

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS.

That BURLINGTON NORTHERN INC., a corporation organized under the laws of the State of Delaware, successor in interest to Chicago, Burlington & Quincy Railroad Company, Grantor, in consideration of Three Thousand and no/100 Dollars (\$3,000.00), to it duly paid, the receipt whereof is hereby acknowledged, has granted, conveyed, remised, released and quitclaimed, and by these presents does grant, convey, remise, release and forever quitclaim unto DEACON VIEW, INC., a Nebraska corporation, Grantee, and to its successors and assigns forever, all its right, title, interest, estate, claim and demand, both at law and in equity, of, in and to the following described real estate, to-wit:

That part of the right of way of Burlington Northern Inc. in the South Half (S $\frac{1}{2}$) of Section 29, Township 13 North, Range 10 East of the Sixth Principal Meridian, County of Sarpy, State of Nebraska, that lies Northwesterly of a line located 50 feet perpendicularly distant, Northwesterly and parallel from the center line of Burlington Northern Inc. main line railroad track extending Northeasterly from the East Bank of the Platte River to the West line of a Northwesterly and Southeasterly existing road which center line of said road crosses Burlington Northern Inc. main line railroad track at its Engineering Station 93+40 or about 610 feet Northeasterly from the North and South center line of said Section 29, as measured along said center line of Burlington Northern Inc. main line railroad track.

RESERVING, however, unto said Grantor, its successors and assigns, all of the coal, oil, gas, casinghead gas and all ores and minerals of every kind and nature underlying the surface of the premises herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed.

ALSO RESERVING, however, unto said Grantor, its successors and assigns, an easement with the right of ingress and egress for the maintenance, repair, renewal, removal, and any operation of Northwestern Bell Telephone Company's existing telephone pole line, together with all appurtenant fixtures necessary thereto, whether in the present form or in such form or forms as may hereafter be substituted therefor.

P1994.026.016

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IN WITNESS WHEREOF, said Burlington Northern Inc. has caused these presents to be signed by its Vice President and _____ Secretary, and its corporate seal to be hereunto affixed, this 16th day of April, 1973.

BURLINGTON NORTHERN INC.

DX /6/ G. F. Defiel

Vice President

(S E A L)

bY /s/ R. M. O'Kelly

R. M. O'Kelly

Secretary

COUNTY OF RAMSEY

before me, a Notary Public duly commissioned and qualified in and for said County, personally came the above named G. F. Defiel, Vice President, and R. M. O'Reilly, Secretary of Burlington Northern Inc. who are personally known to me to be the identical persons whose names are affixed to the above Deed as Vice President and Secretary of said corporation, and they acknowledged the instrument to be their voluntary act and deed, and the voluntary act and deed of said corporation.

said County, the date aforesaid.

/s/ M. M. Smith
Notary Public.

Patrick Schwery

From: "Patrick Schwery" <pschwery@spencetitle.com>
To: "David Buelt" <dbuelt@ellickjones.com>
Sent: Friday, January 07, 2011 9:21 AM
Subject: Re: To Pat Schwery from Dave Buelt
 Dave,

The access over the railroad Right of Way has been an unresolved issue from the beginning of our work on Beacon View. Our Policies contain the following exception "Subject to lack of legal access to and from a public right-of-way. Access road appears to cross Railroad right of way easement. It is unknown who owns the land the railroad easement encumbers."

*fee deer
to BN
over 200' Rdw
100' each side*

We tried to find a document that would resolve this problem during our original work and could not find anything. To re-do that search would require more time than between now and Monday and would incur a search fee. If the County requires a recorded document, we may have to determine ownership of the land encumbered by the railroad and obtain access rights from the landowner and the railroad. This would take some time and a very thorough search.

Q215

*(5 sides
deduct away
25')*

----- Original Message -----

From: David Buelt
To: 'Pat Schwery'
Sent: Thursday, January 06, 2011 4:50 PM
Subject: To Pat Schwery from Dave Buelt

Dear Pat,

Re the platting of four new lots at Beacon View. Do you have a copy of a Railroad (Burlington) grant of easement to Beacon View to access our property over its right of way?

I would consider it a great favor if you could check this by Monday morning. It just came up five minutes ago and the County Attorney is getting its report ready for County Board action on Tuesday.

Dave

Ellick, Jones, Buelt, Blazek & Longo
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 Omaha, Nebraska 68114

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 Telecopier - 402.390.0127
dbuelt@ellickjones.com

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Beth McCabe

From: "Terry Twiford" <ttwiford@sarpy.com>
To: "Beth McCabe" <bmccabe@spencetitle.com>
Sent: Tuesday, January 18, 2011 11:11 AM
Subject: RE: Beacon View

Oh hi again Beth,
Please if you like. What ever you find on this road can you email or fax or send it our way so we can put into our survey files. thanks

From: Beth McCabe [mailto:bmccabe@spencetitle.com]
Sent: Tuesday, January 18, 2011 10:25 AM
To: Terry Twiford
Subject: Beacon View

Hi, Terry,

Just wanted to see what you might have in 29-13-10 regarding the "unnamed road" that is the access to Beacon View that runs along the northerly side of the Burlington Northern railroad right of way from the Platte to what is now 255th Street. I am going to be at the register of deeds later today and wanted to see if you would have the time to pull some maps/surveys?

Thanks

Beth McCabe
Spence Title Services, Inc.
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Omaha, NE 68102
Phone: 402-345-8844
Fax: 402-345-4634
E-Mail: bmccabe@spencetitle.com