



MISC 2005108966



SEP 01 2005 15:37 P 6

RETURN RECORDED DOCUMENT TO:

Michael C. Carter, Esq.
11506 Nicholas Street, Suite 200
Omaha, Nebraska 68154

This Instrument Prepared by:
Michael C. Carter
11506 Nicholas Street, Suite 200
Omaha, Nebraska 68154

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
9/1/2005 15:37:33.83



2005108966

NOTICE OF REAL ESTATE OPTION CONTRACT

Seller has granted an Option to Purchase and Purchase Agreement for the real estate described on Exhibit A attached to this Notice. The option commenced upon December 14, 2003 and terminates at 5:00 P.M. on December 31, 2006. The option terminates if an option payment is not made to Seller by Buyer on or before December 31, 2005. The parties agree that this Notice shall be terminated if Birch Land Farms, LLC files an affidavit after December 31, 2005, that the option payment was not timely received by Seller.

The terms of this option are set forth in the real estate contract. This notice is final. This notice is filed to give public notice of the existence the terminable interest of the Buyer in the real estate and of the option agreement. Nothing in this notice alters any of the terms of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Notice of Real Estate Option Contract, under seal, as of the day and year first above written.

SELLERS:
Tract 1:

C. Frederick Kuehl

Pauline M. Kuehl

Tract 2:

John F. Kuehl

MISC
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6 BKP 12-14-1003 COMP
1 DEL SPAN EV

✓ 4232

Susan G. Kuehl
Susan G. Kuehl

Tract 3:

James S. Kuehl
James S. Kuehl

Linda A. Kuehl
Linda A. Kuehl

Tract 4:

Patricia J. Kuehl
Patricia J. Kuehl

Tract 5:

Paul M. Kuehl
Paul M. Kuehl

Marilyn Kuehl
Marilyn Kuehl

Tract 6:

Birch Lane Farms, L.L.C.,
A Nebraska Limited Liability Company

By: C. Frederick Kuehl
C. Frederick Kuehl, Manager

By: Pauline M. Kuehl
Pauline M. Kuehl, Manager

Tract 7:

Stender Limited Partnership Two,
A Nebraska Limited Partnership

By: John F. Kuehl
John F. Kuehl, General Partner

By: James S. Kuehl
James S. Kuehl, General Partner

By: Paul M. Kuehl
Paul M. Kuehl, General Partner

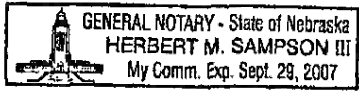
BUYER:

CFM Investments, L.L.C.,
A Nebraska limited liability company

By: Terrance L. Fangman, Jr.
Terrance L. Fangman, Jr., Manager

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

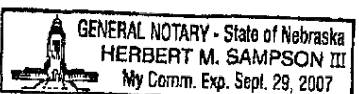
The foregoing instrument was signed and acknowledged before me by C. Frederick Kuehl and Pauline M. Kuehl, his wife, on this 31st day of July, 2005.



Herbert M. Sampson III
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

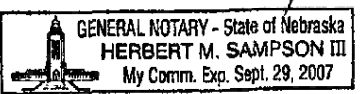
The foregoing instrument was signed and acknowledged before me by John F. Kuehl and Susan G. Kuehl, on this 31st day of July, 2005.



Herbert M. Sampson III
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

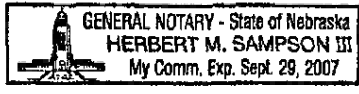
The foregoing instrument was signed and acknowledged before me by James S. Kuehl and Linda A. Kuehl, on this 31st day of July, 2005.



Herbert M. Sampson III
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

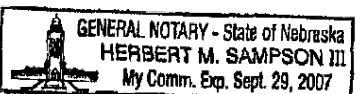
The foregoing instrument was signed and acknowledged before me by Patricia J. Kuehl, on this 31st day of July, 2005.



Herbert M. Sampson III
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

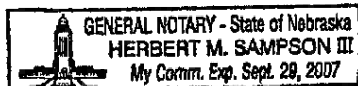
The foregoing instrument was signed and acknowledged before me by Paul M. Kuehl and Marilyn Kuehl, on this 31st day of July, 2005.



