



MISC 2004165975



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Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
12/23/2004 14:56:43.12  
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### REGRESS AND PARKING EASEMENT AGREEMENT

This Regress and Parking Easement Agreement ("Agreement") is executed this \_\_\_ day of \_\_\_\_\_, 2004 by FIRST NATIONAL BANK OF OMAHA, Trustee (hereinafter "Trustee") in favor of the LYNCH FAMILY FOUNDATION (the "Foundation"), its successors, transferees and assigns.

WHEREAS, Trustee is the nominee title holder of the 420 Condominium Regime by conveyance to and creation of said Regime by Trustee under a Master Deed and Declaration filed August 27, 1991, in Book 1905 at Page 639 in the real estate records of the Douglas County, Nebraska Register of Deeds Office;

WHEREAS, the Foundation acquired fee simple title to Unit 5 of the 420 Condominium Regime under a Warranty Deed recorded on April 16, 2002 in Book 2208 at Page 166 in the real estate records of Douglas County, Nebraska;

WHEREAS, the Foundation took title to Unit 5 of the 420 Condominium Regime with the understanding that Trustee would convey a permanent, exclusive parking easement for use by occupants of Unit 5, said easement to run with the land and to be for the benefit of the current and future owners of Unit 5 of the 420 Condominium Regime; and

WHEREAS, Trustee desires to convey a permanent, exclusive easement to the West 9 feet of the East 10 feet of the North 19 feet of Lot 8, Block 151, Original City of Omaha, Douglas County, Nebraska (hereinafter referred to as "Parcel A") for use by the owners of Unit 5 of the 420 Condominium Regime, all of which Parcel A is located within the common area of 420 Condominium Regime.

NOW, THEREFORE, in consideration of the foregoing recitals, which are hereby made an integral part of this Agreement, and One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is acknowledged, Trustee hereby agrees as follows:

- 1. Trustee hereby grants the Foundation, its successors, transferees and assigns in title to Unit 5 of the 420 Condominium Regime, Douglas County, Nebraska, a permanent, exclusive easement to Parcel A for the following purposes:
  - (a) The parking of motor vehicles in Parcel A by the current owners and successors in title to Unit 5, 420 Condominium Regime, and their respective guests, agents and invitees, and

(b) The Regress of pedestrians and motor vehicles of persons designated in (a) above, to and from any portion of Parcel A across the common area of 420 Condominium Regime reasonably necessary to access Unit 5 and the public streets adjacent thereto.

2. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of Parcel A to the general public or for the use of the general public or for any public purpose whatsoever, it being the intention of Trustee to strictly limit the easement for the purposes and to the extent permitted herein.

3. If any clause, sentence or other portion of the terms, covenants and restrictions of this Agreement becomes illegal, null or void for any reason or held by any court of competent jurisdiction to be so, the remaining portions of this Agreement will remain in full force and effect and shall be construed to carry out the purposes of this Agreement.

4. This Agreement and the easements granted herein shall run with the land and inure to the benefit or burden of the parties hereto and their respective successors, transferees and assigns.

5. This Agreement constitutes the entire Agreement with regard to the subject matter hereof, and no other agreement, written or oral, shall be binding on the parties with regard to the subject matter hereof unless set forth herein or in an amendment to this Agreement executed by both Trustee and the Foundation, or their respective successors, transferees or assigns. This Agreement shall be governed by the laws of the State of Nebraska. This Agreement shall supercede and replace any previous easement over Parcel A for the purposes provided for in this Agreement previously granted by Trustee to the Foundation.

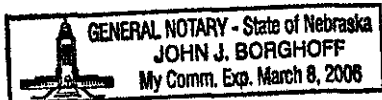
IN WITNESS WHEREOF, Trustee has executed this Agreement in favor of the Foundation on the date indicated above.

FIRST NATIONAL BANK OF OMAHA, Trustee

By: [Signature]  
Its: Trust Officer

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 16 day of December, 2004, by David J. Anen, Trust Officer, for and on behalf of FIRST NATIONAL BANK OF OMAHA, Trustee.



[Signature]  
Notary Public