

09081

AMENDMENT TO DECLARATION OF EASEMENTS

Reference is made to a Declaration of Easements dated October 28, 1975 and filed for record on October 30, 1975 in the office of the Register of Deeds for Douglas County, Nebraska at Misc. Book 557, page 175 et seq. (the "Declaration").

The purpose of the Declaration was to establish a non-exclusive easement for the benefit of the owners and lessees of property commonly known as the Old Mill Office Park. Said office park (herein the "Old Mill Office Park") is located in Lots 14 and 15, Old Mill Plaza, as platted, Douglas County, Nebraska and is comprised of ten detached office buildings and related common areas.

The parties to this instrument comprise all of the fee owners and mortgagees having a present interest in the Old Mill Office Park.

By this instrument, the parties hereto intend to modify the easement area as described in the Declaration and to expand the class of beneficiaries of said easement.

Therefore, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties to this instrument do hereby amend the Declaration as follows:

1.

The legal description set forth on the attached Exhibit "A" is hereby substituted ab initio for the legal description of the easement area set forth on page two of the Declaration.

2.

For purposes of describing the class of persons for whom the subject easement was created, the reference on page 2 of the Declaration to "Old Mill Office Park" shall henceforth be not only to Phase I of said office park but also to Phase II of said office park so that the easement created in the Declaration, as amended herein, shall henceforth be for the use and benefit of and by the owners and lessees of real property in Old Mill Office Park (defined as aforesaid to include both Phases I and II) and their employees, guests, invitees, and agents. The legal description of Phase I is of record in the office of the Register of Deeds as aforesaid as Exhibits 1-5 inclusive to the Declaration, and the legal description for Phase II of the Old Mill Office Park is of record as Exhibits 1-5 inclusive to a Declaration of Easements dated July 29, 1977 and filed for record as aforesaid at Misc. Book 584, page 465 et seq.

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3.

Except as expressly set forth herein, the terms and provisions of the Declaration are hereby reconfirmed.

4.

This instrument may be executed in any number of counterparts; and all of such counterparts shall for all purposes constitute one agreement binding on the parties hereto, notwithstanding that all parties are not signatory to the same counterpart.

IN WITNESS WHEREOF, the parties hereto have entered into this Amendment to Declaration as of the 9th day of August, 1978.

CHICAGO-OLD MILL PARTNERSHIP

By: [Signature]

Ronald L. Rauscher  
Ronald A. Rauscher

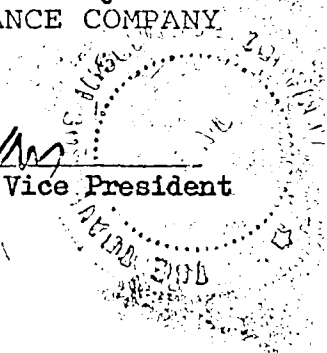
Shirley A. Rauscher  
Shirley A. Rauscher

Dean R. Bailey  
Dean R. Bailey

Laverne L. Bailey  
Laverne L. Bailey

THE TRAVELERS INSURANCE COMPANY

By: [Signature]  
(J. Thomas Montgomery) Vice President

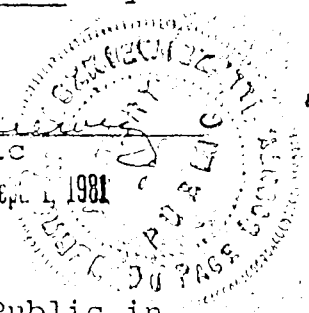


STATE OF Illinois )  
COUNTY OF DuPage )

I, Debra Daszkiewicz, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Cary L. Neuman of CHICAGO-OLD MILL PARTNERSHIP, 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, sealed and delivered the same instrument as his free and voluntary act and as the free and voluntary act of said Partnership, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7<sup>th</sup> day of August, 1978.

Debra Daszkiewicz  
Notary Public  
My Commission Expires Sept. 1, 1981



STATE OF Nebraska )  
COUNTY OF Sanborn )

I, Connie K. Battelton, a Notary Public in and for said County, in the State aforesaid, do hereby certify that RONALD A. RAUSCHER 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, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7 day of August, 1978.

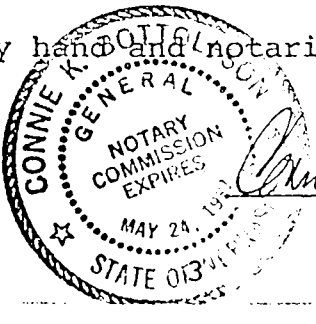


Connie K. Battelton  
Notary Public

STATE OF Nebraska )  
COUNTY OF Sanborn )

I, Connie K. Battelton, a Notary Public in and for said County, in the State aforesaid, do hereby certify that SHIRLEY A. RAUSCHER 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, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7 day of August, 1978.



