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Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
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**DEED OF TRUST, CONSTRUCTION SECURITY AGREEMENT,  
SECURITY AGREEMENT,  
ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING STATEMENT**

THIS DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING STATEMENT ("Deed of Trust"), dated the 2 day of NOVEMBER 2006, by **AVG-CFM 204Q, LLC**, a Delaware limited liability company, whose address is 1823 Harney St., Suite 100, Omaha, NE 68102 ("Trustor"), to **UNION BANK & TRUST COMPANY**, a Nebraska state banking corporation, whose address is 2720 South 177th Street, Omaha, NE 68130 ("Trustee") for the use and benefit of **UNION BANK & TRUST COMPANY**, a Nebraska state banking corporation, its successors and/or assigns, whose mailing address of its Commercial Real Estate Lending Division's principal lending office is 2720 South 177th Street, Omaha, NE 68130 ("Beneficiary").

WITNESSETH:

**ARTICLE I. - GRANTS OF SECURITY**

Section 1.1 - Property Mortgaged. Trustor HEREBY IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE, IN TRUST, WITH POWER OF SALE, for the benefit and security of Beneficiary, its successors and assigns under the terms and conditions of this Deed of Trust, all of the following (collectively referred to as the "Mortgaged Property"):

- A. The real property situated in the County of Douglas, State of Nebraska,

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commercial tort claims, and (ii) other interests of every kind and character which Trustor now has or hereafter acquires in, to or for the benefit of the properties, rights, titles and interests referred to above and all property used or useful in connection therewith, including rights of ingress and egress and remainders, reversions and reversionary rights or interests;

- E. All interests, estates or other claims or demands, in law and in equity, which the Trustor now has or may hereafter acquire in the Mortgaged Property and all right, title and interest hereafter acquired by Trustor in any greater estate in any of the foregoing; and
- F. All proceeds of, additions and accretions to, substitutions and replacements for, and changes in any of the property referred to above.

Section 1.2 - Purpose of Security. FOR THE PURPOSE OF SECURING, in such order or priority as Beneficiary may elect (collectively, the "Secured Indebtedness"):

- A. Payment of an indebtedness in the principal sum of Nineteen Million Two Hundred Thousand and no/100th Dollars (\$19,200,000.00), according to the terms of a certain promissory note of even date herewith made by Trustor to the order of Beneficiary, and any and all extensions, modifications, substitutions or renewals thereof, the terms of which are incorporated herein by reference (the "Note"), with interest thereon at the rate or rates provided in the Note, maturing and being payable not later than November 1, 2009, and the performance and discharge of each and every obligation of Trustor set forth in the Note, the Trustor further agreeing that this document shall constitute a Construction Security Agreement within the meaning of Nebraska Revised Statute §52-127 et seq. and that it secures an obligation which the Trustor (debtor) has incurred for the purpose of making an improvement of the Real Property in which the security interest is given and that this is a construction security interest within the meaning of such statutes;
- B. Payment of all other sums, with interest thereon, becoming due or payable under the provisions hereof to either Trustee or Beneficiary;
- C. Due, prompt and complete observance and performance of each and every obligation, covenant and agreement of Trustor contained herein, and in any other instrument executed by Trustor for the purpose of further securing the Secured Indebtedness and all other obligations of Trustor as evidenced by the Note and all other documents and instruments given by Trustor to evidence or secure repayment of the loan identified herein, including (without limitation) that certain Land Acquisition Loan Agreement, dated of even date herewith, and any amendments thereto (the "Loan Agreement") (the foregoing collectively the "Loan Documents"), but expressly excluding, however, the Environmental and ADA Indemnity Agreement which is not a Loan Document for purposes of this Deed of

NE NE  
NW NE  
SE NE  
SW NE

## EXHIBIT A

Legal Description of the Mortgaged Property

All that certain real property located in the County of Douglas, State of Nebraska described as follows:

