

INSTR. NO	FILED	INST TYPE	FROM:	TO:	COMMENTS
2009-044800	5-10-08	Plat			
2008-003084	1-10-08	Plat			
2008-003085	1-10-08	WD	Regeat, Dan	Ad-Holland Lake	
2009-0449026	5-18-07	ACWD	Felshaber, Steve to.	Ad-Holland Lake	
2009-0449024	5-18-09	TPD	"	"	
2004-027744	5-30-04	Am WD	Felshaber - to	Felshaber, - to.	
1968553	1-4-94	WD	Felshaber - to	Felshaber, Steve to.	
2008-003080	1-10-08	WD	Platru, Dan	Regeat	
2008-003079	1-10-08	WD	Platru, John - to.	Platru, John	
2080-7005	1-23-98	Plat	Platru, Greg (red)	Platru, John	
1872-662	5-1-90	WD	Don Platru	Don Regeat	
1872-661	5-1-90	WD	John Platru	Don Regeat	
1204-749	12-4-63	Exec D	Karl Platru	John Platru	
1059-250	4-3-59	WD	Platru	Platru	
887-187	1-20-51	WD	Platru	Platru	
<del>2009-051146</del>	<del>DDT</del>	<del>DDT</del>			
2009-051146		DDT			
2009-133031		DDT	Phase 2		
2009-051147					

**LEGAL:**

**OTS#**

~~2009-051146~~ On lot record

2008-003083



DEED 2008003085



JAN 10 2008 13:29 P 3

Nebr Doc  
Stamp Tax  
1/10/08  
Date  
\$ 3937.<sup>50</sup>  
By JB

Deed  
3 FEE 39<sup>00</sup> FB 01-60000  
48 BKPL 6-15-10 C/O COMP  
DEL SCAN FV

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
1/10/2008 13:29:53.71  
2008003085

WARRANTY DEED

DON ROBERT and LOIS A. ROBERT, husband and wife, Grantors,  
in consideration of One Dollar (\$1.00) and other valuable  
consideration, receipt of which is acknowledged, convey to DIAL-  
MALLARD LAKE, INC., a Nebraska Corporation, Grantee, the following  
described real estate (as defined in Neb. Rev. Stat. Sec. 76-201) in  
Douglas County, Nebraska:

The Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of  
Section 6, Township 15 North, Range 10 East of the 6th P.M., in  
Douglas County, Nebraska, EXCEPT a portion thereof more  
particularly described as follows:

Beginning at a point 33 feet East of the Center of Section 6,  
Township 15 North, Range 10, East of the 6th P.M., in Douglas  
County, Nebraska; thence Eastward 604.26 feet; thence Southward 400  
feet; thence Westward 386.86 feet; thence Northwestward 309.22  
feet; thence Northward 180.10 feet, to the Point of Beginning;  
Subject to County Roads and Highways of record.

NW SE

AND  
That part of the South 1/2 of the SE 1/4 of Section 6, Township 15  
North, Range 10 East of the 6th P.M., Douglas County, Nebraska,  
described as follows: Commencing at the SE corner of said South  
1/2; thence S 88°47'40" W (assumed bearing) 1397.90 feet on the  
South line of said South 1/2; thence N 01°12'20" W 250.00 feet to  
the point of beginning; thence S 88°47'40" W 500.00 feet; thence N  
01°12'20" W 1019.69 feet to a point 50.00 feet South of the North  
line of said South 1/2; thence S 88°43'22" W 732.71 feet on a line  
50.00 feet South of and parallel to the North line of said South  
1/2 to the West line of said South 1/2; thence N 00°06'32" E 50.01  
feet on the West line of said South 1/2 to the NW corner of said  
South 1/2; thence N 88°43'22" E 1231.56 feet on the North line of  
said South 1/2; thence S 01°12'20" E 1070.31 feet to the point of  
beginning. Subject to County Roads and Highways of Record.

SE SE

SW SE

That part of the South 1/2 of the Southeast 1/4 of Section 6,  
Township 15 North, Range 10 East of the 6th P.M., Douglas County,  
Nebraska, described as follows: Beginning at the Southeast corner  
of said South 1/2; thence South 88°47'40" West (assumed bearing) on  
the South line of said South 1/2 1,397.90 feet; thence North  
01°12'20" West, 250.00 feet; thence South 88°47'40" West, 894.72  
feet; thence South 01°12'20" East, 194.03 feet to a point on a  
curve; thence Northwesterly on a 467.20 foot radius curve to the  
right (chord bearing North 36°31'38" West, chord distance 557.59  
feet), an arc distance of 597.47 feet; thence North 89°53'28" West,  
33.00 feet to a point on the West line of said South 1/2, said  
point also being 511.80 feet North of the Southwest corner of said  
South 1/2; thence North 00°06'32", East on the West line of said  
South 1/2, 807.32 feet to the Northwest corner of said South 1/2;  
thence North 88°43'22" East on the North line of said South 1/2,  
2657.32 feet to the Northeast corner of said South 1/2; thence  
South 00°00'06" West on the East line of said South 1/2, 1322.39  
feet to the point of beginning, in Douglas County, Nebraska, except  
County Roads.

SE SE

SW SE

RETURN: Dial-Mallard Lake  
11506 Nicholas St Suite 200  
OMAHA 68154

DAKOTA TITLE & ESCROW CO.

L-162496

73943

AND EXCEPT

That part of the South 1/2 of the Southeast 1/4 of Section 6, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of said South 1/2; thence South 88°47'40" West (assumed bearing) 1397.90 feet on the South line of said South 1/2; thence North 01°12'20" West 250.00 feet to the point of beginning; thence South 88°47'40" West 500.00 feet; thence North 01°12'20" West 1019.69 feet to a point 50.00 feet South of the North line of said South 1/2; thence South 88°43'22" West 732.71 feet on a line 50.00 feet South of and parallel to the North line of said South 1/2 to the West line of said South 1/2; thence North 00°06'32" East 50.01 feet on the West line of said South 1/2 to the Northwest corner of said South 1/2; thence North 88°43'22" East 1231.56 feet on the North line of said South 1/2; thence South 01°12'20" East 1070.31 feet to the point of beginning.

Included in the above described legal descriptions, Lots 1 through 47, inclusive, Mallard Lake Phase 1, an addition to the City of Valley, as surveyed, platted and recorded in Douglas County, Nebraska and more particularly described as follows:

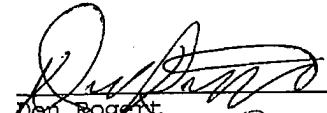
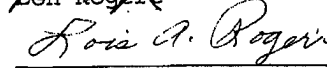
That part of the W 1/2 of the SE 1/4 of Section 6, Township 15 N, Range 10 E of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the South Quarter corner of said Section 6; thence along the Westerly line of said Section 6, N 00°06'19" E (assumed bearing), 507.22 feet to the Point of Beginning; thence continuing along said Westerly line, N 00°06'19" E, 1951.45 feet; thence S 89°53'41" E, 33.01 feet; thence S 45°17'10" E, 305.24 feet; thence N 88°38'55" E, 386.86 feet; thence S 23°47'54" E, 150.46 feet; thence S 55°52'33" W, 83.68 feet; thence S 47°16'20" W, 172.75 feet; thence S 33°44'59" W, 192.70 feet; thence S 03°48'37" E, 110.51 feet; thence S 66°22'41" E, 135.75 feet; thence S 19°24'38" E, 85.34 feet; thence S 46°32'24" E, 493.98 feet; thence S 08°40'33" W, 160.17 feet; thence S 36°36'50" W, 111.92 feet; thence S 47°26'45" W, 94.75 feet; thence N 88°21'31" W, 97.21 feet; thence N 78°58'00" W, 96.04 feet; thence N 25°43'27" W, 174.74 feet; thence S 60°07'00" W, 83.07 feet; thence S 11°07'44" E, 106.66 feet; thence S 00°00'44" E, 399.96 feet; thence S 88°47'40" W, 177.05 feet; thence S 00°06'20" W, 15.90 feet; thence N 89°53'13" W, 260.00 feet to the Point of Beginning, except that part occupied by County Roads.

