

BOOK 612 PAGE 395

MODIFICATION TO LICENSE AND EASEMENT AGREEMENT

THIS MODIFICATION OF LICENSE AND EASEMENT AGREEMENT executed this 30th day of March, 1979, by MORAMERICA PROPERTIES, INC., an Iowa Corporation, and MERIT FUND IV, an Iowa Limited Partnership, (hereinafter collectively referred to as "Grantors")

WHEREAS, RITUMS REALTY, INC., a Nebraska Corporation, (hereinafter "Ritums") was, on the 16th day of November, 1970, the owner of a tract of land located in the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 15 North, Range 12 East of the 6th P.M., Douglas County Nebraska described as follows:

Beginning at the Southeast corner of the said Northeast 1/4 of the Northwest 1/4 of Section 34, thence N 0°11'20" E, 484.95 feet to the centerline of Big Papillion Creek; thence N 46°55'40" W, 678.27 feet along centerline of said Big Papillion Creek; thence N 40°53'40" W, 213.37 feet along centerline of said creek to the South R.O.W. line of Center Street; thence S 80°18'30" W, 95.43 feet on the South R.O.W. line of Center Street; thence South 38°54'55" E, 159.14 feet to a point of curve; thence on a curve to the right (radius being 608.0 feet) an arc distance of 350.36 feet; thence South 5°53'55" E, 37.88 feet to a point of curve; thence on a curve to the right (radius being 233.0 feet) an arc distance of 175.05 feet; thence S 37°08'50" W, 238.80 feet; thence S 52°51'10" E, 122.00 feet to a point of curve; thence on a curve to the right (radius being 39.22 feet) an arc distance of 45.86 feet; thence S 14°08'50" W, 25.00 feet to a point of curve; thence on a curve to the right (radius being 98.00 feet) an arc distance of 30.22 feet; thence S 0°05'05" E, 54.09 feet; thence N 89°54'55" E, 39.49 feet; thence S 0°05'05" E, 38.00 feet to a point on the South line of said Northeast 1/4; thence N 89°54'55" E, on the South line of said Northeast 1/4, 549.00 feet to the point of beginning (The North line of said Northwest 1/4 assumed East-West in direction.);

and

WHEREAS, the said Ritums did, on the 16th day of November, 1970, execute one certain License and Easement Agreement under which Ritums granted and conveyed to Ritums Realty, Inc. a nonexclusive license and easement over a portion of the above described property for the uses and purposes therein set forth and said License and Easement Agreement was recorded in the Office of the Register of Deeds for Douglas County, Nebraska on November 24, 1970 in Book 495, Miscellaneous Records, at Page 515; and

WHEREAS, an Addendum to the aforementioned License and Easement Agreement dated March 27, 1979 was recorded in the Office of the Register of Deeds for Douglas County, Nebraska on March 27, 1979 in Book 612, Miscellaneous Records, at Page 249; and

WHEREAS, MorAmerica Properties, Inc. is now the record owner of legal title to the above described property; and

WHEREAS, MorAmerica Properties, Inc. entered into an agreement to sell the above described property to Merit Corporation under the terms of one certain Agreement dated January 18, 1979, and Merit Corporation has, by an Agreement in writing, assigned all of its right, title and interest in and to the foregoing Agreement to Merit Fund IV; and

WHEREAS, MorAmerica Properties, Inc. (record owner of the property benefited by the above described License and Easement Agreement which is referred to in said License and Easement Agreement as Parcel B) and The Latvian Tower Condominium Corporation, a Nebraska corporation (the land

contract purchaser of said Parcel B) have requested that the southerly portion of the easement area referred to in the License and Easement Agreement as Parcel A be enlarged so as to permit ingress and egress to and from certain automobile garages located on said property, and Grantors are willing to grant such request.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantors do hereby agree that said License and Easement Agreement as clarified by the above described Addendum be and is hereby amended and modified as follows:

1. The description of the easement property described in said License and Easement Agreement as Parcel A is hereby amended to include the following additional property:

That part of the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 15 North, Range 12 East of the 6th P.M., Douglas County Nebraska described as follows:

Commencing at the Southeast corner of said Northeast 1/4, thence South 89°54'55" West (assumed bearing) on the South line of said Northeast 1/4 553.90 feet; thence North 00°05'05" West on the center line of an existing garage wall and its southerly extension 38.00 feet to the point of beginning; thence South 89°54'55" West 6.57 feet to a point on the Easterly line of an existing easement recorded in Book 495, Miscellaneous Records, at Page 515; thence North 00°05'05" West on the Easterly line of said existing easement 25.00 feet; thence North 89°54'55" East 6.57 feet; thence South 00°05'05" East 25.00 feet to the Point of Beginning,

and Grantors do hereby agree that all of the rights and privileges granted, given and provided in said License and Easement Agreement shall apply equally as well to the property last above described just the same as if said property had originally been included in the License and Easement Agreement.

Grantors agree that, except as previously clarified by the Addendum to License and Easement Agreement referred to above and except as modified herein, all of the terms, conditions and provisions of said License and Easement Agreement shall remain in full force and effect and the same are hereby ratified and confirmed.

IN WITNESS WHEREOF, the undersigned have hereunto caused these presents to be signed this 30th day of March, 1979.

MORAMERICA PROPERTIES, INC.,
an Iowa Corporation

By: [Signature]
Assistant Vice President Title

MERIT FUND IV,
an Iowa Limited Partnership

By: MERIT CORPORATION,
General Partner

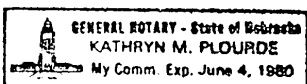
[Signature]
President of
Merit Corporation

By: [Signature]
Albert Ichelson, Jr.,
General Partner

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this _____ day of March, 1979, before me, a Notary Public in and for said County and State, personally appeared L.E. Kellishaw, Asst. Vice Pres of MORAMERICA PROPERTIES, INC., an Iowa corporation, and acknowledged that he executed the foregoing Modification to License and Easement Agreement as his voluntary act and deed and the voluntary act and deed of said corporation.

WITNESS my hand and notarial seal on March 30, 1979.



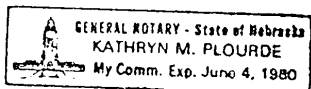
Kathryn M. Flourde
Notary Public

My Commission expires:

June 4, 1980

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

The foregoing instruments was acknowledged before me, a Notary Public this 30th day of March, 1979 by ALBERT ICHELSON, JR., President of MERIT CORPORATION, an Iowa Corporation, on behalf of said corporation, as one of the general partners of MERIT FUND IV, a limited partnership, on behalf of said partnership, and by ALBERT ICHELSON, JR. as the other general partner of MERIT FUND IV on behalf of said partnership.



Kathryn M. Flourde
Notary Public

My Commission expires:

June 4, 1980

Book: 612
Page: 15
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C. HARBIN OSTLER
REGISTRAR OF DEEDS
DOUGLAS COUNTY, NEBR.

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