A tract of land located in the Northwest 1/4 of Section 12; and also the Northeast 1/4 of said Section 12; and also the Southeast 1/4 of said Section 12; all located in Township 14 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of said Southeast 1/4 of Section 12; thence N02°43'49"W (assumed bearing) along the West line of said Southeast 1/4 of Section 12, a distance of 2641.18 feet to the Northwest corner of said Southeast 1/4 of Section 12; thence S87°28'35"W along the South line of said Northwest 1/4 of Section 12, a distance of 1322.85 feet to the Southwest corner of the East 1/2 of said Northwest 1/4 of Section 12; thence N02°43'39"W along the west line of said East 1/2 of the Northwest 1/4 of Section 12, said line also being the East line of Lot 5, Dohse's Acres, a Subdivision located in said Northwest 1/4 of Section 12, and the Southerly extension thereof, a distance of 2593.53 feet to a point on the Southerly right of way line of "Q" Street, said point also being the Northeast corner of said Lot 5, Dohse's Acres; thence Easterly along said Southerly right of way line of "Q" Street on the following described courses; thence N81°31'35"E, a distance of 138.32 feet; thence N87°45'05"E, a distance of 1185.13 feet; thence N88°00'59"E, a distance of 1064.58 feet; thence N87°44'51"E, a distance of 600.10 feet; thence S02°15'40"E, a distance of 21.53 feet; thence S85°58'44"E, a distance of 359.77 feet; thence N87°28'59"E, a distance of 552.62 feet to the point of intersection of said Southerly right of way line of "Q" Street, and the Westerly right of way line of 204th Street; thence Southerly along said Westerly right of way line of 204th Street on the following described courses; thence S02°11'10"E, a distance of 780.54 feet; thence S04°29'01"W, a distance of 69.76 feet; thence S03°08'26"E, a distance of 361.79 feet; thence S03°32'38"W, a distance of 557.12 feet; thence S00°09'57"W, a distance of 246.41 feet; thence N87°05'16"E, a distance of 63.67 feet; thence S06°22'53"E, a distance of 516.37 feet; thence S04°32'29"W, a distance of 327.06 feet; thence S00°56'28"E, a distance of 1500.54 feet; thence S05°57'26"E, a distance of 824.89 feet to a point on the South line of said Southeast 1/4 of Section 12; thence S87°37'25"W along said South line of the Southeast 1/4 of Section 12, a distance of 2542.15 feet to the point of beginning.

## EXCEPTING THEREFROM THE FOLLOWING PARCELS:

A tract of land located in part of 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, more particularly described as follows:

NE SE  
NW SE  
SE SE  
SW SE  
SE NW  
NE NW

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Beginning at the Southwest corner of said East 1/2 of the Northwest 1/4 of Section 12; thence N02°43'39"W (assumed bearing) along the West line of said East 1/2 of the Northwest 1/4 of Section 12, said line also being the East line of Lot 5, Dohse's Acres, a Subdivision located in the Northwest 1/4 of said Northwest 1/4 of Section 12, and the Southerly extension thereof, a distance of 2593.53 feet to a point on the South right of way line of "Q" Street; thence N81°31'35"E along said South right of way line of "Q" Street, a distance of 138.32 feet; thence N87°45'05"E along said South right of way line of "Q" Street, a distance of 1167.29 feet; thence S02°15'09"E, a distance of 20.80 feet; thence Southwesterly on a curve to the right with a radius of 957.50 feet, a distance of 173.30 feet, said curve having a long chord which bears S02°55'56"W, a distance of 173.06 feet; thence Southwesterly on a curve to the left with a radius of 923.19 feet, a distance of 49.99 feet, said curve having a long chord which bears S06°33'58"W a distance of 49.98 feet; thence S05°00'54"W a distance of 31.79 feet; thence Southwesterly on a curve to the right with a radius of 261.79 feet, a distance of 49.85 feet, said curve having a long chord which bears S10°28'13"W, a distance of 49.77 feet; thence Southwesterly on a curve to the right with a radius of 967.50 feet, a distance of 139.13 feet, said curve having a long chord which bears S20°02'42"W, a distance of 139.01 feet; thence S24°09'53"W, a distance of 657.98 feet; thence S27°12'41"W, a distance of 49.05 feet; thence Southwesterly on a curve to the right with a radius of 80.00 feet, a distance of 13.17 feet, said curve having a long chord which bears S31°55'34"W, a distance of 13.15 feet, thence Southwesterly on a curve to the left with a radius of 132.00 feet, a distance of 57.49 feet, said curve having a long chord which bears S24°09'53"W, a distance of 57.03 feet; thence Southwesterly on a curve to the right with a radius of 80.00 feet, a distance of 13.17 feet, said curve having a long chord which bears S16°24'12"W a distance of 13.15 feet; thence S21°07'05"W, a distance of 49.05 feet; thence S24°09'53"W, a distance of 401.51 feet; thence Southerly on a curve to the left with a radius of 1096.66 feet, a distance of 493.83 feet, said curve having a long chord which bears S11°15'52"W, a distance of 489.67 feet; thence S01°38'10"E, a distance of 401.13 feet; thence Southerly on a curve to the left with a radius of 632.50 feet, a distance of 168.05 feet, said curve having a long chord which bears S09°14'51"E, a distance of 167.56 feet to a point on the South line of said East 1/2 of the Northwest 1/4 of Section 12; thence S87°28'35"W along said South line of the East 1/2 of the Northwest 1/4 of Section 12, a distance of 541.99 feet to the point of beginning.