NWSE  
SWSE

Grantors covenant with Grantee that Grantors:

- (1) are lawfully seized of the real estate and that it is free from encumbrances, excepting restrictions, reservations and easements of record and Greenbelt recapture taxes which shall be assumed and paid by Buyer;
- (2) have legal power and lawful authority to convey same;
- (3) warrant and will defend title to the real estate against the lawful claims of all persons.

Executed: January 9, 2008.

  
Lois A. Rogert  
  
Lois A. Rogert



MTG 2009051166



MAY 21 2009 08:51 P 9

*Rel of outlot*

*9 Mts*  
FEE 69.50 FB See Attached  
49 15.10 002 COMP  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

01-60000

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
5/21/2009 08:51:24.48



2009051166

State of Nebraska \_\_\_\_\_ Space Above This Line F

**REAL ESTATE DEED OF TRUST**  
(With Future Advance Clause)

Construction Security Agreement  Master form recorded by \_\_\_\_\_

1. **DATE AND PARTIES.** The date of this Deed of Trust is 04-27-2009 and the parties and their addresses are as follows:

TRUSTOR: DIAL-MALLARD LAKE, INC., ON BEHALF OF SAID CORPORATION  
11506 NICHOLAS STREET #200  
OMAHA, NE 68154

Refer to the Addendum which is attached and incorporated herein for additional Trustees.

TRUSTEE: FIRST NEBRASKA BANK  
232 N SPRUCE ST, PO BOX 315  
VALLEY, NE 68064-0315

BENEFICIARY: FIRST NEBRASKA BANK  
ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF NEBRASKA  
232 N SPRUCE ST PO BOX 315  
VALLEY, NE 68064-0315

2. **CONVEYANCE.** For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (hereafter defined), Trustor irrevocably grants, conveys and sells to Trustee, in trust for the benefit of the Beneficiary, with power of sale, the following described property:  
**SEE ATTACHED EXHIBIT "A" LEGAL DESCRIPTION**

The property is located in DOUGLAS at \_\_\_\_\_  
(County)  
\_\_\_\_\_, VALLEY, Nebraska 68064  
(Address) (City) (Zip Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property"). The term Property also includes, but is not limited to, any and all water wells, water, ditches, reservoirs, reservoir sites and dams located on the real estate and all riparian and water rights associated with the Property, however established.

32

EXHIBIT "A"

Dial-Mallard Lake, Inc.

ATTACHED TO DEED OF TRUST DATED 04-27-2009

**Parcel 1:**

A parcel of land situated in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ); thence along the northerly line of said Southeast Quarter (SE $\frac{1}{4}$ ) S88°38'55"W, 1053.17 feet to the Point of Beginning; thence continuing along said northerly line, S88°38'55"W, 274.37 feet to the northwest corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along the westerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), S00°03'19"W, 1320.64 feet to the southwest corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along the southerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), N88°43'18"E, 274.36 feet; thence parallel with said westerly line N00°03'19"E, 1320.99 feet to the Point of Beginning.

**Parcel 2:**

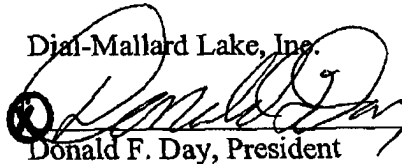
OW-23575 OW-23576  
Lots 1 through 21, inclusive, Mallard Lake Phase 1, and Lots 22 through 47, inclusive and Outlot A and Outlot B, Mallard Lake Phase 1, Replat 1, an addition to the City of Valley, as surveyed, platted and recorded in Douglas County, Nebraska, EXCEPT Lot 46, Mallard ~~XXXX~~ Lake Phase 1, Replat 1, City of Valley, Douglas County, NE.

**Parcel 3:**

A parcel of land in the Northwest Quarter of the Southeast Quarter:  
Commencing at a point 33 feet East of the center of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., going Eastward 604.26 feet thence Southward 400 feet thence Westward 386.86 feet thence Northwestward 309.22 feet thence Northward 180.10 feet to the point of beginning in Douglas County, Nebraska.

I/We hereby acknowledge and agree that this "Exhibit A" is attached to and make a part of a certain Deed of Trust of even date.

Dial-Mallard Lake, Inc.

  
Donald F. Day, President

April 30, 2009  
Date



MTG 2009133031



DEC 15 2009 10:03 P 9

*Notes*  
FEE 55.00  
BKP 6-15-10  
FB 01-60000  
C/O  
COMP  
DEL  
SCAN  
FV  
M

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
12/15/2009 10:03:19.89



2009133031

State of Nebraska

Space Above This Line For

**REAL ESTATE DEED OF TRUST**  
(With Future Advance Clause)

Construction Security Agreement  Master form recorded by \_\_\_\_\_

1. **DATE AND PARTIES.** The date of this Deed of Trust is 12-04-2009 and the parties and their addresses are as follows:

TRUSTOR: DIAL-MALLARD LAKE, INC., ON BEHALF OF SAID CORPORATION  
11506 NICHOLAS STREET #200  
OMAHA, NE 68154

Refer to the Addendum which is attached and incorporated herein for additional Trustors.

TRUSTEE: FIRST NEBRASKA BANK  
232 NORTH SPRUCE STREET  
VALLEY, NE 68064

BENEFICIARY: FIRST NEBRASKA BANK  
ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF NEBRASKA  
232 N SPRUCE ST PO BOX 315  
VALLEY, NE 68064-0315

2. **CONVEYANCE.** For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (hereafter defined), Trustor irrevocably grants, conveys and sells to Trustee, in trust for the benefit of the Beneficiary, with power of sale, the following described property:

SEE ATTACHED EXHIBIT "A" LEGAL DESCRIPTION

The property is located in DOUGLAS (County) at \_\_\_\_\_  
, VALLEY (City), Nebraska 68064 (Zip Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property"). The term Property also includes, but is not limited to, any and all water wells, water, ditches, reservoirs, reservoir sites and dams located on the real estate and all riparian and water rights associated with the Property, however established.

*[Signature]*  
(page 1 of 8)

✓ 141248 + 50¢

3. **MAXIMUM OBLIGATION LIMIT.** The total principal amount of the Secured Debt (hereafter defined) secured by this Deed of Trust at any one time shall not exceed \$ 2,100,000.00. This limitation of amount does not include interest, loan charges, commitment fees, brokerage commissions, attorneys' fees and other charges validly made pursuant to this Deed of Trust and does not apply to advances (or interest accrued on such advances) made under the terms of this Deed of Trust to protect Beneficiary security and to perform any of the covenants contained in this Deed of Trust. Future advances are contemplated and, along with other future obligations, are secured by this Deed of Trust even though all or part may not yet be advanced. Nothing in this Deed of Trust, however, shall constitute a commitment to make additional or future loans or advances in any amount. Any such commitment would need to be agreed to in a separate writing.
4. **SECURED DEBT DEFINED.** The term "Secured Debt" includes, but is not limited to, the following:
- A. The promissory note(s), contract(s), guaranty(ies) or other evidence of debt described below and all extensions, renewals, modifications or substitutions (Evidence of Debt). *(When referencing the debts below it is suggested that you include items such as borrowers' names, note amounts, interest rates, maturity dates, etc.)*
  - B. All future advances from Beneficiary to Trustor or other future obligations of Trustor to Beneficiary under any promissory note, contract, guaranty, or other evidence of debt existing now or executed after this Deed of Trust whether or not this Deed of Trust is specifically referred to in the evidence of debt.
  - C. All obligations Trustor owes to Beneficiary, which now exist or may later arise, to the extent not prohibited by law, including, but not limited to, liabilities for overdrafts relating to any deposit account agreement between Trustor and Beneficiary.
  - D. All additional sums advanced and expenses incurred by Beneficiary for insuring, preserving or otherwise protecting the Property and its value and any other sums advanced and expenses incurred by Beneficiary under the terms of this Deed of Trust, plus interest at the highest rate in effect, from time to time, as provided in the Evidence of Debt.
  - E. Trustor's performance under the terms of any instrument evidencing a debt by Trustor to Beneficiary and any Deed of Trust securing, guarantying, or otherwise relating to the debt.

