



DEED 2010027942




APR 02 2010 12:16 P 5

deed 5/5  
- see attached  
2750 - 61-11246

Nebr Doc Stamp Tax	
Date	4-2-10
\$	14,829.
By	DB

FEE	2750	FB	61-11246
BKP		C/D	COMPL
DEL	L	SCAN	FV

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 4/2/2010 12:16:30.45  
  
 2010027942

**THIS PAGE INCLUDED FOR INDEXING**

**PAGE DOWN FOR BALANCE OF INSTRUMENT**

Return To:     #9      
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Check Number  
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**SPECIAL WARRANTY DEED**

Empire Spectrum, L.P., a Nebraska limited partnership, GRANTOR, whether one or more, in consideration of one dollar and other valuable consideration received from GRANTEE, Jasper Stone Empire Park I LLC, a Nebraska limited liability company, whether one or more, conveys and confirms to GRANTEE the following described real estate (as defined in Neb. Rev. Stat. ss76-201):

See Exhibit A attached hereto

Grantor covenants (jointly and severally, if more than one) with the Grantee that Grantor:

- (1) is lawfully seized of such real estate and that it is free from encumbrances except for the "Permitted Exceptions" set forth on Exhibit B attached hereto;
- (2) has legal power and lawful authority to convey the same; and
- (3) warrants and will defend title to the real estate against the lawful claims of all persons claiming the same or any part thereof through, by or under Grantor, but not otherwise.

Executed on this 30 day of March, 2010.

Empire Spectrum, L.P., a Nebraska limited partnership

By: [Signature]  
Print Name: \_\_\_\_\_  
Title: S.P.

STATE OF Nebraska)  
  )ss  
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me on 3/30, 2010, by Rick L. Scott, Manager of Empire Spectrum, L.P., a Nebraska limited partnership, GRANTOR. Member

[Signature]  
Notary Public



#9 NE0911668

**Exhibit A to the Deed**

**Legal Description**

**PARCEL A:**

61-11239

Lots 57, 58, 59 and 80, Empire Park Replat II, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska; EXCEPT that part of Lot 57, more particularly described as follows: A triangular parcel of land located in Lot 57, Empire Park Replat II, City of Omaha, Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of said Lot 57; thence West along the South boundary lines of said Lot for a distance of 7.00 feet; thence Northeasterly along a straight line for a distance of 18.55 feet to a point on the East boundary line of said Lot 57, said point being 15.00 feet North of the Southeast corner of said Lot; thence South along the East boundary line of said lot for a distance of 15.00 feet to the point of beginning. AND EXCEPT that part of Lot 59, more particularly described as follows: A triangular parcel of land located in Lot 59, Empire Park Replat II, City of Omaha, Douglas County, Nebraska, described as follows: Commencing at the Southwest corner of said Lot 59; thence North along the West boundary line for a distance of 20.00 feet; thence Southeasterly along a straight line for a distance of 28.25 feet to a point on the South boundary line of said Lot 59, said point being 20.00 feet East of the Southwest corner of said Lot 59; thence West along the South boundary line of said lot for a distance of 20.00 feet to the point of beginning.

**PARCEL B:**

61-11246

Lot 1, Empire Park Replat 5, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

