

DEED 2014011348



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By KS

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Received - DIANE L. BAI TIATO
Register of Deeds, Douglas County, NE
2/13/2014 10:32:27.45



2014011348

**CORPORATE WARRANTY DEED
PUBLIC PURPOSES**

When recorded return to:
City of Omaha, Nebraska
Public Works Department
General Services Division
R-O-W Section
(Mark Thurber, R/W Agent)

FOR OFFICE USE ONLY	
Project:	Dahlman Ave. improvements
City Proj. No.:	OPW 52341
Tract No.:	04
Address:	4125 Dahlman Ave. Omaha, Nebraska 68107

mt

KNOW ALL MEN BY THESE PRESENTS: and *The Hillary Corporation*

THIS DEED, made this 11th day of February, 2014, AD, between **KCI, A Division of Kruger Commodities, Inc.**, a Nebraska corporation, and herein known as the "GRANTOR," whether one or more, for and in consideration of the sum of Three thousand eight hundred and 00/100 dollars (\$3,800.00) and other good and valuable consideration, in hand paid, do hereby grant, bargain, sell, convey, and confirm for public purposes unto the **City of Omaha, Nebraska**, a Municipal Corporation, organized and existing under and by virtue of the Laws of the State of Nebraska, herein known as the "CITY," the following described real estate, situated in the County of Douglas and State of Nebraska, to-wit:

SEE ATTACHED EXHIBIT "A"--LAND ACQUISITION LEGAL DESCRIPTION

TO HAVE AND TO HOLD the above described premises, together with all the tenements, hereditaments, and appurtenances thereunto belonging, unto said CITY and its successors and assigns forever.

And the said GRANTOR, for itself and its successors, does hereby covenant and agree to and with the said CITY, and its successors and assigns, that at the time of the execution and delivery of these presents it is lawfully seized of said premises, that it has good right and lawful authority to convey the same; that they are free from encumbrance, except those now of record; and party of the first part does hereby covenant for itself and its successors to warrant and defend the said premises against the lawful claims of all persons whomsoever.

Warranty Deed
OPW 52341 Dahlman Av. Improvements
Tract 04

Charge
CIT

IN WITNESS WHEREOF, the said GRANTOR has hereunto (called its Corporate Seal to be affixed) (Said Corporation has no Corporate Seal and these presents to be signed by its respective officers this 11th day of February, 2014.

KCI, A Division of Kruger Commodities, Inc. and The Hillman Corporation

AUTHORIZED OFFICER

ATTEST:

James H Kruger
(Sign)

Jami Kotera
(Sign)

C.O.B.
(Title)

HR.
(Title)

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

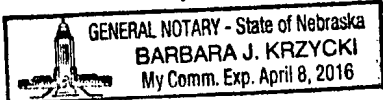
(Corporate Seal)

On this 11 day of February, 2014, before me, a Notary Public in and for said County, personally came

James H. Kruger, as Chairman of the Board, and Jami Kotera,
(Name) (Title)

as H.R. of KCI, A Division of Kruger Commodities, Inc. a Nebraska Corporation, to me personally known to be the respective officers of said corporation and the identical persons whose names are affixed to the foregoing instrument, and acknowledged the execution thereof to be their respective voluntary act and deed as such officers and the voluntary act and deed of said Corporation, and the Corporate Seal of said Corporation to be thereto affixed by its authority.

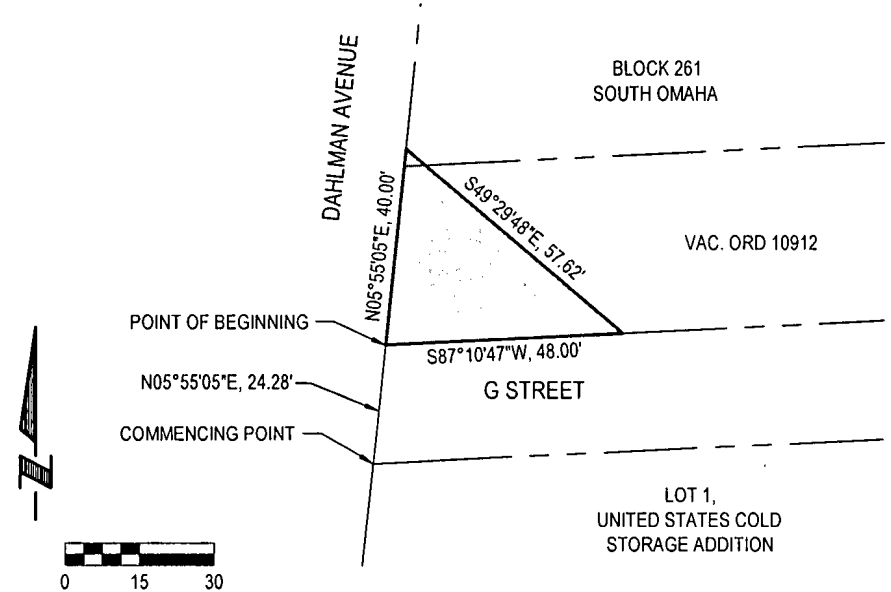
WITNESS my hand and Notarial Seal the day and year last above written.