PROMISSORY NOTE DATED 04/27/2009

If more than one person signs this Deed of Trust as Trustor, each Trustor agrees that this Deed of Trust will secure all future advances and future obligations described above that are given to or incurred by any one or more Trustor, or any one or more Trustor and others. This Deed of Trust will not secure any other debt if Beneficiary fails, with respect to such other debt, to make any required disclosure about this Deed of Trust or if Beneficiary fails to give any required notice of the right of rescission.

5. **PAYMENTS.** Trustor agrees to make all payments on the Secured Debt when due and in accordance with the terms of the Evidence of Debt or this Deed of Trust.
6. **WARRANTY OF TITLE.** Trustor covenants that Trustor is lawfully seized of the estate conveyed by this Deed of Trust and has the right to irrevocably grant, convey and sell to Trustee, in trust, with power of sale, the Property and warrants that the Property is unencumbered, except for encumbrances of record.
7. **CLAIMS AGAINST TITLE.** Trustor will pay all taxes, assessments, liens, encumbrances, lease payments, ground rents, utilities, and other charges relating to the Property when due. Beneficiary may require Trustor to provide to Beneficiary copies of all notices that such amounts are due and the receipts evidencing Trustor's payment. Trustor will defend title to the Property against any claims that would impair the lien of this Deed of Trust. Trustor agrees to assign to Beneficiary, as requested by Beneficiary, any rights, claims or defenses which Trustor may have against parties who supply labor or materials to improve or maintain the Property.
8. **PRIOR SECURITY INTERESTS.** With regard to any other mortgage, deed of trust, security agreement or other lien document that created a prior security interest or encumbrance on the Property and that may have priority over this Deed of Trust, Trustor agrees:
- A. To make all payments when due and to perform or comply with all covenants.
  - B. To promptly deliver to Beneficiary any notices that Trustor receives from the holder.
  - C. Not to make or permit any modification or extension of, and not to request or accept any future advances under any note or agreement secured by, the other mortgage, deed of trust or security agreement unless Beneficiary consents in writing.
9. **DUE ON SALE OR ENCUMBRANCE.** Beneficiary may, at its option, declare the entire balance of the Secured Debt to be immediately due and payable upon the creation of any lien, encumbrance, transfer, or sale, or contract for any of these on the Property. However, if the Property includes Trustor's residence, this section shall be subject to the restrictions imposed by federal law (12 C.F.R. 591), as applicable. For the purposes of this section, the term "Property" also includes any interest to all or any part of the Property. This covenant shall run with the Property and shall remain in effect until the Secured Debt is paid in full and this Deed of Trust is released.
10. **TRANSFER OF AN INTEREST IN THE GRANTOR.** If Trustor is an entity other than a natural person (such as a corporation or other organization), Beneficiary may demand immediate payment if (1) a beneficial interest in Trustor is sold or transferred; (2) there is a change in either the identity or number of members of a partnership; or (3) there is a

EXHIBIT "A"

Dial-Mallard Lake, Inc.

ATTACHED TO DEED OF TRUST DATED 12-04-2009

The Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., in Douglas County, Nebraska, EXCEPT a portion thereof more particularly described as follows:

Beginning at a point 33 feet East of the Center of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., in Douglas County, Nebraska; thence Eastward 604.26 feet; thence Southward 400 feet; thence Westward 386.86 feet; thence Northwestward 309.22 feet; thence Northward 180.10 feet, to the Point of Beginning; subject to County Roads and highways of record.

AND

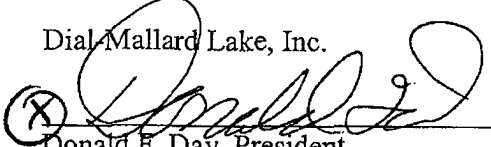
That part of the South 1/4 of the Southeast 1/4 of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Beginning at the Southeast corner of said South 1/4; thence South 88°47'40" West (assumed bearing) on the South line of said South 1/4, 1,397.90 feet; thence North 01°12'20" West, 250.00 feet; thence South 88°47'40" West, 894.72 feet; thence South 01°12'20" East, 194.03 feet to a point on a curve; thence Northwesterly on a 467.20 foot radius curve to the right (chord bearing North 36°31'38" West, chord distance 557.59 feet), an arc distance of 597.47 feet; thence North 89°53'28" West, 33.00 feet to a point on the West line of said South 1/4, said point also being 511.80 feet North of the Southwest corner of said South 1/4; thence North 00°06'32", East on the West line of said South 1/4, 807.32 feet to the Northwest corner of said South 1/4; thence North 88°43'22" East on the North line of said South 1/4, 2657.32 feet to the Northeast corner of said South 1/4; thence South 00°00'06" West on the East line of said South 1/4, 1322.39 feet to the point of beginning, in Douglas County, Nebraska,; part of which is know known as Lots 48 through 70, and Outlot C, inclusive Mallard Lake Phase 2, an addition to the City of Valley, Douglas County Nebraska, EXCEPTING THEREFROM Lots 52, 64, 66 and 69 Mallard Lake Phase 2, an addition to the City of Valley, Douglas County, Nebraska and except County Roads.

AND EXCEPT

That part included in the above described legal descriptions, Lots 1 through 47, inclusive, Mallard Lake Phase 1, an addition to the City of Valley, as surveyed, platted and recorded in Douglas County, Nebraska and more particularly described as follows: That part of the W 1/2 of the SE 1/4 of Section 6, Township 15 N, Range 10 E of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the South Quarter corner of said Section 6; thence along the Westerly line of said Section 6, N 00°06'19" E (assumed bearing), 507.22 feet to the Point of Beginning; thence continuing along said Westerly line, N 00°06'19" E, 1951.45 feet; thence S 89°53'41" E, 33.01 feet; thence S 45°17'10" E, 305.24 feet; thence N 88°38'55" E, 386.86 feet; thence S 23°47'54" E 150.46 feet; thence S 55°52'33" W, 83.68 feet; thence S 47°16'20" W, 172.75 feet; thence S 33°44'59" W, 192.70 feet; thence S 03°48'37" E, 110.51 feet; thence S 66°22'41" E, 135.75 feet; thence S 19°24'38" E, 85.34 feet; thence S 46°32'24" E, 493.98 feet; thence S 08°40'33" W, 160.17 feet; thence S 36°36'50" W, 111.92 feet; thence S 47°26'45" W, 94.75 feet; thence N 88°21'31" W, 97.21 feet; thence N 78°58'00" W, 96.04 feet; thence N 25°43'27" W, 174.74 feet; thence S 60°07'00" W, 83.07 feet; thence S 11°07'44" E, 106.66 feet; thence S 00°00'44" E, 399.96 feet; thence S 88°47'40" W, 177.05 feet; thence S 00°06'20" W, 15.90 feet; thence N 89°53'13" W, 260.00 feet to the Point of Beginning, EXCEPT that part occupied by County Roads.

I/We hereby acknowledge and agree that this "Exhibit A" is attached to and make a part of a certain Deed of Trust of even date.

Dial-Mallard Lake, Inc.

 12-4-09  
Donald F. Day, President Date





MTG 2009051167



MAY 21 2009 08:54 P 9

*not our part*

*2* *mts*  
FEE 45.50 FB 01-60000  
BKR 6.15.10 MB 0/0 COMP  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
5/21/2009 08:54:31.57



2009051167

AFTER RECORDING, RETURN TO: Michael C. Carter, 11506 Nicholas St., Suite 103, Omaha, Nebraska 68154

DEED OF TRUST

THIS DEED OF TRUST, made this 30<sup>th</sup> day of April, 2009 by and between Dial - Mallard Lake, Inc., a Nebraska corporation, hereinafter called "Trustor" whose mailing address is 11506 Nicholas Street, Suite 100, Omaha, Nebraska 68154; Thomas H., Penke, a member of the Nebraska State Bar Association and attorney at law, as "Trustee"; and Eugene H. Fehlhaber and Grace V. Fehlhaber, as Beneficiaries whose mailing address is 4450 N. 264th Street, Waterloo, NE 68069.

