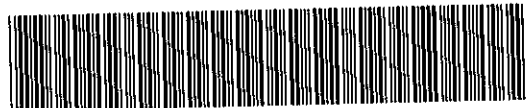


BK 1512 PG 250-252



MISC 2003 14359

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

03 APR 23 AM 10:58

RECEIVED

DECLARATION OF EASEMENT

Cash 2.50
FEE 16.00 FB del attached
BKP _____ C/O _____ COMP _____
DEL _____ SCAN 12 FV _____

KNOW ALL MEN BY THESE PRESENTS:

Whereas, Michael J. Welniak, and Marcia M. Welniak, husband and wife, (hereinafter collectively referred to as the "Declarants") are the owners of the following described property, to wit:

27-15-11
NENE

That part of the west 10 acres of the northeast quarter of the northeast quarter of section 27, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the southwest corner of the northeast quarter of the northeast quarter of said section 27, thence north 1° 10' 54" West (assumed bearings) for 1,220.20 feet along the west line of the northeast quarter of the northeast quarter of said section 27 to the south right-of-way line of Pacific Street; thence south 82° 11' 11" east for 45.31 feet along said south right-of-way line; thence north 89° 33' 00" east for 283.87 feet parallel with and 109.00 feet south of the north line of the northeast quarter of said section 27; to the east line of the west 10 acres of the northeast quarter of the northeast quarter of said section 27; thence south 1° 13' 27" east for 1212.80 feet to the southeast corner of said west 10 acres; thence south 89° 25' 28" west for 329.52 feet to the point of beginning, except that part of the northeast quarter of the northeast quarter of section 27, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the southwest corner of the east 30 acres of said northeast quarter; thence south 89° 25' 28" West 84.07 feet on the southerly line of said northeast quarter; thence north 61° 52' 09" East 94.28 Feet to the westerly line of said 30 acres; thence south 1° 13' 27" east 43.62 feet on the westerly line of said east 30 acres to the point of beginning, and containing 9.125 acres more or less (the "Easement Premises").

Whereas, Declarants desire to create a non-exclusive permanent easement over, through and across a portion of the Easement Premises for ingress and egress purposes for the benefit of the following described property, to wit:

60-29140

Lot 1, Block 28, Pacific Heights Additions, Douglas County, Nebraska (the "Dominant Premises").

Now, therefore, in consideration of the premises herein, Declarants do hereby grant and establish the following easement in, upon and over the Easement Premises:

1. A non-exclusive perpetual easement for ingress and egress and passage by fire department vehicles over an existing driveway on a portion of the Easement Premises as described on Exhibit "A" attached hereto and by this reference incorporated herein, pertinent to and for the benefit of the Dominant Premises. Declarants retain non-exclusive use thereof for themselves and their heirs and assigns.
2. The Easement Area should not be fenced or otherwise obstructed (except for a locked gate) and should be kept available for the use intended herein.

CHARLES D FORREST
8712 West Dodge Road
Suite 400
OMAHA NE 68114

✓ 32946

3. Nothing herein shall prohibit or restrict any use of the Easement Premises.

4. The rule of strict construction shall not apply to this grant. This grant shall be given a reasonable construction so that the intention to confer a reasonably useable right of enjoyment is carried out.

5. All provisions of this instrument, including the benefits and burdens, shall run with the land.

IN WITNESS WHEREOF, this instrument has been executed this 7 day of April 2003.




Michael J. Welniak



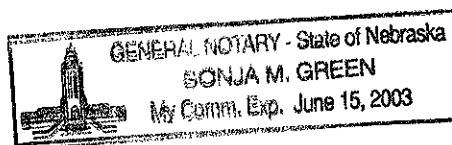
Marcia M. Welniak

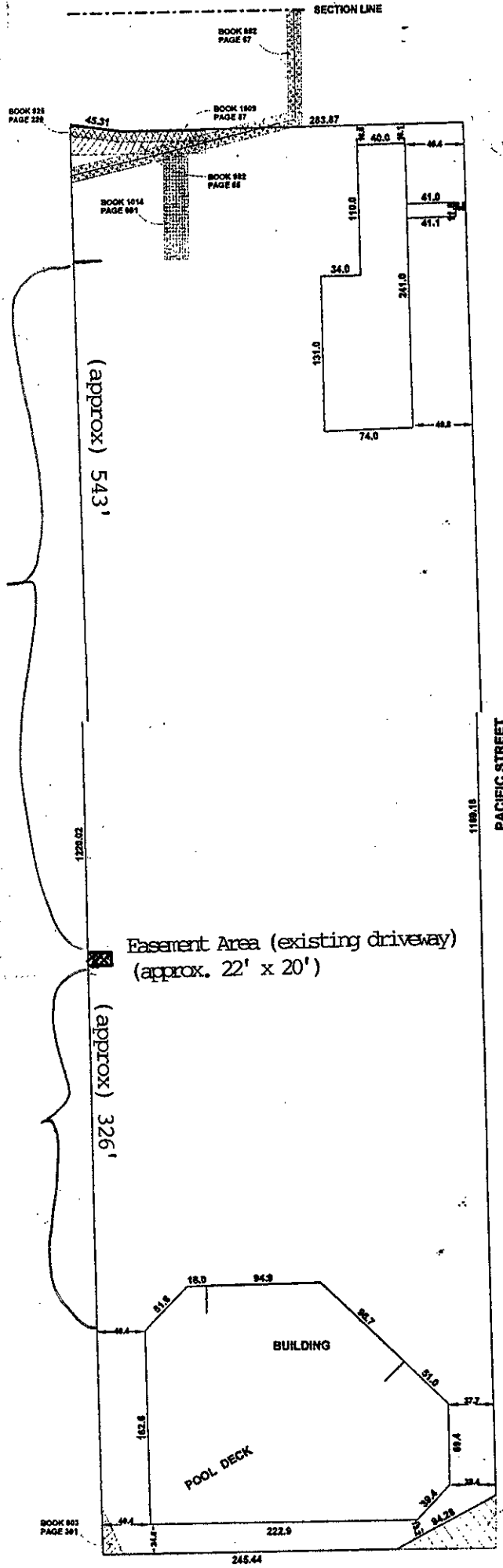
STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 7 day of April 2003, by Michael J. Welniak and Marcia M. Welniak, husband and wife.



Notary Public





EXHIBIT

tabbles

A