Notary Seal

[Signature]
NOTARY PUBLIC

EXHIBIT "A"



Scale: 1" = 30'

LEGAL DESCRIPTION
LAND ACQUISITION

OWNER

THE HILLARY CORP. C/O KRUEGER COMMODITIES
14344 Y STREET, OMAHA, NE 68107
DEED BOOK 1938 PAGE 480

A LAND ACQUISITION LOCATED IN BLOCK 261, SOUTH OMAHA, A SUBDIVISION LOCATED IN THE NW1/4 OF SECTION 4, TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, UNITED STATES COLD STORAGE ADDITION, A SUBDIVISION LOCATED IN SAID SECTION 4, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF "G" STREET AND THE EAST RIGHT-OF-WAY LINE OF DAHLMAN AVENUE; THENCE N05°55'05"E (ASSUMED BEARING), A DISTANCE OF 24.28 FEET THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID "G" STREET AND SAID EAST RIGHT-OF-WAY LINE OF DAHLMAN AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N05°55'05"E ALONG SAID EAST RIGHT-OF-WAY LINE OF DAHLMAN AVENUE, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 1, SOUTH OMAHA AND THE SOUTHERLY EXTENSION, A DISTANCE OF 40.00 FEET; THENCE S49°29'48"E A DISTANCE OF 57.62 FEET TO A POINT ALONG THE SOUTH LINE OF SAID BLOCK 261, SOUTH OMAHA, SAID POINT ALSO BEING ALONG SAID NORTH RIGHT-OF-WAY LINE OF "G" STREET; THENCE S87°10'47"W ALONG SAID SOUTH LINE OF BLOCK 261, SOUTH OMAHA, SAID LINE ALSO BEING SAID NORTH RIGHT-OF-WAY LINE OF "G" STREET, A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

SAID LAND ACQUISITION CONTAINS AN AREA OF 949 SQUARE FEET OR 0.022 ACRES, MORE OR LESS.

	E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services <small>330 North 117th Street Omaha, NE 68154 Phone: 402.865.4700</small>			LAND ACQUISITION BLOCK 261, SOUTH OMAHA DOUGLAS COUNTY, NEBRASKA
	Drawn by: CJV Chkd by:	Scale: 1" = 30'	Date: 12/26/2013	
	Job No.: P2012.525.001	OPW 52341	TRACT 4	

ARTICLES OF MERGER
OF
THE HILLARY CORPORATION
INTO
KRUGER COMMODITIES, INC.

COPY

Pursuant to the provisions of the Nebraska Business Corporation Act, the undersigned corporations adopt the following Articles of Merger:

I.

The names of the corporations and the states under the laws of which they are organized are:

THE HILLARY CORPORATION, a Nebraska corporation
KRUGER COMMODITIES, INC., a Nebraska corporation

II.

The name of the surviving corporation is "KRUGER COMMODITIES, INC."

III.

The following Plan of Merger was approved by the shareholders and directors of each corporation in the manner and to the extent prescribed by the Nebraska Business Corporation Act:

PLAN OF MERGER

1. Surviving Corporation. THE HILLARY CORPORATION shall be merged into KRUGER COMMODITIES, INC., which shall be the surviving corporation.