WITNESSETH: That Trustor, in consideration of One Dollar (\$1.00) and other valuable consideration receipt whereof is hereby acknowledged, grants, conveys, sells and warrants to Trustee, in trust, with power of sale, the following described property, situated in Douglas County, Nebraska:

**See Exhibit "A".**

The intention being to convey hereby an absolute title in fee simple, including all the rights of homestead and dower, together with all buildings, fixtures, improvements and appurtenances thereunto belonging; and all of the foregoing, together with said property are herein referred to as the "Property" or "Trust Property".

FOR THE PURPOSE OF SECURING performance of each agreement and covenant of Trustor herein contained and the payment of the principal sum of Six Hundred Sixty Five Thousand Two Hundred Ninety and 50/100 Dollars (**\$665,290.50**), as evidenced by a promissory note bearing even date at the rates of interest thereon which may hereafter be paid or advanced under the terms of this Trust Deed; both principal sum and interest thereon being payable according to the terms set forth in said promissory note, reference to which is hereby made, at the office of the Beneficiary in Omaha, Nebraska, or at such other place as the holder may designate in writing, the final payment of principal and interest, if not sooner paid, shall be due and payable on the 30<sup>th</sup> day of April 2011.

32

**EXHIBIT "A"**

**Legal Description**

A parcel of land situated in the Northeast Quarter of the Southeast Quarter of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter; thence along the easterly line of said Southeast Quarter and along the centerline of 264<sup>th</sup> Street, S00°00'21"W, 350.09 feet to the Point of Beginning; thence continuing along said easterly line, S00°00'21"W, 662.22 feet; thence parallel with the southerly line of said Northeast Quarter, S88°43'18"W, 196.84 feet; thence parallel said easterly line, S00°00'21"W, 310.00 feet to a point on said southerly line; thence along said southerly line, S88°43'18"W, 857.51 feet to a point 274.36 feet normally distant easterly from the westerly line of said Northeast Quarter; thence parallel with said westerly line, N00°03'19"E, 1320.99 feet to a point on the northerly line of said Northeast Quarter; thence along said northerly line, N88°38'55"E, 620.05 feet to a point 433.12 feet westerly from said northeast corner; thence S00°00'21"W, 246.67 feet; thence S61°07'43"E, 205.61 feet; thence N88°37'29"E, 253.01 feet to the Point of Beginning. Said described parcel of land contains an area of 27.295 acres, of which 0.50 acres are 264<sup>th</sup> Street right-of-way.



MTG 2008003083



JAN 10 2008 13:29 P 8

20.50  
FEE 40.00 FB 01.60000  
BKR 15.10 MB C/O COMP  
1 DEL SCAN FV

Notary Public

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
1/10/2008 13:29:01.83



2008003083

State of Nebraska Space Above This Line For R

**REAL ESTATE DEED OF TRUST**  
(With Future Advance Clause)

Construction Security Agreement  Master form recorded by \_\_\_\_\_

1. **DATE AND PARTIES.** The date of this Deed of Trust is 12-21-2007 and the parties and their addresses are as follows:

TRUSTOR: DIAL-MALLARD LAKE INC, ON BEHALF OF SAID CORPORATION  
11506 NICHOLAS STREET #200  
OMAHA, NE 68154

Refer to the Addendum which is attached and incorporated herein for additional Trustees.

TRUSTEE: FIRST NEBRASKA BANK  
232 N SPRUCE ST BOX 315  
VALLEY, NE 68064

BENEFICIARY: FIRST NEBRASKA BANK  
ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF NEBRASKA  
232 N SPRUCE ST PO BOX 315  
VALLEY, NE 68064-0315

2. **CONVEYANCE.** For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (hereafter defined), Trustor irrevocably grants, conveys and sells to Trustee, in trust for the benefit of the Beneficiary, with power of sale, the following described property:

COMMENCING AT A POINT 33 FEET EAST OF THE CENTER OF SECTION 6, TOWNSHIP 15 NORTH, RANGE 10 EAST OF THE 6TH P.M., GOING EASTWARD 804.26 FEET THENCE SOUTHWARD 400 FEET THENCE WESTWARD 388.86 FEET THENCE NORTHWESTWARD 309.22 FEET THENCE NORTHWARD 180.10 FEET TO THE POINT OF BEGINNING IN DOUGLAS COUNTY, NEBRASKA.

NWSE

The property is located in DOUGLAS at \_\_\_\_\_  
(County)  
\_\_\_\_\_, VALLEY, Nebraska 68064  
(Address) (City) (Zip Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property"). The term Property also includes, but is not limited to, any and all water wells, water, ditches, reservoirs, reservoir sites and dams located on the real estate and all riparian and water rights associated with the Property, however established.

NEBRASKA - AGRICULTURAL/COMMERCIAL REAL ESTATE SECURITY INSTRUMENT  
(NOT FOR FNMA, FHLMC, FHA OR VA USE, AND NOT FOR CONSUMER PURPOSES)  
Expens<sup>SM</sup> © 1993, 2001 Bankers Systems, Inc., St. Cloud, MN Form AGCO-RESI-NE 1/17/2003

(page 1 of 3)  
*[Signature]*

5836-

FIRST NEBRASKA BANK  
P.O. BOX 315  
VALLEY, NEBRASKA 68064

DAKOTA TITLE & ESCROW CO.  
L. 1102-1960



REL 2011023935



MAR 15 2011 14:14 P 1

rel 1/16  
 FEE 5.50 / FB ON-23576  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ (COMP) \_\_\_\_\_  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_  
 B

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 3/15/2011 14:14:05.76  
 2011023935

**PARTIAL DEED OF RECONVEYANCE**

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, part of the indebtedness secured by the Trust Deed(s) executed By DIAL-MALLARD LAKE INC. ON BEHALF OF SAID CORPORATION To FIRST NEBRASKA BANK, Trustee For the benefit of FIRST NEBRASKA BANK. The Beneficiary named therein, dated December 21, 2007, Recorded January 10, 2008 in the office of the Register of Deeds DOUGLAS County, NEBRASKA, In Instrument No: 2008003087, and dated March 25, 2009, Recorded April 3, 2009 in the office of the Register of Deeds DOUGLAS County, NEBRASKA, In Instrument No: 2009030958, and dated April 27, 2009, Recorded May 21, 2009 in the office of the Register of Deeds DOUGLAS County, NEBRASKA, In Instrument No: 2009051166 has been partially paid, and said Beneficiary has requested in writing that this Partial Deed of Reconveyance be executed and delivered as confirmed by its endorsement below:

NOW THEREFORE, in consideration of such partial payment and in accordance with the request of the Beneficiary named therein, the undersigned as Trustee does by these presents, rants, remise, release and reconvey to the person or persons entitled thereto part of the interest and estate derived to said Trustee by or through said Trust Deed in the following described premises but only as to such premises:

**LOT THIRTY-ONE (31), MALLARD LAKE PHASE ONE (1) REPLAT ONE (1), AN ADDITION TO THE CITY OF VALLEY, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.**

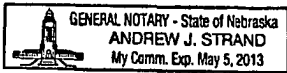
TOGETHER WITH ALL buildings, fixtures, improvements and appurtenances belonging to such premises.

DATED: March 10, 2011

FIRST NEBRASKA BANK  
  
 BRADLEY J. MCCUMBER, SENIOR VICE PRESIDENT

STATE OF NEBRASKA )  
 ) SS.  
 COUNTY OF DOUGLAS )

Before me, a Notary Public qualified in said county, personally came Bradley J. McCumber of FIRST NEBRASKA BANK, a corporation known to me to be the SENIOR VICE PRESIDENT and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that its corporation and that its corporate seal was thereto affixed by its authority.



