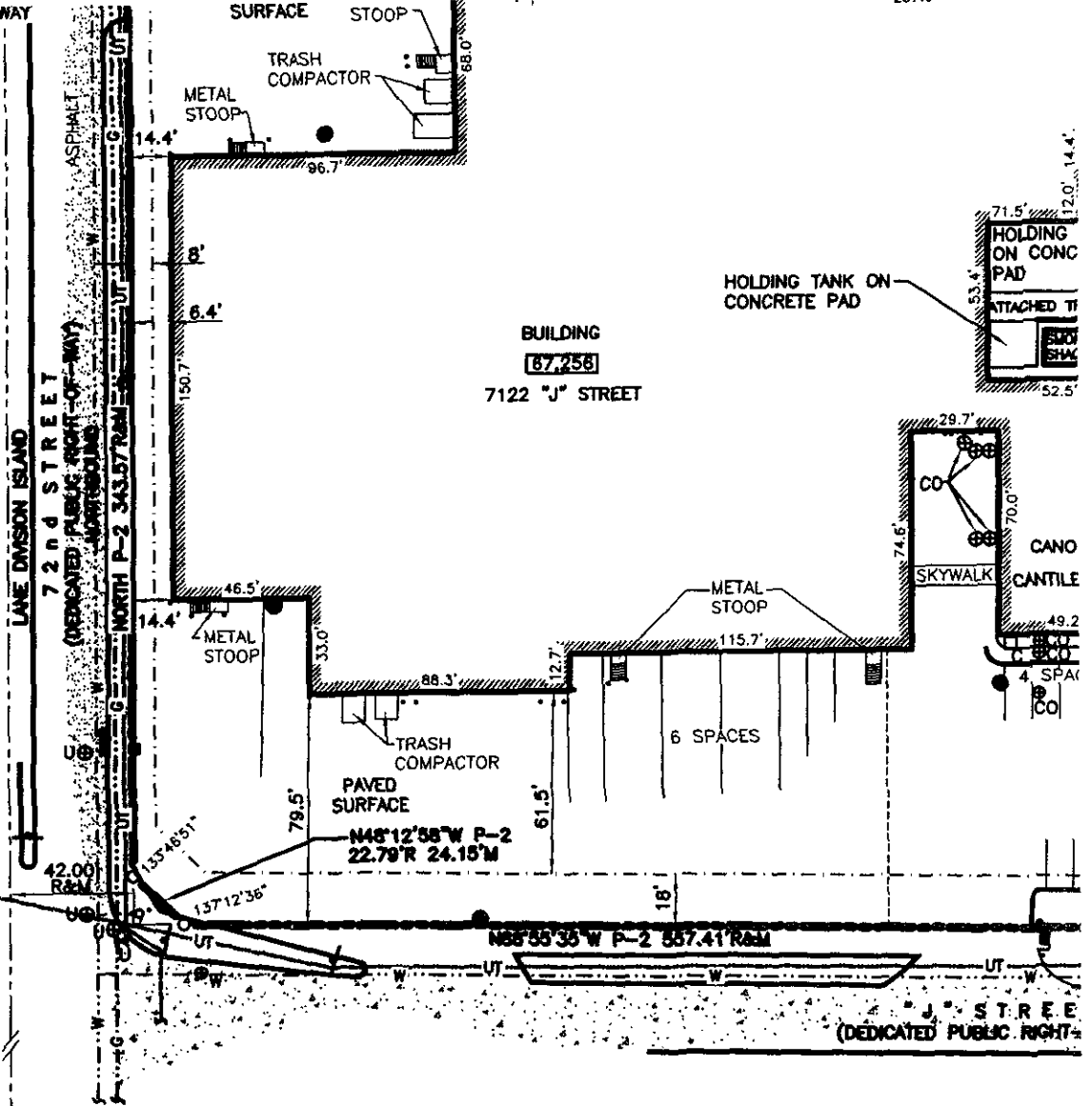
CHRIS E. DORNER, A REGISTERED LAND SURVEYOR, LICENSE NO. 507, IN AND FOR THE STATE OF NEBRASKA AND LEGALLY DOING BUSINESS IN DOUGLAS COUNTY, DOES HEREBY CERTIFY TO SILVERPOINT FINANCE, LLC, GUGGENHEIM CORPORATE FUNDING, LLC, AND GILSA PRODUCTS AND SERVICES, CO., AND THEIR SUCCESSORS AND ASSIGNS AND TO FIRST AMERICAN TITLE INSURANCE COMPANY AND SECURITY LAND TITLE COMPANY THAT:

