
Space Above Reserved for Recording Information

Return to:

Keith A. Green
MCGILL, GOTSDINER, WORKMAN & LEPP, P.C., L.L.O.
11404 West Dodge Road, Suite 500
Omaha, Nebraska 68154

SPECIAL WARRANTY DEED

EUSTIS ASSOCIATES LIMITED PARTNERSHIP, a Delaware limited partnership, GRANTOR, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration received from GRANTEE, **AMES DEVELOPMENT, LLC**, a Nebraska limited liability company, conveys to GRANTEE the real estate (as defined in Neb. Rev. Stat. 76-201) described in Exhibit 1 hereto as of September 2, 2015.

GRANTOR covenants with GRANTEE that GRANTOR:

- (1) is lawfully seised of such real estate and that it is free from encumbrances, subject only to those matters identified on Exhibit 2 attached hereto;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the 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.

[Remainder of Page Intentionally Left Blank. Signature Page Follows.]

{00424324.2 }

#00424324.DOC

Executed: As of September 2 2015

GRANTOR:

EUSTIS ASSOCIATES LIMITED PARTNERSHIP, a Delaware limited partnership

By: Eustis, Inc., a Delaware corporation,
Sole General Partner

By: *N. Zavalkoff*
Norman Zavalkoff, Vice President

STATE OF Georgia
COUNTY OF FULTON ss.

This instrument was acknowledged and executed before me this 27th day of August, 2015 by Norman Zavalkoff, who acknowledged to be the Vice President of Eustis, Inc., a Delaware corporation, which is the Sole General Partner of **EUSTIS ASSOCIATES LIMITED PARTNERSHIP**, a Delaware limited partnership, on behalf of such partnership.

My Commission Expires: 5/03/19

Darryl Steven Leal
Notary Public

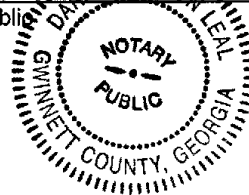


Exhibit 1

LEGAL DESCRIPTION

NO
CORCR2

LOT 2, CORNHUSKER CROSSING 2ND ADDITION, CITY OF LINCOLN, LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 7, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SOUTHWEST CORNER OF LOT 1, CORNHUSKER CROSSING 3RD ADDITION, SAID POINT BEING LOCATED ON THE EAST RIGHT-OF-WAY LINE OF NORTH 27TH STREET; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 01 MINUTES 08 SECONDS EAST, ALONG A WEST LINE OF SAID LOT 1, SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF NORTH 27TH STREET, A DISTANCE OF 70.56 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 57 SECONDS EAST A DISTANCE OF 37.91 FEET TO THE SOUTHWEST CORNER OF LOT 2, CORNHUSKER CROSSING 1ST ADDITION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 2, CORNHUSKER CROSSING 1ST ADDITION, A DISTANCE OF 186.99 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, SAID POINT BEING THE NORTHWEST CORNER OF LOT 2, CORNHUSKER CROSSING 1ST ADDITION, SAID POINT BEING THE POINT OF BEGINNING; THENCE, CONTINUING, NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, A DISTANCE OF 217.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION; THENCE SOUTH 89 DEGREES 59 MINUTES 53 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, A DISTANCE OF 179.98 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG AN EAST LINE OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, A DISTANCE OF 212.01 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, SAID POINT BEING ON THE NORTH LINE OF LOT 2, CORNHUSKER CROSSING 1ST ADDITION; THENCE NORTH 89 DEGREES 59 MINUTES 57 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, SAID LINE BEING A NORTH LINE OF SAID LOT 2, CORNHUSKER CROSSING 1ST ADDITION, A DISTANCE OF 159.44 FEET TO A SOUTH CORNER OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, SAID POINT BEING A NORTH CORNER OF SAID LOT 2, CORNHUSKER CROSSING 1ST ADDITION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG AN EAST LINE OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, SAID LINE BEING A WEST LINE OF SAID LOT 2, CORNHUSKER CROSSING 1ST ADDITION, A DISTANCE OF 5.00 FEET TO A SOUTH CORNER OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, SAID POINT BEING A NORTH CORNER OF SAID LOT 2, CORNHUSKER CROSSING 1ST ADDITION; THENCE NORTH 89 DEGREES 59 MINUTES 57 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 2, CORNHUSKER CROSSING 2ND ADDITION, SAID LINE BEING A NORTH LINE OF SAID LOT 2, CORNHUSKER CROSSING 1ST ADDITION, A DISTANCE OF 20.54 FEET TO THE POINT OF BEGINNING.

