

COMMONWEALTH LAND TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

Issued Through: Spence Title Services, Inc., 1905 Harney St. Suite 210, Omaha, NE 68102, Phone: (402) 345-8844, Fax: (402) 345-4634

Commitment No.: TA-49289

File No.: TA-49289

SCHEDULE A

1. Effective Date: October 24, 2004 at 8:00 A.M.

2. Policy or Policies to be issued:

(a) ☒ ALTA Owner Policy: 10-17-92

Amount: \$15,000.00
Premium: \$100.00

Proposed Insured:

DAVID L. BUELT AND ERIN E. BUELT

(b) ☐ ALTA Loan Policy: 10-17-92

Amount:
Premium:

Proposed Insured:

3. The estate or interest in the land described or referred to in this commitment and covered herein is a Fee Simple, and title thereto is at the effective date hereof vested in:

Fee Simple Interest: BEACON VIEW, INC.; Leasehold interest: DAVID L. BUELT AND ERIN E. BUELT, Husband and Wife, as Joint Tenants

4. The land referred to in this commitment is described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

SPENCE TITLE SERVICES, INC.

Countersigned:


Patrick J. Schwetty, Authorized Agent

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SCHEDULE B - SECTION 1

The following are the requirements to be complied with:

1. Pay the full consideration to, or for the account of, the grantors or mortgagors.
2. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
3. 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.
4. Instrument creating the estate or interest to be insured must be executed and filed for record, to wit:
 - a. **REQUIRE** Warranty Deed executed by Beacon View, Inc., signed by its authorized signatory(ies), in due corporate form, in favor of Proposed Insured Purchaser.
5. Collateral Assignment of Tenants Rights in Lease dated April 15, 2002 and filed April 25, 2002 as Instrument No. 2002-15321 of the Records of Sarpy County, Nebraska, executed by David L. Buelt and Erin E. Buelt, Husband and Wife, in favor of First National Bank of Omaha, securing the sum of \$42,750.00.
 - a. **REQUIRE** Release of above Collateral Assignment.
6. Terms, conditions and provisions of Ground Lease Agreement dated April 9, 2002 and filed April 25, 2002 as Instrument No. 2002-15326 of the Records of Sarpy County, Nebraska, executed by Beacon View, Inc., Lessor, and David L. Buelt and Erin E. Buelt as Joint Tenants, Lessee.
 - a. **REQUIRE** Termination of above Agreement.
7. Terms, conditions and provisions of Ground Lease Agreement dated April 9, 1990 and filed October 17, 1990 as Instrument No. 90-15224 of the Records of Sarpy County, Nebraska,

executed by Beacon View, Inc., Lessor, and Kirk E. Naylor, Lessee.

- a. Assignment of Ground Lease Agreement and Conveyance of Improvements dated April 2, 2002 and filed April 25, 2002 as Instrument No. 2002-15325 of the Records of Sarpy County, Nebraska.

- b. REQUIRE Termination of above Agreement.

8. If Lot 32 is to be conveyed as a separate parcel to Proposed Insured Purchaser: REQUIRE Survey of the Parcel to be conveyed providing a metes and bounds description of said parcel AND REQUIRE Lot Split approval by the appropriate regulatory agency for Sarpy County, Nebraska.

9. REQUIRE execution of the attached Affidavit Regarding Owner by the titleholder(s).

NOTE: Please order a verbal update from this title company prior to closing this transaction to determine any matters appearing of record after the effective date of this commitment.

NOTE: Please notify this Company when all requirements have been met so that we may issue the final policy.

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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 current 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.

SPECIAL EXCEPTIONS

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

6. General taxes due and payable at the date hereof: 2003: \$669.30 total; Paid in Full. Key Number: 010924809. (Improvements only located on Lot 32 Beacon View.)
 - a. General Taxes due and payable at the date hereof: 2003: total taxes \$1,341.28; Paid in Full. Key Number: 010398414. (Pt Tax Lots D1, D2A1, F2 and Government Lot 2 North of the Railroad 29-13-10 73.12 AC) (Land owned by Beacon View, Inc. where lot 32 is located.)
7. Special taxes or assessments now assessed or levied, but payable in future installments; except those recorded in the Office of the County Treasurer at the date hereof, of which there are none.
8. Together with and subject to Terms and Conditions of instrument dated June 1, 1942, filed November 2, 1950, in Book 14 at Page 496 of the Miscellaneous Records of Sarpy County,

Accepted 2-14-2004

Nebraska.

9. Declaration and Agreement of Restrictive Covenants dated March 20, 1988, filed March 12, 1990, as Instrument No. 1990-03154 of the Records of Sarpy County, Nebraska, which contains no forfeiture provision.
 - a. Provisions for Homeowners Association, if any, set forth therein.
10. Right-of-Way Easement granted to Omaha Public Power District, a public corporation, dated October 10, 1994, filed October 18, 1994, as Instrument No. 1994-22446 of the Records of Sarpy County, Nebraska, upon, over, along and under a strip of land ten feet in width, being five feet each side of and abutting the District's underground facilities as constructed.
11. Easement granted to Papio-Missouri River Resources District by instrument dated July 9, 2002 and filed July 15, 2002 as Instrument No. 2002-26218 of the Records of Sarpy County, Nebraska, affecting lands in which subject property is located.

FILE: TA-49289

EXHIBIT "A"

Leasehold Estate and Improvements located on that part of Tax Lot 'F' and Tax Lot 'D' and Government Lot 2, all in Section 29, Township 13 North, Range 10 East of the 6th P.M., in Sarpy County, Nebraska, described as follows:

Beginning at the center of said Section 29; thence N 33°18'30" W, 3086.53 feet to a point 50.0 feet South of the North line of said Section 29; thence S 89°37' W on a line 50.0 feet South of and parallel with the North line of said Section 29, 264.41 feet; thence South 1199.6 feet; thence West 416.7 feet to a point on the Easterly bank of the Platte River; thence Southerly on the Easterly bank of the Platte River to a point where it intersects a line 100.0 feet Northwesterly from the centerline of CB&Q Railroad track; thence N 51°56' E on a line 100.0 feet Northerly from and parallel with the centerline of said railroad tracks, 1844.87 feet; thence N 14°34' W 54.46 feet; thence S 51°56' W, 166.50 feet; thence S 71°36' W, 69.1 feet; thence N 85°19'55" W, 52.4 feet; thence N 60°29'35" W, 48.9 feet; thence N 33°04'05" W, 61.6 feet; thence N 18°14'25" W, 79.9 feet; thence N 14°27'10" W, 58.4 feet; thence North 115.7 feet to the point of beginning. (The East line of the NW1/4 of Section 29 assumed North-South in direction.)

AND,

That part of Tax Lot 'F' in the SE1/4 of Section 29, Township 13 North, Range 10 East of the 6th P.M., in Sarpy County, Nebraska, more particularly described as follows:

Beginning at a point of the West line of the SE1/4; being 115.51 feet South of the Center of said Section 29, thence S 14°27'10" E, 58.4 feet; thence S 18°14'25" E, 79.9 feet; thence S 33°04'05" E, 61.6 feet; thence S 60°29'35" E, 48.9 feet; thence S 85°19'55" E, 52.4 feet; thence N 71°36' E, 69.1 feet; thence N 51°56' E, 166.50 feet; thence S 14°34' E, 54.46 feet to the North R.O.W. line of C.B.& Q. Railroad; thence S 51°56' W, 480.67 feet along the North R.O.W. line of C.B.& Q Railroad to the West line of said SE1/4 thence North 436.81 feet along the West line of said SE1/4 to the point of beginning; designated as Lot 32.