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FILED FOR RECORD 03-04-99 AT 10:00 A.M.
IN BOOK 169 OF Deeds PAGE 431
REGISTER OF DEEDS, CASS CO., NE Patricia Masing
Doc# 130 \$ 30.50

IN THE DISTRICT COURT OF CASS COUNTY, NEBRASKA

STATE OF NEBRASKA)
DEPARTMENT OF ROADS,)
)
Plaintiff,)
)
v.)
)
MARK A. TINCHER and KATHY)
TINCHER, Contract Buyers,)
)
Defendants.)

Case CI98-63

O R D E R

DELLA P. SULLIVAN
CLERK
99FEB-4 PM 4:16
FILED
DISTRICT COURT
CASS COUNTY, NEBR.

Pursuant to a written stipulation heretofore entered into by and between the parties the court does hereby order, adjudge and decree as follows:

1. Judgment is entered for the defendants and against the plaintiff in the total amount of Forty Thousand and no/100 Dollars (\$40,000.00); that said sum shall constitute full settlement for any and all compensation of every kind and nature due and owing the defendants by reason of the condemnation proceeding brought by the plaintiff and against the defendants before the County Judge of Cass County, Nebraska.
2. That the appropriation described in the condemnation proceeding filed before the County Judge of Cass County, Nebraska, is hereby affirmed, other than as modified by this decree.
3. That a copy of the attached plat and description be filed with the County Judge of Cass County, Nebraska, and replace the plat and description presently filed with the Petition and Return of Appraisers filed before the County Judge of Cass County, Nebraska.
4. That the plat and description for Tract 17 attached to the Return of Appraisers filed with the Register of Deeds for Cass County, Nebraska, under Book 166, Page 539, Document 131, are hereby superseded and replaced by the plat and description attached hereto, marked Exhibit A and Exhibit B respectively, and made a part hereof by this reference.
5. That each party shall bear all of its own costs and expenses herein except that the cost of certifying a copy of this Order to the County Judge of Cass County, Nebraska, and to the

Register of Deeds of Cass County, Nebraska, be taxed to the plaintiff.

6. That a copy of this Order be certified by the Clerk of the District Court of Cass County, Nebraska, to the Register of Deeds of Cass County, Nebraska, and said Register of Deeds is hereby directed to record the same. The Register of Deeds is further directed, after recording the Order and attached plat and description to return them to the State of Nebraska, Department of Roads, Legal Office, P.O. Box 94759, Lincoln, NE 68509-4759.

7. That a copy of this Order be certified by the Clerk of the District Court of Cass County, Nebraska, to the County Judge of Cass County, Nebraska; that said County Judge is hereby authorized and directed to make payment to the defendants in the sum of Forty Thousand and no/100 Dollars (\$40,000.00) from the funds heretofore deposited with the County Judge by the plaintiff, and to return the balance of said funds, if any, to the plaintiff.

8. That upon performance of said acts the County Judge of Cass County, Nebraska, is hereby directed to notify the Clerk of the District Court of Cass County, Nebraska, that disbursement of the funds has been made according to the terms of this Order of court and such notification of the payment of the sum of Forty Thousand and no/100 Dollars (\$40,000.00) shall be entered by the Clerk of the District Court of Cass County, Nebraska, as satisfaction of the judgment.

Dated this 16th day of February, 1999.

STATE OF NEBRASKA, ss. County of Cass

I, Della P. Sullivan, Clerk of the District Court, and for said County, do hereby certify that the foregoing is a full and correct copy of the original instrument duly filed and of record in this court.

WITNESS my hand and the seal of said Court at Plattsmouth, Nebraska, this 16th day of February, 1999.

Della P. Sullivan
Clerk of the District Court

BY THE COURT

[Signature]
District Judge

Approved as to form:

