




MISC 2008010064



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Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 2/1/2008 14:57:30.64

 2008010064

RELEASE OF EASEMENTS

THIS RELEASE OF EASEMENTS is made this 16th day of January, 2008 ~~November, 2007~~, by and between ADVANCE STORES COMPANY, INCORPORATED, a Virginia corporation (hereinafter "Advance Stores Company"), and NEBRASKA ORGAN RECOVERY SYSTEMS, a Nebraska nonprofit corporation (hereinafter "NORS").

WHEREAS, Advance Stores Company is the successor in interest by merger to Tire & Auto Holdings, Inc., a Delaware corporation, and is the owner of that certain parcel more particularly described in Exhibit A attached hereto; and

WHEREAS, NORS is the owner of that certain parcel more particularly described in Exhibit B attached hereto; and

WHEREAS, certain easements for ingress and egress were granted and/or reserved in a certain Warranty Deed dated July 26, 1967 from N. P. Dodge Company (hereinafter "Grantor") to Alfred A. Fiedler and Ruth E. Fiedler (hereinafter "Grantecs"), which Warranty Deed was filed in the office of the Register of Deeds of Douglas County, Nebraska on July 28, 1967 and is recorded at Book 1325, pages 301-304 of the records of that office (hereinafter referred to as "Warranty Deed"); and

WHEREAS, Advance Stores Company, as successor and assign to Grantor, and NORS, as successor and assign to Grantees, hereto desire to release certain of the easements contained in the above described Warranty Deed and described as certain parcels in the survey dated September 1, 2000, and revised June 30, 2005, which survey is attached as Exhibit C and incorporated herein by this reference;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Advance Stores Company and NORS hereto agree as follows:

1. Advance Stores Company, for itself and its successors, assigns, lessees, employees, invitees and customers, hereby releases, relinquishes and abandons that certain easement reserved and contained in the Warranty Deed for ingress and egress over and upon the East seven and one-half feet of the West 100 feet of the South 270 feet of the North 350 feet of Lot 291, Cedar Hills, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, which easement and legal description is set forth in said Warranty

RETURN: Stalin A. Becker, Balesh, P.C.
111 North 102nd St Suite 330
P.O. Box 24288
Omaha, NE 68124-7288

✓ 24992

Deed as being over Parcel "A," as depicted in Exhibit C attached hereto.

2. Advance Stores Company, for itself and its successors, assigns, lessees, employees, invitees and customers, hereby releases, relinquishes and abandons that certain easement reserved and contained in the Warranty Deed for ingress and egress over and upon the South 23 feet of the East 60 feet of the West 100 feet of the North 350 feet of Lot 291, Cedar Hills, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, which easement and legal description is set forth in said Warranty Deed as being over Parcel "B," as depicted in Exhibit C attached hereto.

3. NORs, for itself and its successors, assigns, lessees, employees, invitees and customers, hereby releases, relinquishes and abandons that certain easement granted, reserved and contained in said Warranty Deed for ingress and egress over and upon the West three and one-half feet of the East 230 feet of the South 270 feet of the North 350 feet of Lot 291, Cedar Hills, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, which easement and legal description is set forth in said Warranty Deed as being over Parcel "C," as depicted in Exhibit C attached hereto.

4. This Release does not release or affect the easements for ingress and egress granted in the above described Warranty Deed over the parcel described therein as Parcel "D," as depicted in Exhibit C attached hereto, which easement shall remain in full force and effect.

5. Advance Stores Company and NORs hereby represent that they have the right to relinquish and abandon these easements in the manner set forth herein. The provisions of this Release shall be construed in accordance with the laws of the State of Nebraska.

6. No modification of this Release shall be valid unless executed in writing by the parties hereto or their respective successors and/or assigns. This Release shall be binding upon the undersigned and their respective successors and assigns and shall inure to the benefit of the parties hereto, their parent companies, subsidiaries, affiliates, directors, officers, agents, employees and their successors and assigns.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the undersigned have executed this Release of Easements as of the date set forth hereinabove.

ADVANCE STORES COMPANY, INCORPORATED

By: Randall A. Young
Name: Randall A. Young
Its: Senior Vice President, Real Estate

STATE OF Virginia)
COUNTY OF Roanoke)

Before me on this 16th day of January, ²⁰⁰⁸~~2007~~, personally came Randall A. Young ~~Senior Vice President, Real Estate~~ of Advance Stores Company, Incorporated, a corporation duly organized and existing under the laws of the State of Virginia, and to me known to be the person who executed the foregoing Release and to me known to be such ^{Real Estate}~~Senior Vice President~~ of said corporation and acknowledged the he or she executed the forgoing document as such officer as the act of the said corporation, by its authority.

