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BOOK 1730 PAGE 46

NEBRASKA DOCUMENTARY  
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WARRANTY DEED

THIS DEED is made this 15th day of May, 1984, by and between HARVEY DEVELOPMENT PARTNERSHIP, a Nebraska general partnership, and SHOPKO STORES, INC., a Minnesota corporation.

WITNESSETH:

WHEREAS, by that certain Option Agreement dated March 13, 1984, Shopko Stores, Inc. acquired the right and option to purchase the real estate described herein as Parcel A.

WHEREAS, that certain Option Agreement dated March 13, 1984, was exercised by Shopko Stores, Inc. on April 12, 1984.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration received from Shopko Stores, Inc., Harvey Development Partnership conveys to Shopko Stores, Inc. the following-described real estate (as defined in Neb. Rev. Stat. 76-20):

A tract of land located in Lots 100 thru 103, inclusive, in Crescent Oaks, Lots 1 thru 103 and Outlot 1, a platted and recorded Subdivision in Douglas County, Nebraska, and in part of the North One-Half of the Northeast Quarter of Section 35, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, being more particularly described as follows: Commencing at the Northeast corner of said Northeast Quarter Section 35-15-11; thence South 00°00'05" West along the East line of said Northeast Quarter Section 35-15-11 (A.K.A. the center line of 144th Street) a distance of 163.2 feet; thence North 88°58'10" West a distance of 50 feet to a point that is the intersection of the South right-of-way line of West Center Road and the West right-of-way line of 144th Street and the point of beginning; thence South 00°00'05" West along said right-of-way line of 144th Street a distance of 353.57 feet; thence North 89°59'56" West along said right-of-way line of 144th Street a distance of 75 feet; thence South 00°00'05" West along said right-of-way line of 144th Street a distance of 534.18 feet; thence South 68°11'47" West a distance of 46.38 feet; thence North 39°16'32" West a distance of 105.92 feet; thence North 55°39'19" West a distance of 104.53 feet; thence North 81°41'04" West a distance of 96.88 feet; thence South 88°28'16" West a distance of 228.09 feet; thence North 68°44'05" West a

distance of 177.86 feet; thence North 52°35'33" West a distance of 127.01 feet; thence North 73°16'24" West a distance of 228.71 feet to the Southeasterly corner of said Lot 100, Crescent Oaks; thence North 61°16'46" West along the Southerly line of said Lot 100, Crescent Oaks, a distance of 120.02 feet to the Southwesterly corner of said Lot 100, Crescent Oaks; thence North 28°43'14" East along the Easterly right-of-way line of 146th Street (A.K.A. the Westerly common line of said Lots 100 thru 103 Crescent Oaks), a distance of 189.53 feet to a point of curvature; thence continuing along said Easterly right-of-way line of 146th Street on a curve to the left, having a radius of 598.87 feet, an arc distance of 289.42 feet to a point of tangency; thence continuing along said Easterly right-of-way line of 146th Street North 01°01'50" East a distance of 66.07 feet to the intersection of said Easterly right-of-way line of 146th Street and the Southerly right-of-way line of West Center Road; thence South 88°58'10" East along said Southerly right-of-way line of West Center Road a distance of 1020.54 feet to the intersection of said Southerly right-of-way line of West Center Road and the Westerly right-of-way line of 144th Street and the point of beginning. Containing: 758,897 sq. ft. or 17.422 acres, more or less. Also known as Lots 249 and 250, Crescent Oaks, a Subdivision, in Douglas County, Nebraska.

Except a parcel described as follows:

Beginning at the Northwest corner of Lot 249, Crescent Oaks; thence South 88°05'10" East along the North line of said Lot 249 a distance of 378.25 feet; thence South 01°01'50" West a distance of 200.0 feet; thence North 88°58'10" West on a line 200 feet South of and parallel with the North line of said Lot 249 a distance of 393.42 feet to the West line of said Lot 249; thence Northerly on a 598.87 foot radius curve to the left an arc distance of 135.07 feet to a point of tangency; thence North 01°01'50" East a distance of 66.07 feet to the point of beginning (containing 76,664.23 sq. ft. or 1.76 acres, more or less).

and also excepting a parcel described as follows:

Commencing at the Northwest corner of Lot 249, Crescent Oaks; thence South 88°58'10" East along the North line of said Lot 249, a distance of 378.25 feet; thence South 01°01'50" West a distance of 200.0 feet to the point of beginning; thence continuing South 01°01'50" West a distance of 30.0 feet; thence North 88°58'10" West on a line 230 feet South of and parallel with the North line of said Lot 249 a distance of 401.13 feet to the West line of said Lot 249; thence Northerly on a 598.87 foot radius curve to the left an arc distance of 31.02 feet; thence South 88°58'10" East on a line 200 feet South of and parallel to the North line of said Lot 249, a distance of 393.42 feet to the point of beginning.

