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 Register of Deeds, Douglas County, NE
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2008011940

MEMORANDUM OF AGREEMENT

This Memorandum of Tenants in Common Agreement (this "Memorandum") is entered into this 1st day of February, 2008, by and among Jerome L. Heinrichs and Patricia A. Heinrichs, Trustees of the Jerome L. Heinrichs Living Trust dated April 28, 2004, KCZZ Enterprises, LLC, a Nebraska limited liability company, Scott Munter, Art Nepl, Six Minutes Holding Co., LLC, a Nebraska limited liability company, FNT Accommodator XX, LLC, a Nebraska limited liability company, and FNT Accommodator XIX, a Nebraska limited liability company (individually a "Tenant in Common" and collectively the "Tenants in Common"), with reference to the facts set forth below.

RECITALS:

A. The Tenants in Common own, as tenants in common, the real property and improvements legally described on Exhibit A attached hereto (the "Project").

B. On February 1, 2008, the Tenants in Common entered into that certain Tenants in Common Agreement (the "Tenants in Common Agreement") regarding the administration of their rights and responsibilities as to each other and as to others and the delegation of authority and responsibility for the intended further operation and management of the Project.

NOW, THEREFORE, the parties hereby execute this Memorandum for the purpose of acknowledging the parties' respective interests in, and rights and obligations under, the Tenants in Common Agreement and recording the same in the office of the Register of Deeds of Douglas County, Nebraska.

This Memorandum is subject in each and every respect to the terms, covenants and conditions of the Tenants in Common Agreement. This Memorandum is executed and delivered with the understanding and agreement that the same shall not in any manner or form whatsoever, alter, modify or vary the terms, covenants, and conditions of the Tenants in Common Agreement.

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Box #41
 T-07108683+
 T-08109040-045

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

TENANTS IN COMMON:

Jerome L. Heinrichs and Patricia A. Heinrichs, Trustees of the Jerome L. Heinrichs Living Trust dated April 28, 2004

KCZZ Enterprises, LLC, a Nebraska limited liability company

By: Jerome L. Heinrichs By: Timothy Kuo
Jerome L. Heinrichs, Trustee Timothy Kuo, Member and Manager

Scott Munter Art Neppi
Scott Munter *Art Neppi*
Attorney-in-fact for Scott Munter
FNT Accommodator XIX, LLC, a Nebraska limited liability company **FNT Accommodator XX, LLC, a Nebraska limited liability company**

By: FIRST NEBRASKA TITLE AND ESCROW CO., a Nebraska corporation, Manager

By: FIRST NEBRASKA TITLE AND ESCROW CO., a Nebraska corporation, Manager

By: Nick A. Henderson
Nick A. Henderson, President

By: Nick A. Henderson
Nick A. Henderson, President

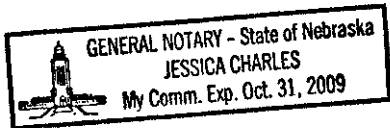
Six Minutes Holding Co., LLC, a Nebraska limited liability company

By: Melvin J. Hynek
Melvin J. Hynek, Trustee of the Melvin J. Hynek Revocable Trust, Member

By: Joel L. Hynek
Joel L. Hynek, Trustee of the Joel L. Hynek Revocable Trust, Member

STATE OF Nebraska)
COUNTY OF Douglas) ss:

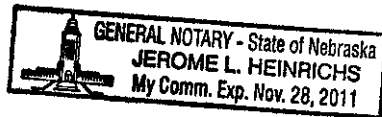
The foregoing instrument was acknowledged before me this 1 day of February, 2008, by Jerome L. Heinrichs, Trustee of the Jerome L. Heinrichs and Patricia L. Heinrichs Living Trust dated April 28, 2004, on behalf of said Trust.



Jessica Charles
Notary Public

STATE OF NEBRASKA)
COUNTY OF Dodge) ss:

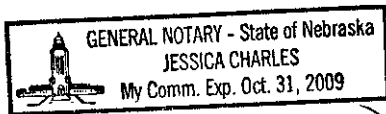
The foregoing instrument was acknowledged before me this 31 day of ^{JANUARY}~~February~~, 2008, by Timothy Kuo, Member and Manager of KCZZ Enterprises, LLC, a Nebraska limited liability company, on behalf of said company.



Jerome L. Heinrichs
Notary Public

STATE OF Nebraska)
COUNTY OF Douglas) ss:

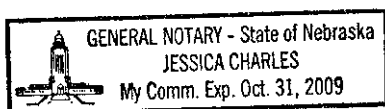
The foregoing instrument was acknowledged before me this 1 day of February, 2008, by ~~Scott Munter~~. Douglas Munter for Scott Munter as Attorney in fact



Jessica Charles
Notary Public

STATE OF Nebraska)
COUNTY OF Douglas) ss:

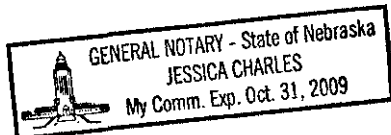
The foregoing instrument was acknowledged before me this 1 day of February, 2008, by Art Neppel.