A tract of land located in the North 1/2 of Section 12, Township 14 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of said Section 12; thence S02°43'50" (assumed bearing) along the West line of said Northeast 1/4 of Section 12, a distance of 226.54 feet; thence N87°16'10"E, a distance of 52.42 feet to the point of beginning; thence S36°20'23"E, a distance of 96.30 feet; thence S47°27'25"E, a distance of 369.59 feet; thence S29°10'18"E, a distance of 424.01 feet; thence S25°24'24"E, a distance of 297.13 feet; thence S32°45'59"E, a distance of 71.80 feet; thence Southeasterly on a curve to the right with a radius of 335.00 feet, a distance of 11.58 feet, said curve having a long chord which bears S79°00'15"E, a distance of 11.58 feet; thence Easterly on a curve to the left with a radius of 242.75 feet, a distance of 98.05 feet, said

curve having a long chord which bears S89°35'05"E, a distance of 97.38 feet; thence N78°50'39"E, a distance of 32.70 feet; thence N35°51'05"E, a distance of 7.31 feet; thence Southeasterly on a curve to the left with a radius of 535.55 feet, a distance of 432.74 feet, said curve having a long chord which bears S30°01'20"E, a distance of 421.07 feet; thence Southerly on a curve to the right with a radius of 265.00 feet, a distance of 281.70 feet, said curve having a long chord which bears S22°43'04"E, a distance of 268.62 feet; thence S07°44'06"W, a distance of 23.80 feet; thence S50°46'50"W, a distance of 7.31 feet; thence westerly on a curve to the left with a radius of 550.00 feet, a distance of 242.02 feet, said curve having a long chord which bears S80°57'33"W, a distance of 240.08 feet; thence S68°21'10"W, a distance of 66.80 feet; thence Southwesterly on a curve to the left with a radius of 632.50 feet, a distance of 455.06 feet, said curve having a long chord which bears S47°44'30"W, a distance of 445.31 feet; thence Southwesterly on a curve to the right with a radius of 80.00 feet, a distance of 62.69 feet, said curve having a long chord which bears S49°34'52"W, a distance of 61.10 feet; thence Southwesterly on a curve to the left with a radius of 97.50 feet, a distance of 39.43 feet, said curve having a long chord which bears S60°26'47"W, a distance of 39.16 feet; thence Southwesterly on a curve to the right with a radius of 45.00 feet, a distance of 61.22 feet, said curve having a long chord which bears S87°50'05"W, a distance of 56.61 feet; thence Northwesterly on a curve to the right with a radius of 175.00 feet, a distance of 101.86 feet, said curve having a long chord which bears N36°31'02"W, a distance of 100.43 feet; thence N19°50'34"W, a distance of 160.03 feet; thence S70°09'26"W, a distance of 50.00 feet; thence N19°50'34"W, a distance of 18.88 feet; thence S60°17'14"W, a distance of 181.03 feet; thence S47°54'55"W, a distance of 184.47 feet; thence S66°08'08"W, a distance of 129.89 feet; thence S84°21'22"W, a distance of 155.67 feet; thence N70°23'22"W, a distance of 151.54 feet; thence N84°24'59"W, a distance of 160.39 feet; thence N01°38'10"W, a distance of 157.83 feet; thence N01°38'10"W, a distance of 50.00 feet; thence S88°21'50"W, a distance of 29.70 feet; thence N45°52'20"W, a distance of 6.98 feet; thence Northwesterly on a curve to the right with a radius of 1031.66 feet, a distance of 434.56 feet, said curve having a long chord which bears N12°05'51"E, a distance of 431.36 feet; thence N24°09'53"E, a distance of 401.51 feet; thence N27°12'39"E, a distance of 49.05 feet; thence Northwesterly on a curve to the right with a radius of 80.00 feet, a distance of 13.17 feet, said curve having a long chord which bears N31°55'34"E, a distance of 13.15 feet; thence Northwesterly on a curve to the left with a radius of 132.00 feet, a distance of 57.49 feet, said curve having a long chord which bears N24°09'53"E, a distance of 57.03 feet; thence Northeasterly on a curve to the right with a radius of 80.00 feet, a distance of 13.17 feet, said curve having a long chord which bears N16°24'12"E, a distance of 13.15 feet; thence N21°07'07"E, a distance of 49.05 feet; thence N24°09'53"E, a distance of 657.98 feet; thence Northwesterly on a curve to the left with a radius of 1032.50 feet, a distance of 148.48 feet, said curve having a long chord which bears N20°02'42"E, a distance of 148.35 feet; thence Northwesterly on a curve to the right with a radius of 1231.33 feet, a distance of 49.99 feet, said curve having a long chord which bears N17°05'18"E, a distance of 49.48 feet; thence N18°15'05"E, a distance of 41.94 feet; thence Northwesterly on a curve to the left with a radius of 281.95 feet, a distance of 49.87 feet, said curve having a long chord which bears N13°11'04"E, a distance of 49.80 feet; thence Northwesterly on a curve to the left with a radius of 1042.50 feet, a distance of 22.68

feet, said curve having a long chord which bears N07°29'39"E, a distance of 22.68 feet to the point of beginning.