{00424324.2 }

#00424324.DOC

Exhibit 2

PERMITTED EXCEPTIONS

1. Taxes for the current year and subsequent years, not yet due and payable.
2. Easement and rights incident thereto as set forth in Pipeline Easement recorded November 4, 1959 in Miscellaneous Book 74, Page 361.
3. Easement and rights incident thereto as set forth in Easement recorded September 11, 1990 as Instrument No. 90-28115.
4. Terms, provisions, conditions and restrictions contained in Resolution No. A-74755 as disclosed in instrument recorded May 14, 1992 as Instrument No. 92-21479.
5. All matters contained in instruments setting forth: covenants, conditions, restrictions, liabilities, obligations and easements, but omitting, if any, such conditions, covenants or restrictions based upon race, color, religion, sex, handicap, familial status or national race unless and only to the extent said covenant (A) is exempt under chapter 42, section 3607 of the United States Code or (B) relates to handicap but does not discriminate against handicapped persons.

Recorded: October 21, 1993 as Instrument No. 93-47553.

6. Terms, provisions, conditions and restrictions contained in Resolution No. A-75877 as disclosed in instrument recorded January 19, 1994 as Instrument No. 94-3625.
7. Terms, provisions, conditions, restrictions, easements, reservations and rights incident as set forth in Development, Operation and Easement Agreement recorded January 27, 1998 as Instrument No. 98-3287.
8. Easements, restrictions and set-back lines as shown on plat recorded as Instrument No. 2003-3939, but omitting, if any such conditions, covenants or restrictions based on race, color religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (A) is exempt under chapter 42, section 3607 of the United States Code or (B) relates to handicap but does not discriminate against handicapped persons.

** Public Access easement contained therein was released by instrument recorded November 24, 2003 as Instrument No. 2003-115234.
9. Easements, restrictions and set-back lines as shown on plat recorded as Instrument No. 93-7000, but omitting, if any such conditions, covenants or restrictions based on race, color religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (A) is exempt under chapter 42, section 3607 of the United

{00424324.2 }

#00424324.DOC

States Code or (B) relates to handicap but does not discriminate against handicapped persons.

** Public Access easement contained therein was released by instrument recorded November 24, 2003 as Instrument No. 2003-115234.

10. Terms, provisions, conditions, restrictions, easements and rights incident as set forth in Lease as disclosed by First Amended and Restated Memorandum of Lease; between 27th Street Associates, LTD, a Nebraska limited partnership, Lessor, and Kmart Corporation, a Michigan Corporation, Lessee, dated October 12, 1993, and recorded October 21, 1993 as Instrument No. 93-47551; Lessor's interest assigned January 6, 1994 by Instrument No. 94-1015; 2nd amendment to Lease recorded January 27, 1998 as Instrument No. 98-3286; Lessor's interest assigned February 3, 1998 by Instrument No. 98-4491; Lessee's interest assigned may 6, 2003 by Instrument No. 2003-42251; amended by 2nd Amendment to Memorandum of Lease recorded December 23, 2014 as Instrument No. 2014-49181; amended by 3rd Amendment to Memorandum of Lease recorded SEPTEMBER 2, 2015 as Instrument No. 2015-037462.
11. Terms, provisions, conditions, restrictions, easements and rights incident as set forth in Restrictive Covenants and Easement Agreement dated AUGUST 31, 2015, recorded SEPTEMBER 2, 2015 as Instrument No. 2015-037463.