

DON CLARK
REGISTER OF DEEDS
SAUNDERS CO. NEBR.
2009 JUN 26 AM 9:07
BOOK 382 PAGE 700
OF 68 INST# 454

DRIVEWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the WELDON W. JOHNSON FAMILY TRUST and EDNA JOHNSON, a/k/a EDNA T. JOHNSON, widow of WELDON W. JOHNSON, hereinafter referred to as "Grantor", whether one or more, is the owner of the following described real estate, to-wit:

West Half of the Southeast Quarter (W1/2SE¼) of Section Seventeen (17), Township Thirteen (13) North, Range Five (5), East of the 6th P.M., Saunders County, Nebraska

hereinafter reference as "Tract I", and;

WHEREAS, DWAIN A. POTTER, a married person, hereinafter referred to as "Grantee", whether one or more, is the owner of the following described real estate, to-wit:

East Half of the Southwest Quarter (E½SW¼) of Section Seventeen (17), Township Thirteen (13) North, Range Five (5), East of the 6th P.M., Saunders County, Nebraska LESS any real estate right-of-way and School District 12 real estate, if not acquired by Grantee

SUBJECT to the life estate of HELEN M. POTTER, hereinafter referenced as "Tract II", and;

WHEREAS, owners of Tract II since at least 1958 have crossed the southwest corner of Tract I for access to Tract II in the form of a driveway continuously since said date for ingress and egress to said Tract II, and;

WHEREAS, Grantee is desirous of building a residence on Tract II and desires to formalize the prescriptive easement that has existed for said driveway for ingress and egress through Tract I to Tract II.

NOW, THEREFORE, in consideration of ONE HUNDRED DOLLARS AND NO CENTS (\$100.00) and other valuable consideration, the Grantor does hereby grant unto the Grantee a perpetual easement over, across, under, and upon the following described real estate, to-wit:

A Forty Foot (40') wide strip of ground at the Southwest corner of said Tract I that has existed as a driveway to access said Tract II

for the purpose of constructing, maintaining, operating, and using the same as a perpetual driveway for ingress and egress to said Tract II to be considered appurtenant to said Tract I and said Tract II.

Grantee shall have the right of ingress and egress over, upon, under and across said real estate for the purpose of constructing, maintaining, operating or using said driveway for ingress and egress to Tract II and the same shall be appurtenant to said Tract I and said Tract II.

As further consideration for the easement over, across, upon, and under the aforesaid real estate, the following restrictions are imposed and made appurtenant to said real estate and to said Tract I and said Tract II, to-wit:

Grantee and Grantee's heirs, successors, personal representatives, and assignees will do the best they can to follow the existing driveway, to minimize any damage to Tract I, will be solely and fully responsible for the maintenance of said driveway easement, and will hold the Grantor and Grantor's heirs, successors, personal representatives, and assigns harmless of any damage or liability for the use of said driveway easement. Grantee and Grantee's heirs, successors, personal representative and assigns will address, if any, all CRP consequences that could arise because of this Driveway Easement and hold Grantor harmless of the same.

This Driveway Easement shall be binding upon the Grantor and Grantee and their heirs, successors, assigns, and personal representatives for an indefinite period of time, but shall lapse and have no force or effect whenever the driveway ceases to be used for the purpose originally intended by the parties, unless mutually agreed to by the parties hereto and the said Driveway Easement will be appurtenant to said Tract I and said Tract II.

GRANTOR:
WELDON W. JOHNSON FAMILY TRUST

GRANTEE:

By: Edna Johnson - Trustee 6-23-2009
EDNA JOHNSON, a/k/a Date
EDNA T. JOHNSON, Trustee

By: Carol Jean Silverstrand Trustee 6-23-2009 Dwaine A. Potter 6/19/09
CAROL JEAN SILVERSTRAND, Date DWAIN A. POTTER Date
Trustee

By: Edna Johnson 6-23-09
EDNA JOHNSON, a/k/a Date
EDNA T. JOHNSON, an Individual

STATE OF NEBRASKA)
) ss.
COUNTY OF Saunders)

This Driveway Easement was acknowledged before me this 23rd day of June, 2009, by EDNA T. JOHNSON, a/k/a EDNA JOHNSON and CAROL JEAN SILVERSTRAND, as Trustees of the WELDON W. JOHNSON FAMILY TRUST, as her voluntary act and deed, on behalf of the Trust.

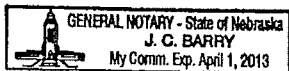


J. C. Barry
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF Saunders)

On this 23rd day of June, 2009, EDNA JOHNSON, a/k/a EDNA T. JOHNSON, an individual and widow of WELDON W. JOHNSON, personally appeared before me, whose identities were proved on the basis of Satisfactory evidence to be the person whose name is subscribed on this Driveway Easement and acknowledged that she executed it.

Witness my hand and official seal.

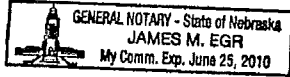


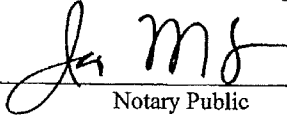
J. C. Barry
Notary Public

STATE OF NEBRASKA)
COUNTY OF BUTLER) ss.

On this 19th day of April, 2009, DWAINA A. POTTER, a married person, personally appeared before me, whose identities were proved on the basis of Satisfactory evidence to be the person whose name is subscribed on this Driveway Easement and acknowledged that he executed it.

Witness my hand and official seal.




Notary Public