

104 STATE OF NEBRASKA COUNTY OF OTOE, Filed for records in the REGISTER OF DEEDS APRIL 9 1999 at 11:40 A-M recorded in Book # 304 of MTGS. Page 625 . Delrosa Riehl , Register of Deeds, Fee: \$ 20.50 By: James Vock , Deputy Entered Indexed Paged Compared

ASSIGNMENT OF DEED OF TRUST

This Assignment of Deed of Trust is dated this 7th day of April, 1999, from Alan Bruce Larson and Susan L. Larson, husband and wife, hereinafter referred to as "Larson", to Farmers Bank & Trust Co., hereinafter referred to as "Farmers Bank".

WHEREAS, Larson executed a Deed of Trust to Farmers Bank dated December 28, 1993, and filed December 29, 1993, in Book 231 of Mortgages at Page 148 of the Records of Otoe County, Nebraska; and

WHEREAS, said Deed of Trust dated December 28, 1993, was given as security for payment of a Promissory Note in the original amount of Two Hundred, Ninety Thousand Dollars and 00/100ths (\$290,000.00) from Larson to Farmers Bank, and covered certain real property located in Otoe County, Nebraska; and

WHEREAS, Larson is desirous of selling a portion of the real property and in connection therewith has requested that Farmers Bank execute a Partial Deed of Reconveyance for a portion of the property pledged in the Deed of Trust dated December 28, 1993; and

WHEREAS, Farmers Bank has agreed to execute a Deed of Reconveyance for a portion of the property pledged as collateral in the Deed of Trust dated December 28, 1993, provided that Larson executes an Assignment of Deed of Trust naming Larson as Beneficiary for that portion of the real property conveyed by Larson, as more specifically set forth hereinafter.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which is acknowledged by all parties, the parties agree as follows:

1. Farmers Bank shall execute a Partial Deed of Reconveyance for that portion of the real property pledged as collateral for that certain Deed of Trust dated December 28, 1993, filed December 29, 1993, in Book 231 of Mortgages at Page 148, the records of Otoe County, Nebraska as follows:

Parcel A:

Beginning at a point 457.8 feet North and 50.0 feet West of the East quarter corner of Section 17, Township 8 North, Range 14, East of the 6th P.M., in Otoe County Nebraska; thence N88°37'W a distance of 398.0 feet; thence South a distance of 60.0 feet; thence N88° 37'W, a distance of 214.0 feet; thence South a distance of 164.5 feet; thence S89° 56'E a distance of 75.0 feet to the Northwest corner of the existing Gibson's Discount Center store building (AKA Pamida); thence S89° 56'# along the North wall of said Gibson Discount Center store building a distance of 180.0 feet to the Northeast corner of said Gibson Discount

Discount Center store building; thence S89° 56'E a distance of 357.0 feet, more or less, to the west right-of-way line of US Highway 75; thence North along said right-of-way line a distance of 210.8 feet, more or less, to the point of beginning, all now a part of South Side Annexation to the City of Nebraska City, Otoe County, Nebraska, EXCEPTING therefrom the following described parcel of land to-wit: Beginning at a point located 457.8 feet North and 50.0 feet West of the East Quarter corner of Section 17, Township 8 North, Range 14 East of the 6th P.M., in Otoe County, Nebraska, said point being the Southeast Corner of the ALCO Subdivision in Nebraska City, Nebraska, and running thence on an assumed bearing of South 00° 00' along the State of Nebraska Right-of-Way for 210.8 feet; thence N89° 56'W for 160 feet; thence North 00° 00'E for 214.5 feet to the South line of the said ALO Subdivision and thence Easterly for 160.1 feet along the said South Line to the point of beginning and containing 34,017 square feet, more or less.

Parcel B:

Beginning at the Southeast corner of Section Seventeen (17), Township Eight (8) North, Range Fourteen (14), Otoe County, Nebraska, at a point 2635.8 feet North of the Section Line, said point being in line with the fence that divides the Northeast Quarter and the Southeast Quarter of Section Seventeen (17), thence North from said point on said East section line 449.5 feet; thence West and parallel with the South line of said tract, 449 feet to the point of beginning; thence South and parallel with the East section line 60 feet; thence West and parallel with the South Line of said tract 240 feet to the West line of said tract; thence North and parallel with the East section 60 feet; thence East and parallel with the south line of said tract a distance of 240 feet to the point of beginning, all now in Southside Annexation to the City of Nebraska City, Otoe County, Nebraska; AND Beginning at the Southeast corner of Section Seventeen (17), Township Eight (8) North, Range Fourteen (14), Otoe County, Nebraska, at a point 2635.8 feet North of the Section Line, said point being in line with the fence that divides the Northeast Quarter and the Southeast Quarter of Section Seventeen (17), thence North from said point on said East section line 449.5 feet; thence West and parallel with the South line of said tract 448 feet; thence South and parallel with the East section line 60 feet; thence West and parallel with the South line of said tract 240 feet to the West line of said tract to the point of beginning; thence South and parallel with the East line of said tract a distance of 389.5 feet; thence East on the South line of said tract a distance of 26 feet; thence north and parallel with the East line of said tract a distance of 389.5 feet; thence West and parallel with the South line of said tract a distance of 26 feet to the point of beginning, all now in South Side Annexation to the City of Nebraska City, Otoe County, Nebraska.