Herbert M. Sampson III
Notary Public

STATE OF NEBRASKA)
)ss.
 COUNTY OF DOUGLAS)

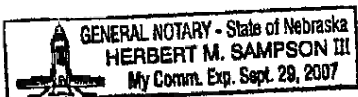
The foregoing instrument was signed and acknowledged before me by C. Frederick Kuehl and Pauline M.Kuehl, as Managers of Birch Lane Farms, L.L.C., on this 31st day of July, 2005.



Herbert M. Sampson III
 Notary Public

STATE OF NEBRASKA)
)ss.
 COUNTY OF DOUGLAS)

The foregoing instrument was signed and acknowledged before me by John F. Kuehl, James S. Kuehl, and Paul M. Kuehl, as General Partners In Stender Limited Partnership Two, on this 31st day of July, 2005.



Herbert M. Sampson III
 Notary Public

STATE OF NEBRASKA)
)ss.
 COUNTY OF DOUGLAS)

The foregoing instrument was signed and acknowledged before me by Terrance L. Fangman, Jr. as Manager of CFM Investments, L.L.C., on this 22 day of August, 2005.



Stephanie R. Henson
 Notary Public

EXHIBIT "A"**LEGAL DESCRIPTION**

The NW 1/4 of Section 12, Township 14 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, except that part taken for highway right-of-way including that described in a "Return of Appraisers" recorded in Misc. Book 1294, Page 585 of the Deed Records of Douglas County, Nebraska.

The East 1/2 of the SE1/4 of Section 12, Township 14 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, except that part taken or conveyed to the State of Nebraska for highway right-of-way.

The East 1/2 of the NW Quarter of Section 12, Township 14 North, Range 10 East of the 6th P.M., Douglas County, Nebraska.

The foregoing parcels of real estate are numbered in seven tracts consisting as follows:

Tract 1 Title Holder: C. Frederick Kuehl and Pauline M. Kuehl, as tenants in common

Tract 1 Legal Description: The South 192.18 feet of the North 225.18 feet of the Northeast Quarter (NE1/4) of Section 12, Township 14 North, Range 10, East of the 6th P.M., Douglas County, Nebraska, except that part taken for highway right-of-way.

Tract 2 Title Holder: John F. Kuehl

Tract 2 Legal Description: The South 338.97 feet of the North 564.15 feet of the Northeast Quarter (NE1/4) of Section 12, Township 14 North, Range 10 East of the 6th P.M., in Douglas County, Nebraska, except that part taken for highway right-of-way.

Tract 3 Title Holder: James S. Kuehl

Tract 3 Legal Description: The South 339.41 feet of the North 903.56 feet of the Northeast Quarter (NE1/4) of Section 12, Township 14 North, Range 10 East of the 6th P.M., in Douglas County, Nebraska, except that part taken for highway right-of-way.

Tract 4 Title Holder: Patricia J. Kuehl

Tract 4 Legal Description: The South 340.57 feet of the North 1244.13 feet of the Northeast Quarter (NE1/4) of Section 12, Township 14 North, Range 10 East of the 6th P.M., in Douglas County, Nebraska, except that part taken for highway right-of-way.

Tract 5 Title Holder: Paul M. Kuehl

Tract 5 Legal Description: The North 983.79 feet of the South 1016.79 feet of the West 886.0 feet of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 12, Township 14 North, Range 10 East of the 6th P.M., in Douglas County, Nebraska.

Tract 6 Title Holder: Birch Lane Farms, L.L.C., a Nebraska limited liability company

Tract 6 Legal Description: The East half of the Southeast Quarter (E1/2 SE1/4) of the Northeast Quarter (NE1/4) of Section 12, Township 14 North, Range 10 East of the 6th P.M., in Douglas County, Nebraska, exception Tracts 1, 2, 3, 4, and 5, and that part taken or conveyed to The State of Nebraska for highway right-of-way.

Tract 7 Title Holder: Stender Limited Partnership Two

Tract 7 Legal Description: The East 1/2 of the Northwest 1/4 of Section 12, Township 14 North, Range 10, East of the 6th P.M., Douglas County, Nebraska, and subject to county right-of-ways and public easements existing of record or in actual fact.