Mary E. Thomas
Notary Public

My Commission Expires: 10/31/11
Notary Registration Number 327918



**NOTARIAL SEAL
REGISTER OF DEEDS**

NEBRASKA ORGAN RECOVERY SYSTEMS,
A Nebraska nonprofit corporation,

By: William A. Cutler
Name: William A. Cutler
Its: President

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS)

Before me on this 30 day of November, 2007, personally came William A. Cutler
_____, of Nebraska Organ Recovery Systems, a nonprofit corporation duly
organized and existing under the laws of the State of Nebraska, and to me known to be the
person who executed the foregoing Release and to me known to be such President of said
corporation and acknowledged the he or she executed the forgoing document as such officer as
the act of the said corporation, by its authority.

Nancy G. Root
Notary Public

My Commission Expires: March 16, 2011

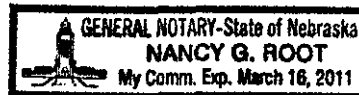


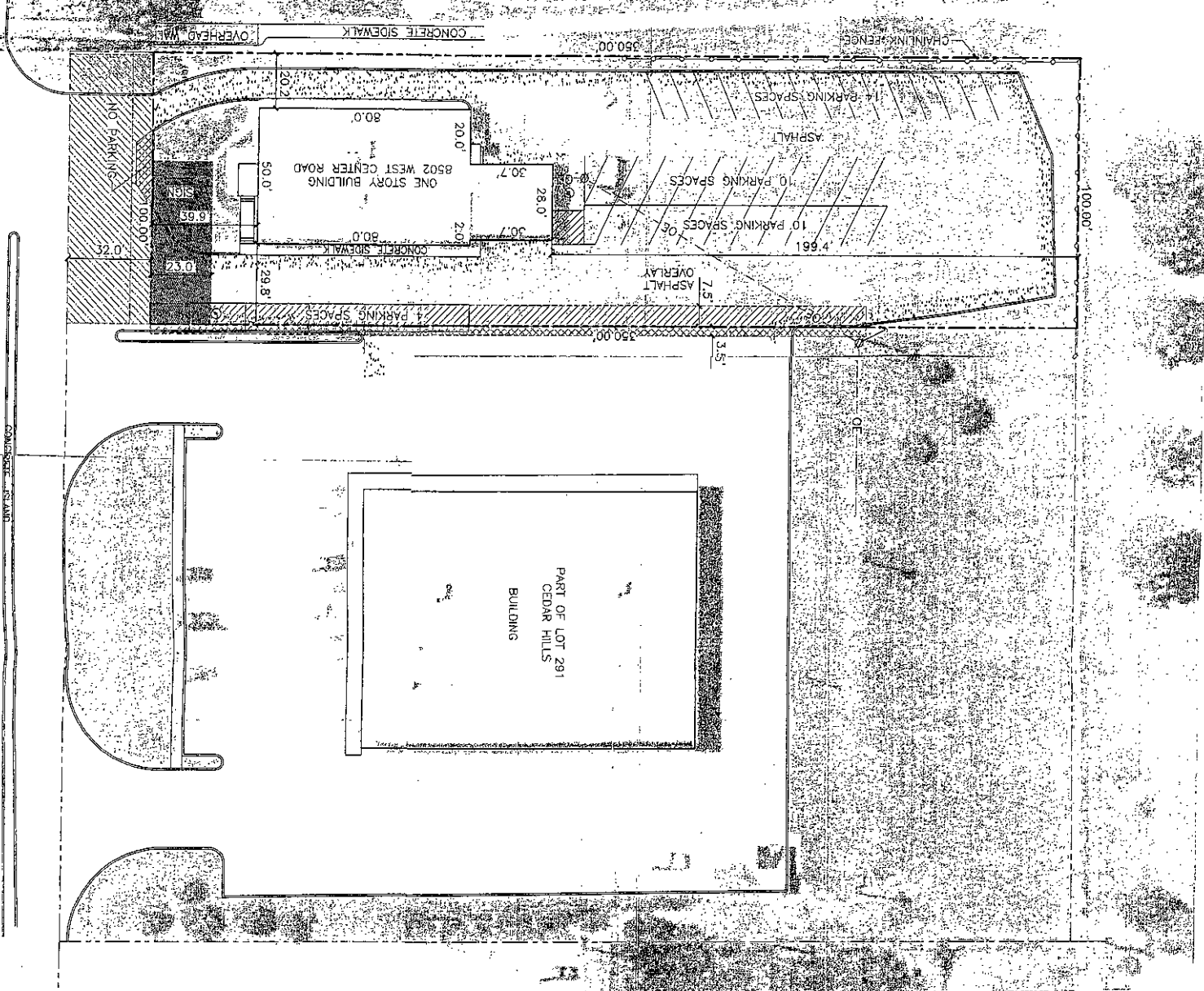
EXHIBIT A

Lot 291, in CEDAR HILLS, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, except the South 8 feet thereof, and also except the North 350 feet of the West 100 feet thereof; together with perpetual sanitary sewer main easements over and under a five foot strip of land, the center line of which is the South line of Lot 137 in said Cedar Hills, and together with non-exclusive perpetual access road easement over the North 20 feet of the South 40 feet of Lots 288, 289 and 290 in said Cedar Hills, and the vehicular curb cut to West Center Road located on the East line of said Lot 288, all as granted by Warranty Deed dated May 29, 1958, filed July 25, 1958 in Book 1042 at Page 107 of the Deed Records of Douglas County, Nebraska; and together with non-exclusive perpetual easement for ingress and egress over and upon parts of the North 350 feet of the West 100 feet of said Lot 291 as contained in Warranty Deeds dated December 29, 1966, filed December 30, 1966 in Book 1307 at Page 349, and dated July 26, 1967, filed July 28, 1967 in Book 1325 at Page 301, both of the Deed Records of Douglas County, Nebraska.