2. Terms and Conditions of Merger. On the effective date of the merger of THE HILLARY CORPORATION into KRUGER COMMODITIES, INC., the separate existence of THE HILLARY CORPORATION shall cease, the stock of THE HILLARY CORPORATION shall be cancelled, and KRUGER COMMODITIES, INC., shall succeed to all the properties, rights, and other assets and shall be subject to all the liabilities of THE HILLARY CORPORATION without further action by either corporation. Upon the merger herein described, the shareholders of THE HILLARY CORPORATION shall receive 31.92 shares of the voting stock of KRUGER COMMODITIES, INC, for each share of common stock of THE HILLARY CORPORATION

3. Further Assurances. If at any time KRUGER COMMODITIES, INC. shall determine that additional conveyances, documents, or other actions are necessary to carry out the provisions of this Plan of Merger, the officers and directors of THE HILLARY CORPORATION

COPY

as of the effective date of this merger shall execute such conveyances or documents or take such action.

4. Effective Date. The effective date of this merger shall be December 31, 2006.

IV.

As to each corporation, the shareholders of which were required to vote thereon, the number of shares outstanding and the number of shares of common stock voted for and against the Plan of Merger are:

<u>Name of Corporation</u>	<u>Number of Shares Outstanding</u>	<u>Number of Shares Voted For</u>	<u>Number of Shares Voted Against</u>
THE HILLARY CORPORATION (Common Stock)	50	50	-0-
KRUGER COMMODITIES, INC. (Common Stock)	62,543	62,543	-0-

Dated this 20th day of December, 2006.

KRUGER COMMODITIES, INC.

Attest:
By: James H. Kruger Barbara Krzycki
JAMES H. KRUGER, President Barbara Krzycki, Secretary

THE HILLARY CORPORATION

Attest:
By: James H. Kruger Barbara Krzycki
JAMES H. KRUGER, President Barbara Krzycki, Secretary

LAW OFFICES

FITZGERALD, SCHORR, BARMETTLER & BRENNAN, P.C., L.L.O.

13220 CALIFORNIA STREET, SUITE 400
OMAHA, NEBRASKA 68154-5228
(402) 342-1000

facsimile: (402) 342-1025
e-mail: fitzlaw@fitzlaw.com
website: www.fitzlaw.com

E-mail address: mmatejka@fitzlaw.com

December 28, 2006



WILLIAM A. TINSTMAN
ANDREW M. BATH
OF COUNSEL

WILLIAM J. BRENNAN
RETIRED

JAMES J. FITZGERALD, JR.
1903-1989

CHARLES A. SCHORR
1924-1998

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*ALSO LICENSED TO PRACTICE IN IOWA

JOSEPH J. BARMETTLER
GREGORY B. MINTER
BRUCE D. VOSBURG
ROBERT T. CANNELLA
GERALD L. FRIEDRICHSEN
NICK R. TAYLOR*
MICHAEL D. MATEJKA
FRANK J. MIHULKA
MATTHEW F. HIEFFRON*
THOMAS G. McKEON
SUSAN J. SPAHN
THOMAS R. OSTDIEK
CARLA HEATHERSHAW RISKO*
ANDREW T. SCHLOSSER
CAMILLE R. HAWK
MATTHEW J. BOEVER
DUSTIN J. KESSLER
JOSHUA W. WEIR*

Midlands Business Journal
1324 South 119th Street
Omaha, NE 68144

In re: The Hillary Corporation/Kruger Commodities, Inc.

Dear Sir or Madam:

Please publish the enclosed Notice of Merger in the *Midlands Business Journal* for three consecutive weeks and file the necessary Proof of Publication with the Secretary of State. Please send us a copy of the Proof of Publication for our records when the foregoing is completed.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

MICHAEL D. MATEJKA
For the Firm

MDM/cab

Enclosure

cc: James H. Kruger

232374

Michael D. Matejka
Fitzgerald, Schorr, Barmettler & Brennan, P.C., L.L.O.
13220 California Street, Suite 400
Omaha, Nebraska 68154-5228

**Notice of Merger
of
THE HILLARY CORPORATION
Into
KRUGER COMMODITIES, INC.**

Notice is hereby given that The Hillary Corporation, a Nebraska corporation, has merged with Kruger Commodities, Inc., a Nebraska corporation, and that the name of the surviving entity is "KRUGER COMMODITIES, INC." The Articles of Merger were filed with the Nebraska Secretary of State on December 22, 2006.