

HTS

FILED SARPY CO: NE.  
INSTRUMENT NUMBER  
97-017366  
97 AUG 14 AM 9:33  
*Steve J. Lawler*  
REGISTER OF DEEDS

97-17366

NEBRASKA  
AUG 14 1997  
\$ 682.50  
MR.

Counter  
Verify: *[Signature]*  
J.E.: *[Signature]*  
Proof: *[Signature]*  
Fee: 21.00  
Ck   
Cash   
Charge

WARRANTY DEED

MILLARD REFRIGERATED SERVICES-DENISON, a Nebraska general partnership, Grantor, in consideration of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, conveys to BROOK VALLEY II, LTD., a Nebraska limited partnership, Grantee, the following described real estate (as defined in Neb. Rev. Stat. § 76-201) in Sarpy County, Nebraska:

The real estate in attached Exhibit A, now known as the real estate described in attached Exhibit B.

Grantor covenants with Grantee that Grantor:

- (1) is lawfully seised of such real estate and that it is free from encumbrances, subject to easements, reservations, covenants and restrictions of record and all taxes for 1997 and all subsequent years;
- (2) has legal power and lawful authority to convey the same; and
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons whomsoever.

Executed August 4, 1997.

MILLARD REFRIGERATED SERVICES-DENISON,  
a Nebraska general partnership

By: *[Signature]*  
Larry A. Larsen  
Its: Managing Partner

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF DOUGLAS )

Before me, a notary public in and for said county, personally came Larry A. Larsen, known to me to be the Managing Partner of Millard Refrigerated Services-Denison, Grantor herein, and acknowledged the execution of the above and foregoing Warranty Deed for and on behalf of Millard Refrigerated Services-Denison, a Nebraska general partnership.

WITNESS my hand and notarial seal this 4<sup>th</sup> day of August, 1997.

GENERAL NOTARY-State of Nebraska  
STEVEN L. OFFNER  
My Comm. Exp. Aug. 16, 1998

*[Signature]*  
Notary Public

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97-17366A

## EXHIBIT "A"

## PARCEL A:

Tax Lot 2, being all that part of the Northwest Quarter (NW 1/4) not included in school lot or railroad right of way, in Section 20, Township 14 North, Range 12 East of the 6th P.M., in Sarpy County, Nebraska, subject to easement of public highways.

## PARCEL B:

That part of abandoned Missouri Pacific Railroad lying in the Southwest 1/4 of Section 17, Township 14 North, Range 12 East and the Northwest 1/4 of Section 20, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska more fully described as follows: Beginning at the intersection of the west line of the Northwest 1/4 of said Section 20 and the northerly right of way line of abandoned Missouri Pacific Railroad; thence Northeasterly along the northerly right of way line of said abandoned Missouri Pacific Railroad a distance of 1438.2 feet to a point of curvature; thence north and east along a 1959.86 foot radius curve to the right and along said northerly right of way line an arc distance of 660.3 feet to a point of intersection with the north line of Section 20, Township 14 North, Range 12 East; thence West along the north line of said Section 20 a distance of 199 feet to a point of intersection with the northerly right of way line of abandoned Missouri Pacific Railroad; said point being on a curve said curve being non-tangent to said line; thence North and East along a 2025.86 foot radius curve to the right and along the northerly right of way line of said abandoned Missouri Pacific Railroad an arc distance of 973.9 feet to a point of tangency; thence southeasterly along said northerly right of way line a distance of 140.1 feet to a point of intersection with the North-South centerline of Section 17 Township 14 North Range 12 East; thence South along said North-South centerline of Section 17, Township 14 North, Range 12 East a distance of 125.4 feet to the 1/4 corner common to Section 17, Township 14 North, Range 12 East and Section 20, Township 14 North, Range 12 East; thence South along the North-South centerline of Section 20, Township 14 North, Range 12 East a distance of 41.3 feet to a point of intersection with the southerly right of way line of abandoned Missouri Pacific Railroad; thence northwesterly along the southerly right of way line of said abandoned Missouri Pacific Railroad a distance of 155.2 feet to a point of curvature thence South and West along a 1859.86 foot radius curve to the left and along said southerly right of way line an arc distance of 1345.4 feet to a point of tangency; thence southwesterly along the southerly ROW line of abandoned Missouri Pacific Railroad a distance of 1511.2 feet to a point of intersection with the west line of the Northwest 1/4 of Section 20, Township 14 North, Range 12 East; thence north along the west line of said Northwest 1/4 of Section 20, Township 14 North, Range 12 East a distance of 123.8 feet to the point of beginning.

