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FEES \$ 46.00
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SUBMITTED_TITLECORE NATIONAL, LLC

FILED SARPY CO. NE.
INSTRUMENT NUMBER

2017-18812

2017 Aug 04 04:01:21 PM

Sheryl J. Dowling

REGISTER OF DEEDS



BNSF RAILWAY COMPANY

Corporate Real Estate Development
2500 Lou Menk Drive, AOB 3
Fort Worth, Texas 76131-2830

RE: RELEASE OF EASEMENT INTEREST

Mr. Daub:

and his assignee, REDZ, LLC,

Russell S. Daub^A (hereinafter Grantee) has made an offer to acquire the BNSF Railway Company's (hereinafter Grantor) easement interest, if any, in a right of way that runs, in part adjacent/over to my (our) ownership. By instrument dated May 2, 1972 and recorded on May 11, 1972 in Book 45, Page 229 in the Sarpy County Recorder's Office, the Campbell Soup Company conveyed to The Burlington Northern Inc., now the BNSF Railway Company an easement for railway tracks.

Grantee hereby acknowledges by virtue of the attached copy of my ownership deed, that it is the owner of the underlying/adjacent property of Grantor's easement right-of-way located near Lavista, Sarpy County, State of Nebraska, as shown on Exhibit "A", attached hereto and by this reference made a part hereof.

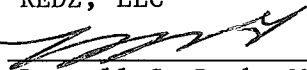
Grantee hereby requests that **Grantor** issue a quitclaim and release deed for the purpose of releasing its interest in the subject easement right-of-way for and in consideration of Twenty Three Thousand Three Hundred Ninety Six and No/100 Dollars (\$23,396.00). Check should be made payable to The Bank of New York Mellon Trust Company, NA. Grantee will be responsible for any outstanding taxes and costs for survey, abstract, title insurance, excise taxes, documentary stamps etc.

Grantee acknowledges and affirms that **Grantor** may not hold fee simple title to the Property, that **Grantor's** interest in all or part of the Property, if any, may rise only to the level of an easement for railroad purposes. Grantee is willing to accept **Grantor's** interest in the Property, if any, on this basis and expressly releases **Grantor**, its successors and assigns from any claims that Grantee or its successors may have as a result of an abandonment of the line of rail running over or adjacent to any portion of the Property. In light of **Grantor's** disclosure that it may not hold a fee interest in all or part of the Property, Grantee agrees to indemnify, defend and hold **Grantor** harmless from any suit or claim for damages, punitive or otherwise, expenses, attorneys' fees, or civil penalties that may be imposed on **Grantor** as the result of any person or entity claiming an interest in any portion of the Property or claiming that **Grantor** did not have the right to transfer all or part of the Property to Grantee.

Grantor may assign its rights (but not its obligations) under this Release of Easement Interest to Goldfinch Exchange Company LLC, an exchange intermediary, in order for Grantor to effect an exchange under Section 1031 of the Internal Revenue Code. In such event, Grantor shall provide Grantee with a Notice of Assignment, attached as Exhibit B, and Grantee shall execute an acknowledgement of receipt of such notice.

Grantee acknowledges that a material consideration for this agreement, without which it would not be made, is the agreement between Grantee and Grantor, that the Grantee shall pay upon return of this Agreement signed by Grantee to Grantor's Broker a processing fee in the amount of \$2,000.00 over and above the agreed upon Purchase Price. Said fee shall be made payable to BNSF Railway Company by a separate check..

