

A F F A D A V I T

BOOK 283 PAGE 585

HOWARD KENNEDY, being first duly sworn on oath deposes and says, that he is an attorney and a resident of Omaha, Nebraska, that during the month of September, 1950, he drew the deed whereby Wm. Parkinson, Inc. conveyed certain property to Phillips Petroleum Company, and which deed was dated September 22, 1950 and filed for record in the office of the Register of Deeds of Douglas County, Nebraska, in Book 881 at Page 552.

That the intent and purpose of the foregoing deed was to transfer and convey to the said Phillips Petroleum Company the fee title to the real estate described as follows:

The South 80 feet of the West 120 feet of Lot 1, replat of Block 1, Green Valleys, an Addition to the City of Omaha as surveyed, platted and recorded,

and that in addition to conveying the fee title to the foregoing real estate it was the intent and purpose of Wm. Parkinson, Inc. to grant a perpetual easement for the purpose of constructing, using and maintaining at grantee's cost and expense a sewer line across and beneath the surface of the following described property:

The West 60 feet of the North 248 feet of Lot 1, and the West 35 feet of Lots 2 and 3, all in the replat of Block 1, Green Valleys, an Addition to the City of Omaha as surveyed, platted and recorded,

together with the liberty to enter upon said premises from time to time for the purpose of repairing or renewing the same, if occasion may require, and to remove said line in the event party of the second part shall determine to abandon the use thereof, provided that the grantee shall, immediately after construction, maintenance or removal of said sewer line, return the surface of the property and any improvements effected thereby to the same condition as existed prior to such construction, maintenance or removal.

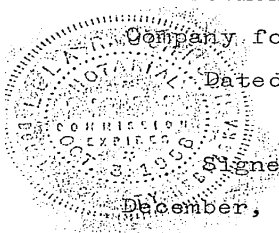
Affiant further states that it was not the intention of the parties to said deed that the fee title to the property last described be transferred or passed to the said Phillips Petroleum Company, but it was the intention of said parties that a right of use, or privilege, or easement in said property be granted to the said Phillips Petroleum Company for the uses and purposes set forth in said instrument.

Dated this 4th day of December, 1953.

*Howard Kennedy*

Signed in my presence and sworn to before me this 4th day of December, 1953.

*Lela R. Johnson*  
Notary Public



13. ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA, 9 DAY Dec. 1953 AT 1:08 P.M. THOMAS J. O'CONNOR, REGISTER OF DEEDS. 2.50