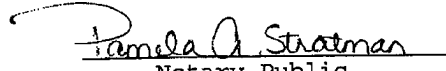
Witness my hand and notarial seal of March 10<sup>th</sup>, 2011.

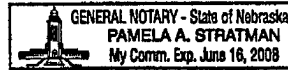
My Commission Expires: 5/5/13

Notary Public  
 (302) P111068

STATE OF NEBRASKA)  
  )SS  
COUNTY OF DOUGLAS)

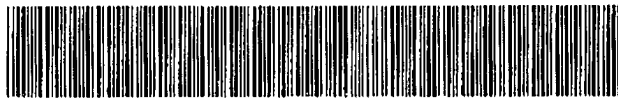
The foregoing instrument was acknowledged before me on  
January 9, 2008, by DON ROBERT and LOIS A. ROBERT, husband and  
wife.

  
\_\_\_\_\_  
Notary Public





DEED 2008003080



JAN 10 2008 13:28 P 1

Nebr Doc  
Stamp Tax  
1/10/08  
Date  
\$ 360.<sup>00</sup>  
By *AB*

*Deed*  
FEE 550 FB 01-160000  
CKP 615.10 C/O \_\_\_\_\_ COMP \_\_\_\_\_  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
1/10/2008 13:28:25.58  
  
2008003080

WARRANTY DEED

DORIS E. PLETTNER, a widow, Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is acknowledged, conveys to DON ROBERT, Grantee, the following described real estate (as defined in Neb. Rev. Stat. Sec. 76-201) in Douglas County, Nebraska:

That part of the South 1/2 of the Southeast 1/4 of Section 6, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the Southeast corner of said South 1/2; thence South 88°47'40" West (assumed bearing) on the South line of said South 1/2 1,397.90 feet; thence North 01°12'20" West, 250.00 feet; thence South 88°47'40" West, 894.72 feet; thence South 01°12'20" East, 194.03 feet to a point on a curve; thence Northwesterly on a 467.20 foot radius curve to the right (chord bearing North 36°31'38" West, chord distance 557.59 feet), an arc distance of 597.47 feet; thence North 89°53'28" West, 33.00 feet to a point on the West line of said South 1/2, said point also being 511.80 feet North of the Southwest corner of said South 1/2; thence North 00°06'32", East on the West line of said South 1/2, 807.32 feet to the Northwest corner of said South 1/2; thence North 88°43'22" East on the North line of said South 1/2, 2657.32 feet to the Northeast corner of said South 1/2; thence South 00°00'06" West on the East line of said South 1/2, 1322.39 feet to the point of beginning, in Douglas County, Nebraska, except County Roads.

AND EXCEPT  
That part of the South 1/2 of the Southeast 1/4 of Section 6, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of said South 1/2; thence South 88°47'40" West (assumed bearing) 1397.90 feet on the South line of said South 1/2; thence North 01°12'20" West 250.00 feet to the point of beginning; thence South 88°47'40" West 500.00 feet; thence North 01°12'20" West 1019.69 feet to a point 50.00 feet South of the North line of said South 1/2; thence South 88°43'22" West 732.71 feet on a line 50.00 feet South of and parallel to the North line of said South 1/2 to the West line of said South 1/2; thence North 00°06'32" East 50.01 feet on the West line of said South 1/2 to the Northwest corner of said South 1/2; thence North 88°43'22" East 1231.56 feet on the North line of said South 1/2; thence South 01°12'20" East 1070.31 feet to the point of beginning.

Grantor covenants with Grantee that Grantor:

- (1) is lawfully seized of the real estate and that it is free from encumbrances, excepting restrictions, reservations and easements of record;
- (2) has legal power and lawful authority to convey same;
- (3) warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: January 4, 2008.

*Doris E. Plettner*  
Doris E. Plettner

*SW SE  
SE SE*

STATE OF NEBRASKA) SS  
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on January 4<sup>th</sup>, 2008, by DORIS E. PLETTNER, a widow.

*Kimberly S. Mruz*  
Notary Public

GENERAL NOTARY - State of Nebraska  
KIMBERLY S. MRUZ  
My Comm. Exp. Sept. 14, 2009

DAKOTA TITLE & ESCROW CO.  
L-162496

10P

# WARRANTY DEED

DORIS E. PLETTNER, individually and as the wife of JOHN J. PLETTNER and BERNIECE L. PLETTNER, individually and as the wife of JOEL A. PLETTNER, ..... Grantor, whether one or more.

in consideration of ... One Dollar and other valuable consideration ..... receipt of which is hereby acknowledged, conveys to DON ROBERT ..... Grantee,

the following described real estate (as defined in Neb. Rev. Stat. § 76-201) in

..... DOUGLAS ..... County, Nebraska:

That part of the South 1/2 of the SE 1/4 of Section 6, T15N, R10E of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the SE corner of said South 1/2; thence S88°47'40"W (assumed bearing) 1397.90 feet on the South line of said South 1/2; thence N01°12'20"W 250.00 feet to the point of beginning; thence S88°47'40"W 500.00 feet; thence N01°12'20"W 1019.69 feet to a point 50.00 feet South of the North line of said South 1/2; thence S88°43'22"W 732.71 feet on a line 50.00 feet South of and parallel to the North line of said South 1/2 to the West line of said South 1/2; thence N00°06'32"E 50.01 feet on the West line of said South 1/2 to the NW corner of said South 1/2; thence N88°43'22"E 1231.56 feet on the North line of said South 1/2; thence S01°12'20"E 1070.31 feet to the point of beginning.

Containing 13.12 acres.

Grantor covenants (jointly and severally, if more than one) with the Grantee that Grantor:

- (1) is lawfully seized of such real estate and that it is free from encumbrances .....
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Executed: .. April 19 ....., 19..90.

Box Z Valley Ne 68064

Deed 4976

H

RECEIVED

MAY 1 1 07 PM '90

GEORGE J. ... REGISTER OF DEEDS DOUGLAS COUNTY, NE

*Doris E. Plettner*  
Doris E. Plettner

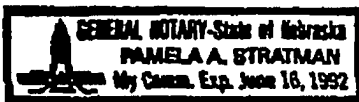
*Berniece L. Plettner*  
Berniece L. Plettner

State of Nebraska  
County of ..DOUGLAS.....

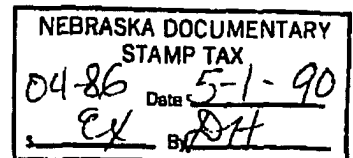
.. 1872 .. 6-15-10 KP copy fee 550  
 PG 1662 N 6-15-10 DEL 144 MC WC  
 OF Deed COMP for FIB 01-60000 DS

The foregoing instrument was acknowledged before me on ... April 19, 1990 ... by DORIS E. PLETTNER, individually and as the wife of JOHN J. PLETTNER and BERNIECE L. PLETTNER, individually and as the wife of JOEL A. PLETTNER.

..... *Pamela A. Stratman* .....  
Notary Public



STATE OF NEBRASKA  
County of .....



Filed for record and entered in Numerical Index on .....  
at ..... o'clock .....M., and recorded in Deed Record ..... Page .....