Sincerely,
REDZ, LLC

By: 
Russell S. Daub, Managing Member

GRANTEE:

REDZ, LLC, a Nebraska Limited Liability Company
Grantee's name as it is to appear on deed
(PRINTED/TYPED)

Grantee's Address:

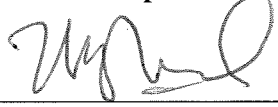
2800 S. 110th Court
Suite 1
Omaha, Nebraska 68144

Attn: Russell S. Daub
Fax: 402-393-7341
Phone: 402-390-0890

Grantee's SSN or EIN: 82-1245858

GRANTOR:

**BNSF RAILWAY COMPANY,
A Delaware corporation**

By: 
Mark D. Ude
Assistant Vice President
Corporate Real Estate Development

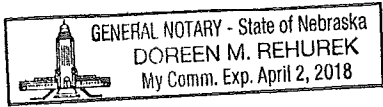
Dated: July 20, 2017

BNSF Address:
c/o Jones Lang LaSalle

Attn: Jason Hughes
4200 Buckingham Rd, Suite 110
Fort Worth, Texas 76155
Fax: 312-938-2816
Phone: 817-230-2643

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Subscribed, sworn to, and acknowledged before me by RUSSELL S. DAUB, Managing Member of REDZ, LLC this 28th day of April, 2017.



Doreen M. Rehurek
Notary Public

STATE OF TEXAS)
) ss.
COUNTY OF TARRANT)

Subscribed, sworn to, and acknowledged before me by ~~XXXXX Gexxxxxx~~, ~~General Director~~, ~~XXXXX Bxxxxx~~ of BNSF RAILWAY COMPANY this 20 day of July, 2017. Mark D.Ude AVP Corporate Real Estate

Cathy T. Benton
Notary Public

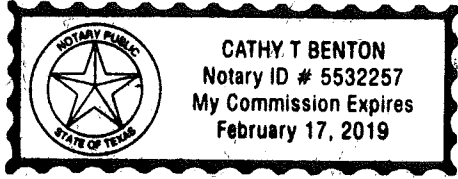


EXHIBIT "A"

As depicted in the attached Exhibit "A" cross-hatched area as set forth in the easement dated May 2, 1972, and recorded on May 11, 1972, in Book 45, Page 229 in the Sarpy County Recorder's Office.

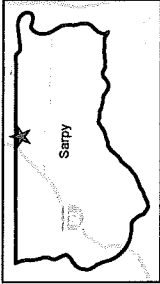
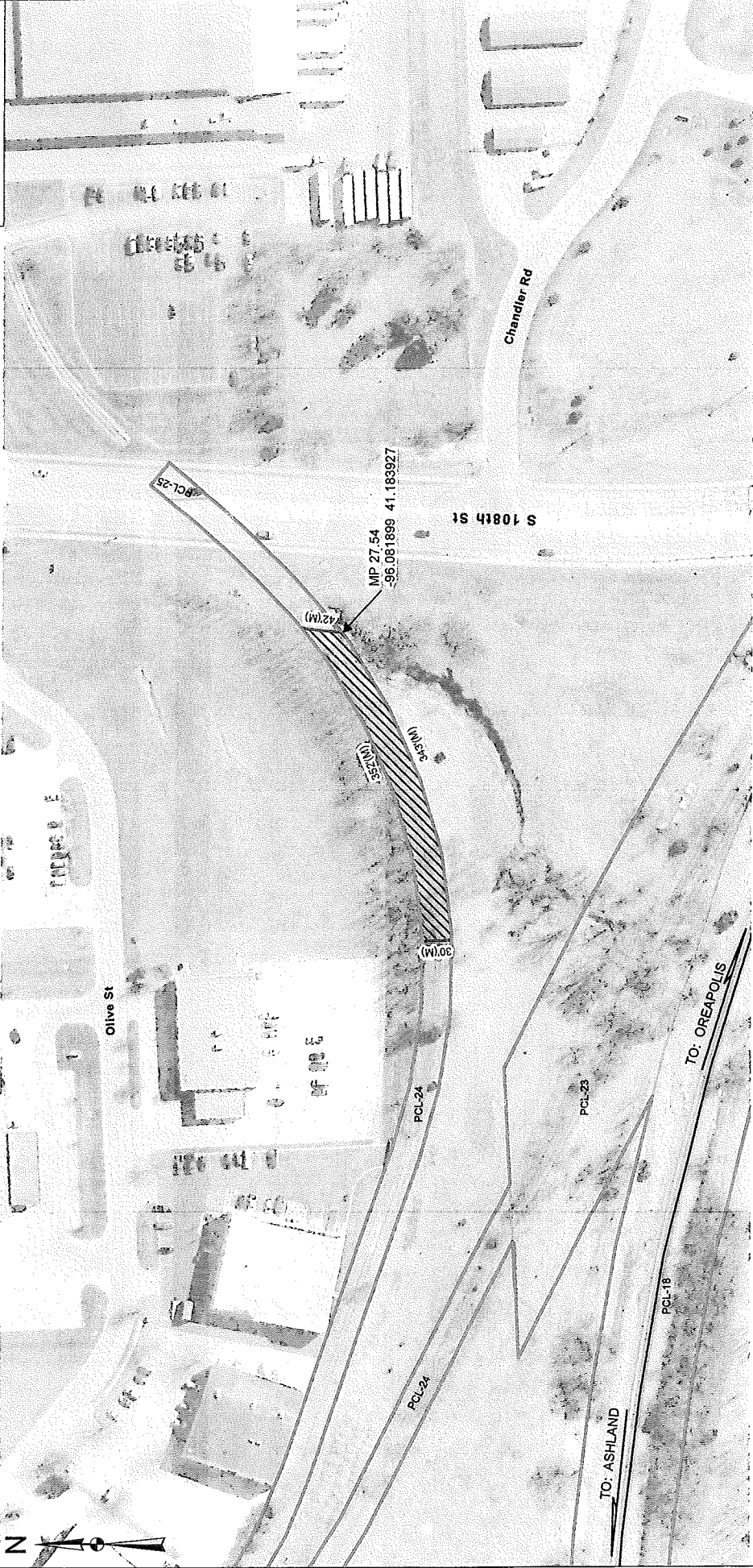
Property is located in part of Lot 28A1, in Brook Valley Business Park, an Addition to the City of La Vista, as surveyed, platted and recorded in Sarpy County, Nebraska.

