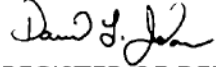


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CASS COUNTY, NE.

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REGISTER OF DEEDS  
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Prepared by: Lawrence E. Krittenbrink, Baird Holm LLP, 1700 Farnam Street, Omaha, NE 68102

Return recorded document to: Metropolitan Life Insurance Company, 10801 Mastin Blvd., Suite 930, Overland Park, KS 66210, Attn: Loan Manager, Central Region

Wiles RE Term Loan 2015

Loan No: 197516

**AFFIDAVIT OF NON-PRODUCTION**

The undersigned owners of record, of lawful age and being first duly sworn, hereby state and swear that we are the owners of real estate located in Cass County, Nebraska (the "**Property**") described on **Exhibit "A"** attached.

The undersigned state and swear that at the present time there is no production of oil or gas or other minerals on the Property, and that there has been no production of oil or gas or other minerals on said Property.

The undersigned further state and swear that at the present time there is no production of oil or gas or other minerals from any oil and gas leases the Property is subject to, including, but not limited to, (1) the Oil and Gas Lease recorded January 3, 1984, as Book 27, Page 620, in the register of deeds of Cass County, Nebraska (the "**Land Records**"), and any ratifications, assignments and extensions thereto, (2) the Oil and Gas Lease recorded November 21, 1939, as Book W, Page 605, in the Land Records, and any assignments and extensions thereto and that there has been no production of oil or gas or other minerals on said property from any oil and gas leases affecting the Property.

Dated and executed on this 6<sup>th</sup> day of March, 2015.

[No further text on this page; Signature page to follow]

[Signature page to Affidavit of Non-Production]

**OWNER**

Address for notices:  
606 Wiles Road  
Plattsmouth, Nebraska 68048

**WILES BROS, INC.**, a Nebraska corporation

By: *Marvin C Wiles*  
MARVIN C. WILES  
President

STATE OF NEBRASKA )  
COUNTY OF Cass ) SS

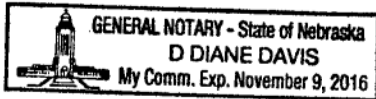
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2015 by MARVIN C. WILES, President on behalf of WILES BROS, INC., a Nebraska corporation.

*D. Diane Davis*  
Signature of person taking Acknowledgment

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Serial Number, if any

[SEAL]



**EXHIBIT A**

Wiles RE Term Loan 2015  
Loan No: 197516  
AFFIDAVIT OF NON-PRODUCTION

**Legal Description of Real Estate**

Cass County, Nebraska

The land referred to is situated in the State of Nebraska, County of Cass and is described as follows:

Tract 1:

Parcel 1:

A tract of land being a portion of Lots 6 and 7, located in the Northwest Quarter of Section 25, and a portion of Lot 54, located in the Southwest Quarter of Section 24, all in Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska and more fully described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 25; thence on the North line of the Northwest Quarter, North 88°40'30" East (assumed bearing), a distance of 174.59 feet to a point on the East right of way line of Highway 75 and the point of beginning; said point also being the beginning of a non-tangent curve to the right; thence along said East right of way line and along said curve, having a radius of 11,299.16 feet and a chord bearing of North 00°46'47" East, 61.58 feet, an arc length of 61.58 feet; thence North 88°58'37" East, a distance of 238.15 feet; thence North 00°25'25" West, a distance of 40.91 feet; thence North 89°34'35" East, a distance of 66.00 feet; thence South 00°25'25" East, 20.00 feet; thence South 45°25'25" East, a distance of 14.14 feet; thence North 89°34'35" East, a distance of 684.22 feet to the beginning of a curve to the right; thence along said curve, having a radius of 183.00 feet and a chord bearing of South 53°25'45" East, 220.24 feet, an arc length of 236.32 feet; thence South 16°26'06" East, 360.87 feet; thence South 61°26'06" East, 14.14 feet; thence North 73°33'54" East, 209.37 feet to the beginning of a curve to the left; thence along said curve, having a radius of 467.00 feet and a chord bearing North 61°26'25" East, 196.18 feet, an arc length of 197.65 feet; thence South 40°41'04" East, 66.00 feet to the beginning of a non-tangent curve to the right; thence along said curve, having a radius of 533.00 feet and a chord bearing South 61°26'25" West, 223.90 feet, an arc length of 225.58 feet; thence South 73°33'54" West, 54.73 feet; thence South 16°26'06" East, 355.30 feet; thence South 01°14'58" East, 161.33 feet to a point on the North right of way line of East Wiles Road; thence along said North right of way line, South 88°45'02" West, a distance of 1,546.34 feet to a point on the East right of way line of said Highway 75; thence along said East right of way line, North 01°10'56" West, a distance of 778.90 feet to the beginning of a curve to the right; thence continuing along said East right of way line and along said curve, having a radius of 11,299.16 feet and a chord bearing of North 00°10'17" East, 178.36 feet, an arc length of 178.36 feet to the point of beginning.