- (1) THE ACCOMPANYING SURVEY ("SURVEY") REPRESENTS A TRUE AND CORRECT SURVEY MADE BY ME ON OCTOBER 14, 2007 OF THE LAND THEREIN PARTICULARLY DESCRIBED;
- (2) THE SURVEY AND THE INFORMATION, COURSES AND DISTANCES SHOWN THEREON ARE CORRECT;
- (3) THE TITLE LINES AND LINES OF ACTUAL POSSESSION ARE THE SAME;
- (4) THE LAND DESCRIBED IN THE SURVEY IS THE SAME AS DESCRIBED IN THE TITLE INSURANCE COMMITMENT DESCRIBED BELOW;
- (5) THE AREA OF THE SUBJECT PROPERTY AND THE SIZE, LOCATION AND TYPE OF BUILDINGS AND IMPROVEMENTS AND OTHER MATTERS SITUATED ON THE SUBJECT PROPERTY ARE AS SHOWN AND THE BUILDINGS AND VISIBLE IMPROVEMENTS ARE WITHIN THE BOUNDARY LINES AND APPLICABLE SET-BACK LINES OF THE PROPERTY;
- (6) THERE ARE NO VIOLATIONS OF THE MINIMUM SITE DEVELOPMENT REGULATIONS WITH REFERENCE TO THE LOCATION OF SAID BUILDINGS AND IMPROVEMENTS;
- (7) THERE ARE NO EASEMENTS AFFECTING THIS PROPERTY APPEARING FROM A CAREFUL PHYSICAL INSPECTION OF THE SAME, OTHER THAN THOSE SHOWN AND DEPICTED ON THE SURVEY;
- (8) THERE ARE NO VISIBLE ENCROACHMENTS ON THE ADJOINING PROPERTIES, STREETS, OR ALLEYS BY ANY OF SAID BUILDINGS, STRUCTURES AND VISIBLE IMPROVEMENTS, OTHER THAN AS SHOWN ON THE SURVEY;
- (9) THERE ARE NO PARTY WALLS OR VISIBLE ENCROACHMENTS ON SAID DESCRIBED PROPERTY BY STREETS, ALLEYS OR BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS SITUATED ON ADJOINING PROPERTY, EXCEPT AS SHOWN ON THE SURVEY;

1/4
1-12
RAILROAD

SCALE	DATE	DRAWN BY	CHECKED BY	REVISION
1"=40'	OCT 14, 2007	MRS	RMB/CED	11/21/07, 12/03/07 12/27/07
ALTA/ACSM LAND TITLE SURVEY		WELLS DAIRY, INC.		

RIGHT-OF-WAY



W1/4 CORNER OF
SECTION 1-14-12

PART OF THE NW QUAR
SECTION 1-14-1



PARTER OF
2

(10) THE LOCATIONS AND SIZES OF THE UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE BASED ON RECORDS MADE AVAILABLE BY THE OWNERS OF THE UTILITIES AND THE LOCATIONS MARKED ON THE SITE BY REPRESENTATIVES OF THE UTILITY COMPANIES. THE EXACT LOCATIONS AND SIZES MAY VARY WHEN THE UTILITIES ARE EXPOSED. THE FOLLOWING COMPANIES RESPONDED TO "DIGGERS HOTLINE OF NEBRASKA" REQUEST TO LOCATE UNDERGROUND UTILITIES REFERENCE NO. 1941712; COX COMMUNICATIONS MARKED THEIR FACILITIES AS SHOWN HEREON QWEST COMMUNICATIONS..... MARKED THEIR FACILITIES AS SHOWN HEREON METROPOLITAN UTILITIES DISTRICT..... PROVIDED DRAWINGS OF THEIR FACILITIES AS SHOWN HEREON

(11) THE SURVEY SHOWS THE LOCATION AND DIRECTION OF VISIBLE STORM DRAINAGE SYSTEMS FOR THE COLLECTION AND DISPOSAL OF ROOF AND SURFACE DRAINAGE;

(12) ANY DISCHARGE INTO STREAMS, RIVERS OR OTHER CONVEYANCE SYSTEM IS SHOWN ON THE SURVEY;

(13) THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA ("SFHA") AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP NUMBER 31055C0334H, BEARING AN EFFECTIVE DATE OF DECEMBER 2, 2005.

(14) THE SUBJECT PROPERTY HAS ACCESS TO AND FROM A DULY DEDICATED AND ACCEPTED PUBLIC STREET OR HIGHWAY.

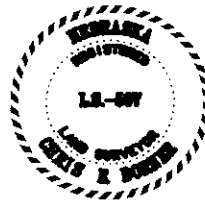
(15) THE SUBJECT PROPERTY DOES NOT SERVE ANY ADJOINING PROPERTY FOR DRAINAGE, UTILITIES, OR INGRESS OR EGRESS; AND

(16) THE RECORD DESCRIPTION OF THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE.

THE UNDERSIGNED HAS RECEIVED AND EXAMINED A COPY OF FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMPANY'S COMMITMENT NO. NCS 308909--OMHA; AND THE LOCATION OF ANY MATTER SHOWN THEREON, TO THE EXTENT IT CAN BE LOCATED, HAS BEEN SHOWN ON THIS SURVEY WITH THE APPROPRIATE RECORDING REFERENCE.

THE PARTIES LISTED ABOVE ARE ENTITLED TO RELY ON THE SURVEY AND THIS CERTIFICATE AS BEING TRUE AND ACCURATE.

THIS SURVEY IS MADE IN ACCORDANCE WITH THE 2005 "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY AMERICAN LAND TITLE ASSOCIATION ("ALTA") AND AMERICAN CONGRESS ON SURVEYING AND MAPPING ("ACSM") AND MEETS THE REQUIREMENTS OF AN URBAN SURVEY, AS DEFINED IN THE CURRENT ACCURACY STANDARDS JOINTLY ADOPTED BY ALTA AND ACSM AND INCLUDES ITEMS [1], 2, 3, 4, 6, 7(A), 8, 9, 10, 11 AND 13 OF TABLE A THEREOF.



CHRIS E. DÖRNER
NEBRASKA R.L.S. 507

OCTOBER 14, 2007

DATE:

NOVEMBER 21, 2007

DECEMBER 3, 2007

REVISED CERTIFICATION 12/27/2007

2 THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154

PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM
WEBSITE: WWW.TD2CO.COM

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GRID BOOK: 95 PAGES: 49-85

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