

4238

COMMITMENT FOR TITLE INSURANCE

**Commonwealth**  
**Land Title Insurance Company**  
Revision #1

Commitment No.

**SCHEDULE A**

T-9601639

1. Effective Date: February 7, 1996 at 8:00 a.m.

2. Policy or Policies to be issued: Amount Premium

(a) ☐ ALTA Owner Policy - (10-17-92) \$286,785.00 \$50.00

Proposed Insured:

FOX RIDGE, L.L.C.

(b) ☐ ALTA Loan Policy - (10-17-92) \$400,000.00 \$955.00  
Endorsements \$

Proposed Insured:

☐ Conv

☐ FHA

☐ VA

FIRST UNITED BANK, BELLEVUE, NEBRASKA

3. The estate or the interest in the land described or referred to in the Commitment and covered herein is fee simple and is at the effective date hereof vested in:

JANE GROSS, LEE W. HAEBERLEIN AND LLOYD M. GLESMANN, as joint tenants

4. The land referred to in this Commitment is situated in the County of Sarpy, State of Nebraska, and described as follows:

*Handwritten:* SID Stmt 96-06829 f. 4-11-96 SID #177  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF  
dt 9604924 Fox Ridge, LLC to \$400,000  
First United BK, H + B  
d. 3-15-96  
f. 3-15-96

Countersigned: \_\_\_\_\_

Authorized Officer or Agent

NM 6 (10-85) PA 3  
American Land Title Association Commitment  
Schedule A  
Form 1004-67 (Rev. 6-86)

Valid Only if Schedule B and Cover Are Attached

*Handwritten:* noc 96-04925 f. 3-15-96

Issued by:  
FIRST NEBRASKA TITLE  
13044 Arbor Street  
Omaha, NE 68144

Phone (402) 330-3800 Fax 330-0323

*Handwritten:* WOD 96-05219 f. 3-21-96  
Fox Ridge to SID people

**Schedule B - Section 1**

The following are the requirements to be complied with:

1. Instrument creating the estate or interest to be insured must be executed and filed for record, to-wit:

Deed from Jane Gross, Lee W. Haeberlein and Lloyd M. Glesmann, and spouses, if any, to Fox Ridge, LLC.

Mortgage from Fox Ridge, LLC to FIRST UNITED BANK, BELLEVUE, NEBRASKA

Title Company requires Fox Ridge, LLC be filed with the Nebraska Secretary of State.

Title Company requires a certified copy of the Articles of Organization and the Operating Agreement and all amendments thereto for said LLC, for review and examination and reserves the right to make further requirements upon receipt of same.

2. Pay the full consideration to, or for the account of, the grantors or mortgagors.
3. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, sub-contractors, labor and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor or material.

## Schedule B - Section 2

Schedule B of the Policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes and assessment not appearing of record in the Office of the Treasurer of Sarpy County, Nebraska.

## SPECIAL EXCEPTIONS

(Special exceptions are those defects disclosed by a search of the title to this property for which no coverage is provided by the policy to be issued.)

7. Taxes due December 31, 1995, total \$5,477.98; 1st installment becomes delinquent April 1, 1996, 2nd installment becomes delinquent August 1, 1996. (Key No. 010467947) *pi*  
SPECIAL AG ASSESSMENT

CAUTION: THIS PROPERTY HAS BEEN DESIGNATED AGRICULTURAL USE LAND AND IS SUBJECT TO THE PROVISIONS OF SEC. 77-1348, R.R.S.

8. Easement granted to Nebraska Power Company over a portion of the premises in question, as set forth in the instrument filed February 11, 1974 in Misc. Book 11 at Page 194. *on plat* *237-43*
9. Easement granted to American Telephone and Telegraph Company over a portion of the premises in question, as set forth in instrument filed October 3, 1961 in Misc. Book 28 at Page 623. *on plat* *OLB, 14, 15, 17, 35-37*
10. Easement granted to Metropolitan Utilities District of Omaha over a portion of the premises in question, as set forth in instrument filed October 17, 1966 in Misc. Book 37 at Page 412. *on plat* *2142*
11. Terms and provisions of the Waiver Agreement by Metropolitan Utilities District, dated July 12, 1967 in Misc. Book 38 at Page 523.
12. Construction Easement granted to Board of County Commissioners of Sarpy County, Nebraska, over a portion of the premises in question, as set forth in instrument filed November 28, 1967 in Misc. Book 39 at Page 258. *8 yrs*
13. Notice filed by Metropolitan Utilities District over a portion of the premises in question, as set forth in instrument filed December 15, 1972 in Misc. Book 45 at Page 703. *not in master file*
14. Amended Easement granted to the county of Sarpy over a portion of the premises in question, as set forth in instrument filed February 21, 1973 in Misc. Book 46 at Page 93. *8 yrs*
15. Amended Easement granted to the County of Sarpy over a portion of the premises in question, as set forth in instrument filed May 24, 1973 in Misc. Book 46 at Page 286. *8 yrs*
16. Amended Easement granted to the County of Sarpy over a portion of the premises in question, as set forth in instrument filed June 1, 1973 in Misc. Book 46 at Page 298; and Assignment of same to Papio Natural Resources District, filed August 26, 1981 in Misc. Book 54 at Page 545; and Partial Release of Easement filed March 12, 1986 in Misc. Book 59 at Page 487.

17. Easement granted to Omaha Public Power District over a portion of the premises in question, notice of which is given in Report of Appraisers filed June 26, 1966 in Misc. Book 39 at Page 394; and Agreement filed April 6, 1970 in misc. Book 43 at Page 146; and Disclaimer and Release filed March 1, 1995 as Instrument No. 95-02492.

on plat

L 46, 47, 25, 26, 30, 34, 18, 35, 17

EXHIBIT "A"

Tax Lot 10A, being all of Tax Lot 10, located in the SE1/4 of Section 8, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska; EXCEPT Tax Lot 10B, more particularly described as follows:

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Being a part of Tax Lot 10, located in the SE1/4 of Section 8, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of the SE1/4; thence S89°43'21"W (assuming the East line of said SE1/4 being North and South) along the South line of said SE1/4 a distance of 1035.00 feet; thence N00°26'03"W a distance of 653.40 feet; thence N89°43'21"E along a line parallel to and 653.41 feet North of the South line of said SE1/4 a distance of 1039.95 feet to the East line of said SE1/4; thence South along the East line of said SE1/4 a distance of 653.41 feet to the point of beginning; AND EXCEPT

Tax Lot 11, described as follows: A tract of land located in the Southeast one-quarter of Section 8, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, described as follows: Commencing at the Southeast corner of said Section 8, thence North 00°05'00" West (assumed bearing) 1212.63 feet along the East line of Section 8, thence South 89°18'55" West 45.00 to the West Right of Way line of 36th Street and the point of beginning; thence South 89°18'55" West 203.98 feet, thence North 00°22'11" West 106.65 feet, thence North 89°19'01" East 204.67 feet to West right of way line of 36th Street, thence South 00°00'00" East 106.65 along said right of Way line to the point of beginning; AND EXCEPT

That portion conveyed to the County of Sarpy, Nebraska filed June 27, 1973 in Deed Book 148 at Page 1566; and EXCEPT that part taken for road Right of Way.