



MISC 2005122255



SEP 29 2005 14:19 P 6

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
9/29/2005 14:19:37.19



2005122255

Upon Recording, Return To:

Joel VanderVeen, Esq.  
Kutak Rock LLP  
1650 Farnam Street  
Omaha, NE 68102

**Re: Indexing Instruction to the County Clerk of Douglas County, Nebraska.**

This instrument affects interests in real property described in Exhibit A attached hereto, and incorporated by reference herein.

**AFFIDAVIT OF SCRIVENER'S ERROR**

I, Robert C. Seiler, II, being the scrivener of the legal description for the below referenced Amendment No. 3 to Lease Agreement and Memorandum of Lease, first being duly sworn upon my oath, state as follows:

- Amendment No. 3 to Lease Agreement and Memorandum of Lease.** That certain Amendment No. 3 to Lease Agreement and Memorandum of Lease dated as of October 20, 2003 ("Amendment No. 3"), by and between Nebraska Health System d/b/a The Nebraska Medical Center, the Board of Regents of the University of Nebraska, and Clarkson Regional Health Services, Inc., executed by Nebraska Health System, d/b/a The Nebraska Medical Center, the Board of Regents of the University of Nebraska, and Clarkson Regional Health Services, Inc., which was recorded on December 9, 2003 as document no. 2003235478 in the Official Public Records of Douglas County, Nebraska; inadvertently included an error in the legal description (the "Legal Description") set forth on Schedule B attached to Amendment No. 3.

The Legal Description attached to Amendment No. 3 describes the property upon which all of The Nebraska Medical Center's leasehold interests (the "Leased Premises") pursuant to that certain Lease Agreement dated as of October 1, 1997, between The Nebraska Medical Center, and The Board of Regents of the University of Nebraska and Clarkson Regional Health Services, Inc., as amended (the "Lease Agreement"), are located. The Legal Description of the Leased Premises mistakenly included a description of property that is not subject to the Lease Agreement, which was included based upon

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*MISC*  
FEE 144.50 FB *see attached*  
229BKP C/O COMP *B*  
DEL SCAN FV

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the legal description provided by First Nebraska Title & Escrow Company (the "Title Company").

2. **Legal Description.** Paragraph 3 of the Legal Description as recorded reads, "Lots 1 and 2, Block 6; Lots 1 through 5 inclusive, and Lots 9 through 15 inclusive, the East 18 feet of Lot 19, and all of Lots 20 through 30 inclusive, Block 5; Lots 1 through 28 inclusive and Lot 30, Block 10; Lots 4 through 14 (except the West 26.5 feet of Lot 14), inclusive, and the East 21.5 feet of Lot 17, Lots 18 through 30 inclusive, all in Block 11; *Lot 38, Block 9*; Lots 10 through 15 inclusive and 27 through 31 inclusive, Block 12, all in Briggs Place, an Addition to the City of Omaha, Douglas County, Nebraska,"


The description of Lot 38, Block 9 in Paragraph 3 is in error. Paragraph 3 of the Legal Description should be corrected to read as follows:

"Lots 1 and 2, Block 6; Lots 1 through 5 inclusive, and Lots 9 through 15 inclusive, the East 18 feet of Lot 19, and all of Lots 20 through 30 inclusive, Block 5; Lots 1 through 28 inclusive and Lot 30, Block 10; Lots 4 through 14 (except the West 26.5 feet of Lot 14), inclusive, and the East 21.5 feet of Lot 17, Lots 18 through 30 inclusive, all in Block 11; *the South 66 feet of Lot 38, Block 9 (except that portion conveyed to the City of Omaha in Deed filed in Book 1666 at Page 262)*; Lots 10 through 15 inclusive and 27 through 31 inclusive, Block 12, all in Briggs Place, an Addition to the City of Omaha, Douglas County, Nebraska,"

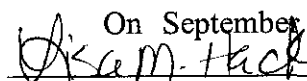
3. **Purpose of Affidavit.** The purpose of this Affidavit is to correct the above set forth error in the Legal Description of the Leased Premises so that the above set forth language is deleted in its entirety from Schedule B to Amendment No. 3. A complete, corrected copy of the Description of Facilities as recorded with Amendment No. 3, is attached hereto as Exhibit A.

*Signature Pages Follow*

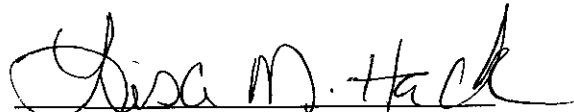
IN WITNESS WHEREOF, I affirm under the penalties for perjury that the forgoing statements are true to the best of my knowledge as of September 22, 2005.

  
Robert C. Seiler, II

STATE OF NEBRASKA           )  
                                          ) ss:  
COUNTY OF DOUGLAS        )

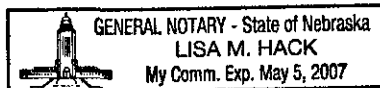
On September 22, 2005, the foregoing instrument was acknowledged before me,  
 a Notary Public, by Robert C. Seiler, II.

WITNESS my hand and official seal.

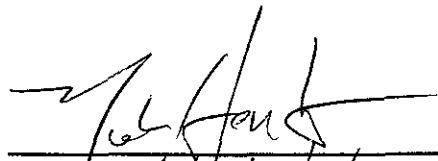
  
Notary Public

Commission Expires: May 5, 2007

Seal:



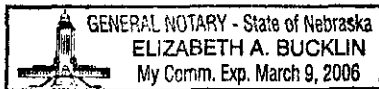
IN WITNESS WHEREOF, I affirm under the penalties for perjury that the forgoing statements are true to the best of my knowledge as of September 27, 2005.

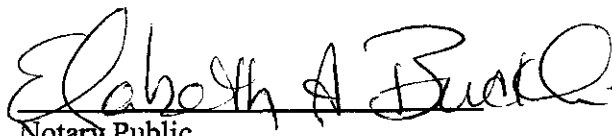
  
Name: Nick A. Henderson  
Title: Vice President

STATE OF NEBRASKA                    )  
                                                  ) ss:  
COUNTY OF DOUGLAS                )

On September 27, 2005, the foregoing instrument was acknowledged before me, Elizabeth A. Bucklin a Notary Public, by Nick A. Henderson, the Vice President of Nebraska Title & Escrow Co., on behalf of the company.

WITNESS my hand and official seal.



  
Notary Public

Commission Expires: 3-9-06

Seal:

## EXHIBIT A

### LEGAL DESCRIPTION

PARCEL I (Board of Regents Parcel):

Lots 1 through 16 inclusive, in Block 1, Lots 1 through 16 inclusive, in Block 2, Lots 1 through 16 inclusive, in Block 3, and Lots 1 through 16 inclusive in Block 4, all in McCormicks Second Addition to the City of Omaha, Douglas County, Nebraska, 15-24680

AND

Lots 1 through 4 inclusive, and Lots 13 through 16 inclusive, in Block 2, and the West ½ of Block 2, and Lots 1 through 16 inclusive, Block 3, all in Ralph Place, an Addition to the City of Omaha, Douglas County, Nebraska, 15-31960

AND

Those portions of the vacated streets and alleys adjoining the above described premises which were vacated in the following Ordinances: Book 58 at Page 3, Book 75 at Page 1, Book 86 at Page 2, Book 295 at Page 89, Book 893 at Page 711, Book 918 at Page 478, and Book 1452 at Page 167, and together with that portion of Jackson Street and the alleys conveyed to the titleholder by Quitclaim Deed filed in Book 356 at Page 322.

EXCEPTING THEREFROM those portions conveyed to the City of Omaha, in Deed filed in Book 930 at Page 688, in Deed filed in Book 936 at Page 206, and in Book 944 at Page 41; and that portion conveyed in the Exchange of Various Properties filed February 14, 1913, in Book 30 at Page 566.

PARCEL II (CRHS Parcel):

Lots 1 through 26, inclusive, Block 1, Ralph Place, an Addition to the City of Omaha, Douglas County, Nebraska, 15-31960

Lots 31 through 33, Block 5, Kilby Place, an Addition to the City of Omaha, Douglas County, Nebraska, 15-20340

Lots 1 and 2, Block 6; Lots 1 through 5 inclusive, and Lots 9 through 15 inclusive, the East 18 feet of Lot 19, and all of Lots 20 through 30 inclusive, Block 5; Lots 1 through 28 inclusive and Lot 30, Block 10; Lots 4 through 14 (except the West 26.5 feet of Lot 14), inclusive, and the East 21.5 feet of Lot 17, Lots 18 through 30 inclusive, all in Block 11; the South 66 feet of Lot 38, Block 9 (except that portion conveyed to the City of Omaha in Deed filed in Book 1666 at Page 262); Lots 10 through 15 inclusive and 27 through 31 inclusive, Block 12, all in Briggs Place, an Addition to the City of Omaha, Douglas County, Nebraska, 15-04560

Lots 9 through 12 inclusive, Block 15, Highland Place, an Addition to the City of Omaha,  
Douglas County, Nebraska,

(4)

15-16340

Lots 17 through 32, inclusive, Block 16, Highland Place, an Addition to the City of Omaha,  
Douglas County, Nebraska,

(16)

15-16340

Together with those portions of the vacated Streets and alleys adjoining the above described premises, which were vacated in the following Ordinances: Book 32 at Page 73, Book 79 at Page 20, Book 161 at Page 478, Book 263 at Page 17, Book 354 at Page 498, Book 354 at Page 499, Book 445 at Page 279, Book 445 at Page 287, Book 447 at Page 409, Book 487 at Page 727, Book 515 at Page 561, Book 615 at Page 24, Book 615 at Page 26, Book 629 at Page 306, Book 640 at Page 715, Book 685 at Page 173, Book 1109 at Page 586, Book 1132 at Page 727, and Book 1452 at Page 167,

AND EXCEPTING THEREFROM those portions granted by Plat and Dedications filed in Book 622 at Page 48, Book 635 at Page 417, Book 635 at Page 419, and Book 699 at Page 631,

ALSO EXCEPTING THEREFROM those portions taken or used for road purposes and those portions conveyed to the City of Omaha by Warranty Deed filed in Book 1206 at Page 757, and in Warranty Deed filed April 27, 1995, in Book 2002 at Page 659.