

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2009-08117

2009 MAR 26 A 8:30

*Steven D. Johnson*  
REGISTER OF DEEDS

COUNTER ah C.E. ah  
VERIFY ah D.E. D  
PROOF P  
FEES \$ 20.50  
CHECK # 1051  
CHG \_\_\_\_\_ CASH \_\_\_\_\_  
REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
SHORT \_\_\_\_\_ NCR \_\_\_\_\_

*RL* Please return to: Steven D. Johnson PC LLO, 1864 South 155<sup>th</sup> Circle, Omaha, Nebraska 68144 (402) 315-1880

## MODIFICATION OF PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

This Modification of Permanent Sanitary Sewer Easement and Temporary Construction Easement ("Modification Agreement") is made as of January 22, 2009.

### RECITALS

Reference is made to that certain Permanent Sanitary Sewer Easement and Temporary Construction Easement granted by Lawrence Gene Iske, Trustee of the Lawrence Iske Revocable Trust ("Grantor") to Edward Rose Development Company, L.L.C., a Michigan limited liability company (the "Grantee"), dated April 14, 2008 and recorded April 18, 2008 as instrument number 2008-10697 in the office of the Register of Deeds of Sarpy County, Nebraska (the "Easement Agreement") with respect to the real property described on Exhibit A of the Easement Agreement.

**WHEREAS**, in the Easement Agreement, Grantor granted to Grantee a permanent sanitary sewer easement and right-of-way which is described on Exhibit A of the Easement Agreement as the Permanent Sewer Easement.

**WHEREAS**, Grantor and Grantee desire to modify the legal description of the Permanent Sewer Easement.

**NOW THEREFORE**, for good and valuable consideration, receipt of which is hereby acknowledged by both parties, it is agreed as follows.

### AGREEMENT

1. **Modification of description of Permanent Easement.** The legal description of the Permanent Sewer Easement, set forth on Exhibit "A" of the Easement Agreement, is hereby modified by substituting in its place, the legal description of the Permanent Sewer Easement attached to this Modification Agreement as Exhibit "I".

2. **Other Terms Unchanged.** All other terms and provisions of the Easement Agreement shall remain unchanged.

A

3. **Recordation.** This instrument shall be recorded in the office of the Register of Deeds of Sarpy County, Nebraska.

**IN WITNESS WHEREOF**, the parties have executed this instrument as of the date and year first above written.

**GRANTOR:**

Lawrence Gene Iske  
Lawrence Gene Iske, Trustee of the Lawrence Iske Revocable Trust

STATE OF NEBRASKA )  
COUNTY OF SARPY ) ss.

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January, 2009 by Lawrence Gene Iske, Trustee of the Lawrence Iske Revocable Trust. WITNESS my hand and notarial seal the day and year last above written.



Ralph E. Gladbach  
Notary Public  
My Commission expires: 3/5/09

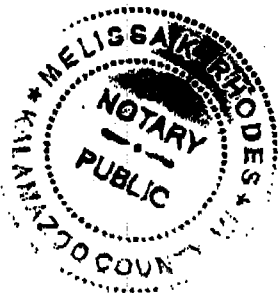
**GRANTEE:**

Edward Rose Development Company, LLC,  
a Michigan limited liability company

By: Jerry R. Speedy  
Jerry R. Speedy, its authorized agent  
MICHIGAN

~~STATE OF NEBRASKA~~ )  
~~COUNTY OF SARPY~~ ) ss.  
KALAMAZOO

The foregoing instrument was acknowledged before me this 22nd day of January, 2009 by Jerry R. Speedy, authorized agent of Edward Rose Development Company LLC, a Michigan limited liability company, on behalf of the company. WITNESS my hand and notarial seal the day and year last above written.

