

EASEMENT AND AGREEMENT

THIS EASEMENT AND AGREEMENT, made and entered into this 7 day of June, 1966, by and between UPDIKE LUMBER AND FUEL CO., a Nebraska corporation, hereinafter called "Grantor" and ANTHONY J. FUCINARO and ANTHONY M. CIRCO, hereinafter called "Grantee".

W I T N E S S E T H :

WHEREAS, Grantor is the owner of the following described real estate:

All that real estate described on Exhibit "A" attached hereto, hereinafter referred to as Tract I.

WHEREAS, Grantor has this date conveyed to Grantee the following described real estate:

All that real estate described on Exhibit "B" attached hereto, hereinafter referred to as Tract II.

WHEREAS, Grantor desires to grant to Grantee an easement over and across a part of Tract I particularly described as follows:

All that real estate described on Exhibit "C" attached hereto, hereinafter referred to as Tract III.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Grantor does hereby grant and convey unto Grantee a permanent and perpetual easement over and across Tract III above described.

2. The purpose of the easement herein described shall be for ingress and egress only from and to 72nd Street and "F" Street onto Tract II only and for no other purposes whatsoever. It is understood that rights of ingress from and onto 72nd Street have been condemned and taken by the State of Nebraska in eminent domain proceedings shown at docket 569, page 303 of the records of the Clerk of the District Court of Douglas County, Nebraska, and the use of the easement granted herein for ingress and egress from and to 72nd Street shall be subject to the rights of the State of Nebraska and with the permission and consent of the State of Nebraska.

3. Grantee shall not park any vehicles on the above described Tract III and shall in no way block or obstruct Tract III. Grantee agrees that the use of the easement herein across Tract III pursuant to this Easement and Agreement shall at no time and no way interfere with the lawful use of Tract I by Grantor.

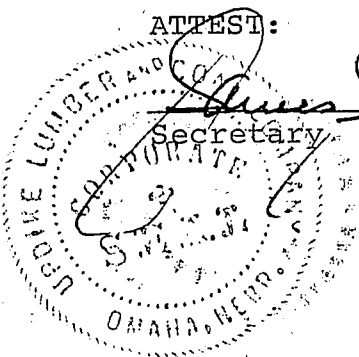
4. The rights and obligation of the parties pursuant to this Agreement shall run with the land and shall be binding upon and for the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

5. This Easement and Agreement may be modified and/or cancelled by agreement of the then owners of the above described Tract I and Tract II.

IN WITNESS WHEREOF, the parties hereto have executed this Easement and Agreement this 7 day of June, 1966.

UPDIKE LUMBER AND FUEL CO., a Nebraska corporation

ATTEST:



[Signature]  
Secretary

By [Signature]  
W. H. Guild, Jr., President

[Signature]  
Anthony J. Fucinaro

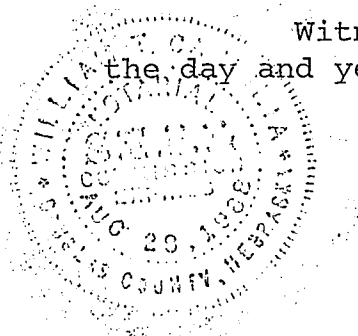
[Signature]  
Anthony M. Circo

STATE OF NEBRASKA]
] SS.
COUNTY OF DOUGLAS]

On this 7th day of June, 1966, before me, the under-
signed, a Notary Public in and for said County, personally came W. H.
Guild, Jr., President of Updike Lumber and Fuel Co., a Nebraska cor-
poration, to me personally known to be the President and the identical
person whose name is affixed to the above Easement and Agreement, and
acknowledged the execution thereof to be his voluntary act and deed
and the voluntary act and deed of said corporation, and that the cor-
porate seal of the said corporation was thereto affixed by its authority.

Witness my hand and notarial seal at Omaha, in said county
the day and year last above written.

William E. Campbell
Notary Public

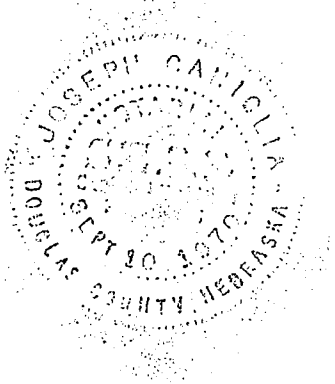


STATE OF NEBRASKA]
] SS.
COUNTY OF DOUGLAS]

On this 8th day of June, 1966, before me, the under-
signed, a Notary Public, duly commissioned, qualified for and residing
in said county, personally came Anthony J. Fucinaro and Anthony M.
Circo, to me known to be the identical persons whose names are affixed
to the foregoing instrument and acknowledged the same to be their
voluntary act and deed.

Witness my hand and notarial seal the day and year last
above written.

Joseph Campbell
Notary Public



LEGAL DESCRIPTION

Beginning at a point 100.0' West and 33.0' North of the SE corner Sec. 35-T15N-R12E, of the 6th P.M. Douglas County, Nebraska; thence N 0°21'40" W along the West R.O.W. of 72nd St., (Misc. Bk. 347, P. 577) a distance of 150.0'; thence N 90°00'00" W along a line parallel with the North R.O.W. of "F" Street a distance of 170.0'; thence S 0°21'40" E on a line parallel with the West R.O.W. line of 72nd Street a distance of 150.0'; thence N90°00'00" E along the North R.O.W. line of "F" Street a distance of 170.0' to the point of beginning, containing 0.585 acres.

EXHIBIT "A"

LEGAL DESCRIPTION

Beginning at a point 270.0' West and 33.0' North of the SE corner of Sec. 35-T15N-R12E of the 6th P.M., Douglas County, Nebraska; thence N 0°21'40" W on a line parallel to the West R.O.W. of 72nd Street a distance of 150.0'; thence N 90°00'00" E along a line parallel to the "F" Street a distance of 170.0'; thence N 0°21'40" W along the West R.O.W. line of 72nd Street, (Misc. Bk. 347, P.577) a distance of 250.0'; thence N 90°00'00" W along a line parallel with "F" Street a distance of 325.0'; thence S 0°21'40" E along a line parallel with West R.O.W. of 72nd Street, a distance of 400.0'; thence N 90°00'00" E along the North R.O.W. line of "F" Street a distance of 155.0' to the point of beginning, containing 2.399 acres, more or less.

EXHIBIT "B"

The west 20' of the east 120.0' of the north 150.0' of the south 183.0' of Section 35, T15N, R12E of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Beginning at a point 100.0' West and 33.0' north of the SE Corner of said Section 35,  
 Thence N90°00'00"W along the north R.O.W. line of "7th" street a distance of 20.0',  
 Thence N0°21'40"E, on a line parallel to the west R.O.W. line of 72nd Street a distance of 150.0',  
 Thence N90°00'00"E along a line parallel with the north R.O.W. line of "7th" Street a distance of 20.0',  
 Thence S0°21'40"E along the west R.O.W. line of 72nd Street a distance of 170.0' to Point of Beginning.

Exhibit "C"

16  
 Received  
 JUN 20 PM 3 11  
 THOMAS J. O'CONNOR  
 REGISTER OF DEEDS  
 DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA

Book 438  
 Page 489  
 Deeds of  
 recorded in  
 this office  
 on this day  
 of this month  
 1955

35-15-12  
 950  
 35-15-12  
 35-15-12  
 35-15-12

35-15-12