

COUNTER P C.E. h  
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FEES \$ 25.50  
CHECK# 300661130  
CHG \_\_\_\_\_ CASH \_\_\_\_\_  
REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
SHORT \_\_\_\_\_ MCR \_\_\_\_\_

FILED SARPY COUNTY NEBRASKA  
INSTRUMENT NUMBER

2012-18077

06/19/2012 11:33:00 AM

*Lloyd J. Dowling*

REGISTER OF DEEDS



Prepared by:

Dorothea S. Coy  
Hunter, Maclean, Exley & Dunn, P.C.  
200 E. St. Julian Street  
Savannah, Georgia 31401

After Recording, Return To:

Fidelity Bank  
Attn.: Lori Richardson  
100 E. English  
Wichita, Kansas 67201

*RJR*  
*E*

### ASSIGNMENT AND ASSUMPTION OF LOAN DOCUMENTS

THIS ASSIGNMENT AND ASSUMPTION OF LOAN DOCUMENTS is entered into as of June 7, 2012, by and between **GE COMMERCIAL FINANCE BUSINESS PROPERTY CORPORATION**, a Delaware corporation, whose principal place of business is located at 6464 185th Avenue NE, Suite 100, Redmond, Washington 98052, Attention: Portfolio Servicing ("Assignor"), to and for the benefit of **FIDELITY BANK**, a Federal Savings Bank, located at 100 E. English, Wichita, Kansas 67201 ("Assignee").

WITNESSETH:

THAT, WHEREAS, pursuant to an Asset Purchase Agreement dated June 7, 2012 ("Agreement"), among Assignor and General Electric Capital Corporation, a Delaware corporation, on one hand, and Assignee, on the other hand, Assignor has agreed to sell, transfer and convey to Assignee all of Assignor's right, title, interest, and ownership in and to the loan documents described on Schedule 1 attached hereto and made a part hereof (collectively, the "Loan Documents") and the loan described therein (the "Loan"), secured by the real property described in Exhibit A attached hereto.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, WITHOUT RECOURSE OR WARRANTY, except as provided in the Agreement all of its right, title, interest, and ownership in and to the Loan and the Loan Documents. Assignee hereby accepts the foregoing assignment and assumes Assignor's obligations under the Loan Documents accruing as of the date of this Assignment and Assumption of Loan Documents, subject to the terms of the Agreement.

TO HAVE AND TO HOLD unto the Assignee and its successors and assigns forever.



**FIDELITY BANK,**  
a federal savings bank

By Michael E. Smith  
Print: Michael E. Smith  
Title: Senior Vice President

STATE OF Kansas )  
 ) ss.  
COUNTY OF Sedgwick )

On this 1 day of June, 2012, before me appeared Michael E. Smith, to me personally known, who being by me duly sworn, did say that he/she is the Senior Vice President of Fidelity Bank, a federal savings bank, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and said Senior Vice President acknowledged said instrument to be the free act and deed of said corporation.

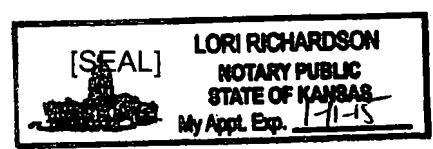
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Lori Richardson  
Notary Public

Print Name: Lori Richardson

My Commission Expires:

1/11/2015



C

## SCHEDULE 1

### (Loan and Loan Documents)

Lender: GE COMMERCIAL FINANCE BUSINESS PROPERTY CORPORATION,  
a Delaware corporation

Borrower: RUSSELL D. JETER, AS TRUSTEE OF THE R. JETER FAMILY TRUST  
UNDER TRUST AGREEMENT DATED JANUARY 29, 1999, AND NOT  
INDIVIDUALLY, SUCCESSOR-IN-INTEREST TO  
UTF OMAHA LLC, a Delaware limited liability company

Loan No. 6325142-001

Date of Loan

Documents: November 16, 2007

#### Documents:

1. Balloon Promissory Note in the principal face amount of \$4,500,000.00
2. Commercial Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing recorded on November 30, 2007, with the Register of Deeds for Sarpy County, Nebraska, as Instrument No. 2007-35717
3. Loan Modification and Assignment and Assumption Agreement by and among GE Commercial Finance Business Property Corporation, a Delaware corporation, UTF Omaha LLC, a Delaware limited liability company, and Russell D. Jeter, as Trustee of the R. Jeter Family Trust Under Trust Agreement Dated January 29, 1999, and not individually, dated November 16, 2007, recorded on November 30, 2007, with the Register of Deeds for Sarpy County, Nebraska, as Instrument No. 2007-35721
4. Assignment of Rents and Leases recorded on November 30, 2007, with the Register of Deeds for Sarpy County, Nebraska, as Instrument No. 2007-35718
5. Subordination, Nondisturbance, Attornment and Lessee-Lessor Estoppel Agreement by and among UTF Omaha LLC, a Delaware limited liability company, Cummins Central Power, LLC, a Nebraska limited liability company, and GE Commercial Finance Business Property Corporation, a Delaware corporation, dated November 16, 2007, recorded on November 30, 2007, with the Register of Deeds for Sarpy County, Nebraska, as Instrument No. 2007-35719
6. UCC-1 Financing Statement recorded on November 30, 2007, with the Register of Deeds for Sarpy County, Nebraska, as Instrument No. 2007-35722
7. UCC-1 Financing Statement filed with the California Secretary of State on November 29, 2007, as Document No. 07-7138790951
8. Loan Files (as defined in the Agreement) that relate to the Loan, including all documents in the Loan Files.

**EXHIBIT A**

**(Legal Description)**

Lot One (1), Hilltop Industrial Park Replat 4, a Subdivision in Sarpy County, Nebraska, more particularly described as follows:

Beginning at the NE corner of said Lot 1; thence South (assumed bearing) 590.00 feet on the East line of said Lot 1 to the SE corner thereof; thence West 588.83 feet on the South line of said Lot 1 to the SW corner thereof; thence N 00° 37' 17" W 590.03 feet on the West line of said Lot 1 to the NW corner thereof; thence East 595.23 feet on the North line of said Lot 1 to the point of beginning.