Connie K. Battelton  
Notary Public

STATE OF Nebraska )  
COUNTY OF Douglas )

I, Leah E. Chedester, a Notary Public in and for said County, in the State aforesaid, do hereby certify that DEAN R. BAILEY 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, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

LEAH E. CHEDESTER  
GENERAL NOTARIAL  
SEAL  
STATE OF NEBRASKA  
Commission Expires  
Sept. 27, 1980

Given under my hand and notarial seal this 7 day of August 1978.

Leah E. Chedester  
Notary Public

STATE OF Nebraska )  
COUNTY OF Douglas )

I, Leah E. Chedester, a Notary Public in and for said County, in the State aforesaid, do hereby certify that LAVERNE L. BAILEY 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, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

LEAH E. CHEDESTER  
GENERAL NOTARIAL  
SEAL  
STATE OF NEBRASKA  
Commission Expires  
Sept. 27, 1980

Given under my hand and notarial seal this 7 day of August 1978.

Leah E. Chedester  
Notary Public

STATE OF CONNECTICUT )  
COUNTY OF HARTFORD )

On this 10th day of August, 1978, before me, a Notary Public duly commissioned and qualified in and for said County, personally came the above-named J. Thomas Montgomery, of THE TRAVELERS INSURANCE COMPANY, who is personally known to me to be the identical person whose name is affixed to the above instrument, as Vice President of said corporation, and he acknowledged the instrument to be his voluntary act and deed, and the voluntary act and deed of said corporation.

Witness my hand and notarial seal, at Hartford, in said County, the date aforesaid.

Patricia A. Guzzo  
Notary Public  
(Patricia A. Guzzo)

EXHIBIT A

That part of Lots 14 and 15, Old Mill Plaza, a subdivision in Douglas County, Nebraska, described as follows: Beginning at a point which is 67.00 feet S89°00'E from the Southwest corner of said Lot 15, said Old Mill Plaza; thence N0°30'00"E, 649.95 feet to the Southerly R.O.W. line of Interstate Highway 680; thence S81°32'37"E along said R.O.W. line 165.82 feet to a point on a curve; thence Southeasterly along said R.O.W. line on a curve to the right, initial tangent of which forms an angle of 3°19'00" to the right with the last described course (having a radius of 1015.92 feet, long chord bearing S65°49'10"E, and long chord length of 436.58 feet) for an arc distance of 440.01 feet; thence S32°27'30"W along a line being 370.0 feet Northwesterly and parallel with the Easterly line of said Lot 14, a distance of 592.79 feet to the Northerly curved R.O.W line of Old Mill Road; thence along said R.O.W. line on a curve to the left (having a radius of 596.17 feet, long chord bearing of N77°30'43"W, and long chord length of 247.68 feet) for an arc distance of 249.49 feet; thence N89°30'00"W along said R.O.W. line, a distance of 8.0 feet to the point of beginning, EXCEPT that part of Lots 14 and 15, said Old Mill Plaza, more particularly described as follows: Commencing at the Southeast corner of said Lot 14; thence N32°27'30"E along the Easterly line of said Lot 14, a distance of 57.5 feet; thence N57°32'30"W perpendicular to the Easterly line of said Lot 14, a distance of 487.5 feet to the true point of beginning; thence continuing N57°32'30"W, 130.0 feet; thence N32°27'30"E, 130.0 feet; thence N57°32'30"W, 80.0 feet; thence N32°27'30"E, 132.5 feet; thence N57°32'30"W, 92.5 feet; thence N32°27'30"E, 132.5 feet; thence S57°32'30"E, 127.5 feet; thence N32°27'30"E, 22.5 feet; thence S57°32'30"E, 127.5 feet; thence N32°27'30"E, 10.0 feet; thence S57°32'30"E, 130.0 feet; thence S32°27'30"W, 130.0 feet; thence N57°32'30"W, 130.0 feet; thence S32°27'30"W, 10.0 feet; thence N57°32'30"W, 127.5 feet; thence S32°27'30"W, 25.0 feet; thence S57°32'30"E, 95.0 feet; thence S32°27'30"W, 132.5 feet; thence S57°32'30"E, 80.0 feet; thence S32°27'30"W, 130.0 feet to the true point of beginning. (Containing 184,159 square feet; 4.23 acres and commonly known as Phase I, Common Area, Old Mill Office Park.)

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1978 AUG 11 PM 12: 34  
C. HAROLD OSTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

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