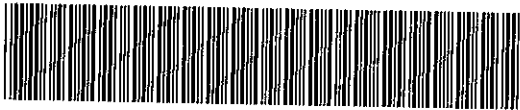




BK 1434 PG 630-634



MISC 2002 08644

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

2002 APR 16 AM 9:34

RECEIVED

PERMANENT GRADING EASEMENT

KNOWN BY ALL MEN THESE PRESENTS:

THAT RICHARD D. AND SHARON A. HOVORKA, fee simple title owners of Crescent Oaks Replat Six, Lot 6, hereinafter referred to as GRANTOR, for and in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, does grant and convey unto Terry Peterson, hereinafter referred to as GRANTEE, land to his successors and assigns, a permanent easement, which shall run with the land, for purposes of grading, maintaining and repairing the drainage channel on land described on Exhibit "B" ("Permanent Easement Area"), for the benefit of land purchased by Grantee described on Exhibit "A".

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, together with the right of ingress and egress from said premises for the purpose of constructing, inspecting, maintaining, repairing, replacing or removing said drainage channel at the will of the Grantee. The Grantor may, following construction of said drainage channel, continue to use the surface of the easement conveyed hereby for other purposes, subject to the right of the Grantee to use the same for the purposes herein expressed.

It is further agreed as follows:

1. Grantee will replace or rebuild any and all improvements damaged by Grantee in exercising its rights of constructing, inspecting, maintaining, repairing, replacing or operating said drainage channel. Grantee will mow and landscape the Permanent Easement Area, and the Grantee will regrade and stabilize the creek on the Permanent Easement Area, if necessary to retain the storage volume of storm water detention. Grantee, for itself its heirs, successors and assigns, hereby indemnifies and holds harmless Grantor from and against any and all damages to Grantor's improvements on the Property caused by the Grantee exercising its above rights.
2. Grantee shall cause any trench made on said easement to be properly refilled and shall cause the surface of the easement to be returned to a finished and level condition.

Return to:
Jerry M. Slusky
Gross & Welch, P.C.
2120 South 72nd Street, #800
Omaha, NE 68124

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✓ 1032

3. This easement is also for the benefit of any contractor, agent, employee, or representative of the Grantee and any of said construction and work.

4. Grantor for itself and its executors and administrators does confirm that Grantor is well seized in fee of the property and has the right to grant and convey this easement in the manner and form aforesaid. Grantor, its successors and assigns, shall warrant and defend this easement to said Grantee and its assigns against the lawful claims and demands of all persons. This easement is permanent and runs with the land until released by a written instrument executed by the Grantee or its successors or assigns.

7. This instrument contains the entire agreement of the parties. Grantor, in executing and delivering this instrument, has not relied upon any promises, inducements, or representations of the Grantee or its agents or employees, except as are set forth.

IN WITNESS WHEREOF said Grantor has executed this instrument this _____ day of _____, 2001.


Richard D. Hovorka, Grantor

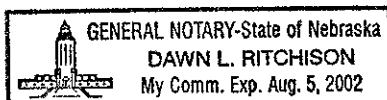

Terry Peterson, Grantee


Sharon A. Hovorka, Grantor

STATE OF NEBRASKA)
)ss
COUNTY OF DOUGLAS)

On this 4th day of May, 2001, before me, the undersigned, a notary public in and for said state, personally came Richard D. Hovorka, Sharon Hovorka to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his authorized and voluntary act and deed.

Witness my hand and notarial seal the day aforesaid.



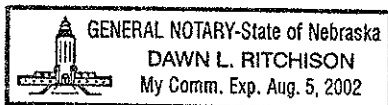

Notary Public

Return to:
Jerry M. Slusky
Gross & Welch, P.C.
2120 South 72nd Street, #800
Omaha, NE 68124

STATE OF NEBRASKA)
)ss
COUNTY OF DOUGLAS)

On this 4th day of May, 2001, before me, the undersigned, a notary public in and for said state, personally came Sharon A. Hovolt, known to me to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his authorized and voluntary act and deed.

Witness my hand and notarial seal the day aforesaid.



Dawn L. Ritchison
Notary Public

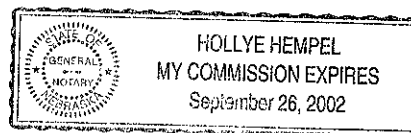
STATE OF NEBRASKA)
)ss
COUNTY OF DOUGLAS)

On this 4 day of MAY, 2001, before me, the undersigned, a notary public in and for said state, personally came Terry Kourson, known to me to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his authorized and voluntary act and deed.

