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Received - RICHARD TAKECHI
 Register of Deeds, Douglas County, NE
 8/11/2004 08:35:36.04
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Filed: AS RECEIVED

TERMINATION OF HOTEL AND RESTAURANT RESTRICTION AGREEMENTS

**** FILED: AS IS**

This **TERMINATION OF HOTEL AND RESTAURANT RESTRICTION AGREEMENTS** (this "**Termination of Restrictions**") is made this 10 day of AUGUST, 2004, by the **SISTERS OF MERCY OF THE AMERICAS, REGIONAL COMMUNITY OF OMAHA**, a Nebraska nonprofit corporation ("**Sisters of Mercy**").

WITNESSETH:

WHEREAS, First Data Resources Inc. ("**FDR**") and Keystone Properties, L.L.C. ("**Keystone**") executed that certain Restaurant Restriction Agreement dated November 22, 2000 and recorded in Book 1360, Page 503 of the Miscellaneous Records of the Register of Deeds for Douglas County, Nebraska (the "**Restaurant Restriction**"), which restricted the ability of FDR to place a restaurant on the property more particularly described on Exhibit A attached hereto (the "**Restricted Parcel**") for the benefit of the parcel more particularly described on Exhibit B attached hereto (the "**Benefited Parcel**");

WHEREAS, FDR and Keystone entered into that certain Hotel Restriction Agreement dated as of April 5, 2000 and recorded in Book 1333, Page 555 of the Miscellaneous Records of the Register of Deeds for Douglas County, Nebraska, as amended by that certain Amendment to Hotel Restriction Agreement dated as of November 22, 2000 and recorded in Book 1360, Page 511 of the Miscellaneous Records of the Register of Deeds for Douglas County, Nebraska (as amended, the "**Hotel Restriction**"), which restricted the ability of FDR to place a hotel on the Restricted Parcel for the benefit of the Benefited Parcel;

WHEREAS, the Restaurant Restriction and the Hotel Restriction may be collectively referred to herein as the "**Restrictions**";

WHEREAS, Keystone subsequently conveyed the Benefited Parcel to the Sisters of Mercy and the Sisters of Mercy are the current owners of the Benefited Parcel; and

WHEREAS, the Sisters of Mercy desire to terminate the Restrictions in their entirety.

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NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Sisters of Mercy hereby agree as follows:

1. The foregoing recitals are incorporated herein by this reference.
2. The Sisters of Mercy hereby: (i) terminate the Restrictions in their entirety; (ii) release and abandon, on behalf of each of the Sisters of Mercy's successors and assigns, and anyone claiming by, through or under the Sisters of Mercy, all restrictions created pursuant to the Restrictions, including, but not limited to, those restrictions imposed upon the First Data Property and the After-Acquired Property as such terms are defined in the Restrictions; and (iii) the Restrictions as of this date are null and void.

IN WITNESS WHEREOF, the undersigned has executed this Termination of Restrictions on the date first above written.

SISTERS OF MERCY OF THE AMERICAS,
REGIONAL COMMUNITY OF OMAHA, a
Nebraska nonprofit corporation

By: *Sister Patricia Forret, RSM*
Name: *Sister Patricia Forret, RSM*
Title: *President*

STATE OF *Nebraska*)
) SS
CITY OF *Omaha*)

The foregoing instrument was acknowledged before me this *6th* day of *August*, 2004, by *Sr. Patricia Forret, RSM*, the *President* of the Sisters of Mercy of the Americas, Regional Community of Omaha, a Nebraska nonprofit corporation, on behalf of the Sisters of Mercy of the Americas, Regional Community of Omaha.

Steven R Knight
Notary Public

My commission expires:

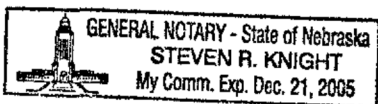


Exhibit A to Termination of Restrictions

The Restricted Parcel

LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8), AK-SAR-BEN BUSINESS & EDUCATION CAMPUS, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

Parcel One – Maryland Plaza Parcel

THAT PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 25, T15N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 1000.4 FEET SOUTH OF AND 33.0 FEET EAST OF THE NW CORNER OF SAID NW 1/4, SAID POINT BEING THE SW CORNER OF A TRACT OF LAND DESCRIBED ON A DEED RECORDED IN BOOK 1232 AT PAGE 498 OF THE DOUGLAS COUNTY RECORDS AND HEREINAFTER CALLED TRACT "A";

THENCE S89°50'39"E (ASSUMING THE WEST LINE OF SAID NW 1/4 TO BEAR NORTH AND SOUTH) 19.69 FEET ON THE SOUTH LINE OF SAID TRACT "A" TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF 72ND STREET;

THENCE CONTINUING S89°50'39"E 180.31 FEET ON THE SOUTH LINE OF SAID TRACT "A" TO THE SE CORNER THEREOF;

THENCE NORTH 272.96 FEET ON THE EAST LINE OF SAID TRACT "A" TO THE NE CORNER THEREOF, SAID CORNER BEING ON THE SOUTH LINE OF THE ABANDONED CHICAGO AND NORTH WESTERN RAILROAD RIGHT-OF-WAY;

THENCE N 30°41'31"W 353.90 FEET ON THE NORTH LINE OF SAID TRACT "A" AND ON THE SOUTH LINE OF SAID ABANDONED RAILROAD TO THE EAST LINE OF 72ND STREET;

THENCE SOUTHERLY ON THE EAST LINE OF 72ND STREET ON THE FOLLOWING DESCRIBED EIGHT COURSES;

THENCE S05°41'46"W 26.21 FEET; THENCE S00°01'01"E 9.38 FEET;

THENCE S17°02'27"E 10.07 FEET; THENCE S 00°00'54"E 69.98 FEET;

THENCE S 18°14'29"W 9.42 FEET; THENCE S00°01'00"E 428.94 FEET;

THENCE S 16°03'11"E 10.04 FEET; THENCE SOUTH 14.20 FEET TO THE POINT OF BEGINNING.

