

COUNTER_PM
VERIFY_PM
FEES \$ 34.00
CHG_SFILE
SUBMITTED_FIRST AMERICAN TITLE INSURA

FILED SARPY CO. NE.
INSTRUMENT NUMBER

2015-23462

2015 Sep 23 08:55:36 AM

Sheryl J. Dowling

REGISTER OF DEEDS



**PREPARED BY AND WHEN
RECORDED RETURN TO:
Donna M. Shaw, Esq.
Robbins Solomon & Patt, Ltd.
180 North LaSalle Street, Suite 3300
Chicago, Illinois 60601**

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

Pursuant to the terms of Section 21(a) of the Easement with Covenants Affecting the Land executed by and among Market Pointe, LLC, a Missouri limited liability company, Wal-Mart Real Estate Business Trust and Lowes Home Centers, Inc. dated January 23, 2006 and recorded on January 24, 2006 as Document No. 2006-02430, as amended by a First Amendment dated September 1, 2006 and recorded on September 5, 2006 as Document No. 2006-30539, as amended by a Second Amendment dated December 22, 2008 and recorded February 9, 2009 and as amended by a Third Amendment dated April 11, 2014 and recorded on April 22, 2014 (hereinafter collectively referred to as the “ECR”);

The ECR covers the Property commonly known as the Market Pointe Shopping Center located in Papillion, Nebraska (the “**Shopping Center**”) and as legally described in **Exhibit “A”** attached hereto;

On September 17, 2015, **PNC BANK, NATIONAL ASSOCIATION**, a national banking association (“**PNC**”) acquired a mortgage interest in the “**Developer Property**” (as such term is defined in the ECR) which constitutes a portion of the Shopping Center as legally described on **Exhibit “B”** attached hereto and made a part hereof (the “**PNC Mortgaged Property**”) pursuant to that certain Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing dated as of September 17, 2015 executed by IREIT Papillion Market Pointe, L.L.C., a Delaware limited liability company (“**Successor Developer**”) to First American Title Insurance Company as Trustee for the benefit of PNC (the “**PNC Deed of Trust**”); and

PNC is hereby providing written notice that all communications under the ECR to PNC as Mortgagee of the PNC Mortgaged Property, (including copies of all notices to the Successor Developer under the ECR shall also be sent to PNC as Mortgagee) as follows:

PNC Bank, National Association
One North Franklin Street, Suite 2150
Chicago, Illinois 60606
Attn: Joel G. Dalson, Senior Vice-President

with a copy to:

Robbins, Salomon & Patt, Ltd.
180 North LaSalle Street, Suite 3300
Chicago, Illinois 60601
Attn: Andrew M. Sachs, Esq. and
Donna M. Shaw, Esq.

(Remainder of Page Intentionally Left Blank; Signature on Following Page)

IN WITNESS WHEREOF, PNC has executed this Notice Statement as of the day and year first written above.

PNC BANK, NATIONAL ASSOCIATION,
a national banking association

By: Joel G. Dalson
Name: Joel G. Dalson
Its: Senior Vice-President

LENDER ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, MARY ANN ZAGORSKI, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **JOEL G. DALSON**, a Senior Vice-President of **PNC BANK, NATIONAL ASSOCIATION**, a national banking association, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 17TH day of September, 2015.

Mary Ann Zagorski
Notary Public

My Commission Expires: 12-6-16

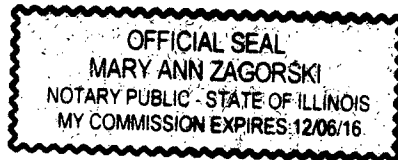


Exhibit "A"

LEGAL DESCRIPTION OF THE SHOPPING CENTER

Lots 2 and 3, Market Pointe Addition, an Addition to the City of Papillion, in Sarpy County, Nebraska; as amended by the Administrative Lot Line Adjustment recorded October 26, 2005 as Instrument No. 2005-39750, Records, Sarpy County, Nebraska; and

Lots 9, 10 and 11, Market Point Addition Replat 1, an Addition to the City of Papillion in Sarpy County, Nebraska, recorded August 31, 2006 as Instrument No. 2006-30227; and

Outlots E and F, Stockman's Hollow, a subdivision in Sarpy County, Nebraska, recorded April 11, 2007 as Instrument No. 2007-10631, Records, Sarpy County, Nebraska;

Lots 1 and 2, Market Pointe Addition Replat 2, an Addition to the City of Papillion in Sarpy County, Nebraska, recorded August 09, 2007 as Instrument No. 2007-24222, Records, Sarpy County, Nebraska, and

Lots 1 and 2, Market Pointe Addition Replat 4, an Addition to the City of Papillion in Sarpy County, Nebraska, recorded May 12th, 2010 as Instrument No. 2010-11926, Records, Sarpy County, Nebraska, and

Lots 1 and 2, Market Pointe Addition Replat 6, an Addition to the City of Papillion in Sarpy County, Nebraska, recorded February 20th, 2013 as Instrument No. 2013-05318, Records, Sarpy County, Nebraska, and

Lots 1 and 2, Market Pointe Addition Relplat 8, an Addition to the City of Papillion in Sarpy County, Nebraska, recorded December 3rd, 2014 as Instrument No. 2014-26982, Records, Sarpy County, Nebraska

Exhibit "B"

LEGAL DESCRIPTION OF THE PNC MORTGAGED PROPERTY

The land referred to is situated in the State of Nebraska, County of Sarpy and is described as follows:

Lots 2 and 3, Market Pointe Addition, an Addition to the City of Papillion, in Sarpy County, Nebraska; as amended by the Administrative Lot Line Adjustment recorded October 26, 2005 as Instrument No. 2005-39750, Records, Sarpy County, Nebraska; and

Lots 9, 10 and 11, Market Point Addition Replat 1, an Addition to the City of Papillion in Sarpy County, Nebraska, recorded August 31, 2006 as Instrument No. 2006-30227; and

Outlots E and F, Stockman's Hollow, a subdivision in Sarpy County, Nebraska, recorded April 11, 2007 as Instrument No. 2007-10631, Records, Sarpy County, Nebraska;

TOGETHER WITH easements for ingress and egress, utilities and service, water flow and drainage, according to the Easements With Covenants and Restrictions Affecting Land, recorded January 24, 2006 as Instrument No. 2006-02430; Thereafter, First Amendment recorded September 5, 2006 as Instrument No. 2006-30539; and Second Amendment to Easements with Covenants and Restrictions Affecting Land dated December 22, 2008, filed February 9, 2009 as Instrument No. 2009-03341, Records, Sarpy County, Nebraska; and Third Amendment to Easements with Covenants and Restrictions Affecting Land dated April 11, 2014, filed April 22, 2014, as Instrument No. 2014-07968, Records, Sarpy County, Nebraska; and Assignment of Declarant Rights filed May 27, 2015 as Instrument No. 2015-12038, Records, Sarpy County, Nebraska.

Tax ID Nos.: 011583018 (Lot 2); 011583019 (Lot 3); 011589659 (Lot 9); 011589660 (Lot 10);
011589661 (Lot 11); 011590629 (Outlot E); 011590630 (Outlot F)

Property Addresses: 8707 S. 71st Plaza; 8909 S. 71st Plaza; 8657 S. 71st Plaza;
8540 S. 71st Plaza; 8510 S. 71st Plaza, Papillion, Nebraska

Which are all commonly known as The Shoppes at Market Pointe.