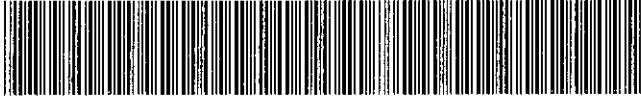


MISC 2006052215



MAY 10 2006 15:54 P 2

WHEN RECORDED RETURN TO:

Julie Dermody
Cox Communications Omaha, Inc.
11505 W. Dodge Rd.
Omaha NE 68154

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
5/10/2006 15:54:41.76



2006052215

MEMORANDUM OF AGREEMENT
(NEBRASKA)

PLEASE TAKE NOTICE that Wiener Omaha LLC ("Owner") and CoxCom, Inc. d/b/a Cox Communications Omaha, a Nebraska corporation ("Cox Communications") have entered into a Telecommunications Agreement ("Agreement") dated August 1, 2005, which, in accordance with its terms, entitles Cox Communications to provide cable television services throughout the property described on Exhibit A attached hereto and incorporated herein by this reference. Among other things, the Agreement provides Cox Communications with rights of ingress and egress to the property necessary or useful to provide such service and maintain its facilities on the property used in providing such services. The Agreement binds any successors and assigns of the Owner in accordance with its terms. A copy of relevant provisions of the Agreement will be provided to any properly interested person upon written request.

Cox Communications requests that it receive notice of any pending trustee or foreclosure sale or receivership, bankruptcy or other proceeding affecting the property, sent to the address above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date and year first above written.

Cox Communications Omaha
A Nebraska corporation

By: [Signature]
Its: VP Regional Manager
Print Name: Perry K. A.



STATE OF NEBRASKA
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me this 3 day of Oct, 2005 by Perry K. A. as VP/Regional Mgr of Cox Communications Omaha, Inc. a Nebraska corporation, on behalf of said corporations.

[Signature]
NOTARY PUBLIC
My Commission Expires: 4-1-08

Wiener Omaha LLC

By: [Signature]
Its: Director / managing member
Print Name: Nancy Beck

STATE OF NE
COUNTY OF [Signature]

The foregoing instrument was acknowledged before me this 9 day of Sept, 2005 by Nancy Beck managing member of Wiener Omaha LLC a LLC, on behalf of said company.

[Signature]
NOTARY PUBLIC
My Commission Expires: 3/12/06

Misc.
FEE 10.50 FB 01-60000
BKP 23-15-12 C/O [Signature] COMP _____
DEL _____ SCAN _____ FV _____

Howard street:
Legal description:

Lands Sec - Twn Range 23-15-12
IRREG 1.13 AC TRT & IRREG 1.744 AC TRT



lying North of Howard & South of Papio Creek NW 1/4 SE 1/4,
MORE PARTICULARLY DESCRIBED ON ATTACHED EXHIBIT "A" Howard St.

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land located in the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 23, Township 15 North, Range 12 East of the 6th P.M., in the City of Omaha, in Douglas County, Nebraska, more particularly described as follows:

Commencing at the point of intersection of the East right-of-way line of 76th Street and the North right-of-way line of Howard Street; thence North 90° 00' 00" East (assumed bearing), along said North right-of-way line of Howard Street, a distance of 164.76 feet, to the Point of Beginning; thence North 00° 06' 16" East, a distance of 357.25 feet, to a point on the Southwesterly bank of the Little Papillion Creek; thence along said Southwesterly bank of the Little Papillion Creek, on the following described courses; thence Southeasterly, on a curve to the left with a radius of 1,082.71 feet, a distance of 91.97 feet, said curve having a long chord which bears South 45° 38' 02" East, a distance of 91.94 feet; thence South 48° 04' 02" East, a distance of 82.52 feet; thence North 42° 20' 07" East, a distance of 2.64 feet; thence Southeasterly, on a curve to the right with a radius of 593.63 feet, a distance of 74.31 feet, said curve having a long chord which bears South 44° 28' 51" East, a distance of 74.26 feet, to a point on the West line of Lot 10, West Pacific Commercial, a Subdivision located in said West half of the Southeast Quarter of Section 23; thence South 00° 10' 42" West, along said West line of Lot 10, West Pacific Commercial, a distance of 186.78 feet, to a point on said North right-of-way line of Howard Street; thence North 90° 00' 00" West, along said North right-of-way line of Howard Street, a distance of 181.00 feet, to the Point of Beginning;

And,

A tract of land located in the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 23, Township 15 North, Range 12 East of the 6th P.M., in the City of Omaha, in Douglas County, Nebraska, more particularly described as follows:

Beginning at the point of intersection of the East right-of-way line of 76th Street and the North right-of-way line of Howard Street; thence North 00° 06' 16" East (assumed bearing), along said East right-of-way line of 76th Street and the East line of West Pacific Terrace, a Subdivision located in said West half of the Southeast Quarter of Section 23, a distance of 585.67 feet, to a point on the Southwesterly bank of the Little Papillion Creek; thence South 28° 18' 04" East, along said Southwesterly bank of the Little Papillion Creek, a distance of 0.65 feet; thence Southeasterly, along said Southwesterly bank of the Little Papillion Creek, on a curve to the left with a radius of 1,082.71 feet, a distance 281.55 feet, said curve having a long chord which bears South 35° 45' 03" East, a distance of 280.76 feet; thence South 00° 06' 16" West, a distance of 357.25 feet, to a point on the said North right-of-way line of Howard Street; thence North 90° 00' 00" West, along said North right-of-way line of Howard Street, a distance of 164.76 feet, to the Point of Beginning.

All together with beneficial easement rights appurtenant thereto as reserved in Warranty Deed dated May 19, 1970 and recorded May 26, 1970, in Book 1410 at Page 13 of the Deed Records of Douglas County, Nebraska.

INFORMATIONAL NOTE: The above property is identified by Tax Key Numbers 3210-0007-01 and 3210-0008-01.