



MISC 2015098511



NOV 20 2015 12:03 P 5

mix
 FEE 34.00 FB 77-31348
 5 BKR 215.10 CTO MB COMP _____
 4 DEL _____ SCAN _____ FV _____
 B

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 11/20/2015 12:03:19.32



2015098511

After recording, return to:

Martin P. Pelster, Esq.
 CROKER, HUCK, KASHER, DEWITT,
 ANDERSON & GONDERINGER, L.L.C.
 2120 South 72nd Street, Suite 1200
 Omaha, Nebraska 68124

**PARTIAL AMENDMENT OF DECLARATION AND TERMINATION OF
 EASEMENTS FOR PRIME BUSINESS PARK, A SUBDIVISION, AS SURVEYED,
 PLATTED, AND RECORDED IN
 DOUGLAS COUNTY, NEBRASKA**

THIS Partial Amendment of Declaration and Termination of Easements for Prime Business Park, a subdivision, as surveyed, platted, and recorded in Douglas County, Nebraska (the "Termination"), is made by and between Prime Real Estate, LLC, a Nebraska limited liability company ("Prime") and J. Dubbya Land, LLC, a Nebraska limited liability company ("J. Dubbya").

RECITALS:

WHEREAS, Prime is the Declarant under the Declaration of Ingress and Egress and Utility Easements for Prime Business Park, a subdivision, as surveyed, platted, and recorded in Douglas County, Nebraska which was recorded in the offices of Register of Deeds of Douglas County, Nebraska on or about November 27, 2012 as Instrument No. 2012119808 (the "Declaration");

WHEREAS, the Declaration affects the property described as Parcel 1, Parcel 2, and Parcel 3 in the Declaration, Parcel 1 and Parcel 2 of which have been replatted and following such replat, the property being governed by the Declaration being legally described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Prime is the record owner of Parcel 1 and J. Dubbya is the record owner of Parcels 2 and 3, as described on Exhibit "A" attached hereto; and

WHEREAS, Prime and J. Dubbya desire to terminate the Ingress and Egress Easement described in the Declaration and amend the Declaration as provided herein.

✓ 5113

NOW, THEREFORE, in consideration of the foregoing and other valuable consideration, the receipt and sufficiency which are hereby acknowledged by the parties hereto, Prime and J. Dubbya agree as follows:

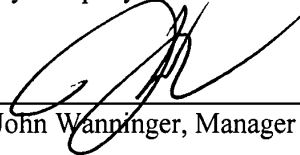
1. Defined Terms. Terms used herein with initial capitalized letters that are not otherwise defined herein shall have the meanings as set forth in the Declaration.
2. Parcel Description. The descriptions of Parcel 1, Parcel 2 and Parcel 3 in the Declaration are hereby amended to reflect the Parcel descriptions on Exhibit "A" attached hereto.
3. Termination of Ingress and Egress Easement. The Ingress and Egress Easement described in Section 2.1 of Article II of the Declaration is hereby terminated.
4. Deletion of Maintenance and Repair Provisions. Article III of the Declaration is hereby deleted in its entirety.
5. Ratification of Declaration. Except as provided herein, the Declaration is hereby ratified and confirmed in all respects.
6. Counterparts. This Agreement 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 Agreement may be delivered between the parties via telecopy or electronic mail.

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

IN WITNESS WHEREOF, the parties have executed this Termination of Easements for Prime Business Park, a subdivision, as surveyed, platted, and recorded in Douglas County, Nebraska effective the 23rd day of June, 2015.


"J. DUBBYA"

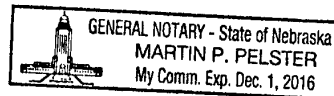
J. DUBBYA LAND, LLC, a Nebraska limited liability company

By: 
John Wanninger, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)


The foregoing instrument was acknowledged before me this 23rd day of June, 2015, by John Wanninger, Manager of J. Dubbya Land, LLC, a Nebraska limited liability company, on behalf of the company.


Notary Public



"PRIME"

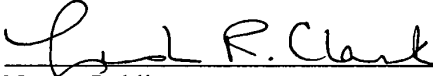
PRIME REAL ESTATE, LLC, a Nebraska
limited liability company

By: 
Steven P. Kanne, Member

By: 
Brian J. Kenkel, Member

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)


The foregoing instrument was acknowledged before me this 3 day of June, 2015, 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 3 day of June, 2015, by Brian J. Kenkel, Member of Prime Real Estate LLC, a Nebraska limited liability company, on behalf of the company.


Notary Public



00586822.DOC

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1: Lot 1, Prime Business Park Replat One, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Parcel 2: Lots 2 and 3, Prime Business Park Replat One, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Parcel 3: THAT PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 2, T15N, R10E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, LYING SOUTH OF THE SOUTH LINE OF WEST MAPLE ROAD MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE SE CORNER OF SAID SE 1/4;

THENCE N01°04'43"W (ASSUMED BEARING) 851.02 FEET ON THE EAST LINE OF SAID SE 1/4 TO THE SOUTH LINE OF WEST MAPLE ROAD;

THENCE N85°55'10"W 462.72 FEET ON THE SOUTH LINE OF WEST MAPLE ROAD;

THENCE S87°49'18"W 300.00 FEET ON THE SOUTH LINE OF WEST MAPLE ROAD;

THENCE N88°46'06"W 581.65 FEET ON THE SOUTH LINE OF WEST MAPLE ROAD TO THE WEST LINE OF SAID SE 1/4;

THENCE S00°51'24"E 887.07 FEET ON THE WEST LINE OF SAID SE 1/4 TO THE SW CORNER THEREOF;

THENCE N89°54'41"E 1345.61 FEET ON THE SOUTH LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING.