



MISC 2014022961



APR 01 2014 15:52 P 5

Fee amount: 34.00
FB: 45-35825
COMP: SB

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
04/01/2014 15:52:18.00



2014022961

After Recording Return To:
Elizabeth Sevcik
Croker, Huck, Kasher, DeWitt
Anderson & Gonderinger, L.L.C.
2120 S. 72nd Street, Ste. 1200
Omaha, Ne 68124

MODIFICATION OF EASEMENT

This Modification of Easement is entered into between M & V Investments, LLC ("M & V") and Kalihi Kai Partners, a Hawaii limited partnership ("Kalihi Kai Partners") as of the 9th day of January, 2014.

RECITALS

- A. M & V is the owner of Lot 1, Sierra Properties, an addition to the city of Omaha in Douglas County, Nebraska ("Lot 1").
- B. Part of Lot 1 is subject to a nonexclusive easement agreement filed in the Douglas County Register of Deeds Office on February 25, 1994 in Book 1112 at Page 451 (the "Easement Agreement").
- C. The Easement Agreement is also referenced in the Driveway Easement recorded on December 28, 1994 in Book 1137 at Page 73 (the "Driveway Easement").
- D. Kalihi Kai Partners is the owner of Lot 1, Sierra Properties Replat 1, Omaha, Douglas County, NE, which includes the "MMI Tract" referenced in the Easement Agreement.
- E. M & V desires to modify the easement area and the driveway improvements thereon as more particularly described herein and Kalihi Kai Partners consents to the modification as set forth herein.

Now therefore, inconsideration of the foregoing recitals, which are incorporated herein by this reference, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- 1. The legal description in the Driveway Easement for the easement area, referred to therein and herein as the "Driveway Tract," is hereby amended and replaced by the legal description set forth on Exhibit A attached hereto and incorporated herein by this reference.

(45-35825)

(45-35826)

2. The driveway improvements referred to in the Easement Agreement and herein as the "Driveway," shall be modified and reconstructed as depicted on Exhibit B attached hereto and incorporated herein by this reference. The depiction of the Driveway on Exhibit C to the Easement Agreement is hereby amended and replaced by the depiction on Exhibit B attached hereto. Kalihi Kai Partners approves of the modification of the Driveway as depicted in Exhibit B, including, without limitation, modification of the layout, size and location of the paved road, and the layout and location of the curbs, guttering and paving, and curb cuts all as depicted thereon.

3. Paragraph 7 of the Easement Agreement is amended such that the addresses for notice to either party under the Easement Agreement shall be the address designated in writing by the then current owner of the MMI Tract or the Driveway Tract, as applicable, and if no address has been designated by the then current owner, then to the address of the MMI Tract or the address of the property of which the Driveway Tract is a part, as applicable.


4. All other terms and conditions of the Easement Agreement not expressly modified herein remain in full force and effect, without waiver or amendment.

5. To the extent Kalihi Kai Partners has any interest in the easement area and/or driveway improvements pursuant to the Driveway Easement, Kalihi Kai Partners consents to the modification of the legal description of the easement area and modification of the driveway improvements depicted in the Driveway Easement to the legal description and depiction set forth on Exhibit A and Exhibit B attached hereto.

KALIHI KAI PARTNERS, a Hawaii limited partnership

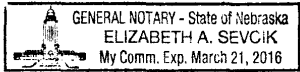
By: 
Kathleen Fasi, Managing Partner

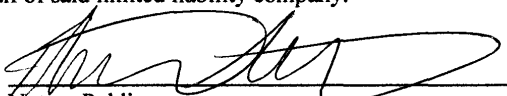
M & V INVESTMENTS, LLC

By: 
Mark VanArsdel, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on this 31st day of March, 2014, by Mark VanArsdel, Manager of M & V Investments, LLC, a Nebraska limited liability company, on behalf of said limited liability company.





Notary Public

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this _____ day of JAN - 9 2014, 201____, before me personally appeared KATHLEEN FASI, to me personally known, who being by me duly sworn did say that she is the Managing Partner of KALIHI KAI PARTNERS, a Hawaii limited partnership, and that the foregoing Modification Of Easement dated JAN - 9 2014, 201____ and consisting of two (2) pages (not including this page) was executed in the First Circuit of the State of Hawaii in behalf of said Hawaii limited partnership, and acknowledged said instrument to be the free act and deed of said Hawaii limited partnership.

Sign Name:



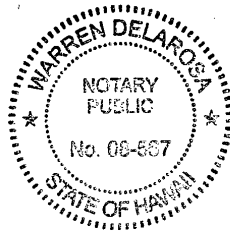
Print Name:

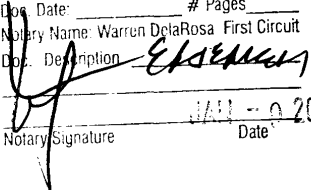
Notary Public, State of Hawaii

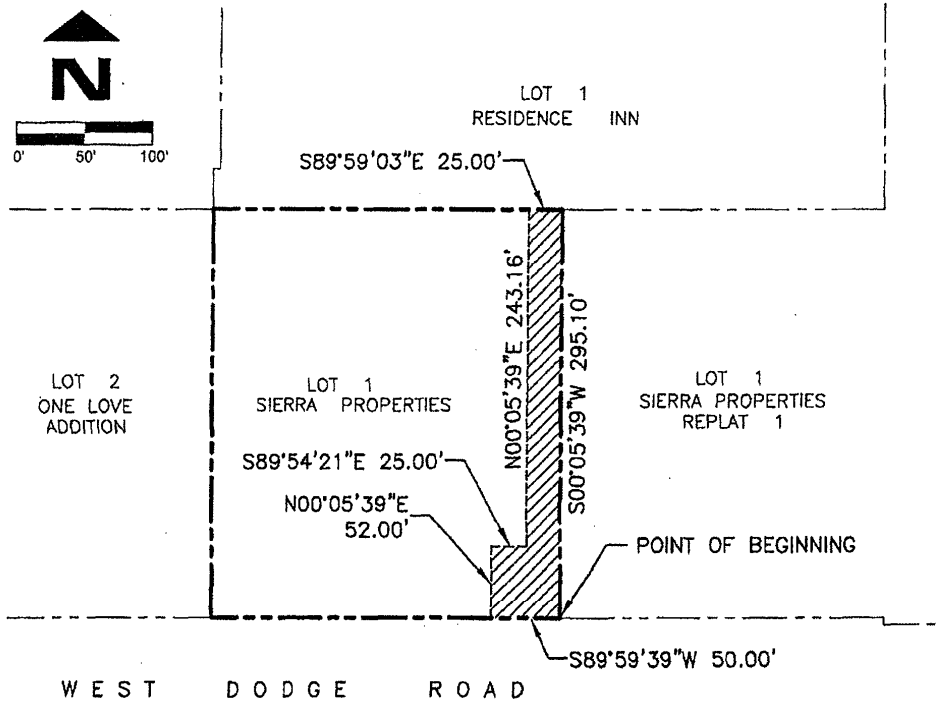
My Commission Expires: _____



WARREN DELAROSA
MY COMMISSION EXPIRES ON 12/14/2016



JAN - 9 2014 # Pages 3
Doc. Date: _____
Notary Name: Warren DelaRosa First Circuit
Doc. Description: EASEMENT

Notary Signature _____ Date JAN - 9 2014



LEGAL DESCRIPTION

THAT PART OF LOT 1, SIERRA PROPERTIES, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE SE CORNER OF SAID LOT 1;

TENCE S89°59'39"W (ASSUMED BEARING) 50.00 FEET ON THE SOUTH LINE OF SAID LOT 1;

TENCE N00°05'39"E 52.00 FEET ON A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 1;

TENCE S89°54'21"E 25.00 FEET;

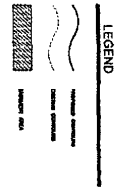
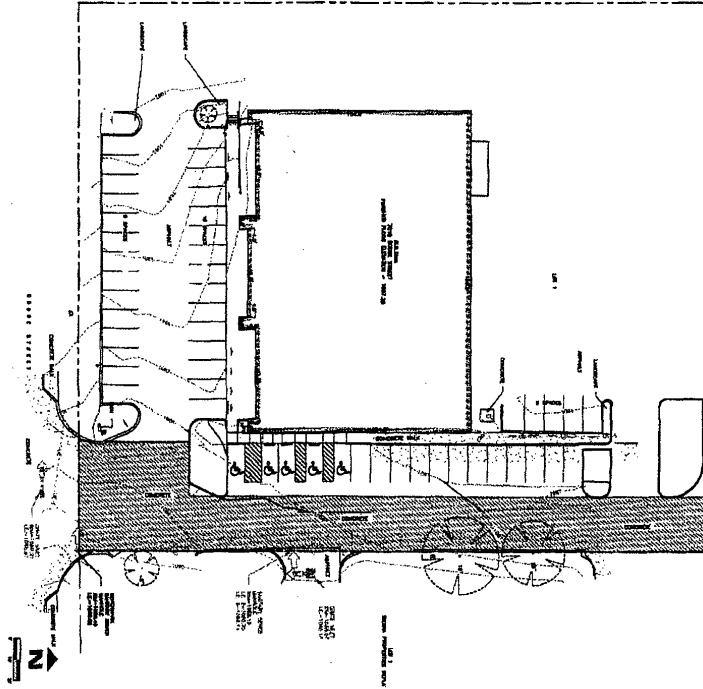
TENCE N00°05'39"E 243.16 ON A LINE 25.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 1 TO THE NORTH LINE THEREOF;

TENCE S89°59'03"E 25.00 FEET ON THE NORTH LINE OF SAID LOT 1 TO THE NE CORNER THEREOF;

TENCE S00°05'39"W 295.10 FEET ON THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

	Job Number: 1790-101-EX Thompson, Dreessen & Dornier, Inc. 10836 Old Mill Rd Omaha, NE 68154 p.402.330.8860 f.402.330.5888 td2co.com	Date: OCTOBER 18, 2013 Drawn By: RJR Reviewed By: JDW Revision Date:	<h2>EXHIBIT "A"</h2> <p>7010 DODGE STREET</p>	Book Page

EXHIBIT "B"



CALL BEFORE YOU DIG
 800-485-5744
 707-441-5444
 711
 344-5566



Engineering, Architecture & Surveying, Inc.
 10001 Oak Leaf Rd
 Suite 200
 Pleasanton, CA 94566
 925-251-8880
 Fax: 925-251-8880

Lot 1
 Sierra Parking Lot
 7010 Dodge Street

M & V Investments



NO.	DESCRIPTION	DATE
1	PROPOSED	01/20/2011
2	REVISION	01/20/2011
3	REVISION	01/20/2011
4	REVISION	01/20/2011
5	REVISION	01/20/2011
6	REVISION	01/20/2011
7	REVISION	01/20/2011
8	REVISION	01/20/2011
9	REVISION	01/20/2011
10	REVISION	01/20/2011
11	REVISION	01/20/2011
12	REVISION	01/20/2011
13	REVISION	01/20/2011
14	REVISION	01/20/2011
15	REVISION	01/20/2011
16	REVISION	01/20/2011
17	REVISION	01/20/2011
18	REVISION	01/20/2011
19	REVISION	01/20/2011
20	REVISION	01/20/2011

Paving Plan

C2.0