

After recording return to:
Robert W. Rieke, Esq.
409 South 17th Street, Suite 500
Omaha NE 68102

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2004 26379

W0355619.01
061104

2004 JUL 12 P 12:23

Glenn J. Dowling
REGISTER OF DEEDS

COUNTER AK C.E. W
VERIFY AK D.E. CM
PROOF AK
FEES \$ 16.00
CHECK# _____
CHG STS CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

[For Recording Purposes]

ACCESS EASEMENT

This Access Easement is entered into by HARRISON HILLS APARTMENTS, L.L.C., a Nebraska limited liability company ("Grantor").

WHEREAS, Grantor is the owner of Lot 3, Harrison Hills Replat 2, an Addition to the City of LaVista, Sarpy County, Nebraska (the "Burdened Property"); and

WHEREAS, Grantor is also the owner of Lot 4, Harrison Hills Replat 2, an Addition to the City of LaVista, Sarpy County, Nebraska (the "Benefited Property"); and

WHEREAS, Grantor desires to establish a non-exclusive access easement over a portion of the Burdened Property for the benefit of the Benefited Property.

NOW THEREFORE, for good and valuable consideration, Grantor hereby grants to the current owner of the Benefited Property, and to each individual, partnership, joint venture, corporation, trust, unincorporated association, governmental agency or other business entity hereafter owning any ownership in fee of any portion of the Benefited Property (collectively "Grantee") a non-exclusive easement for the purposes of ingress, egress and access (the "Access Easement") over that portion of the Burdened Property described on Exhibit "A" attached hereto (the "Access Easement Area").

The use of the Access Easement will be non-exclusive and for the use and benefit of Grantee, its successors and assigns, and such agents, customers, invitees, licensees, employees, servants, contractors, mortgagees and tenants as may be designated by Grantee from time to time. Grantor covenants and agrees to maintain and repair the Access Easement Area to the extent not maintained by any public authority. No buildings, structures or other improvements (other than a driveway) shall be constructed upon the Access Easement Area without the prior written agreement of Grantor and Grantee.

Nothing contained herein will be deemed to constitute a gift, grant or dedication of any portion of the Burdened Property.

The Access Easement shall run with the land and be binding upon Grantor and its successors and assigns, and inure to the benefit of Grantee and its successors and assigns.

STS

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IN WITNESS WHEREOF, Grantee has executed this instrument this 30th day of June, 2004.

HARRISON HILLS APARTMENTS, L.L.C., a
Nebraska limited liability company

By *Howard M. Kooper*
Howard M. Kooper, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 30th day of June, 2004, before me, a notary public in and for said county and state, personally came HOWARD M. KOOPER, Manager of HARRISON HILLS APARTMENTS, L.L.C, a Nebraska limited liability company, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said limited liability company.

WITNESS my hand and notarial seal at Omaha, in said county and state, the day and year last above written.

[SEAL] 

Jackie S. Lammert
Notary Public

SUBORDINATION

The undersigned hereby subordinates its mortgage or deed of trust lien on the Burdened Property to the foregoing Access Easement.

FIRST NATIONAL BANK OF OMAHA

By *[Signature]*
Title: Vice President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