Parcel 2:

The Southwest Quarter of the Southwest Quarter of Section 24, Township 12 North, Range 13 East of the 6th P.M., in Cass County, Nebraska and Lot 54 in the Southeast Quarter of the Southwest Quarter of Section 24, Township 12 North, Range 13 East of the 6th P.M., in Cass County, Nebraska, Except highway, and Except that part conveyed to Wiles Crossing, LLC, by Warranty Deed filed May 12, 2008, in Book 189, Page 736, Official Records, Cass County, Nebraska.

Tract 2

Parcel 1:

Tax Lot 10, located in the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 7, Township 11 North, Range 14 East of the 6th P.M., Cass County, Nebraska, more fully described as follows: Beginning at the NE corner of

Wiles RE 2015 Term Loan  
Affidavit of Non-Production (Oil & Gas)  
Loan No: 197516  
DOCS/1395092.1

said NW¼SE¼; thence  $89^{\circ}59'46''$ W (assumed bearing), along the North line of the NW¼SE¼ 659.12 feet; thence  $50^{\circ}50'36''$ E, 1,322.95 feet to a point on the South line of the NW¼SE¼; thence  $89^{\circ}52'46''$ E, along said South line, 659.10 feet to the SE corner of the NW¼SE¼; thence  $0^{\circ}50'36''$ W, along said East line, 1,321.52 feet to the point of beginning.

Parcel 2:

Lots 17, 18 and 19, Lakeview Estates II, Phase 2, a Subdivision in Cass County, Nebraska.

Parcel 3:

The Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 7, Township 11 North, Range 14 East of the 6th P.M., Cass County, Nebraska; Except Tax Lot 10.

Parcel 4:

A part of the Southwest Quarter of Section 7, Township 11 North, Range 14 East of the 6th P.M., Cass County, Nebraska, (also part of Lot 1, Lot 2, part of Lot 3 and Lot 4) more fully described as follows: Beginning at the West Quarter corner of said Section 7; thence  $88^{\circ}29'22''$ E, along the North line of the SW¼, 1311.64 feet; thence  $50^{\circ}43'37''$ W 658.88 feet; thence  $88^{\circ}29'22''$ E, 1323.82 feet to a point on the east line of the SW¼; thence  $50^{\circ}42'16''$ W, along the east line 665.90 feet to a concrete monument; thence continuing  $50^{\circ}42'16''$ W, 993.29 feet to a point on the north line of Beaver Lake Subdivision; thence  $88^{\circ}42'34''$ W, 643.15 feet; thence  $11^{\circ}10'59''$ E, 19.84 feet; thence following the arc of a 703.94 foot radius curve to the right, 553.39 feet, (the long chord bears  $66^{\circ}04'58''$ W, 539.25 feet), to a point of tangent; thence  $43^{\circ}34'54''$ W, 262.28 feet; thence  $0^{\circ}28'51''$ E, 582.36 feet; thence  $88^{\circ}32'06''$ W, 1308.11 feet to a point on the west line of the SW¼; thence  $0^{\circ}34'32''$ E, along said west line, 1328.71 feet to the point of beginning; EXCEPT Lakeview II Estates.

AND

The North Half of the Northeast Quarter of the Southwest Quarter (N½NE¼SW¼) of Section 7, Township 11 North, Range 14 East of the 6th P.M., Cass County, Nebraska; EXCEPT Tax Lot 12.

Tract 3:

The Northeast Quarter of Section 21, Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska;

AND

The Northeast Quarter of the Northwest Quarter (NE¼NW¼); the North Half of the Southeast Quarter of the Northwest Quarter (N½SE¼NW¼); the East 15 acres of the Northwest Quarter of the Northwest Quarter (E15 ac NW¼NW¼); and the East 5 acres of the North Half of the Southwest Quarter of the Northwest Quarter (E5 ac N½SW¼SW¼), all in Section 21, Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska;

AND

The East  $1\frac{2}{3}$  acres of the West 15 acres of the North Half of the Southwest Quarter of the Northwest Quarter (N½SW¼NW¼), Section 21, Township 12 North, Range 13 East of the 6<sup>th</sup> P.M., Cass County, Nebraska;

EXCEPT

That part conveyed to Donald T. Skalak and Mary V. Skalak by Warranty Deed, filed December 19, 1969, in Book 105, Page 558;

AND EXCEPT

That part conveyed to the State of Nebraska, filed July 3, 1950, in Book 87, Page 259;

AND EXCEPT

That part conveyed to the State of Nebraska, filed June 6, 1958, in Book 96, Page 61.

AND EXCEPT

Tax Lots 9 and 10 located in the Northeast ¼ of Section 21, Township 12 North, Range 13 East of the 6th P.M., Cass County Nebraska, as shown on the Plat of Survey filed February 2, 2015 in Book 75 at Page 13.

AND EXCEPT that part to be surveyed consisting of a housing site; all to be more accurately described by a survey.

Wiles RE 2015 Term Loan

Affidavit of Non-Production (Oil & Gas)

Loan No: 197516

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