**** FILED: AS IS**

EXHIBIT B

North 350 feet of the West 100 Feet of Lot 291, Cedar Hills, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.



LEGAL DESCRIPTION

THE NORTH 350 FEET OF THE WEST 100 FEET OF LOT 291, CEDAR HILLS, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

NOTE:

1. THIS DRAWING SHOWS OR NOTES THE EASEMENTS LISTED UNDER SCHEDULE B-SECTION II OF STEWART TITLE GUARANTY COMPANY'S INSURANCE COMMITMENT NUMBER 00000033409 EFFECTIVE DATE AUGUST 15, 2000 AT 8:00 A.M.
2. THE SURVEYED PROPERTY IS IN A DESIGNATED ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500-YEAR PLAIN) PER THE CITY OF OMAHA FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NUMBER 315274 0045 G, DATED SEPTEMBER 17, 1997.
3. THE SURVEYED PROPERTY CONTAINS 35,000 SQUARE FEET OR 0.8 ACRES MORE OR LESS.
4. THE BUILDING CONTAINS 4,860 SQUARE FEET (CALCULATED BY USING EXTERIOR BUILDING DIMENSIONS).

CERTIFICATION

I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED UNDER MY DIRECT PERSONAL SUPERVISION.

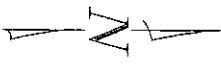


SEPTEMBER 1, 2000
DATE:
REVISED 6/30/05

JAMES D. WARNER
NEBRASKA R.L.S. 308

LEGEND

- Ø POWER POLE
- GUY WIRE
- OC — OVERHEAD CABLE TV LINE
- CHAIN LINK FENCE
- ▨ PARCEL "A"
INGRESS EGRESS EASEMENT RECORDED IN BOOK 1325 AT PAGE 301 OF THE DOUGLAS COUNTY RECORDS.
- ▩ PARCEL "B"
INGRESS EGRESS EASEMENT RECORDED IN BOOK 1325 AT PAGE 301 OF THE DOUGLAS COUNTY RECORDS.
- ▧ PARCEL "C"
INGRESS EGRESS EASEMENT RECORDED IN BOOK 1325 AT PAGE 301 OF THE DOUGLAS COUNTY RECORDS.
- ▦ PARCEL "D"
INGRESS EGRESS EASEMENT RECORDED IN BOOK 1325 AT PAGE 301 OF THE DOUGLAS COUNTY RECORDS.



TD² THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
TEL: (402)330-8860 FAX: (402)330-5866
EMAIL: TD2MAIL@TD2CO.COM WEB: WWW.TD2CO.COM

ROBERT BECKER ATTORNEY
EXHIBIT C

SCALE:	1" = 40'
DATE:	SEPT. 1, 2005
DRAWN BY:	JJP
CHECKED BY:	JDW
REVISION	JUNE 30, 2005