2. Larson acknowledges that Larson has sold the real property described as Parcel A and Parcel B above to Richard Hoback and Mary Hoback, husband and wife. As security for the payment of a Promissory Note in the original amount of Four Hundred, Thirty Thousand Dollars and 00/100ths (\$430,000.00) from Richard Hoback and Mary Hoback, to Larson as consideration for the sale of the above-described property, Richard Hoback and Mary Hoback as Trustors have executed a Deed of Trust, with Richard H. Hoch as Trustee, and Alan Bruce Larson and Susan L. Larson as Beneficiary, said Deed of Trust being dated the 7th day of April, 1999, filed April 8, 1999, in Book 304 of Mortgages, at Page 619 of the records of Otoe County, Nebraska.

3. Larson does hereby assign, grant and transfer to Farmers Bank, all of Larson's beneficial interest under that certain Deed of Trust dated April 7, 1999, executed by Richard Hoback and Mary Hoback as Trustor to Richard H. Hoch, Trustee, and filed April 8, 1999, in Book 304 of Mortgages, at Page 619, of the records of Otoe County, Nebraska, for the real property described as Parcel A and Parcel B above. Said Assignment shall be valid until such time as Larson shall have any remaining obligation on that certain Promissory Note dated December 28, 1993, in the original amount of \$290,000.00.

4. Farmers Bank acknowledges that the full performance of the Note and Deed of Trust dated December 28, 1993, executed by Larson as Trustor in favor of Farmers Bank as Beneficiary and the duly recorded Deed of Reconveyance for the remaining real property pledged pursuant to said Deed of Trust shall constitute a release of this Assignment.

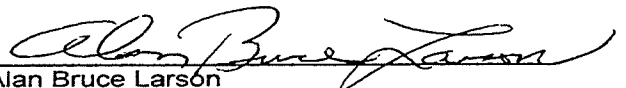
5. The parties agree that the laws of the State of Nebraska shall govern the performance and enforcement of this Assignment.

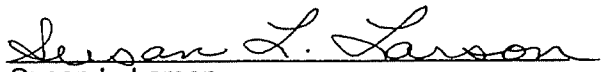
6. If any provision of this Assignment, or the application thereof to any entity, person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Assignment and the application of its provisions to other entities, persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

7. This Assignment applies to and binds the parties hereto and their respective heirs, administrators, executors, successors and assigns.

IN WITNESS WHEREOF, this Assignment has been executed this 7th day of April, 1999.

ASSIGNORS:

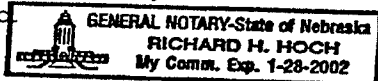

Alan Bruce Larson

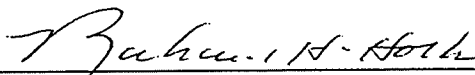

Susan L. Larson

STATE OF NEBRASKA)
) ss.
COUNTY OF OTOE)

On this 7th day of April, 1999, before me, the undersigned Notary Public duly commissioned and qualified for said county, personally came Alan Bruce Larson, to me known to be the identical person whose name is subscribed to the foregoing instrument, and that he acknowledge the execution thereof to be his voluntary act and deed.

WITNESS my hand and notarial seal at Nebraska City, Nebraska in the county and date aforesaid.




Notary Public

-627-

STATE OF NEBRASKA)
) ss.
COUNTY OF OTOE)

On this 8th day of April, 1999, before me, the undersigned Notary Public duly commissioned and qualified for said county, personally came Susan L. Larson, to me known to be the identical person whose name is subscribed to the foregoing instrument, and that she acknowledge the execution thereof to be her voluntary act and deed.

WITNESS my hand and notarial seal at Nebraska City, Nebraska in the county and date aforesaid.



Richard H. Hoch
Notary Public

Accepted By:

FARMERS BANK & TRUST CO.

Edwin G. Lasse 4/8/98
By: Sr. Vice Pres. Date