



MISC 2014084106



OCT 27 2014 12:09 P 4

Fee amount: 28.00  
FB: 55-22020  
COMP: MB

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
10/27/2014 12:09:05.00



2014084106

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THE ABOVE SPACE IS RESERVED FOR THE REGISTER OF DEEDS RECORDING INFORMATION

**THIS PAGE INCLUDED  
FOR INDEXING**

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Cox Communications

401 N 117<sup>th</sup> Street

Omaha NE 68154

Attn: NIKKI QUAKENBUSH

THIS IS A CONVEYANCE OF A LICENSE|  
AND CONSIDERATION IS LESS THAN \$100.00|

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(space above for recorder's use only)

#### MEMORANDUM OF AGREEMENT

**THIS MEMORANDUM OF AGREEMENT** (this “Memorandum”) is made this **Tuesday, July 01, 2014**, by and between **ComFed Dodge Fund II, Neb LP (“Grantor”)** and **Cox Communications Omaha, LLC, a Delaware limited liability company, d/b/a Cox Communications (“Cox”)**. Grantor is the owner of certain real property located in Douglas County, Nebraska which is more particularly described in Exhibit A, attached hereto and incorporated herein (the “**Property**”).

PLEASE TAKE NOTICE that Grantor and Cox have entered into that certain Service and Access Agreement, dated July 1<sup>st</sup>, 2014, as such may be amended, extended, renewed or replaced (collectively, the “**Agreement**”) pursuant to which Grantor has granted to Cox the right to (a) install construct, install, operate, maintain, repair, replace, and remove telecommunications and other facilities consisting of, without limitation, conduits, strands, wires, coaxial cables, hardware, wireless access points, backhaul modems, antennas, pedestals, junction boxes, and other equipment (collectively, the “**Facilities**”) as Cox may from time-to-time require, and (b) offer, provide, and market (on an exclusive or non-exclusive basis) video, entertainment, high-speed data, voice and other services (collectively, the “**Services**”) to the Property and other properties and persons that can be served by the Facilities. Cox owns and/or Grantor has granted to Cox the exclusive right to use all or a portion of the Facilities. Any Facilities owned by Cox shall not be deemed a fixture of the Property. A copy of relevant provisions of the Agreement will be provided to any properly interested person upon written request.

Grantor shall provide notice to Cox of any pending trustee or foreclosure sale or receivership, bankruptcy or other proceeding affecting the Property, sent to the address above.

**ComFed Dodge Fund II, Neb LP:**

By: Charlotte J. Weitzel  
Name: Charlotte J. Weitzel  
Title: Agent for Owner

GRANTOR ACKNOWLEDGMENT

STATE OF Nebraska

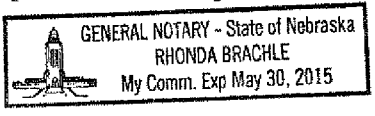
COUNTY OF Douglas

on July 23, 2014 (date) before me, Rhonda Brachle (Notary), personally appeared Charlotte Weitzel (name of signer), who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nebraska that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[NOTARY SEAL]



Rhonda Brachle  
Notary Public  
Name: RHONDA BRACHLE  
My Commission Expires: May 30, 2015

## EXHIBIT A

Lots 1 through 10 of Blocks 1 and 2, and Lots 3, 4, 5, and 6 of Block 16, except the those parts deeded to Douglas County for road purposes in Deed Book 1093, Page 677, including all of vacated 70<sup>th</sup> Street adjacent, all of Vacated Oak Street adjacent, the South 30.0 feet of Vacated Bancroft Street adjacent, the West 30.0 feet of Vacated 69<sup>th</sup> Street adjacent to Block 1 and the West 15.0 feet of Vacated 69<sup>th</sup> Street adjacent to Block 2, all in Lawnfield Addition, as surveyed, platted and recorded in Douglas County, Nebraska.