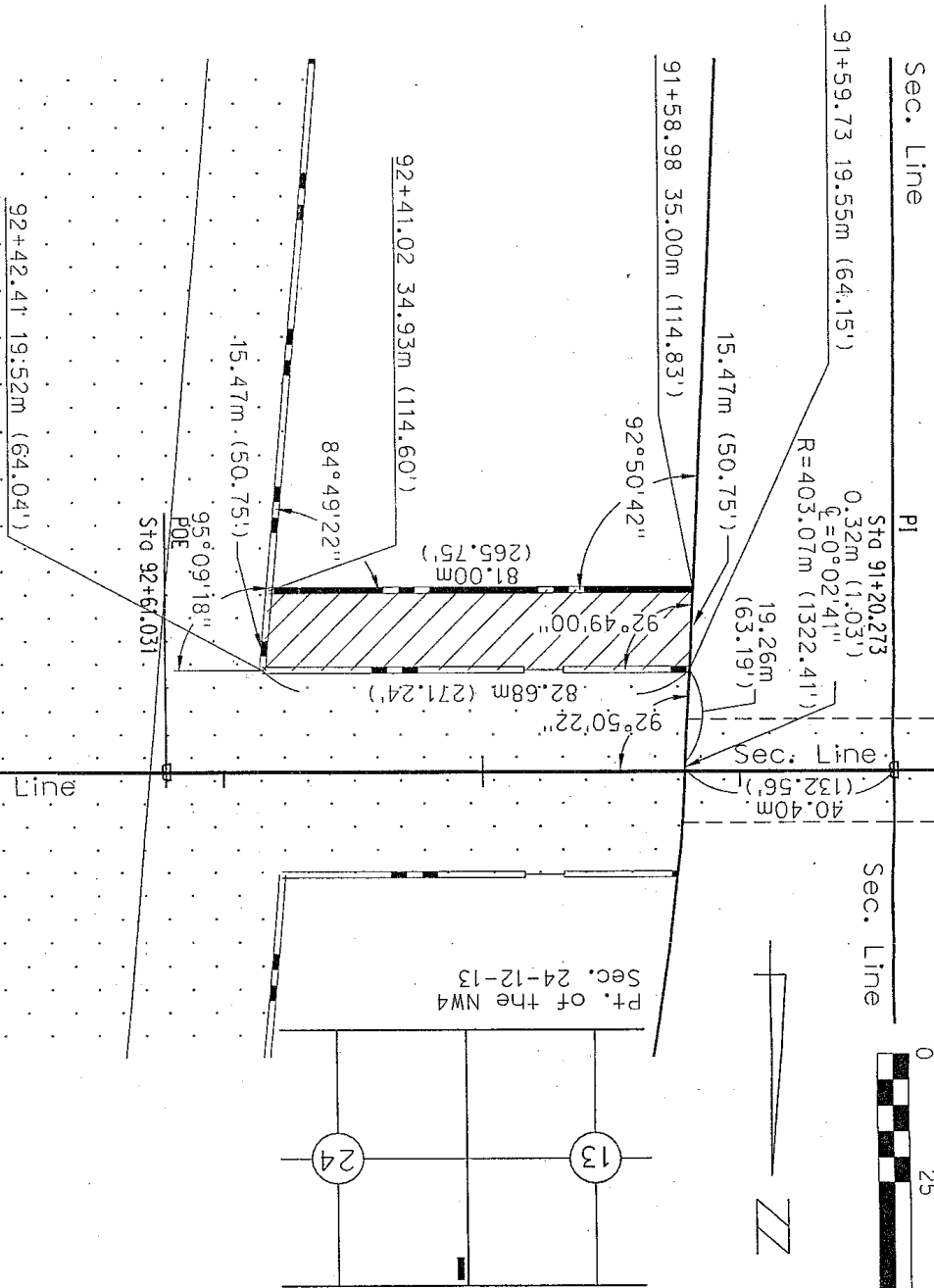
[Signature]
Attorney for the plaintiff

[Signature]
Attorney for the defendants

RCB 178

24, T 12 N, R 13 E

Sec. 13, T 12 N, R 13 E



PLAT SHOWING
RIGHT OF WAY
 TO BE ACQUIRED FROM LAND OWNED BY
 MANDOLFO INVESTMENTS, INCORPORATED n/k/a PEPSICO, INC., A North
 Carolina Corporation, Contract Seller; MARK TINCHER and KATHY
 TINCHER, Contract Buyers; MARK MEISSINGER, Tenant;

STATE OF NEBRASKA
 DEPARTMENT OF ROADS
 RIGHT OF WAY DIVISION
 LINCOLN, NEBRASKA

TRACT NO. 17
 LOCATION Plattsmouth West
 PROJECT NO. STPD-66-7(110)
 CONTROL NO. 21133B

SCALE 1:1000

DATE 1-26-99
 DRAWN BY TDB
 CHECKED BY JGH
 COMPUTED BY TDB

PREV. R.O.W. [Symbol]
 NEW R.O.W. [Symbol] 0.127 h., (0.31 Acres)
 TEMP. EASE. [Symbol]
 PERM. EASE. [Symbol]
 CONTROLLED ACCESS [Symbol]

EXHIBIT A

PROJECT: STPD-66-7(110)

C.N.: 21133B
(PAGE 1)

CASS COUNTY

TRACT: 17

C O N D E M N A T I O N

MANDOLFO INVESTMENTS, INCORPORATED n/k/a PEPSICO, INC., A North Carolina Corporation, Contract Seller; MARK TINCHER and KATHY TINCHER, Contract Buyers; MARK MEISSINGER, Tenant;