COORDINATE SYSTEM: NE

EXHIBIT "A"

SCALE: 1 IN = 100 FT

JLL T1
BWP Proj. No.: 12196.003
MAP REFERENCE:
STA. = N/A
RW = 156212



LEGEND:
 [Hatched Box] EASEMENT RELEASE AREA
 [Dashed Line] RIGHT OF WAY LINE
 [Solid Line] PARCEL LINES
 [Double Line] TRACK

TO: RUSSELL DAUB
 AT: LAVISTA
 SARPY COUNTY,
 NE

MEASUREMENTS BASED ON PROVIDED SURVEYS
 (S) MEASUREMENTS TAKEN OFF SURVEY
 (M) MEASUREMENT

HEARTLAND DIVISION
 OMAHA SUBDIVISION - L.S. 0137-3
 VAL. SEC. 70003
 CB&Q RR NE-01C, MAP 02
 SEC. 17, T14N, R12E 6PM
 DATE: 4/5/2017
 MP 27.54

DRAWN BY: JNC DRAWING NO. 69451

This map used by BNSF RAILWAY COMPANY in the ordinary course of business, but is subject to audit and should be used only with the expressed understanding the BNSF make no representations whatsoever about the quality, accuracy, errors or omissions relating to this map.

EXHIBIT "B"

NOTICE OF ASSIGNMENT

See attached Exhibit B.

Goldfinch Exchange Company LLC

A Delaware limited liability company

40 Lake Bellevue Drive, Suite 275

Bellevue, WA 98005

425-646-4020

425-637-2873 fax

NOTICE OF ASSIGNMENT

TO: Russell S. Daub and his Assignee, Redz LLC
and any assignees or exchange intermediaries of Buyer

You and BNSF Railway Company ("BNSF") have entered into the Release of Easement Interest, dated July 20, 2017 for the release of the real property described therein. You are hereby notified that BNSF has assigned its rights as Grantor, but not its obligations, to Goldfinch Exchange Company LLC for the purpose of effecting a tax deferred exchange under Internal Revenue Code Section 1031. This is an assignment of rights only and BNSF will deed the property directly to you.

ACKNOWLEDGED:

REDZ, LLC

By: 

Print Name: Russell S. Daub

Title: Managing Member