

2015-09701

**RECORDER MARK BRANDENBURG
POTTAWATTAMIE COUNTY, IA
FILE TIME: 07/30/2015 10:27:53 AM
REC: 15.00AUD: T TAX:
RMA: 1.00ECM: 1.00**

GPIN/Other#: _____

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Cox Communications
401 N 117th Street
Omaha NE 68154
Attn: _____

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 **Thursday, January 01, 2015**, by and between **Council Bluffs Apartments, LLC** ("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 Pottawattamie County, IA, 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 January 1, 2015, 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.

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.

Council Bluffs Apartments, LLC:

By: Howard M. Kooper
Name Howard M. Kooper
Title: Member

GRANTOR ACKNOWLEDGMENT

STATE OF Nebraska
COUNTY OF Douglas

On 3-25-15 (date) before me, Janet Pacula Roos (Notary), personally appeared Howard M. Kooper (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 Nebr. that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Janet Pacula Roos
Notary Public
Name: Janet Pacula Roos
My Commission Expires: 1-2-17

Exhibit A

[Legal Description]

All parcels of land are located in part on the NE¼ of the NE¼, Section 33, and in part of the NW¼ of the NW¼, of Section 33, Township 75 North, Range 44 West of the 5th P.M., City of Council Bluffs, Pottawattamie County, State of Iowa.