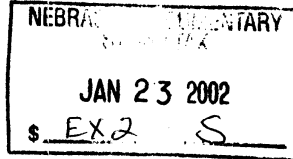


FILED SARPY CO. NE.
INSTRUMENT NUMBER
2002-02944

2002 JAN 23 A 10:29

Glenn J. Hardy
REGISTER OF DEEDS



Counter SM
Verify AK
D.E. M
Proof A
Fee \$ 11.00
OK ☒ Cash ☐ Chg ☒ S+S
7692 50¢
\$10.50

SPECIAL WARRANTY DEED

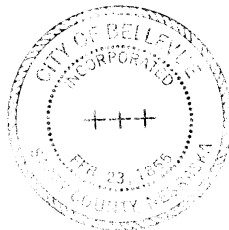
CITY OF BELLEVUE, NEBRASKA, a municipal corporation, GRANTOR, in consideration of Two Dollars (\$2.00) and other good and valuable consideration received from GRANTEE, MCV1, L.L.C., a Nebraska limited liability company, conveys to GRANTEE, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

Lots 1 and 2 WHITTED CREEK, a Subdivision, as surveyed, platted and recorded, in Sarpy County, Nebraska.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

- (1) is lawfully seised of such real estate, that it is free from encumbrances, except for the permitted exceptions shown on the attached Exhibit A;
- (2) has legal power and lawful authority to convey the same;
- (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.

Executed January 18th, 2002.



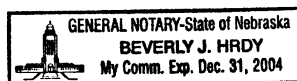
CITY OF BELLEVUE, NEBRASKA, a
municipal corporation

By: *Jerry Ryan*

Its: Jerry Ryan, Mayor

STATE OF NEBRASKA)
COUNTY OF SARPY) ss.

The foregoing instrument was acknowledged before me on January 18th, 2002, by Jerry Ryan, as Mayor of the City of Bellevue, Nebraska, a municipal corporation, for and on behalf of the city.



Beverly J. Hardy
Notary Public

My Commission Expires December 31, 2004.

MCV1 LLC
c/o Paul Vacanti
11205 John Galt BLVD
Omaha, NE 68137

02944

S+S

2007-02944A

EXHIBIT A
PERMITTED EXCEPTIONS

Easements granted by the Plat and Dedication of Whitted Creek recorded December 8, 1987, in Book 9 at Page 37 of the Plat Records of Sarpy County, Nebraska, as shown on Plat Survey, and on, over, through, under and across an 8 foot wide strip of land abutting all front, side, rear, interior and exterior boundary and/or lot lines.

Plat Survey reveals an existing 45 foot slope easement in the Northerly portion of said Lots 1 and 2; an existing sanitary sewer easement in the Westerly portion of said Lot 2; and, an existing sanitary sewer easement to SID No. 112 in a portion of said Lots 1 and 2.

Right-of-Way Easement granted to Sanitary and Improvement District No. 25 of Sarpy County, Nebraska, by instrument dated February 18, 1964 and recorded March 9, 1964, in Book 33 at Page 291 of the Miscellaneous Records of Sarpy County, Nebraska, to construct, operate and maintain a sanitary sewer line and appurtenances over and across a 15 foot wide strip of land in subject property.

Assigned to Sanitary and Improvement District No. 77 of Sarpy County, Nebraska, by instrument dated May 1, 1976 and recorded August 6, 1979, in Book 52 at Page 515 of the Miscellaneous Records of Sarpy County, Nebraska.

Partially assigned to Sanitary and Improvement District No. 112 of Sarpy County, Nebraska, by instrument dated June 23, 1978 and recorded August 6, 1979, in Book 52 at Page 516 of the Miscellaneous Records of Sarpy County, Nebraska.

Easement granted to Sanitary and Improvement District No. 112 of Sarpy County, Nebraska, by instrument dated July 20, 1981 and recorded September 1, 1981, in Book 54 at Page 561 of the Miscellaneous Records of Sarpy County, Nebraska, to construct, operate and maintain a sanitary outfall sewer line and appurtenances over and across a portion of subject property.

Creek Levee Easement granted to Papio Natural Resources District by instrument dated September 1, 1987 and recorded September 21, 1987, in Book 60 at Page 2927 of the Miscellaneous Records of Sarpy County, Nebraska, to construct, operate and maintain a levee and other permanent improvements to the Papillion Creek and tributary channels located on or adjacent to subject property.

Covenants, conditions and restrictions contained in instrument dated September 24, 1987 and recorded September 30, 1987, in Book 60 at Page 2999 of the Miscellaneous Records of Sarpy County, Nebraska.

Access, Sewer and Slope Easement Agreement granted by instrument dated September 22, 1987 and recorded September 30, 1987, in Book 60 at Page 3000 of the Miscellaneous Records of Sarpy County, Nebraska, for ingress, egress, access, sanitary sewer line, and control of surface water drainage, and appurtenances thereto, in portions of subject property.

Creek Levee Easement granted to Papio Natural Resources District by instrument dated September 28, 1987 and recorded November 16, 1987, in Book 60 at Page 3352, and recorded November 30, 1987, in Book 60 at Page 3457, both of the Miscellaneous Records of Sarpy County, Nebraska, to construct, operate and maintain a levee and other permanent improvements to the Papillion Creek and tributary channels located on or adjacent to subject property.

Construction Deed of Trust, dated November 5, 2001, recorded November 16, 2001, as Instrument No. 2001-37845 of the Records of Sarpy County, Nebraska, executed by MCV1, L.L.C., in favor of Great Western Bank, Trustee and Beneficiary, securing the sum of \$3,100,000.00 and such other sums as may be due thereunder.

Notice of Commencement dated November 5, 2001, recorded November 16, 2001, as Instrument No. 2001-37846 of the Records of Sarpy County, Nebraska having a duration of 24 months.

Uniform Commercial Code - Financing Statement, recorded November 16, 2001, as Instrument No. 2001-37487 of the Records of Sarpy County, Nebraska, showing the debtor as MCV1, L.L.C., and the secured party as Great Western Bank.