By: .....  
County or Deputy County Clerk  
Register of Deeds or Deputy Register of Deeds

PARTNERSHIP WARRANTY DEED

JOHN PLETTNER & SONS,  
a Nebraska General

Partnership, GRANTOR, In consideration o

One Dollar and other valuable consideration (\$1.00) DOLLARS received from GRANTEE

DON ROBERT,

conveys to GRANTEE. the following described real estate (as defined in Neb. Rev. Stat. 76-201):

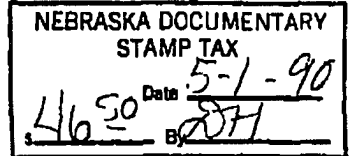
Box Z Valley Ne 68004

That part of the South 1/2 of the SE 1/4 of Section 6, T15N, R10E of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the SE corner of said South 1/2; thence S88°47'40"W (assumed bearing) 1397.90 feet on the South line of said South 1/2; thence N01°12'20"W 250.00 feet to the point of beginning; thence S88°47'40"W 500.00 feet; thence N01°12'20"W 1019.69 feet to a point 50.00 feet South of the North line of said South 1/2; thence S88°43'22"W 732.71 feet on a line 50.00 feet South of and parallel to the North line of said South 1/2 to the West line of said South 1/2; thence N00°06'32"E 50.01 feet on the West line of said South 1/2 to the NW corner of said South 1/2; thence N88°43'22"E 1231.56 feet on the North line of said South 1/2; thence S01°12'20"E 1070.31 feet to the point of beginning.

Containing 13.12 acres.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

- (1) is lawfully seised of such real estate and that it is free from encumbrances
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend title to the real estate against the lawful claims of all persons.



Executed... April 19, 1990

Deed 4975 H

RECEIVED

MAY 1 1 05 PM '90

JENNIFER LEWIS REGISTER OF DEEDS DOUGLAS COUNTY, NE

STATE OF NEBRASKA

COUNTY OF DOUGLAS

JOHN PLETTNER & SONS Grantor

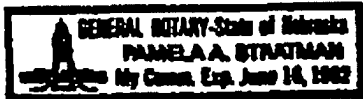
By John J. Plettner Partner

Joel A. Plettner

SS. Joel A. Plettner

April 19, 1990

The foregoing instrument was acknowledged before me on April 19, 1990 by JOHN J. PLETTNER and JOEL A. PLETTNER, Partners on behalf of PLETTNER & SONS, a Partnership



Pamela A. Stratman Notary Public My commission expires June 16, 1992

STATE OF NEBRASKA, County of

Filed for record and entered in Numerical Index on 19 at o'clock M., and recorded in Deed Record Page

Handwritten recording information: BK 1872 N 6-15-10 KP C/O JEE 5.50 PG 1441 N 6-15-10 DEL MC WC OF Doc COMP. FEB 01-60000



EXHIBIT "A"

Dial-Mallard Lake, Inc.

ATTACHED TO DEED OF TRUST DATED 12-04-2009

The Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., in Douglas County, Nebraska, EXCEPT a portion thereof more particularly described as follows:

Beginning at a point 33 feet East of the Center of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., in Douglas County, Nebraska; thence Eastward 604.26 feet; thence Southward 400 feet; thence Westward 386.86 feet; thence Northwestward 309.22 feet; thence Northward 180.10 feet, to the Point of Beginning; subject to County Roads and highways of record.

AND

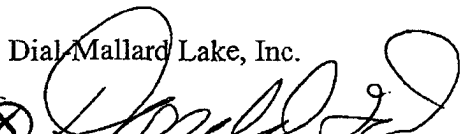
That part of the South 1/4 of the Southeast 1/4 of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Beginning at the Southeast corner of said South 1/4; thence South 88°47'40" West (assumed bearing) on the South line of said South 1/4 1,397.90 feet; thence North 01°12'20" West, 250.00 feet; thence South 88°47'40" West, 894.72 feet; thence South 01°12'20" East, 194.03 feet to a point on a curve; thence Northwesterly on a 467.20 foot radius curve to the right (chord bearing North 36°31'38" West, chord distance 557.59 feet), ~~an arc distance of 507.47 feet, thence North 89°53'28" West,~~ 33.00 feet to a point on the West line of said South 1/4, said point also being 511.80 feet North of the Southwest corner of said South 1/4; thence North 00°06'32", East on the West line of said South 1/4, 807.32 feet to the Northwest corner of said South 1/4; thence North 88°43'22" East on the North line of said South 1/4, 2657.32 feet to the Northeast corner of said South 1/4; thence South 00°00'06" West on the East line of said South 1/4, 1322.39 feet to the point of beginning, in Douglas County, Nebraska; part of which is know known as Lots 48 through 70, and Outlot C, inclusive Mallard Lake Phase 2, an addition to the City of Valley, Douglas County Nebraska, EXCEPTING THEREFROM Lots 52, 64, 66 and 69 Mallard Lake Phase 2, an addition to the City of Valley, Douglas County, Nebraska and except County Roads.

AND EXCEPT

That part included in the above described legal descriptions, Lots 1 through 47, inclusive, Mallard Lake Phase 1, an addition to the City of Valley, as surveyed, platted and recorded in Douglas County, Nebraska and more particularly described as follows: That part of the W 1/2 of the SE 1/4 of Section 6, Township 15 N, Range 10 E of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the South Quarter corner of said Section 6; thence along the Westerly line of said Section 6, N 00°06'19" E (assumed bearing), 507.22 feet to the Point of Beginning; thence continuing along said Westerly line, N 00°06'19" E, 1951.45 feet; thence S 89°53'41" E, 33.01 feet; thence S 45°17'10" E, 305.24 feet; thence N 88°38'55" E, 386.86 feet; thence S 23°47'54" E 150.46 feet; thence S 55°52'33" W, 83.68 feet; thence S 47°16'20" W, 172.75 feet; thence S 33°44'59" W, 192.70 feet; thence S 03°48'37" E, 110.51 feet; thence S 66°22'41" E, 135.75 feet; thence S 19°24'38" E, 85.34 feet; thence S 46°32'24" E, 493.98 feet; thence S 08°40'33" W, 160.17 feet; thence S 36°36'50" W, 111.92 feet; thence S 47°26'45" W, 94.75 feet; thence N 88°21'31" W, 97.21 feet; ~~thence N 78°58'00" W, 96.04 feet; thence N 25°43'27" W,~~ 174.74 feet; thence S 60°07'00" W, 83.07 feet; thence S 11°07'44" E, 106.66 feet; thence S 00°00'44" E, 399.96 feet; thence S 88°47'40" W, 177.05 feet; thence S 00°06'20" W, 15.90 feet; thence N 89°53'13" W, 260.00 feet to the Point of Beginning, EXCEPT that part occupied by County Roads.

I/We hereby acknowledge and agree that this "Exhibit A" is attached to and make a part of a certain Deed of Trust of even date.

Dial Mallard Lake, Inc.

  
Donald F. Day, President

12-4-09  
Date



DEED 2009049026



MAY 18 2009 08:35 P 2

Nebr Doc Stamp Tax  
 5.18.09  
 Date  
 \$ EXH  
 By LC

Deed 2  
 FEE 10<sup>00</sup> FB 01.60000  
 BKPR 15.10 C/O \_\_\_\_\_ COMP \_\_\_\_\_  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 5/18/2009 08:35:52.54  
  
 2009049026

### QUIT CLAIM DEED

THE GRANTOR, Grace V. Fehlhaber, Sole Surviving Co-Trustee of the Eugene H. and Grace V. Fehlhaber Family Trust, whether one or more, in consideration of One Dollar and other valuable consideration receipt of which is hereby acknowledged, quitclaims and conveys to Dial - Mallard Lake, Inc., a Nebraska Corporation, Grantee, whether one or more, the following described real estate (as defined in Neb. Stat. 76-201) in Douglas County, Nebraska:

See Exhibit "A" attached hereto and incorporated herein

Executed: April 30, 2009

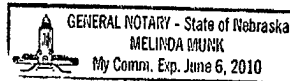
Grace V. Fehlhaber  
 Grace V. Fehlhaber, Sole Surviving Co-Trustee of  
 The Eugene H. and Grace V. Fehlhaber Family  
 Trust

STATE OF NEBRASKA    )  
                                   )ss.  
 COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 30 day of April, 2009, by Grace V. Fehlhaber, Sole Surviving Co-Trustee of the Eugene H. And Grace V. Fehlhaber Family Trust.