The parcel being conveyed herein is hereinafter referred to as "Parcel A."

Such property is hereby conveyed free and clear of all liens and encumbrances, except the following:

- (a) Municipal and zoning ordinances and regulations;
- (b) General real estate and personal property taxes becoming delinquent in 1984 and thereafter;
- (c) Covenants, easements and restrictions as are evidenced in the Warranty Deed dated June 10, 1982, filed at Book 1687 Page 319 which Shopko Stores, Inc. agrees to assume and perform; and
- (d) All covenants, easements and restrictions of record the date hereof.

Harvey Development Partnership covenants with Shopko Stores, Inc. that Harvey Development Partnership:

- (a) Is lawfully seized of such real estate and that it is free from encumbrances subject to covenants and easements now of record and subject to matters hereinafter stated,
- (b) Has legal power and lawful authority to convey the same; and
- (c) Warrants and will defend title to the real estate against the lawful claims of all persons.

By acceptance of this Deed, Shopko Stores, Inc., for itself and its successors and assigns, covenants and agrees as follows:

- (a) The real estate being conveyed herein (Parcel A) shall not be used by any financial institution or organization performing functions of a financial institution nor shall it be used by any organization operating an office or any other type of facility or machine on Parcel A which would in any manner be competitive with Douglas County Bank & Trust Company, or its successors or assigns, for as long as Douglas County Bank & Trust Company, or its successors or assigns, maintains on a 24-hour basis, an automatic teller machine in its facility which adjoins said Parcel A.

(b) The foregoing restrictions shall be deemed as an appurtenance to the adjoining land of Douglas County Bank & Trust Co., its successors or assigns, and shall be a covenant running with the land.

Harvey Development Partnership hereby specifically reserves in favor of and for the benefit of the adjoining land of Douglas County Bank & Trust Company, its successors and assigns, an easement for ingress and egress for vehicular and pedestrian traffic of the Douglas County Bank & Trust Company and its business invitees over and across all roadways and pathways established in Parcel A being conveyed herein which shall specifically include but not being limited to real estate described as follows:

That part of Lots 249 and 250, Crescent Oaks Addition, as surveyed, platted and recorded being in the Northeast Quarter of Section 35, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Beginning at a point on the North line of said Lot 249 that is 408.25 feet East from the Northwest corner of said Lot 249; thence South  $88^{\circ}58'10''$  East for 612.29 feet along the North line of said Lots 249 and 250; Thence South  $00^{\circ}00'05''$  West for 353.57 feet along the East line of said Lot 250; thence North  $89^{\circ}59'56''$  West for 75.0 feet along the South line of said Lot 250; thence South  $00^{\circ}00'05''$  West for 534.18 feet along the East line of said Lot 249; thence South  $68^{\circ}11'47''$  West for 43.08 feet along the southerly line of said Lot 249; thence North  $00^{\circ}00'05''$  East for 865.81 feet along a line that is 40.0 feet West from and parallel to the East line of said Lot 249; thence North  $88^{\circ}58'10''$  West for 497.99 feet along a line that is 40.0 feet South from and parallel to the North line of said Lot 249; thence North  $01^{\circ}01'50''$  East for 40.0 feet along the East line of a 30.0 foot wide ingress and egress easement as per agreement filed in Book 1687, Page 319, in the Office of the Douglas County Register of Deeds, to the point of beginning. Containing 1.89 acres more or less.

All easement areas shall be maintained at the sole cost and expense of Shopko Stores, Inc. and its successors and assigns, free from obstructions. The foregoing easement shall be deemed as an appurtenance to the adjoining land of Douglas County Bank & Trust Company, its successors and assigns, and shall be a covenant running with the land.

IN WITNESS WHEREOF, the parties have executed this instrument the day and year first above written.

HARVEY DEVELOPMENT PARTNERSHIP,  
a Nebraska general partnership

By: *Jack K. Harvey*  
Jack K. Harvey, a General Partner

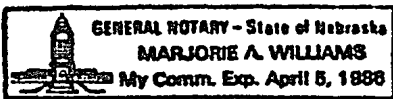
and

HARVEY OAKS SHOPPING CENTER, INC.,  
a General Partner,

By: *Jack K. Harvey*  
Its President

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on this 15th day of May, 1984, by Jack K. Harvey, a general partner, and by Jack K. Harvey, the President of Harvey Oaks Shopping Center, Inc., a Nebraska corporation, on behalf of the corporation, a general partner, both on behalf of Harvey Development Partnership, a Nebraska general partnership, they being the only partners thereof.



*Marjorie A. Williams*  
Notary Public

My Commission expires: April 5, 1986.

*5 Dec*

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C. HARBOUR MASTER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

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