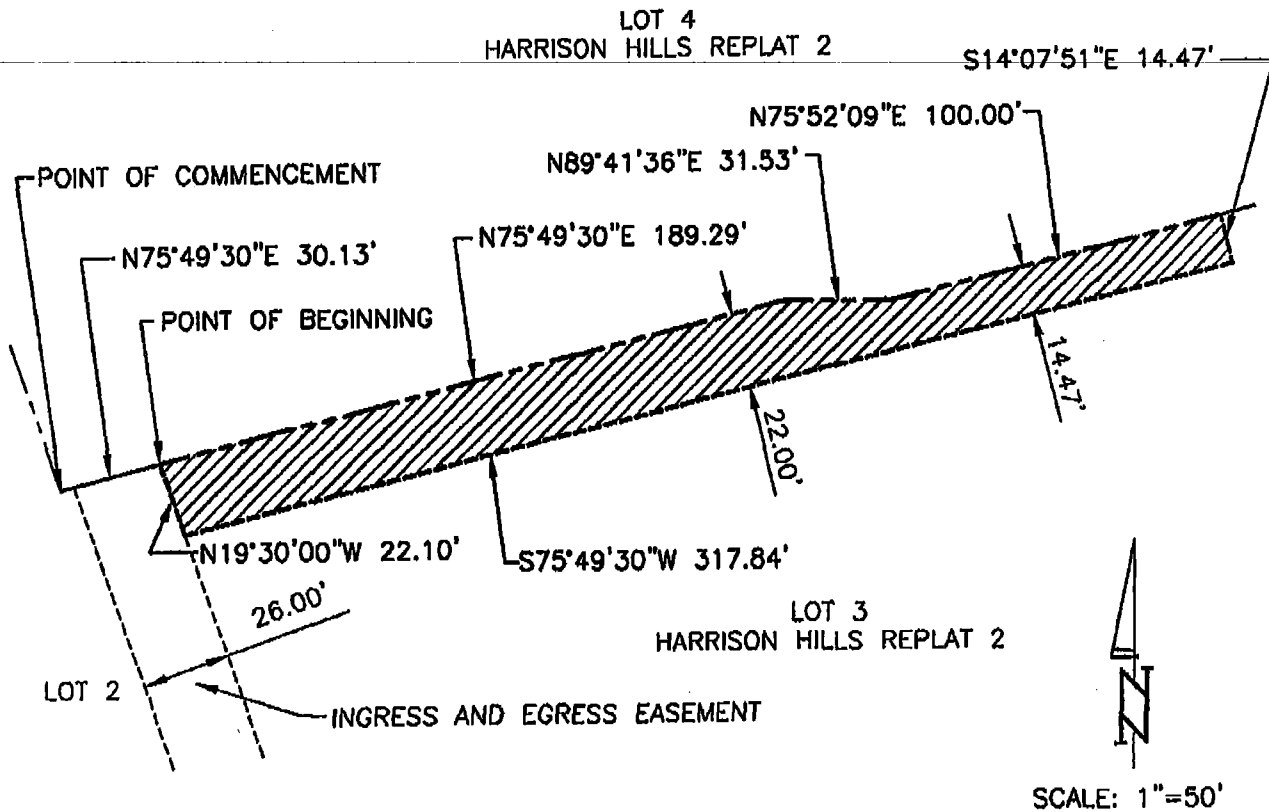
On this 30th day of June, 2004, before me, a notary public in and for said county and state, personally came Michael J. Nupsrey, Vice President of FIRST NATIONAL BANK OF OMAHA, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

WITNESS my hand and notarial seal at Omaha, Nebraska, in said county and state, the day and year last above written.

[SEAL] 

Delores M. Micheel
Notary Public

2004-26379 B



LEGAL DESCRIPTION

THAT PART OF LOT 3, HARRISON HILLS REPLAT 2, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID LOT 3; THENCE N75°49'30"E (ASSUMED BEARING) 30.13 FEET ON THE NORTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF AN EXISTING INGRESS AND EGRESS EASEMENT AS SHOWN ON THE FINAL PLAT OF SAID HARRISON HILLS REPLAT 2; THENCE N75°49'30"E 189.29 FEET ON THE NORTH LINE OF SAID LOT 3; THENCE N89°41'36"E 31.53 FEET ON THE NORTH LINE OF SAID LOT 3; THENCE N75°52'09"E 100.00 FEET ON THE NORTH LINE OF SAID LOT 3; THENCE S14°07'51"E 14.47 FEET; THENCE S75°49'30"W 317.84 TO THE EAST LINE OF AN EXISTING INGRESS AND EGRESS EASEMENT AS SHOWN ON THE FINAL PLAT OF SAID HARRISON HILLS REPLAT 2; THENCE N19°30'00"W 22.10 FEET ON THE EAST LINE OF SAID INGRESS AND EGRESS EASEMENT TO THE POINT OF BEGINNING.

BROADMOOR DEVELOPMENT

TD2 FILE NO.: 1061-119-EASEF

DATE: JUNE 11, 2004

THOMPSON, DRESSEN & DORNER, INC., 10838 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860