



MISC 2012119809



NOV 27 2012 09:13 P 7

Fee amount: 36.50
FB: 01-60000
COMP: LM

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
11/27/2012 09:13:46.00



2012119809

AMENDMENT TO GRANT OF EASEMENT

This Amendment to Grant of Easement (this "Amendment") is made as of this 5th day of September, 2012, by and between Prime Real Estate, LLC, a Nebraska limited liability company ("Owner"), and TLC Properties, Inc., a Louisiana corporation ("Grantee").

Preliminary Statement

Grantee and Owner's predecessor in interest to the real estate in Douglas County, Nebraska legally described on Exhibit "A" attached hereto (the "Real Estate"), were the designated "Grantee" and "Grantor" under the Grant of Easement dated June 3, 2004, recorded with the Douglas County, Nebraska, Register of Deeds on July 23, 2004, as Instrument Number 2004097991, Miscellaneous Records (the "Easement Agreement").

The Easement Agreement did not specifically identify the easement area and Owner and Grantee desire to amend and modify the Easement Agreement to identify the specific easement area on the Real Estate.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner and Grantee agree as follows:

1. The easement provided to Grantee in the Easement Agreement is hereby limited to that portion of the Real Estate as depicted and legally described on Exhibit "B" attached to this Amendment (the "Designated Easement Area"), with the balance of the Real Estate being released from encumbrance by the Easement Agreement.

2. Not later than one hundred twenty (120) days following the date of execution of this Amendment by Grantee, the Owner, or Owner's successors and assigns in ownership of Lot 2, Prime Business Park, shall construct at their sole expense an access drive in the general location as depicted on Exhibit "C" attached hereto that will provide Grantee with access to the Designated Easement Area, provided that the owner of Lot 1, Prime Business Park shall reimburse the owner of Lot 2, Prime Business Park for ½ of the cost of construction of the access drive.

Return to:
James D. Buser
Pansing Hogan Ernst & Bachman, LLP
10250 Regency Circle, Suite 300
Omaha, Nebraska 68114

3. The Easement Agreement, as amended by this Amendment, may be further modified, amended or terminated by written instrument executed by Owner and Grantee, or their respective successors and assigns, such instrument to be effective upon recording with the Douglas County, Nebraska, Register of Deeds.

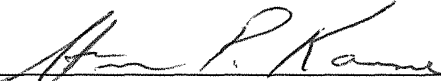
4. This Amendment may be executed in any number of counterpart originals, each of which, when taken together, shall be deemed to be one and the same instrument. Executed copies of this Amendment may be delivered between the parties via telecopy or electronic mail.

5. Except as amended and modified herein, the Easement Agreement remains in full force and effect in accordance with its terms.

**[Space Below Intentionally Left Blank –
Signature Page to Follow]**

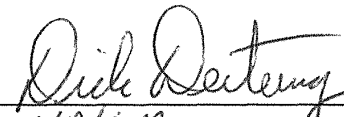
IN WITNESS WHEREOF, the parties have executed this Amendment to be effective as of the date of recording with the Douglas County, Nebraska, Register of Deeds.

PRIME REAL ESTATE, LLC, a Nebraska limited liability company

By: 
Steven P. Kanne, Member

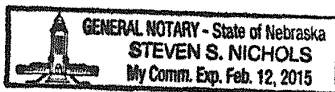
By: 
Brian J. Kenkel, Member

TLC PROPERTIES, INC., a Louisiana corporation

By: 
Title: VP/COO

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

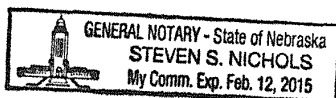
The foregoing instrument was acknowledged before me this 5th day of September, 2012, by Steven P. Kanne, Member of Prime Real Estate LLC, a Nebraska limited liability company, on behalf of the company.

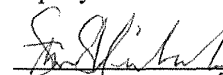



Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 5th day of September, 2012, by Brian J. Kenkel, Member of Prime Real Estate LLC, a Nebraska limited liability company, on behalf of the company.