## PARCEL C:

91-17366B

That part of the Northeast 1/4 Northwest 1/4 of Section 20, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska more particularly described as follows: Commencing on the Section line 23.80 chains East of the Northwest corner of Section 20, Township 14 North, Range 12 East in Sarpy County, Nebraska and running thence East 3.02 chains, thence South 5.18 chains thence West 3.02 chains thence North 5.18 chains to the place of beginning except that part taken for railroad right of way.

## PARCEL D:

Part of the Southwest 1/4 of Section 17, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows: Commencing at the South 1/4 corner of said section 17-14-12; thence S87°28'35"W (assumed bearing) 91.89 feet along the South line of said Section 17-14-12; thence N24°34'46"W 76.43 feet to the true point of beginning; Said point being on the former North line of the Missouri Pacific Railroad R.O.W.; thence N 87°22'20"W, 35.76 feet along said former North line of the Missouri Pacific Railroad R.O.W.; thence Southwesterly along a curve to the left chord bearing S81°44'28"W 740.97 feet, radius 1959.86 feet an arc distance of 745.45 feet continuing along the former North line of the Missouri Pacific Railroad R.O.W. to a point on the South line of Section 17-14-12; thence S87°28'35"W 409.51 feet along the South line of Section 17-14-12; thence N34°04'32"E, 139.52 feet; thence N79°00'13"E 257.16 feet; thence Northeasterly along a curve to the right chord bearing N88°44'57"E, 745.43 feet, radius 2201.85 feet an arc distance of 749.04 feet; thence S81°30'19"E 82.14 feet; thence S24°34'46"E 50.50 feet to the point of beginning.

EXCEPTING THEREFROM Parcels "A", "B", "C" & "D" as to any portion of the land lying within the Right-of-Way and adjacent land granted under the terms of the "Pacific Railroad Acts"; AND

EXCEPTING THEREFROM Parcels "A", "B", "C" & "D" as to any and all mineral interests in and to the land.

## EXHIBIT "B"

97-173660

Part of the Southwest 1/4 (SW1/4) of Section 17 and part of the Northwest 1/4 (NW1/4) of Section 20, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Commencing at the Southwest corner of the Northwest 1/4 (NW1/4) of Section 20; thence N87°38'59"E (assumed bearing), 33.00 feet along the South line of the Northwest 1/4 (NW1/4) of Section 20 to the point of beginning; thence N02°21'20"W, 1957.47 feet parallel with and 33.00 feet East of the West line of the Northwest 1/4 (NW1/4) of Section 20; thence N87°38'40"E, 17.00 feet; thence N08°35'06"E, 404.14 feet; thence N37°03'49"E 260.01 feet; thence N87°28'35"E, 746.65 feet; thence N49°30'12"E, 92.64 feet; thence N87°28'35"E 205.30 feet; thence N34°04'32"E, 180.63 feet; thence N79°00'13"E, 257.16 feet to a point of curvature; thence easterly along a curve to the right having a radius of 2201.85 feet an arc distance of 749.04 feet; thence S81°30'19"E, 82.14 feet; thence S24°34'46"E, 238.10 feet; thence S02°15'14"E, 115.00 feet; thence N87°44'46"E, 17.00 feet; thence S02°15'14"E, 2434.06 feet parallel with and 33.00 feet West of the East line of the Northwest 1/4 (NW1/4) of Section 20 to a point on the South line of the Northwest 1/4 (NW1/4) of Section 20; thence S87°38'59"W, 2573.61 feet along the South line of the Northwest 1/4 (NW1/4) of Section 20 to the point of beginning.

EXCEPTING THEREFROM any portion of the land lying within the Right-of-Way and adjacent land granted under the terms of the "Pacific Railroad Acts"; AND

EXCEPTING THEREFROM any and all mineral interests in and to the land.