Witness my hand and notarial seal the day aforesaid.

[Signature]
Notary Public

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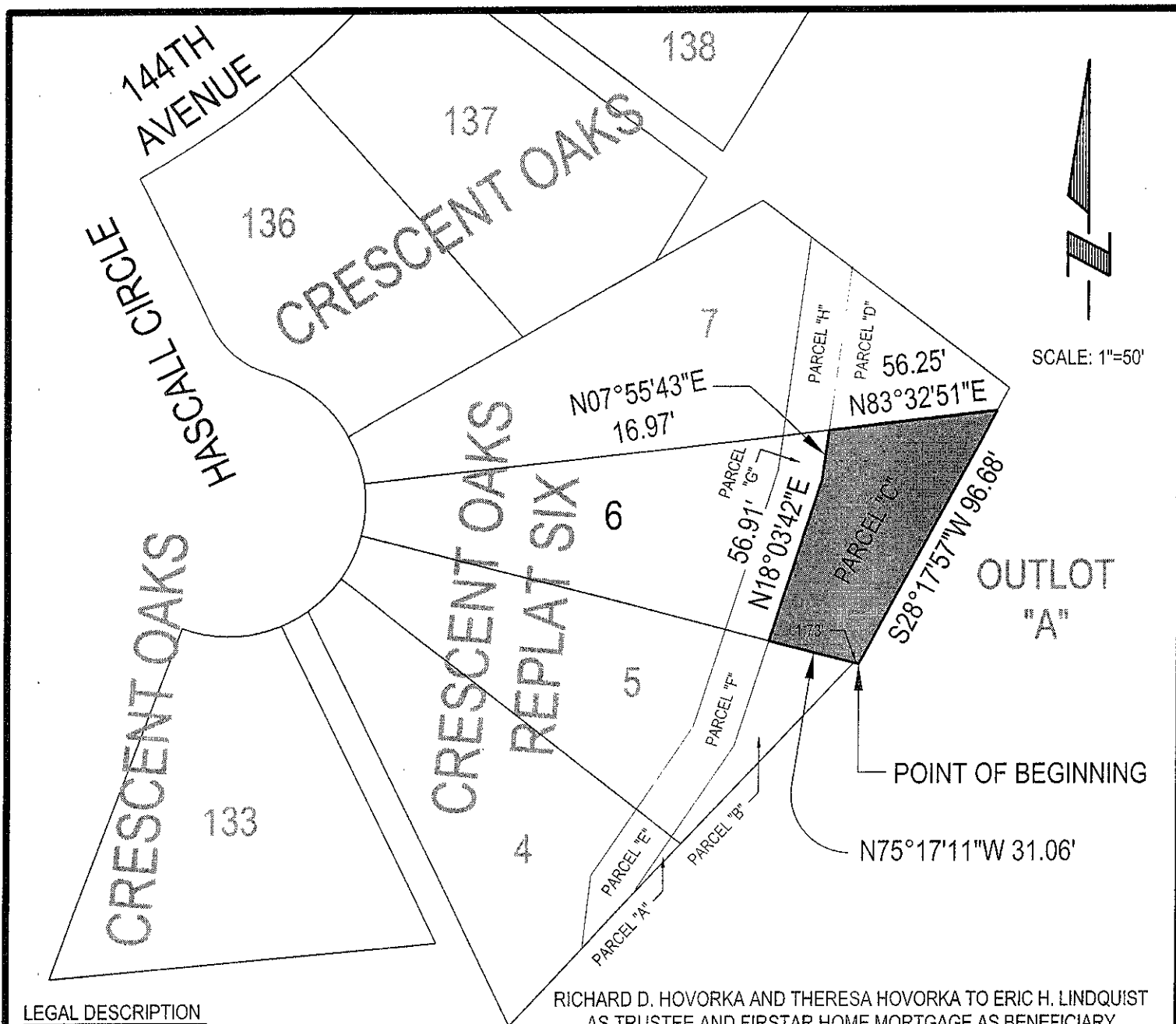
Return to:
Jerry M. Slusky
Gross & Welch, P.C.
2120 South 72nd Street, #800
Omaha, NE 68124

EXHIBIT A -- Legal Description

I hereby certify that I have made a ground survey of the subdivision described herein and that permanent monuments and stakes have been placed at all corners of all lots, streets, angle points and ends of all curves in Crescent Oaks Replat Six (the lots renumbered as shown) being a replat of part of Lot 248, Crescent Oaks, a subdivision located in the NE 1/4 of Section 35; and also together with part of 144th Street right-of-way, all located in Township 15 North, Range 11 East of the 6 P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 143, said Crescent Oaks, said point also being on the West Right-of-way line of 144th Street, said point also being the Northeast corner of said Lot 248, Crescent Oaks; thence S00°00'00"W (assumed bearing) along said West Right-of-way line of 144th Street, said line also being the East line of said Lot 248, Crescent Oaks, a distance of 569.68 feet; thence S90°00'00"E, a distance of 40.00 feet; thence S00°00'00"W, a distance of 400.00 feet; thence N90°00'00"W, a distance of 40.00 feet to a point on said west right-of-way line of 144th Street said point also being the Southeast corner of said Lot 248, Crescent Oaks, said point also being on the Northerly right-of-way line of the Union Pacific Railroad; thence N54°29'30"W along the Southerly line of said Lot 248, Crescent Oaks, said line also being said Northerly right-of-way line of the Union Pacific Railroad, a distance of 20.00 feet; thence N47°07'55"W, a distance of 241.99 feet, thence N54°29'30"W, a distance of 74.13 feet; thence N76°56'55"W, a distance of 81.15 feet to a point on said Southerly line of said Lot 248, Crescent Oaks, said line also being said Northerly right-of-way line of the Union Pacific Railroad; thence N54°29'30"W along said Southerly line of Lot 248, Crescent Oaks, said line also being the Northerly right-of-way line of the Union Pacific Railroad, a distance of 398.53 feet to the Southeast corner of Lot 127, said Crescent Oaks, said point also being the Southwest corner of said Lot 248, Crescent Oaks; thence N21°02'41"E along said Westerly line of Lot 248, Crescent Oaks, said line also being the Easterly line of said Lot 127, Crescent Oaks, a distance of 19.15 feet to the Southwest corner of Lot 128, said Crescent Oaks; thence S71°30'22"E along the Southerly line of Lots 128 and 129, said Crescent Oaks, a distance of 161.91 feet to the Southeast corner of said Lot 129, Crescent Oaks, said point also being the Southwest Corner of Lots 130 and 132, said Crescent Oaks; thence S58°15'19"E along the Southerly line of said Lot 132, Crescent Oaks, a distance of 140.99 feet to the Southeast corner of said Lot 132, Crescent Oaks, said point also being the Southwest Corner of Lot 133, said Crescent Oaks; thence N84°49'59"E along the Southerly line of said Lot 133, Crescent Oaks, a distance of 128.35 feet to the Southeast corner of said Lot 133, Crescent Oaks; thence N25°40'52"W along the Easterly line of said Lot 133, Crescent Oaks, a distance of 119.13 feet to the Northeast corner of said Lot 133, Crescent Oaks, said point being on the Southerly right-of-way line of Hascall Circle; thence Northeasterly, along said Southerly right-of-way line of Hascall Circle, on a curve to the left with a radius of 45.00 feet, a distance of 10.04 feet, said curve having a long chord which bears N61°07'24"E, a distance of 10.01 feet to the Southwesterly corner of Lot 134, said Crescent Oaks; thence S25°40'52"E along the Westerly line of said Lot 134, Crescent Oaks and the Southeasterly extension thereof, a distance of 155.26 feet; thence N43°09'31"E, a distance of 167.39 feet to a point on the Easterly extension of the North line of said Lot 134, Crescent Oaks; thence S75°17'11"E along said Easterly extension of the North line of Lot 134, Crescent Oaks, said line also being the Easterly extension of the South line of Lot 135, Crescent Oaks, a distance of 1.73 feet; thence N28°17'57"E, a distance of 105.22 feet; thence N52°49'57"W, a distance of 103.35 feet to a point on the Northeasterly extension of the Northwesterly line of said Lot 135, Crescent Oaks; thence S60°30'52"W, along said Northeasterly extension of the Northwesterly line of Lot 135, Crescent Oaks, a distance of 41.31 feet to the North corner of said Lot 135, Crescent Oaks, said point also being on the Easterly line of Lot 137, said Crescent Oaks; thence N31°13'03"E along said Easterly line of Lot 137, Crescent Oaks, a distance of 33.11 feet to the Northeast corner of said Lot 137, Crescent Oaks; thence N52°50'14"W along the Northeasterly line of said Lot 137, Crescent Oaks, a distance of 125.71 feet to the Northwesterly corner of said Lot 137, Crescent Oaks, the said point also being on the Easterly right-of-way line of 144th Avenue; thence Northeasterly along said Easterly right-of-way line of 144th Street, on a curve to the left with a radius of 298.92 feet, a distance of 10.00 feet, said curve having a long chord which bears N37°09'46"E, a distance of 10.00 feet to the Southwesterly corner of said Lot 138, Crescent Oaks; thence S52°50'14"E, along the Southwesterly line of said Lot 138, Crescent Oaks, a distance of 124.67 feet to the Southeasterly corner of said Lot 138, Crescent Oaks; thence along the Westerly line of said Lot 248, Crescent Oaks, said line also being the Easterly lines of Lots 138 through 142, inclusive said Crescent Oaks, on the following described courses: N31°13'10"E, a distance of 81.33 feet; N20°19'33"E, a distance of 77.71 feet; N15°05'23"E, a distance of 200.39 feet to a point on the Southerly line of said Lot 143, Crescent Oaks, said point also being the Northeast corner of said Lot 142, Crescent Oaks; thence S81°45'54"E along said Southerly line of Lot 143, Crescent Oaks, said line also being the Northerly line of said Lot 248, Crescent Oaks, a distance of 33.79 feet to the Point of Beginning.

