

2018-07405

RECORDER MARK BRANDENBURG

POTTAWATTAMIE COUNTY, IA

FILE TIME: 06/18/2018 09:38:09 AM

RECORDING FEE	15.00
RMA FEE	1.00
ECM FEE	1.00

GPIN/Other#: _____

RECORDING REQUESTED BY AND

WHEN RECORDED MAIL TO:

Cox Communications

401 N 117th Street,

Omaha, NE 68154

Attn: MDU Dept.

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

(space above for recorder's use only)

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is made this 1 day of June, 2018, by and between Council Bluffs Apartments, LLC ("**Grantor**") and Cox Communications Omaha, LLC. Grantor is the owner of certain real property located in Pottawattamie County, Iowa, 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 Agreement, dated 6/1/2018, 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, conduit, microduct, strands, wires, coaxial cables, fiber optic cables, hardware, wireless access points, backhaul modems, antennas, pedestals, junction boxes, and other wiring and 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, home security and home automation, and other services (collectively, the "**Services**") to the Property. 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. The Agreement and the rights and obligations of each party under the Agreement shall run with title to the Property and be binding on Grantor and subsequent owners of the Property and all others who may claim an interest in 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

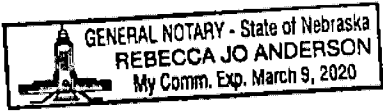
COUNTY OF Douglas

On 6/13/18 (date) before me, Rebecca Jo Anderson (Name of Notary), personally appeared Howard M. Kooper as Member of Council Bluffs Apartments, LLC, 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]



Rebecca Jo Anderson
Notary Public

Name: Rebecca Jo Anderson

My Commission Expires: March 9, 2020

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.