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SPECIAL WARRANTY DEED

Financial Plaza II, LLC, a Delaware limited liability company, **GRANTOR**, whether one or more, in consideration of one dollar and other valuable consideration received from **GRANTEE** (hereinafter defined), whether one or more, conveys and confirms to Jasper Stone Financial Plaza LLC, a Delaware limited liability company, as to an undivided 51.6% interest; and Lund Financial Plaza, LLC, a Nebraska limited liability company, as to an undivided 20.0% interest; and John Alford Investments, LLC, a Nebraska limited liability company, as to an undivided 28.4% interest, as tenants in common (herein collectively referred to as **GRANTEE**), the following described real estate (as defined in Neb. Rev. Stat. ss76-201):

See Exhibit A attached hereto

Grantor covenants (jointly and severally, if more than one) with the Grantee that Grantor:

- (1) is lawfully seized of such real estate and that it is free from encumbrances except for the "Permitted Exceptions" set forth on <u>Exhibit B</u> attached hereto and the rights of tenants, as tenants only, under leases listed on <u>Exhibit C</u> attached hereto;
- (2) has legal power and lawful authority to convey the same; and
- (3) warrants and will defend title to the real estate against the lawful claims of all persons claiming the same or any part thereof through, by or under Grantor, but not otherwise.

Executed on this 29th day of May, 2009.

FINANCIAL PLAZA II, LLC, a Delaware limited

liability company

By:

Title:

STATE OF

COUNTY OF SAH LAW)

The foregoing instrument was acknowledged before me on May 29, 2009, by McCullovan II, Agent for Manageof Financial Plaza II, LLC, GRANTOR.

Notary Public

Notary Public
ALISHA L. SCOW
Commission #575408
My Commission Expires

My Commission Expires August 7, 2012 State of Utah

OMA-288214-1

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Exhibit A to the Deed

Legal Description

Real property in the City of Omaha, County of Douglas, State of Nebraska, described as follows:

Parcel 1:

Lot 1, Pierson's Subdivision Replat 2, an Addition to the City of Omaha, in Douglas County, Nebraska, EXCEPT that part conveyed to the City of Omaha by Warranty Deed filed March 2, 2002 in Book 2204 at Page 221 described as follows: Beginning at the Southwest corner of said Lot 1; thence Easterly along the Southerly line of said Lot 1, a distance of 327.70 feet; thence Northerly along the Easterly line of said Lot 1, a distance of 3.0 feet; thence Westerly, along a line 3.0 feet Northerly of, perpendicular measurement and parallel to, the Southerly line of said Lot 1, a distance of 306.7 feet; thence Northwesterly a distance of 35.1 feet to a point on the Westerly line of said Lot 1; thence Southerly, along the Easterly line of said Lot 1, a distance of 31.0 feet to the point of beginning.

Parcel 2:

Non-exclusive easements as contained in the certain Roadway and Parking Easement and Covenants Agreement filed January 18, 1980 in Book 627 at Page 622, Miscellaneous Records, Douglas County, Nebraska.

Parcel 3:

Non-exclusive easements as contained in that certain Roadway and Parking Easement and Covenants Agreement filed January 18, 1980 in Book 627 at Page 633, Miscellaneous Records, Douglas County, Nebraska.

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Exhibit B to the Deed

List of Permitted Exceptions

- 1. Taxes and Assessments for the year 2009, none now due or payable.
- 2. Easements shown on the Administrative Subdivision of Piersons Subdivision Replat 2 filed April 22, 1996 in Book 1174 at Page 740, Miscellaneous Records, Douglas County, Nebraska.
- 3. Easement granted to the State of Nebraska by instrument filed May 28, 1973 in Book 522 at Page 491, Miscellaneous Records, Douglas County, Nebraska.

Partial Release of Easement filed November 15, 1979 in Book 624 at Page 2, Miscellaneous Records, Douglas County, Nebraska.

- 4. Easement granted to the Omaha Public Power District and the Northwestern Bell Telephone Company by instrument filed October 2, 1973 in Book 528 at Page 113, Miscellaneous Records, Douglas County, Nebraska.
- 5. Subject to and together with terms and conditions of the Roadway and Parking Easement and Covenants Agreement dated January 18, 1980, filed January 18, 1980 in Book 627 at Page 622, Miscellaneous Records, Douglas County, Nebraska; Reinstated by the Easement and Covenants Agreement filed November 9, 2004 as Instrument No. 2004146320.
- 6. Subject to and together with terms and conditions of the Roadway and Parking Easement and Covenants Agreement dated January 18, 1980, filed January 18, 1980 in Book 627 at Page 633, Miscellaneous Records, Douglas County, Nebraska; Reinstated by the Easement and Covenants Agreement filed November 9, 2004 as Instrument No. 2004146320.
- 7. Right of Way Easement granted to the Omaha Public Power District and the Northwestern Bell Telephone Company by instrument filed November 30, 1979 in Book 624 at Page 723, Miscellaneous Records, Douglas County, Nebraska.
- 8. The rights of the tenants described on Exhibit C to this Deed only, as tenants in possession under current leases without option to purchase the land or rights of first refusal to purchase the land.

Exhibit C to the Deed

Tenants in possession under current leases

| <u>Tenant</u> | <u>Leased</u> |
|--|------------------|
| | Premises (sq ft) |
| 1 AOSNC, LLC | 8,085 |
| 2 Atherton Counseling Services | 507 |
| 3 Believe & Succeed Consulting | 2,320 |
| 4 F.A. Richard & Associates | 3,321 |
| 5 Federal Home Loan Bank of Topeka | 439 |
| 6 Great Plains Minority Supplier | 1,288 |
| 7 Gunderson Law Offices | 1,137 |
| 8 Insearch, Inc. | 3,932 |
| 9 Kimberly Clark Global Sales | 1,399 |
| 10 Verizon (formerly MCI) | 11,607 |
| 11 Mutual of Omaha Insurance | 6,079 |
| 12 National Creditors Connection, Inc. | 6224 |
| 13 Omaha World-Herald Company | 11,770 |
| 14 The Optimas Group, LLC | 1,668 |
| 15 Robert Newman | 445 |
| 16 Robert Woltemath | 432 |
| 17 Saul K. Onyeuke | 350 |
| 18 TEKsystems, Inc. | 4,571 |
| 19 TIAA-CREF | 2,274 |
| 20 Citifinancial Auto Corp | 1,577 |
| 21 West Coast Life Insurance | 6,213 |