FEE SIMPLE TITLE TO A TRACT OF LAND AND ALL IMPROVEMENTS THEREON, IF ANY, FOR HIGHWAY RIGHT OF WAY PURPOSES, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE SIXTH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 24, THENCE EASTERLY ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24 A DISTANCE OF 40.40 METERS (132.56 FEET) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE OMAHA SOUTHERN RAILROAD CO., THENCE SOUTHERLY ON A 403.07 METERS (1322.41 FEET) CURVE TO THE LEFT ALONG THE EAST RIGHT-OF-WAY LINE OF THE OMAHA SOUTHERN RAILROAD CO., DEFLECTION TO THE INITIAL TANGENT BEING 92 DEGREES 50 MINUTES 22 SECONDS RIGHT, AN ARC DISTANCE OF 0.32 METERS (1.03 FEET), SUBTENDING A CENTRAL ANGLE OF 0 DEGREES 02 MINUTES 41 SECONDS TO A POINT, THENCE SOUTHERLY DEFLECTING 0 DEGREES 00 MINUTES 00 SECONDS RIGHT ALONG THE EAST RIGHT-OF-WAY LINE OF THE OMAHA SOUTHERN RAILROAD CO., A DISTANCE OF 19.26 METERS (63.19 FEET) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HWY # 66, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING, THENCE EASTERLY DEFLECTING 92 DEGREES 49 MINUTES 00 SECONDS LEFT ALONG THE SOUTH RIGHT-OF-WAY LINE OF HWY # 66 A DISTANCE OF 82.68 METERS (271.24 FEET) TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF HWY # 34/75, THENCE SOUTHERLY DEFLECTING 95 DEGREES 09 MINUTES 18 SECONDS RIGHT ALONG THE WEST RIGHT-OF-WAY LINE OF SAID HWY # 34/75 A DISTANCE OF 15.47 METERS (50.75 FEET) TO A POINT, THENCE WESTERLY DEFLECTING 84 DEGREES 49 MINUTES 22 SECONDS RIGHT A DISTANCE OF 81.00 METERS (265.75 FEET) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE OMAHA SOUTHERN RAILROAD CO., THENCE NORTHERLY DEFLECTING 92 DEGREES 50 MINUTES 42 SECONDS RIGHT, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID OMAHA SOUTHERN RAILROAD CO. A DISTANCE OF 15.47 METERS (50.75 FEET) TO THE POINT OF BEGINNING CONTAINING AN AREA OF 0.127 HECTARES (0.31 ACRES) MORE OR LESS.

THERE WILL BE NO INGRESS OR EGRESS OVER THE FOLLOWING DESCRIBED CONTROLLED ACCESS LINE LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA:

REFERRING TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 24, THENCE EASTERLY ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24 A DISTANCE OF 40.40 METERS (132.56 FEET) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE OMAHA SOUTHERN RAILROAD CO., THENCE SOUTHERLY ON A 403.07 METERS (1322.41 FEET) CURVE TO THE LEFT ALONG THE EAST RIGHT-OF-WAY

EXHIBIT B

#130

PROJECT: STPD-66-7(110)

C.N.: 21133B

CASS COUNTY

TRACT: 17

(PAGE 2)
OF 2

LINE OF THE OMAHA SOUTHERN RAILROAD CO., DEFLECTION TO THE INITIAL TANGENT BEING 92 DEGREES 50 MINUTES 22 SECONDS RIGHT, AN ARC DISTANCE OF 0.32 METERS (1.03 FEET), SUBTENDING A CENTRAL ANGLE OF 0 DEGREES 02 MINUTES 41 SECONDS TO A POINT, THENCE SOUTHERLY DEFLECTING 0 DEGREES 00 MINUTES 00 SECONDS RIGHT ALONG THE EAST RIGHT-OF-WAY LINE OF THE OMAHA SOUTHERN RAILROAD CO., A DISTANCE OF 19.26 METERS (63.19 FEET) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HWY # 66, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING, THENCE EASTERLY DEFLECTING 92 DEGREES 50 MINUTES 42 SECONDS LEFT ALONG THE SOUTH RIGHT-OF-WAY LINE OF HWY # 66 A DISTANCE OF 81.00 METERS (265.75 FEET) TO THE POINT OF TERMINATION:

ALL RIGHTS TO OIL AND GAS MINERALS IN OR ON THE ABOVE DESCRIBED REAL PROPERTY, SHALL BE RETAINED AND RESERVED TO THE CONDEMNEDS AND TO HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS. SAID CONDEMNEDS AND/OR HIS, HER OR THEIR HEIRS, SUCCESSORS AND ASSIGNS SHALL HAVE NO RIGHT TO ENTER OR USE THE SURFACE OF SAID REAL PROPERTY FOR ANY PURPOSE CONCERNING SAID OIL AND GAS MINERAL RIGHTS, NOR SHALL SAID CONDEMNEDS AND/OR HIS, HERS OR THEIR HEIRS, SUCCESSORS AND ASSIGNS IN EXTRACTING SAID OIL AND GAS MINERALS FROM SAID REAL PROPERTY, DAMAGE OR IN ANY WAY IMPAIR THE USE OF SAID REAL PROPERTY.