Jessica Charles
Notary Public

STATE OF Nebraska)
COUNTY OF Douglas) ss:

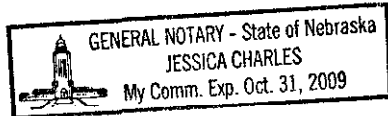
The foregoing instrument was acknowledged before me this 1 day of February, 2008, by Nick A. Henderson, President of First Nebraska Title and Escrow Co., a Nebraska corporation, Manager of FNT Accommodator XIX, LLC, a Nebraska limited liability company, on behalf of said company.



Jessica Charles
Notary Public

STATE OF Nebraska)
COUNTY OF Douglas) ss:

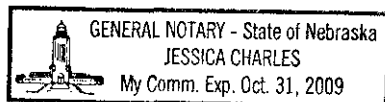
The foregoing instrument was acknowledged before me this 1 day of February, 2008, by Nick A. Henderson, President of First Nebraska Title and Escrow Co., a Nebraska corporation, Manager of FNT Accommodator XX, LLC, a Nebraska limited liability company, on behalf of said company.



Jessica Charles
Notary Public

STATE OF Nebraska)
COUNTY OF Douglas) ss:

The foregoing instrument was acknowledged before me this 1 day of February, 2008, by Melvin J. Hynek, Trustee of the Melvin J. Hynek Revocable Trust, the Member of Six Minutes Holding Co., LLC, a Nebraska limited liability company, on behalf of said company.

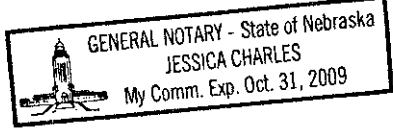


Jessica Charles
Notary Public

STATE OF Nebraska)
COUNTY OF Douglas) ss:

The foregoing instrument was acknowledged before me this 1 day of February, 2008, by Joel L. Hynek, Trustee of the Joel L. Hynek Revocable Trust, the Member of Six Minutes Holding Co., LLC, a Nebraska limited liability company, on behalf of said company.

Jessica Charles
Notary Public



Return to:

Michael D. Matejka
Woods & Aitken LLP
10250 Regency Circle
Omaha, NE 68114-3754

EXHIBIT A

Legal Description of Project

PARCEL I:

That part of the Northwest 1/4 of Section 34, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at a point 1033.88 feet North of and 175.0 feet West of the Southeast corner of the Northwest 1/4 of said Section 34, said point being on the curved Westerly right of way of 90th Street; thence along a curve to the right (having a radius of 1712.28 feet and a long chord bearing N48°11'55"W for 299.18 feet) (assumed bearings) for an arc distance of 299.57 feet; thence N46°48'48"E for 34.85 feet; thence along a curve to the right (having a radius of 1677.43 feet and a long chord bearing N42°39'26"W for 31.00 feet) for an arc distance of 31.00 feet; thence N42°07'40"W for 658.80 feet; thence along a curve to the right (having a radius of 2250.15 feet and a long chord bearing N39°36'21"W for 202.04 feet) for an arc distance of 202.10 feet; thence S47°52'20"W for 18.74 feet; thence N42°07'40"W for 515.09 feet to the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; thence N00°00'00"E for 52.18 feet along said West line; thence S42°07'40"E for 1414.43 feet; thence along a curve to the left (having a radius of 1652.28 feet and a long chord bearing S46°24'59"E for 247.11 feet) for an arc distance of 247.34 feet to the Westerly right of way line of 90th Street; thence along a curve to the right (having a radius of 5864.75 feet and a long chord bearing S12°45'51"E for 94.97 feet) for an arc distance of 94.92 feet along said Westerly right of way line to the point of beginning.

PARCEL II:

That part of the Northwest 1/4 of Section 34, Township 16 North, Range 12, East of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at a point 1033.88 feet North of and 175.0 feet West of the center of said Section 34, said point being on the Westerly curve ROW Line of 90th Street; thence Southerly on a curve to the right (radius being 5864.75 feet) and on the Westerly ROW line of 90th Street, 213.0 feet; thence Northwestery on a curve to the right (radius being 1862.28 feet) and parallel to and 225.0 feet from the center line of the main track of C & NW Railway, 519.32 feet; thence Northwestery on a line parallel with and 225.0 feet from the center line of the main track of C & NW Railway 1181.76 feet to a point on the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; thence North on the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 34, 260.98 feet to a point 50.0 feet from the center line of said main track measured at right angles from said track; thence Southeasterly on a line 50.0 feet from and parallel with the center line of said main track 515.04 feet; thence Northeasterly and at right angles to last described course 18.74 feet to a point which is 8.50 feet from the center line and normal to spur track ICC No. 8; thence Southeasterly on a curve to the left (radius being 2250.15 feet) 8.50 feet from and parallel with said spur track 201.82 feet; thence Southeasterly on a line 8.50 feet from and parallel with the center line of said spur track 658.80 feet to a point of curve; thence on a curve to the left (radius being 1677.43 feet) 8.50 feet from and parallel with the center line of said spur track, 31.0 feet; thence Southwestery normal to last described course, 34.85 feet; thence Southeasterly on a curve to the left (radius being 1712.28 feet) 75.0 feet from and parallel with the center line of said main track 300.00 feet to a point on the Westerly curved ROW line of 90th Street.

EXCEPTING FROM THE FOREGOING that portion conveyed to Douglas County, Nebraska, in Warranty Deed filed March 18, 1998, in Book 2084 at Page 384.