

FILED SARPY CO. NE  
INSTRUMENT NUMBER  
2008-19155

2008 JUL -3 P 1:45 PM

*Glenn J. Harding*  
REGISTER OF DEEDS

COUNTER W B.E. W  
VERIFY a B.E. P  
PROOF LM  
FEES \$ 28.00  
CHECK # \_\_\_\_\_  
CHG CRS-28.00 CASH \_\_\_\_\_  
REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
SHORT \_\_\_\_\_ NCR \_\_\_\_\_

When recorded return to:

Kutak Rock LLP  
8601 N. Scottsdale Road  
Suite 300  
Scottsdale, Arizona 85253  
Attention: Mitch Padover

**NOTICE STATEMENT  
PURSUANT TO THE TERMS OF THE  
EASEMENTS WITH COVENANTS AND  
RESTRICTIONS AFFECTING LAND**

Pursuant to the terms of Section 21(a) of the EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND executed by and among Market Pointe, LLC, a Missouri limited liability company, Wal-Mart Real Estate Business Trust, a Delaware statutory trust, and Lowes Home Centers, Inc., a North Carolina corporation, dated January 23, 2006 and filed with the Sarpy County, Nebraska Register of Deeds on January 24, 2006 as Instrument No. 2006-02430, as amended by that certain First Amendment to Easements With Covenants and Restrictions Affecting Land by and among the same parties dated September 1, 2006 and filed with Sarpy County, Nebraska Register of Deeds on September 5, 2006 as Instrument No. 2006-30539 hereinafter to be referred to collectively as the "ECR", covering the Market Pointe Shopping Center located in Papillion, Nebraska (the "Shopping Center") that is legally described in Exhibit A attached hereto, COLE MT PAPIILLION NE, LLC, a Delaware limited liability company ("Cole MT Papillion NE, LLC"), hereby provides notice that, on June 20, 2008, it acquired a fee interest from Market Pointe, LLC, a Missouri limited liability company, in that portion of the Shopping Center that is legally described in Exhibit B attached hereto (the "Cole Property").

All notices and other communications under the ECR shall be sent to Cole MT Papillion NE, LLC at the following address:

Cole MT Papillion NE, LLC  
c/o Cole Companies  
2555 East Camelback Road, Suite 400  
Phoenix, AZ 85016  
Attn: Asset Manager

[SIGNATURE PAGE FOLLOWS]

*Land America Commercial Services*  
*165 N. Meramec Avenue, Ste 200*  
*St. Louis, MO 63105*  
*Attn: Sarah Christian*  
*4822-3326-5666*

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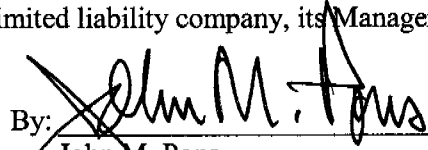
RECORD 4/28  
19155

*CC 10128*  
*CRS*

A

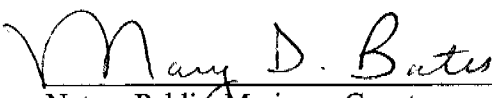
**COLE MT PAPILLION NE, LLC,**  
a Delaware limited liability company

By: Cole REIT Advisors II, LLC, a Delaware  
limited liability company, its Manager

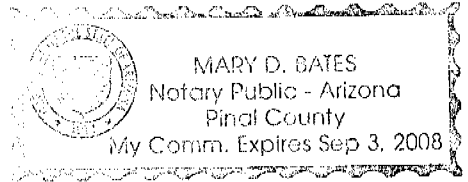
By:   
John M. Pons  
Executive Vice President

State of Arizona                    )  
  ) ss.  
County of Maricopa                )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of June, 2008, by John M. Pons, the Executive Vice President of Cole REIT Advisors II, LLC, a Delaware limited liability company, which is the manager of Cole MT Papillion NE, LLC, a Delaware limited liability company, on behalf of said limited liability companies for the uses and purposes therein set forth.

  
Notary Public, ~~Maricopa~~ Pinal County

My commission expires:  
9/3/08



B

EXHIBIT A

LEGAL DESCRIPTION OF THE SHOPPING CENTER

Lots Two (2) and Three (3), Market Pointe Addition, an Addition to the City of Papillion, Sarpy County, Nebraska, as amended by Administrative Lot Line Adjustment filed October 26, 2005 as Instrument No. 2005-39750, Recorder, Sarpy County, Nebraska; Lots Four (4), Five (5) and Six (6) Market Pointe Addition, an addition in Sarpy County, Nebraska; Lots Nine (9) through Thirteen (13), Market Pointe Addition Replat 1, an Addition to the City of Papillion, Sarpy County, Nebraska; Lots One (1) and Two (2), Market Pointe Addition Replat 2, an Addition to the City of Papillion, Sarpy County, Nebraska; Lots One (1) and Two (2), Market Pointe Addition Replat 3, an Administrative Subdivision, in Sarpy County, Nebraska; and Outlots E and F, Stockman's Hollow, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

2008-19155C

**EXHIBIT B**

**LEGAL DESCRIPTION OF THE COLE PROPERTY**

Lots 2 and 3, Market Pointe Addition, an Addition to the City of Papillion, Sarpy County, Nebraska, as amended by Administrative Lot Line Adjustment recorded October 26, 2005 at Instrument No. 2005-39750, records of Sarpy County, Nebraska; Lots 9, 10 and 11, Market Pointe Addition Replat 1, an Addition to the City of Papillion, Sarpy County, Nebraska; and Outlots E and F, Stockman's Hollow, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.