Melinda Munk  
 Notary Public

My Commission expires: 6-6-10



ST09-111T  
 Box 82

**EXHIBIT A**  
Revised 04/28/09

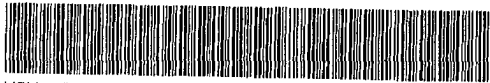
A parcel of land situated in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ); thence along the easterly line of said Southeast Quarter (SE $\frac{1}{4}$ ) and along the centerline of 264<sup>th</sup> Street, S00°00'21"W, 350.09 feet to the Point of Beginning; thence continuing along said easterly line, S00°00'21"W, 662.22 feet; thence parallel with the southerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), S88°43'18"W, 196.84 feet; thence parallel said easterly line, S00°00'21"W, 310.00 feet to a point on said southerly line; thence along said southerly line, S88°43'18"W, 857.51 feet to a point 274.36 feet normally distant easterly from the westerly line of said Northeast Quarter (NE $\frac{1}{4}$ ); thence parallel with said westerly line, N00°03'19"E, 1320.99 feet to a point on the northerly line of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along said northerly line, N88°38'55"E, 620.05 feet to a point 433.12 feet westerly from said northeast corner; thence S00°00'21"W, 246.67 feet; thence S61°07'43"E, 205.61 feet; thence N88°37'29"E, 253.01 feet to the Point of Beginning.

AND TOGETHER WITH a parcel of land situated in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ); thence along the easterly line of said Southeast Quarter (SE $\frac{1}{4}$ ) and along the centerline of 264<sup>th</sup> Street, S00°00'21"W, 1010.31 feet to the Point of Beginning; thence continuing along said easterly line, S00°00'21"W, 310.00 feet to the southeast corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along the southerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), S88°43'18"W, 196.84 feet; thence parallel said easterly line, N00°00'21"E, 310.00 feet; thence parallel with said southerly line, N88°43'18"E, 196.84 feet to the Point of Beginning.

AND TOGETHER WITH a parcel of land situated in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ); thence along the northerly line of said Southeast Quarter (SE $\frac{1}{4}$ ) S88°38'55"W, 1053.17 feet to the Point of Beginning; thence continuing along said northerly line, S88°38'55"W, 274.37 feet to the northwest corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along the westerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), S00°03'19"W, 1320.64 feet to the southwest corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along the southerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), N88°43'18"E, 274.36 feet; thence parallel with said westerly line N00°03'19"E, 1320.99 feet to the Point of Beginning.



DEED 2009049024



MAY 18 2009 08:35 P 2

Nebr Doc Stamp Tax
5-18-09
Date
\$2121.25
By LC

Deed  
 2 FEE 10.50 FB 01-60000  
 1 BHP 15.10 M5 COMP  
 DEL SCAN FV

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 5/18/2009 08:35:43.21  
 2009049024

**TRUSTEE'S DEED**  
 (Inter Vivos Trust)

For the Consideration of One Dollar and other good and valuable consideration, Grace V. Fehlhaber, Sole Surviving Trustee to ~~Dial-Mallard Lake Inc., a Nebraska Corporation~~, Grantor hereby conveys to ~~the following described real estate in Douglas, Nebraska County, Nebraska~~ *Sm* ~~\*\*Dial-Mallard Lake Inc., a Nebraska corporation, Grantee~~ *See Exhibit "A" attached hereto and incorporated herein*

subject to easements and restrictions of record

GRANTOR covenants with GRANTEE that GRANTOR:

1. Is lawfully seized of such real estate and that it is free from encumbrances
2. Has legal power and lawful authority to convey the same
3. Warrants and will defend title to the real estate against any acts of the GRANTOR

Executed this 30 day of April, 2009.

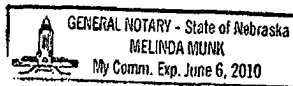
*Grace V. Fehlhaber*  
 Grace V. Fehlhaber, Sole Surviving Trustee

STATE OF NEBRASKA )  
 )ss  
 COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 30 day of April, 2009 by Grace V. Fehlhaber, Sole Surviving Trustee

*Melinda Nunk*  
 Notary Public

My Commission Expires: 6-6-10



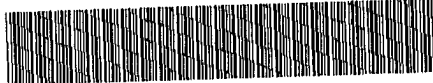
5709-111T  
 Box 32

**EXHIBIT A**  
Revised 04/28/09

A parcel of land situated in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ); thence along the easterly line of said Southeast Quarter (SE $\frac{1}{4}$ ) and along the centerline of 264<sup>th</sup> Street, S00°00'21"W, 350.09 feet to the Point of Beginning; thence continuing along said easterly line, S00°00'21"W, 662.22 feet; thence parallel with the southerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), S88°43'18"W, 196.84 feet; thence parallel said easterly line, S00°00'21"W, 310.00 feet to a point on said southerly line; thence along said southerly line, S88°43'18"W, 857.51 feet to a point 274.36 feet normally distant easterly from the westerly line of said Northeast Quarter (NE $\frac{1}{4}$ ); thence parallel with said westerly line, N00°03'19"E, 1320.99 feet to a point on the northerly line of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along said northerly line, N88°38'55"E, 620.05 feet to a point 433.12 feet westerly from said northeast corner; thence S00°00'21"W, 246.67 feet; thence S61°07'43"E, 205.61 feet; thence N88°37'29"E, 253.01 feet to the Point of Beginning,

AND TOGETHER WITH a parcel of land situated in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ); thence along the easterly line of said Southeast Quarter (SE $\frac{1}{4}$ ) and along the centerline of 264<sup>th</sup> Street, S00°00'21"W, 1010.31 feet to the Point of Beginning; thence continuing along said easterly line, S00°00'21"W, 310.00 feet to the southeast corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along the southerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), S88°43'18"W, 196.84 feet; thence parallel said easterly line, N00°00'21"E, 310.00 feet; thence parallel with said southerly line, N88°43'18"E, 196.84 feet to the Point of Beginning.

AND TOGETHER WITH a parcel of land situated in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ); thence along the northerly line of said Southeast Quarter (SE $\frac{1}{4}$ ) S88°38'55"W, 1053.17 feet to the Point of Beginning; thence continuing along said northerly line, S88°38'55"W, 274.37 feet to the northwest corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along the westerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), S00°03'19"W, 1320.64 feet to the southwest corner of said Northeast Quarter (NE $\frac{1}{4}$ ); thence along the southerly line of said Northeast Quarter (NE $\frac{1}{4}$ ), N88°43'18"E, 274.36 feet; thence parallel with said westerly line N00°03'19"E, 1320.99 feet to the Point of Beginning.



DEED 2004027744



MAR 03 2004 13:23 P 1

*Deed 5th 01.00000*

Nbr Doc	Stamp Tax
3304	
Date	
3/3/04	
By	<i>u</i>

FEE	FB
RMP 6.50	COMP
DEL	SCAN
	FV

Received - RICHARD TAKECHI  
 Register of Deeds, Douglas County, NE  
 3/3/2004 1:23:18 PM  
  
 2004027744

**CORRECTIVE**  
**WARRANTY DEED**

EUGENE H. FEHLHABER and GRACE V. FEHLHABER, husband and wife, GRANTORS, in consideration of TWO DOLLARS received from EUGENE H. FEHLHABER and GRACE V. FEHLHABER, TRUSTEES, GRANTEES, convey to GRANTEES the following described real estate (as defined in Neb. Rev. Stat. §76-201):

The Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 6, Township 15 North, Range 10 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska.

GRANTORS covenant, jointly and severally (if more than one), with GRANTEES that GRANTORS are lawfully seized of such real estate and that it is free from encumbrances, except those of record; have legal power and lawful authority to convey the same; and warrant and will defend title to the real estate against the lawful claims of all persons.

This Corrective Warranty Deed corrects that certain Warranty Deed dated the 30<sup>th</sup> day of December, 1993, which deed was recorded on January 4, 1994 in Book 1968, Page 553 at the office of the Register of Deeds in Douglas County, Nebraska.

EXECUTED this 26<sup>th</sup> day of February, 2004.