Said tract of land contains an area of 177,765 square feet or 4.081 acres, more or less.



LEGAL DESCRIPTION

EXHIBIT B - PERMANENT GRADING EASEMENT
PARCEL "C"

RICHARD D. HOVORKA AND THERESA HOVORKA TO ERIC H. LINDQUIST
AS TRUSTEE AND FIRSTAR HOME MORTGAGE AS BENEFICIARY
DEED OF TRUST BOOK4852 PAGE 514

A Permanent Grading Easement located in part of Lot 6, Crescent Oaks Replat Six, a subdivision located in the NE 1/4 of Section 35, Township 15 North, Range 11 East, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of said Lot 6, Crescent Oaks Replat Six, said point also being on the Westerly line of Outlot "A", said Crescent Oaks Replat Six; thence N75°17'11"W (assumed bearing) along the Southerly line of said Lot 6, Crescent Oaks Replat Six, said line also being said Westerly line of Outlot "A", said Crescent Oaks Replat Six and the Northerly line of Lot 5, said Crescent Oaks Replat Six, a distance of 31.06 feet; thence N18°03'42"E, a distance of 56.91 feet; thence N07°55'43"E, a distance of 16.97 feet to a point on the Northerly line of said Lot 6, Crescent Oaks Replat Six, said line also being the Southerly line of Lot 7, said Crescent Oaks Replat Six; thence N83°32'51"E along said Northerly line of Lot 6, Crescent Oaks Replat Six, said line also being said Southerly line of Lot 7, Crescent Oaks Replat Six, a distance of 56.25 feet to the Northeast corner of said Lot, Crescent Oaks Replat Six, said point also being the Southeast corner of said Lot 7, Crescent Oaks Replat Six, said point also being on said Westerly line of Outlot "A", Crescent Oaks Replat Six; thence S28°17'57"W along the Easterly line of said Lot 6, Crescent Oaks Replat Six, said line also being said Westerly line of Outlot "A", Crescent Oaks Replat Six, a distance of 96.68 feet to the point of beginning.

Said Permanent Grading Easement located in part of Lot 6, Crescent Oaks Replat Six contains an area of 3,293 square feet or 0.076 acres, more or less.

LOT 6, CRESCENT OAKS REPLAT SIX



E&A CONSULTING GROUP, INC.
ENGINEERS • PLANNERS • SURVEYORS
12001 Q STREET OMAHA, NE 68137 PHONE: (402) 895-4700

DRAWN BY: JAF

CHECKED BY:

DATE: 11-30-2000

JOB No.: 96093.01

REVISED: 4-5-2001

EXHIBIT B
PARCEL "C" - PERMANENT
GRADING EASEMENT