

This Instrument Drafted by
And To Be Returned To:
Right-of-Way Department
Northern Natural Gas Company
P.O. Box 3330
Omaha, Nebraska 68103

FILED-SARPY CO. NE.
INSTRUMENT NUMBER
2003-68010
2003 NOV 14 P 3:15 PM
Henry J. Petersen
REGISTER OF DEEDS

COUNTER 11 C.E.
VERIFY 5 D.E.
PROOF we
FEES \$ 2035
CHECK# 15022
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

48701-37

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 27th day of October, 2003 by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation, with principal offices at 1111 South 103rd Street, Omaha, Nebraska 68124 (hereinafter referred to as "Northern"), and CELEBRITY HOMES, INC., (hereinafter referred to as "Owner", whether one or more).

WITNESSETH THAT:

WHEREAS, Northern is the holder of an Easement granted by Henry T. Petersen and Anna L. Petersen, husband and wife, on the 19th day of February, 1951, covering the following described premises in Sarpy County, Nebraska:

The South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 34, Township 14 North, Range 12 East,

which Easement was recorded the 23rd day of August, 1951, as Document No. 1345, in Book 15 of Misc. at Page 38, in and for Sarpy County, Nebraska (hereinafter referred as "Easement"); and

WHEREAS, pursuant to the authority contained in the Easement, Northern has constructed and currently operates and maintains a 16-inch pipeline through and across the premises above-described; and

WHEREAS, of the premises described in the Easement, Owner is present owner of the following described premises (hereinafter referred to as "Owned Premises"):

See Exhibit "A" attached hereto
and, by this reference made a part hereof

WHEREAS, the parties hereto desire to more clearly define their rights under the Easement and further desire to modify and amend the Easement in certain respects.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements hereinafter set forth, it is agreed by and between the parties hereto as follows:

1. That Northern shall, and by these presents does, hereby limit its right-of-way across the Owned Premises only to a strip of land 45 feet in width, being the West 45 feet of Owned Premises, which strip encompasses the present location of Northern's 16-inch pipeline (hereinafter referred to as "Pipeline Right-of-Way").
2. That Northern shall, and by these presents does, hereby release from the Easement all of its rights in and to the Owned Premises EXCEPT the Pipeline Right-of-Way described in Paragraph 1 above, upon which Pipeline Right-of-Way the Easement is retained in full force and effect, with all rights (including, without limitation, multiple line rights) originally granted to Northern in the Easement; and EXCEPT Northern retains its right of ingress to and egress from the Pipeline Right-of-Way, to which right the Owned Premises shall remain subject.

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3. The Owner shall not build, create, construct, nor allow to be built, created, or constructed, any hard, gravel, or similar surface road, any improvements or structures of any nature, nor alter the grade or permit such alteration, anywhere within the Pipeline Right-of-Way without the written consent of Northern. Northern shall have the right to clear and keep cleared from within the Pipeline Right-of Way all trees, brush, undergrowth, buildings, structures, improvements or other obstructions, and, Northern shall not be liable for loss, cost, or damage caused on the Pipeline Right-of-Way by keeping the Pipeline Right-of-Way clear of such trees, brush, undergrowth, buildings, structure, improvements, and other obstructions in the exercise of its rights hereunder.

4. The Owner shall allow Northern to establish aboveground marking along the centerline of the location of Northern's pipeline(s).

This instrument and the covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this instrument the day and year first above written.

"NORTHERN"

"OWNER"

NORTHERN NATURAL GAS COMPANY

CELEBRITY HOMES, INC.

By Glen R. Hass
Glen R. Hass
Agent and Attorney-in-Fact

By Gale Larsen
Gale Larsen
President

STATE OF NEBRASKA)
)SS
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a Notary Public duly commissioned and qualified in and for said county and state, on this 10th day of November, 2003, by Glen R. Hass the Agent and Attorney-in-Fact of Northern Natural Gas Company.

(S E A L)



Gail L. Spevak
Notary Public
My Commission Expires 6-28-03

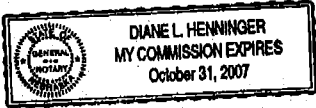
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STATE OF Nebraska)
)SS
COUNTY OF Douglas)

Gale Larsen, President, Celebrity Homes, Inc., acknowledged the foregoing instrument before me, a Notary Public duly commissioned and qualified in and for said county and state, on this 27th day of October, 2003.

(SEAL)



Diane L. Henninger
Notary Public
My Commission Expires 10-31-07

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Exhibit "A"

A tract of land located in part of Tax Lot 13A, and also together with part of Tax Lot 14, Tax Lots located in the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 34, Township 14 North, Range 12 East, Sarpy County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34, said point also being the Northeast corner of said Tax Lot 14; thence South 87°24'13" West (assumed bearing) along the North line of said S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34, said line also being the North line of said Tax Lot 14, a distance of 50.00 feet to a point on the West right of way line of 90th Street, said point also being the Point of Beginning; thence South 02°39'00" East, along said West right of way line of 90th Street, a distance of 480.00 feet to the point of intersection of said West right of way line of 90th Street and the North line of Tax Lot 13B, a tax lot located in said S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34, said line also being the southerly line of said Tax Lot 14; thence South 87°24'13" West along said North line of Tax Lot 13B, said line also being said southerly line of Tax Lot 14, a distance of 238.00 feet to the Northwest corner of said Tax Lot 13B; thence South 02°39'00" East along the West line of said Tax Lot 13B, said line also being said southerly line of Tax Lot 14, a distance of 160.00 feet to the Southwest corner of said Tax Lot 13B, said point also being on the northerly line of said Tax Lot 13A; thence North 87°24'13" East along the South line of said Tax Lot 13B, said line also being said northerly line of Tax Lot 13A, a distance of 238.00 feet to a point on said West right of way line of 90th Street; thence South 02°39'00" East along said West right of way line of 90th Street, a distance of 650.09 feet to the point of intersection of said West right of way line of 90th Street and the North right of way line of Schram Road; thence North 87°29'26" East along the easterly extension of said North right of way line of Schram Road, a distance of 50.00 feet to the East line of said S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34; thence South 02°39'00" East along said East line of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34, a distance of 33.00 feet to the Southeast corner of said SW $\frac{1}{4}$ of said Section 34; thence South 87°29'26" West along said South line of the SW $\frac{1}{4}$ of said Section 34, said line also being said South line of Tax Lot 13A, a distance of 1368.96 feet; thence North 05°38'37" West a distance of 1322.95 feet to a point on the South line of Outlot "A", Walnut Creek Hills Replat Three, a subdivision located in said North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 34; thence North 87°24'13" East along said North line of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34, said line also being said North line of Tax Lot 13A, and also said North line of Tax Lot 14, said line also being the South line of said Walnut Creek Hills, said line also being the South line of said Outlot "A", Walnut Creek Hills Replat Three, said line also being the South line of Lot 1, said Walnut Creek Hills Replat Three, said line also being the South line of Lots 25 thru 28, Walnut Creek Hills Replat Two, a subdivision located in said N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34, and also the South right of way line of Fenwick Street, a distance of 1388.04 feet to the point of beginning. Said tract of land contains an area of 1,752,972 square feet or 40.243 acres, more or less.