## EXHIBIT B to the Deed

### List of Permitted Exceptions

1. General Real Estate Taxes for the tax year 2009 for Parcel A totaling \$47,381.44 were due December 31, 2009; the first installment of such taxes does not become delinquent until April 1, 2010; the second installment of such taxes does not become delinquent until August 1, 2010. (Tax Parcel ID#: 2359-0954-10)
2. General Real Estate Taxes for the tax year 2009 for Parcel B totaling \$56,625.94 were due December 31, 2009; the first installment of such taxes does not become delinquent until April 1, 2010; the second installment of such taxes does not become delinquent until August 1, 2010. (Tax Parcel ID#: 2359-2300-10)
3. Deed of Trust, Security Agreement, Financing Statement and Assignment of Rents dated February 26, 2004, filed March 1, 2004, as instrument number 2004026508 of the Records of Douglas County, Nebraska, executed by Empire Spectrum L.P., a Nebraska limited partnership to First American Title Insurance Company, a California corporation, as Trustee and American Equity Investment Life Insurance Company, an Iowa corporation, securing the principal sum of \$5,750,000.00. (Affects Parcels A and B)
  - (a). Assumption Agreement dated March 31, 2010, filed \_\_\_\_\_, 2010, as instrument number \_\_\_\_\_ of the Records of Douglas County, Nebraska, executed by and between Empire Spectrum L.P. a Nebraska limited partnership, Jasper Stone Empire Park I, LLC, a Nebraska limited liability company and American Equity Investment Life Insurance Company, an Iowa corporation. (Affects Parcels A and B)
4. Assignment of Leases and Rents dated February 26, 2004, filed March 1, 2004, as instrument number 2004026509 of the Records of Douglas County, Nebraska, executed by and between Empire Spectrum L.P., a Nebraska limited partnership and American Equity Investment Life Insurance Company, an Iowa corporation. (Affects Parcels A and B)
5. Matters affecting the land described herein as Parcels A and B, as revealed upon the ALTA/ACSM Survey dated December 2, 2009 and last revised March 26, 2010 by Louis Whisonant, Nebraska Registered Land Surveyor No. LS421, entitled "Spectrum Office Park".
6. Agreement dated September 20, 1974, filed November 25, 1974, in Book 545 at Page 129 of the Records of Douglas County, Nebraska, by and between Omaha Public Power District and Ronald J. Abboud and Joann M. Abboud; affecting a portion of land as described therein.
7. Easement filed November 25, 1974, in Book 545 at Page 141 of the Records of Douglas County, Nebraska, granted to Omaha Public Power District over a portion of land as described therein.
8. Easement and Right of Way filed March 6, 1981, in Book 647 at Page 600 granted to Metropolitan Utilities District on, over, under and through a portion of land as described therein.
9. Easements granted for utilities by Plat and Dedication filed September 7, 1983, in Book 1713 at Page 20 of the Records of Douglas County, Nebraska, granted to Omaha Public Power District and Northwestern Bell Telephone Company, their successors and assigns, on, over, through, under and across a five foot strip of land abutting the front and side boundary lines; an eight foot strip of land abutting the rear boundary lines of all interior lots and a sixteen foot strip of land adjoining the rear boundary lines of all exterior lots with provision for said sixteen

foot easement to be reduced to eight feet when the adjacent land is surveyed, platted and recorded.

(a). Disclaimer and Release of Easement by Omaha Public Power District filed July 14, 1995, in Book 1151 at Page 235 of the Records of Douglas County, Nebraska, affecting only that portion of land described therein.

(b). Quitclaim Deed filed June 6, 1996 in Book 1178 at Page 534 of the Records of Douglas County, Nebraska, granted to Northwestern Bell Telephone Company.

10. Declaration of Protective Covenants filed January 9, 1981, in Book 644 at Page 682 of the Records of Douglas County, Nebraska, which contains certain terms, conditions, restrictions, reservations, limitations and easements as described therein.

(a). Assignment filed July 27, 1990, in Book 932 at Page 474 of the Records of Douglas County, Nebraska.

11. Declaration of Protective Covenants filed February 24, 1984, in Book 705 at Page 629 of the Records of Douglas County, Nebraska, which contains certain terms, conditions, restriction, reservations, provision, limitations and easements affecting subject property as set forth therein.

12. Permanent Easement filed October 23, 1984, in Book 721 at Page 508 of the Records of Douglas County, Nebraska, granted to the City of Omaha on, over, under and through a portion of land as described therein.

13. Easement and Right of Way filed February 7, 1985, in Book 730 at Page 619 of the Records of Douglas County, Nebraska, granted to Metropolitan Utilities District on, over, under and through a portion of land as described therein.

14. Right of Way Easement filed January 6, 1988, in Book 836 at Page 481 of the Records of Douglas County, Nebraska, granted to Omaha Public Power District on, over, under and through a portion of land as described therein.

15. Right of Way Easement filed August 29, 1988, in Book 860 at Page 302 of the Records of Douglas County, Nebraska, granted to Omaha Public Power District on, over, under and through a portion of land as described therein.

16. Easements with Covenants and Restrictions Affecting Land ("ECR") dated July 9, 1995, filed July 20, 1995, in Book 1151 at Page 687 of the Records of Douglas County, Nebraska, executed by and between Empire Spectrum, L.P., a Nebraska limited partnership and 5104 L.L.C., Nebraska limited liability company, subject to terms and conditions of same.

17. Easements set forth within Administrative Subdivision filed December 4, 1998, in Book 1272 at Page 644 of the Records of Douglas County, Nebraska.