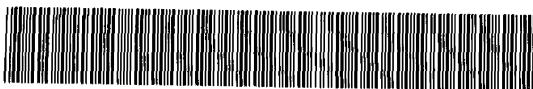


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DEMAND TO INSTITUTE JUDICIAL PROCEEDINGS

PURSUANT TO NEB. REV. STAT. §52-140 and §52-152, Flatwater Lake, LLC, the property owner, hereby submits the following:

1. The real estate subject to the claimed demand to institute judicial proceedings is legally described as: **(please see the document marked Exhibit A, attached hereto, and incorporated herein)**
2. The real estate subject to the claimed demand to institute judicial proceedings is commonly described as: **609 West Valley Street, Valley, Nebraska 68064**
3. Name and address of the person demanding judicial proceedings is: **Flatwater Lake, LLC, 609 West Valley Street, Valley, Nebraska 68064**
4. Name and address of claimant: **Justin D. Smith d/b/a Xquisite Hardscapes, LLC, 6533 North 149th Street, Omaha, Nebraska 68116**
5. For construction lien against which a demand to institute judicial proceedings is made is lien number 2017035807 filed May 11, 2017 by claimant.
6. On May 31, 2017, a written demand was sent by United States certified mail, postage prepaid, return receipt requested, to the claimant Justin D. Smith d/b/a Xquisite Hardscapes, LLC, 6533 North 149th Street, Omaha, Nebraska 68116 to institute a judicial proceeding as allowed by Nebraska law. A photocopy of the signed return receipt is marked as Exhibit B, attached hereto, and incorporated herein.

Dated this 27 day of June, 2017.

Flatwater Lake, LLC

By:

Robert Hampton
 Robert Hampton, Member

STATE OF NEBRASKA)
) ss.
 COUNTY OF DOUGLAS)

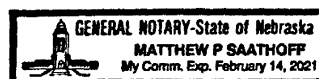
The foregoing was acknowledged before me on this 27 day of June, 2017 by Robert Hampton, Member of Flatwater Lake, LLC.

Prepared by (Please return to):

Matthew P. Saathoff
 The Saathoff Law Group, PC, LLO
 14707 California Street, Ste. 1
 Omaha, NE 68154

402-333-8486

NOTARY PUBLIC



1003514

EXHIBIT "A"

SWSW
SE SW

NW SW
NE SW

Those portions of the Southwest Quarter (SW $\frac{1}{4}$) and of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 36, Township 16 North, Range 9 East of the 6th P.M., in Douglas County, Nebraska, lying North and West of the Union Pacific Railroad right-of-way, EXCEPT that part of the Northwest Quarter of the Southeast Quarter described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Southeast Quarter; thence along the Easterly line of said Northwest Quarter of the Southeast Quarter, South 00°00'52" East, 211.94 feet, to a point on the Northerly right-of-way line of the Beatrice Branch of the Union Pacific Railroad Company; thence along said Northerly right-of-way line, South 58°07'54" West, 360.15 feet, to a point being on a non-tangent curve, concave Northwesterly, to which point a radial line bears South 45°09'45" East, 914.28 feet; thence Northeasterly, along said curve, 470.15 feet, to a point on the Northerly line of said Northwest Quarter of the Southeast Quarter; thence along said Northerly line, South 89°52'14" East, 72.58 feet, to the Point of Beginning;

AND, EXCEPT that part of the Northwest Quarter of the Southeast Quarter described as follows:

Commencing at the Northeast corner of said Southeast Quarter of Section 36; thence South 88°04'34" West (assumed bearing), along the North line of said Southeast Quarter, 1,392.98 feet; thence South 01°55'26" East, perpendicular to said North line, 7.00 feet, to a point on the South right-of-way line of Valley Street, said point being the Point of Beginning; thence Southwesterly, on a 914.28 foot radius curve to the right (chord bearing South 20°03'20" West, chord distance of 200.91 feet), an arc length of 201.32 feet; thence North 04°58'54" West, 186.57 feet, to a point on the South right-of-way line of Valley Street; thence North 88°04'34" East, along said right-of-way line, 85.15 feet, to the Point of Beginning;

AND, EXCEPT that part of the Southwest Quarter described as follows:

Beginning at the intersection of the North right-of-way line of County Road 25 and the East right-of-way line of County Road 104, said point being 32.95 feet North and 33.00 feet East of the Southwest corner of said Section 36; thence North, along said East right-of-way line of County Road 104, 1,292.60 feet, to a point, said point lying on the North line of the Southwest Quarter of the Southwest Quarter of Section 36; thence East, along said North line, 17.00 feet, to a point; thence South, parallel to and 50.00 feet Easterly of the West line of said Southwest Quarter, 944.16 feet, to a point, said point being 381.44 feet North of and 50.00 feet East of the Southwest corner of said Southwest Quarter; thence on a curve to the left (radius equals 331.97 feet, and delta angle equals 59°08'30"), for 342.66 feet, to a point which lies on the Westerly right-of-way line of the Union Pacific Railroad; thence

Southwesterly, along said railroad right-of-way line, for 120.49 feet, to a point which lies on the North right-of-way line of County Road 25, said point being 32.85 feet North of and 109.37 feet East of the Southwest corner of said Southwest Quarter; thence West, along said North right-of-way line, 76.37 feet, to the Point of Beginning;

AND, EXCEPT that part of the Northwest Quarter of the Southwest Quarter described as follows:

The East 17.0 feet of the West 50.0 feet of the Northwest Quarter of the Southwest Quarter of said Section 36;

AND, EXCEPT that part thereof described as follows:

Commencing at the Northwest corner of said Southwest Quarter of said Section 36; thence North $88^{\circ}04'34''$ East (assumed bearing), along the North line of said Southwest Quarter, 50.00 feet, to a point of intersection of the South right-of-way line of Valley Street and the East right-of-way line of 288th Street, said point being the Point of Beginning; thence continuing North $88^{\circ}04'34''$ East, along said South right-of-way line of Valley Street, 2,591.49 feet, to the Northeast corner of said Southwest Quarter; thence continuing North $88^{\circ}04'34''$ East, along said South right-of-way line, 1,247.79 feet; thence Southwesterly, on a 914.28 foot radius curve to the right (chord bearing South $13^{\circ}32'57''$ West, chord distance 7.26 feet), an arc length of 7.26 feet; thence South $88^{\circ}04'34''$ West, along a line 7.0 feet South of and parallel to the South right-of-way line of Valley Street, 1,245.84 feet, to a point on the East line of said Southwest Quarter; thence continuing South $88^{\circ}04'34''$ West, along a line 7.00 feet South of and parallel to said South right-of-way line of Valley Street, 2,591.49 feet, to a point on the East right-of-way line of 288th Street; thence North $02^{\circ}02'50''$ West, along said East line, 7.00 feet, to the Point of Beginning;

Subject to public roads and/or highways.

(Note for Indexing: NESW, NWSW, SWSW, SESW & NWSE)

EXHIBIT "B"

SERVICE OF MAILING FATWATER LAKE, LLC DEMAND
[N.R.S. §52-140(2)]

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <i>Laamic Hobbs</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>JUSTIN D. SMITH XQUISITE HARDSCAPE LLC 6533 N. 149TH STREET OMAHA, NE 68116</p>		<p>B. Received by (Printed Name) <i>Laamic Hobbs</i> C. Date of Delivery <i>6/14/17</i></p>	
<p>2. Article Number (Transfer from service label) 7016 1370 0000 2763 2539</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>9590 9402 2184 6193 8933 61</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail (over \$500)</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	