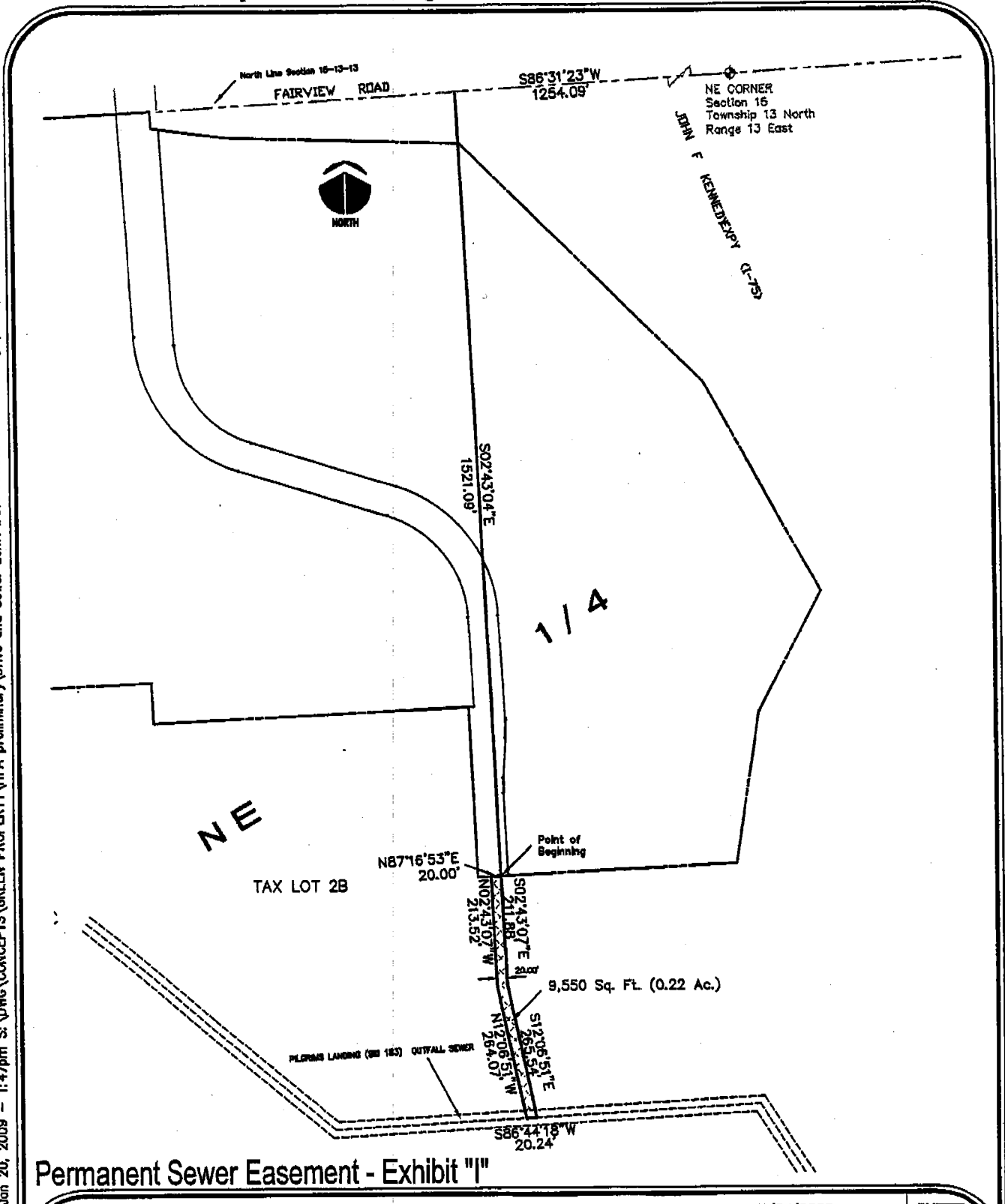


Melissa K. Rhodes  
Notary Public  
My Commission expires: 3-8-2012

MELISSA K. RHODES  
Notary Public, State of Michigan  
County of Kalamazoo  
My Commission Expires Mar. 8, 2012  
Acting in the County of Kalamazoo

Exhibit "I"  
[To Modification Agreement Dated January \_\_, 2009]

Jan 20, 2009 - 1:47pm S:\DWG\CONCEPTS\GREEN PROPERTY\HFA preliminary\Drive and Sewer Easmt base revised 12-4-08.dwg (DonH)



Permanent Sewer Easement - Exhibit "I"

DESIGNED: DRAWN: RCH CHECKED: DATE: 11/09/2007 REVISED 12/04/2008

SHEET NO.



**HILL-FARRELL ASSOCIATES, INC.**  
Architects • Engineers • Surveyors  
1820 Hillcrest Drive Bellevue, NE 68005 (402) 291-6100

2009-08117 c

Exhibit "I"

[To Modification Agreement Dated January \_\_, 2009]

**PERMANENT SEWER EASEMENT**

A PERMANENT SEWER EASEMENT LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6<sup>th</sup> P.M., SARPY COUNTY, NEBRASKA DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15-13-13; THENCE S 86°31'23" W (ASSUMED BEARING), 1,254.09 FEET ALONG THE NORTH LINE OF SAID SECTION 15-13-13; THENCE S 02°43'04" E, 1,521.09 FEET TO THE POINT OF BEGINNING; THENCE S 02°43'07" E, 211.88 FEET; THENCE S 12°06'51" E, 265.54 FEET; THENCE S 86° 44'18" W, 20.24 FEET; THENCE N 12°06'51" W, 264.07 FEET; THENCE N 02°43'07" W, 213.52 FEET; THENCE N 87° 16'53" E, 20.00 FEET TO THE POINT OF BEGINNING. DESCRIBED TRACT CONTAINS 9,550 SQUARE FEET ±.

CA.