

FILED SARPY COUNTY NEBRASKA
INSTRUMENT NUMBER

2010-05528

03/04/2010 2:21:23 PM

Lloyd J. Douding

REGISTER OF DEEDS

COUNTER	<u>ah</u>	C.E.	<u>ah</u>
VERIFY	<u>ah</u>	D.E.	<u>ah</u>
PROOF	<u>M</u>		
FEES \$	<u>17.00</u>		
CHECK#	<u>1131074</u>		
CHG		CASH	
REFUND		CREDIT	
SHORT		NCR	



Gretna, NE
Store 4600-00

UPON RECORDING RETURN TO:

MARGOT J. WICKMAN, ESQ.
KUTAK ROCK LLP
1650 FARNAM STREET
OMAHA, NE 68102-2186

**PARTIAL RELEASE OF EASEMENT
(Temporary Grading Easement)**

THIS PARTIAL RELEASE OF EASEMENT (this "Partial Release") is made this 1st day of March, 2010 by WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust, and WAL-MART STORES, INC., a Delaware corporation (together, "Wal-Mart").

WHEREAS, Wal-Mart is the fee simple owner of the real property legally described as follows:

Lot 8, WICKS SOUTHPOINTE, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska (the "Wal-Mart Property");

WHEREAS, the Wal-Mart Property is benefitted by a Temporary Grading Easement granted by Western Land Company, L.L.C., a Nebraska limited liability company, recorded October 9, 2007 in the records of Sarpy County, Nebraska as Instrument Number 2007-30880 (the "Easement");

WHEREAS, the Easement burdens the real property legally described as follows:

Lots 5, 6 and 7, WICKS SOUTHPOINTE, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska (the "Easement Property");

WHEREAS, pursuant to the terms of the Easement no buildings, improvements or other structures, nor any fill or fill material, or embankment work shall be placed in, on, over or across, nor removed from the Easement Property without the prior written consent of Wal-Mart during the term of the Easement;

WHEREAS the current owner of Lot 5 has proposed to construct certain improvements within the area of Lot 5 burdened by the Easement and has requested Wal-Mart release Lot 5 from the Easement;

WHEREAS Wal-Mart has determined that releasing Lot 5 from the Easement will not negatively affect Wal-Mart's planned construction activities; and

WHEREAS, Wal-Mart desires to release and discharge only that portion of the Easement Property described as Lot 5 from the operation, effect, burden and encumbrance of the Easement without prejudice to Wal-Mart's rights in and to any other lands within the Easement Property.

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NOW THEREFORE, Wal-Mart does hereby release and quitclaim unto the current owners of record any and all rights or interest Wal-Mart may have pursuant to the Easement in and to the following described land only:

Lot 5, WICKS SOUTHPOINTE, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

This Partial Release shall be a partial release of the Easement only and shall cause the Easement to be released solely as to Lot 5. All other rights of Wal-Mart under the Easement shall be retained and the following Easement Property shall continue to be burdened and encumbered by the Easement:

Lots 6 and 7, WICKS SOUTHPOINTE, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

In addition, all other rights of Wal-Mart in and to Lot 5 pursuant to that certain Temporary Construction Easement, dated October 4, 2007 and recorded October 9, 2007 as Instrument Number 2007-30881 in the records of Sarpy County, Nebraska shall be retained and shall continue in full force and effect.

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IN WITNESS WHEREOF, Wal-Mart has executed this Partial Release of Easement as of the 1st day of March, 2010.

WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust

By [Signature]
John Clarke
Vice President—Real Estate

STATE OF ARKANSAS)
) ss.
COUNTY OF BENTON)

The foregoing instrument was acknowledged before me this 1st day of March, 2010, by John Clark, Vice President—Real Estate, of Wal-Mart Real Estate Business Trust, a Delaware statutory trust, on behalf of the trust.

[SEAL and Expiration Date]

[Signature]
Notary Public
My Commission Expires May 01, 2017

LISA M. GARCIA
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires May 01, 2017
Commission # 12360574

WAL-MART STORES, INC., a Delaware corporation

By [Signature]
John Clarke
Vice President—Real Estate

STATE OF ARKANSAS)
) ss.
COUNTY OF BENTON)

The foregoing instrument was acknowledged before me this 1st day of March, 2010, by John Clarke, Vice President—Real Estate, of Wal-Mart Stores, Inc., a Delaware corporation, on behalf of the corporation.

[SEAL and Expiration Date]

[Signature]
Notary Public
My Commission Expires May 01, 2017

LISA M. GARCIA
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires May 01, 2017
Commission # 12360574