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THE ABOVE SPACE IS RESERVED FOR THE REGISTER OF DEEDS RECORDING INFORMATION

**THIS PAGE INCLUDED  
FOR INDEXING**

GPIN/Other#: \_\_\_\_\_

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Cox Communications

\_\_\_\_\_  
Attn: General Manager

THIS IS A CONVEYANCE OF A LICENSE  
AND CONSIDERATION IS LESS THAN \$100.00

\_\_\_\_\_  
(space above for recorder's use only)

**MEMORANDUM OF AGREEMENT**

**THIS MEMORANDUM OF AGREEMENT** (this "**Memorandum**") is made this 1st day of September, 2017, by and between Westpoint II Apartments Limited Partnership ("**Grantor**") and Cox Communications Omaha, LLC, a Delaware limited liability company, d/b/a Cox Communications ("**Cox**"). Grantor is the owner of certain real property located in Douglas County, Nebraska, which is more particularly described in Exhibit A, attached hereto and incorporated herein (the "**Property**").

PLEASE TAKE NOTICE that Grantor and Cox have entered into that certain Service and Access Agreement, dated September 1, 2017, as such may be amended, extended, renewed or replaced (collectively, the "**Agreement**") pursuant to which Grantor has granted to Cox the right to (a) install construct, install, operate, maintain, repair, replace, and remove telecommunications and other facilities consisting of, without limitation, conduits, strands, wires, coaxial cables, hardware, wireless access points, backhaul modems, antennas, pedestals, junction boxes, and other equipment (collectively, the "**Facilities**") as Cox may from time-to-time require, and (b) offer, provide, and market (on an exclusive or non-exclusive basis) video, entertainment, high-speed data, voice and other services (collectively, the "**Services**") to the Property and other properties and persons that can be served by the Facilities. Cox owns and/or Grantor has granted to Cox the exclusive right to use all or a portion of the Facilities. Any Facilities owned by Cox shall not be deemed a fixture of the Property. A copy of relevant provisions of the Agreement will be

provided to any properly interested person upon written request. This Memorandum is subject and subordinate to all leases, mortgages, and/or deeds of trust which may now or hereafter affect the Property in the manner set forth in the Agreement.

Grantor shall provide notice to Cox of any pending trustee or foreclosure sale or receivership, bankruptcy or other proceeding affecting the Property, sent to the address above.

**GRANTOR:**

Westpoint 11 Apartments Limited Partnership  
By: Theodore M. Seldin, Trustee of the  
Theodore M. Seldin Revocable Trust, General Partner

By: Theodore M. Seldin

Name: Theodore M. Seldin

Title: Trustee

GRANTOR ACKNOWLEDGMENT

STATE OF Nebraska

COUNTY OF Douglas

On September 13, 2017 (date) before me, Laura Grace (Notary), personally appeared Theodore M. Seldin (name of signer), who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nebraska that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[NOTARY SEAL]

Laura Grace  
Notary Public  
Name: Laura Grace  
My Commission Expires: Oct. 22, 2017

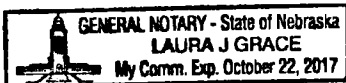


EXHIBIT A:

LEGAL DESCRIPTION

Lot 2, Westwood Heights 12<sup>th</sup> Addition Replat 2, an Addition to the City of Omaha, Douglas County, Nebraska.