Parcel Two – Heller Painting Contractor Parcel

PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 25, T15N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, TOGETHER WITH PART OF THE ABANDONED

CHICAGO AND NORTH WESTERN RAILROAD RIGHT-OF-WAY LYING WITHIN SAID NW 1/4, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID NW 1/4;

THENCE SOUTH (ASSUMED BEARING) 1020.40 FEET ON THE WEST LINE OF SAID NW 1/4 TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF A TRACT OF LAND DESCRIBED ON A "GENERAL WARRANTY DEED" RECORDED IN BOOK 2111 AT PAGE 318 OF THE DOUGLAS COUNTY RECORDS AND HEREINAFTER CALLED TRACT "A";

THENCE S89°56'20"E 233.00 FEET ON THE SOUTH LINE OF SAID TRACT "A" AND ITS EXTENSION TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY EXTENSION OF A WEST LINE OF SAID TRACT "A";

THENCE CONTINUING S89°56'20"E 173.81 FEET ON THE SOUTH LINE OF SAID TRACT "A" TO THE SE CORNER THEREOF;

THENCE N59°18'29"E 50.00 FEET ON A LINE PERPENDICULAR TO SAID ABANDONED RAILROAD TO THE CENTERLINE THEREOF;

THENCE N30°41'31"W 424.75 FEET ON THE CENTERLINE OF SAID ABANDONED RAILROAD TO A POINT ON THE NORTHERLY EXTENSION OF A WEST LINE OF SAID TRACT "A", SAID POINT BEING 233.00 FEET EAST OF THE WEST LINE OF SAID NW 1/4;

THENCE SOUTH 390.59 FEET ON A WEST LINE OF SAID TRACT "A" AND ITS NORTHERLY AND SOUTHERLY EXTENSION TO THE POINT OF BEGINNING.

Parcel Three – Chicago & Northwestern Railroad Right-of-Way

THAT PART OF THE ABANDONED CHICAGO AND NORTH WESTERN RAILROAD RIGHT-OF-WAY LYING WITHIN THE NW 1/4 OF THE NW 1/4 OF SECTION 25, T15N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 1000.4 FEET SOUTH OF AND 33.0 FEET EAST OF THE NW CORNER OF SAID NW 1/4, SAID POINT BEING THE SW CORNER OF A TRACT OF LAND DESCRIBED ON A DEED RECORDED IN BOOK 1232 AT PAGE 498 OF THE DOUGLAS COUNTY RECORDS AND HEREINAFTER CALLED TRACT "A";

THENCE S89°50'39"E (ASSUMING THE WEST LINE OF SAID NW 1/4 TO BEAR NORTH AND SOUTH) 200.00 FEET ON THE SOUTH LINE OF SAID TRACT "A" TO THE SE CORNER THEREOF;

THENCE NORTH 272.96 FEET ON THE EAST LINE OF SAID TRACT "A" TO THE NE CORNER THEREOF AND THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF SAID ABANDONED RAILROAD;

THENCE N30°41'31"W 353.90 FEET ON THE NORTH LINE OF SAID TRACT "A" AND ON THE SOUTH LINE OF SAID ABANDONED RAILROAD TO THE EAST LINE OF 72ND STREET;

THENCE N05°41'46"E 25.14 FEET ON THE EAST LINE OF 72ND STREET;

THENCE N09°07'16"E 54.80 FEET ON THE EAST LINE OF 72ND STREET TO THE CENTERLINE OF SAID ABANDONED RAILROAD;

THENCE S30°41'31"E 331.99 FEET ON THE CENTERLINE OF SAID ABANDONED RAILROAD TO THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT "A";

THENCE SOUTH 97.96 FEET ON THE EXTENSION OF THE EAST LINE OF SAID TRACT "A" TO THE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTIONS ARE NOW KNOWN AS THE FOLLOWING:

55-00222 LOTS 4 & 5 IN AK-SAR-BEN BUSINESS & EDUCATION CAMPUS, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED, IN DOUGLAS COUNTY, NEBRASKA,

55-00223 LOTS 5 THROUGH 7, INCLUSIVE, IN AK-SAR-BEN BUSINESS & EDUCATION CAMPUS REPLAT 1, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA,

55-00226 LOTS 1 THROUGH 5, INCLUSIVE, AND OUTLOT 1, IN AK-SAR-BEN BUSINESS & EDUCATION CAMPUS REPLAT 4, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA,

55-00227 LOT 1, IN AKSARBEN BUSINESS & EDUCATION CAMPUS REPLAT 5, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

Exhibit B to Termination of Restrictions

The Benefited Parcel

LOT 8, AK-SAR-BEN BUSINESS AND EDUCATION CAMPUS, AN ADDITION TO THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA , NOW KNOWN AS LOTS 6 & 7 IN AKSARBEN BUSINESS AND EDUCATION CAMPUS REPLAT 1, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.