Notary Public

STATE OF NEB)
) ss.
COUNTY OF DODGE)

The foregoing instrument was acknowledged before me this 28th day of SEPTEMBER, 2012, by DICK DEITERDO, VP GM. of TLC Properties, Inc., a Louisiana corporation, on behalf of the corporation.



James Warner
Notary Public

EXHIBIT "A"
LEGAL DESCRIPTION

SWSE
SESW

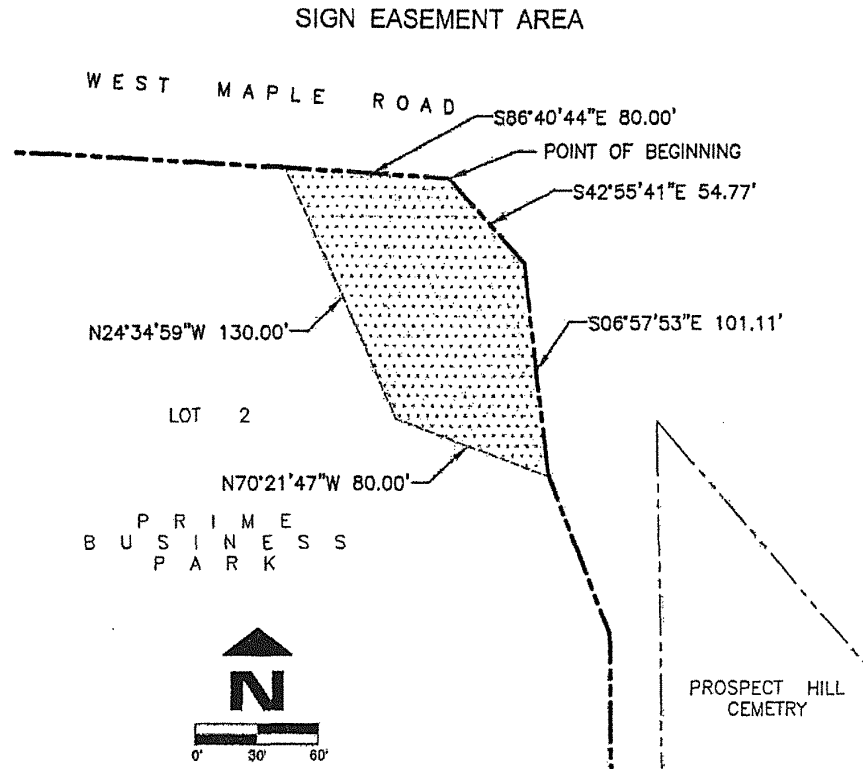
All that part of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter Southwest Quarter of Section 2, Township 15 North, Range 10 East of the 6th P.M., in the City of Omaha, Douglas County, Nebraska, described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of said section 2, running thence North 15.30 chains to the center of the County Road; thence East along the center of said road 10.60 chains; thence South 42° East along the center line of said road, 468 feet to the Northwest corner of the cemetery; thence South along the West line of said cemetery, 725 feet to the section line; thence West along the section line 1007 feet to the place of beginning, except a strip 42 rods long North and South by 1 ½ rods wide East and West, next to the cemetery; also all that part of the Southeast Quarter of the Southwest Quarter of said section 2, aforesaid, lying South of the center line of said County Road.

EXCEPT those parts deeded to the State of Nebraska, as set forth in Deed recorded in Book 1647, at Page 59, records of Douglas County, Nebraska, and part of which has been platted and is now known as:

77-31346

Lots 1 and 2, Prime Business Park, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

**LEGAL DESCRIPTION**

THAT PART OF LOT 2, PRIME BUSINESS PARK, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS; BEGINNING AT THE NE CORNER OF SAID LOT 2;

THENCE S42°55'41"E (ASSUMED BEARING) 54.77 FEET ON THE EAST LINE OF SAID LOT 2;