*Eugene H. Fehlhaber*  
 \_\_\_\_\_  
 EUGENE H. FEHLHABER, GRANTOR

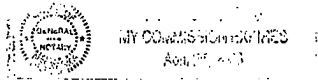
*Grace V. Fehlhaber*  
 \_\_\_\_\_  
 GRACE V. FEHLHABER, GRANTOR

STATE OF NEBRASKA     )  
   ) ss.  
 COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on this 26<sup>th</sup> day of February, 2004, by EUGENE H. FEHLHABER and GRACE V. FEHLHABER.

*[Signature]*  
 \_\_\_\_\_  
 Notary Public

Return to:  
 Thomas H. Penke  
 1127 South 119<sup>th</sup> Street  
 Omaha, Nebraska 68144



10274-

Return to:  
Eugene H. Fehlhaber  
RR #2, Box 53A-1  
Waterloo, NE 68069

BOOK 1968 PAGE 553

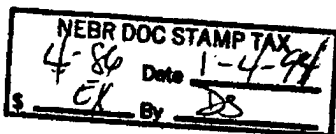
WARRANTY DEED

EUGENE H. FEHLHABER and GRACE V. FEHLHABER, husband and wife, GRANTORS, in consideration of TWO DOLLARS received from THE EUGENE H. AND GRACE V. FEHLHABER FAMILY TRUST, GRANTEE, conveys to GRANTEE the following described real estate (as defined in Neb. Rev. Stat. §76-201):

The Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 6, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska.

GRANTORS covenant, jointly and severally (if more than one), with GRANTEE that GRANTORS are lawfully seised of such real estate and that it is free from encumbrances, except those of record; have legal power and lawful authority to convey the same; and warrant and will defend title to the real estate against the lawful claims of all persons.

EXECUTED this 30th day of December, 1993,



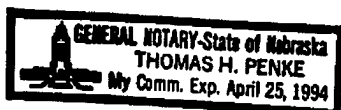
Eugene H. Fehlhaber  
Eugene H. Fehlhaber, GRANTOR  
Grace V. Fehlhaber  
Grace V. Fehlhaber, GRANTOR

NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) ss.

The foregoing instrument was acknowledged before me on this 30th day of December, 1993, by Eugene H. Fehlhaber and Grace V. Fehlhaber.

Thomas H. Penke  
Notary Public



TB  
CASH 00/20 BK 1968 R 6-15-10 FB 01-60000  
TYPE Deed PG 553 C/O ✓ COMP ✓ SCAN DP  
FEE 5<sup>00</sup> OF Deed LEGL PG \_\_\_\_\_ MC \_\_\_\_\_ FV \_\_\_\_\_

RECEIVED  
JAN 4 11 00 AM '94  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE



BK 0864 PG 158



MISC 1988 16570

THIS PAGE INCLUDED FOR  
INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT



August 30, 1988

BOOK **864** PAGE **158** 2004

File \_\_\_\_\_  
Doc. \_\_\_\_\_

RIGHT-OF-WAY EASEMENT

I, DON ROBERT Owner(s)  
of the real estate described as follows, and hereafter referred to as "Grantor",

That part of the S $\frac{1}{2}$  of the S $\frac{1}{2}$  of Section 6, T15N, R10E of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the S.E. corner of said S $\frac{1}{2}$ ; thence S 88° 47' 40" W (Assumed bearing) on the South line of said S $\frac{1}{2}$ , 1397.90 feet; thence N 01° 12' 20" W, 250.00 feet; thence S 88° 47' 40" W, 474.75 feet; thence S 05° 21' 59" W, 218.44 feet; thence S 01° 12' 20" E, 35.00 feet to a point on the South line of said S $\frac{1}{2}$ ; thence S 88° 47' 40" W on the South line of said S $\frac{1}{2}$ , 250.27 feet to a point 511.80 feet East of the S.W. corner of said S $\frac{1}{2}$ ; thence N 01° 12' 20" W, 55.00 feet; thence Northwesterly on a 467.20 foot radius curve to the right (chord bearing N 45° 32' 54" W, chord distance 668.25 feet), an arc distance of 744.60 feet; thence N 89° 53' 28" W, 55.00 feet to a point on the West line of said S $\frac{1}{2}$ , said point also being 511.80 feet North of the S.W. corner of said S $\frac{1}{2}$ ; thence N 00° 06' 32" E on the West line of said S $\frac{1}{2}$ , 807.52 feet to the N.W. corner of said S $\frac{1}{2}$ ; thence N 88° 45' 12" E on the North line of said S $\frac{1}{2}$ , 2057.52 feet to the N.E. corner of said S $\frac{1}{2}$ ; thence S 00° 00' 06" W 1322.39 feet to the point of beginning.

RECEIVED  
1988 OCT -5 AM 11:1  
GEORGE J. BUBLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

16570 F Mue  
X  
DON ROBERT  
1000

containing 2.84 acres more or less of which 2.84 acres more or less is occupied by County Road leaving 73.05 acres more or less.

In consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the OMAHA PUBLIC POWER DISTRICT, a public corporation, its successors and assigns referred to as "Grantee", a permanent right of way easement with rights of ingress and egress thereto, to construct, operate, maintain, replace and remove its underground electric facilities, consisting of cables, wires, conduits, manholes, drains, splicing boxes and other appurtenances, upon, over, along and under the following described real estate, to wit:

A strip of land Ten feet (10') in width to provide for the installation of customers service.

CONDITIONS: The Grantor hereby grants to the District, its successors and assigns, the right, privilege and authority to clear all trees, roots, brush, and other obstructions from the surface and subsurface of said strip and to temporarily open any fences crossing said strip. Grantor agrees that grade shall not be reduced more than One foot (1') in elevation without the prior approval of the District. The Grantor understands that a single pole and appurtenances may be used to provide service to this property.

In granting this easement, it is understood that said cables shall be buried below plow depth in order to not interfere with the ordinary cultivation of the strip. Damages to fences and growing crops arising from the construction and maintenance of the aforesaid system shall be paid for by the District.

The Grantor covenants that he/they has/have lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her/their heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the District forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the parties hereto have signed their names and caused the execution of this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

BK 864 N 6-15-10 C/O 50 FEE 10  
PG 158-159 N 6-15-10 DEL 1W MC WC  
OF Mue COMP FIB 0106000

Distribution Engineer RJR Date 9-29-88 Property Management RJH Date 9-29-88  
Section SE 1/4 6 Township 15 North, Range 10 East  
Salesman Tomanek Engineer Tomanek Est. # 8801768 W.O. # 9896

COMPLETE APPROPRIATE ACKNOWLEDGEMENT ON REVERSE SIDE

CORPORATE ACKNOWLEDGEMENT

STATE OF

COUNTY OF

On this 7 day of Sept., 19 88,  
before me the undersigned, a Notary Public in and  
for said County, personally came

Mike Rogert  
\_\_\_\_\_  
President of NE

personally to me known to be the identical person(s)  
who signed the foregoing instrument as grantor(s)  
and who acknowledged the execution thereof to be  
voluntary act and deed for  
the purpose therein expressed.

Witness my hand and Notarial Seal at \_\_\_\_\_  
in said County the day and year  
last above written.

\_\_\_\_\_  
NOTARY PUBLIC

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF NEBR.

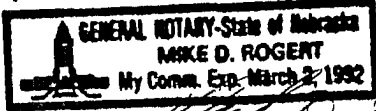
COUNTY OF Douglas

On this 7 day of Sept., 19 88,  
before me the undersigned, a Notary Public in and  
for said County and State, personally appeared

Mike Rogert  
\_\_\_\_\_  
\_\_\_\_\_

personally to me known to be the identical person(s)  
and who acknowledged the execution thereof to be  
his voluntary act and deed for  
the purpose therein expressed.

Witness my hand and Notarial Seal the date above  
written.



Mike D. Rogert  
\_\_\_\_\_  
NOTARY PUBLIC

RETURN TO:  
OMAHA PUBLIC POWER DISTRICT  
% Real Estate Division  
444 South 16th Street Mall  
Omaha, NE 68102-2247