

Return to Heather/Security



4939 443 RSS

RECEIVED

MAR 12 1 20 PM '97

RECORDING REQUESTED BY A  
WHEN RECORDED MAIL TO:



01750 97 443-446

RICHARD H. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

Paul, Hastings, Janofsky & Walker  
399 Park Avenue  
New York, New York 10022  
Attention: Robert L. Boyd, Esq.

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**ASSIGNMENT OF DEED OF TRUST  
AND LOAN DOCUMENTS**

THIS ASSIGNMENT OF DEED OF TRUST AND LOAN DOCUMENTS, dated as of the 27<sup>th</sup> day of February, 1997, made by CONTITRADE SERVICES CORPORATION, a Delaware corporation, having an address at 277 Park Avenue, 38th Floor, New York, New York 10172 ("Assignor"), in favor of MF VMS, L.L.C., a Delaware limited liability company, having an address at c/o Hudson Advisors, L.L.C., 600 North Pearl Street, Suite 1500, Dallas, Texas 75201 ("Assignee").

KNOW, THAT Assignor in consideration of TEN DOLLARS (\$10) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid by Assignee, hereby assigns, transfers and sets over to Assignee all of Assignor's right (including without limitation, the right to substitute and appoint substitute trustees), title and interest, as beneficiary, under that certain Deed of Trust, dated as of \_\_\_\_\_ 1, 1993 (as amended or modified, the "Deed of Trust"), which Deed of Trust covers certain premises located in the County of Douglas, State of Nebraska, as more particularly described on Exhibit A attached hereto, and is to be recorded immediately prior to the recordation of this Assignment. *filed March 12, 1997 in Book 4939 Page 392*

TOGETHER with all of Assignor's right, title and interest, as payee, in and to that certain Secured Promissory Note, dated as of September 1, 1993, between VMS National Properties, as maker, and Assignor, as payee (as amended or modified, restated or replaced, the "Note"), and the monies due and to grow due thereon with interest;

TOGETHER with all of Assignor's right, title and interest in and to any and all other documents, instruments and agreements evidencing, securing or otherwise related to the indebtedness (the "Loan") evidenced by the Note (as amended or modified, collectively, the "Loan Documents"); and

NY-196996.1

*1750*  
*4-15-12*  
FEE 2350 R M<sup>n</sup> FB 01-60000  
DEL C/O COMP  
LEGAL PG SCAN dc FV

Terrace Gardens

TOGETHER with all of Assignor's right, title and interest in and to any claims, collateral, insurance policies, guaranties, certificates of deposit, letters of credit, escrow accounts, performance bonds, demands, causes of action and any other collateral arising out of or delivered in connection with the Loan.

TO HAVE AND TO HOLD the same unto the Assignee and to the successors, legal representatives and assigns of Assignee forever.

THIS ASSIGNMENT is made without recourse, representation or warranty of any kind except as set forth in that certain Transfer and Assignment Agreement, dated as of February ~~24~~<sup>14</sup>, 1997, between Assignor and Assignee.

IN WITNESS WHEREOF, the undersigned has executed this Assignment as of the date and year first above written.

CONTITRADE SERVICES CORPORATION

By: 

Name: Jerome M. Perelson

Title: President

By: 

Name: Steven B. Wendel

Title: Authorized Signatory

STATE OF NEW YORK )  
 )  
COUNTY OF NEW YORK )

On the 27<sup>th</sup> day of February, 1997, before me personally came Jerome M. Paulson, to me known, who being by me duly sworn, did depose and say that he is the ~~(Vice)~~ President of CONTITRADE SERVICES CORPORATION, the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by order of the board of directors as his free and voluntary act and deed in such capacity and the free and voluntary act and deed of said corporation.

Victoria Thiel  
Notary Public in and for  
said County and State

NOTARIAL SEAL

VICTORIA THIEL  
Notary Public, State of New York  
No. 31-4898421  
Qualified in New York County  
Commission Expires 6-22-97

STATE OF NEW YORK )  
 )  
COUNTY OF NEW YORK )

IMPRINTED SEAL  
REGISTER OF DEEDS

On the 27<sup>th</sup> day of February, 1997, before me personally came Steven B. Wendel, to me known, who being by me duly sworn, did depose and say that he is the Authorized Signatory of CONTITRADE SERVICES CORPORATION, the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by order of the board of directors as his free and voluntary act and deed in such capacity and the free and voluntary act and deed of said corporation.

Victoria Thiel  
Notary Public in and for  
said County and State

NOTARIAL SEAL

VICTORIA THIEL  
Notary Public, State of New York  
No. 31-4898421  
Qualified in New York County  
Commission Expires 6-22-97

IMPRINTED SEAL  
REGISTER OF DEEDS

Exhibit A

Part of the Northeast Quarter of Section 4, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, and Lots 1 through 6, inclusive, Block 39, Maple Village as surveyed, platted and recorded in Douglas County, Nebraska, and vacated Grand Avenue, Saratoga Street and Redman Avenue, all more particularly described as follows: Beginning at a point which is South 175.0 feet and South 89°40' West 175.0 feet from the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 4; thence South 89°40' West, 728.75 feet to a point on the East Right Of Way Line of Interstate Highway No. 680; thence North 1°46'30" East on the East Right Of Way Line of Interstate Highway No. 680, 443.40 feet; thence North 20°03'42" East on the Easterly Right Of Way Line of Interstate Highway No. 680, 333.17 feet; thence North 89°40' East, 499.45 feet; thence South 0°20' East, 125.0 feet; thence North 89°40' East 93.0 feet to the Southeast corner of Lot 7, Block 39, Maple Village; thence Southerly on a curve to the right (radius being 1495.71 feet, chord bearing South 1°26'02" East), an arc distance of 74.86 feet; thence South on the East Line of Lots 1 through 6, inclusive, Block 39, Maple Village, 505.17 feet; thence South 5°42'50" East, 50.22 feet to the point of beginning, in the City of Omaha.

NW NE