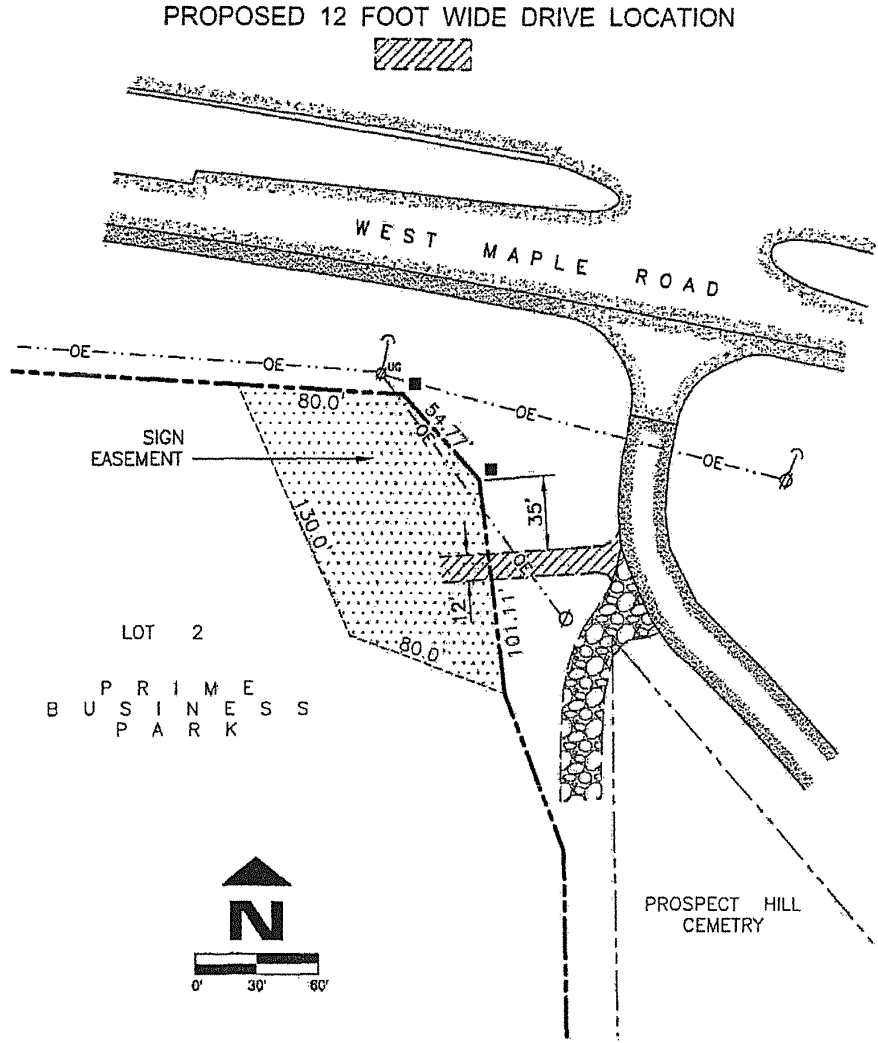
THENCE S06°57'53"E 101.11 FEET ON THE EAST LINE OF SAID LOT 2;

THENCE N70°21'47"W 80.00 FEET;

THENCE N24°34'59"W 130.00 FEET TO THE NORTH LINE OF SAID LOT 2;

THENCE S86°40'44"E 80.00 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

	Job Number: 1681-102-1(EX4) thompson, dreesen & dornier, inc. 10836 Old Mill Rd Omaha, NE 68154 p.402.330.8860 f.402.330.5866 td2co.com	Date: MARCH 21, 2012 Drawn By: RJR Reviewed By: JDW Revision Date: 05/29/2012	<div style="text-align: center; border-bottom: 1px solid black; padding-bottom: 5px;"> EXHIBIT " B " </div> <div style="display: flex; justify-content: space-between; padding-top: 5px;"> PRIME REAL ESTATE, LLC <div style="border-left: 1px solid black; padding-left: 5px; text-align: center;"> Book Page </div> </div>



	Job Number: 1681-102-1(EX5)	Date: APRIL 25, 2012	EXHIBIT " C "	
	thompson, dreesen & dornier, inc.	Drawn By: RJR	PRIME REAL ESTATE, LLC Book Page	
	10836 Old Mill Rd	Reviewed By: JDW		
	Omaha, NE 68154	Revision Date: 05/29/2012		
	p.402.330.8860 f.402.330.5866			
	td2co.com			