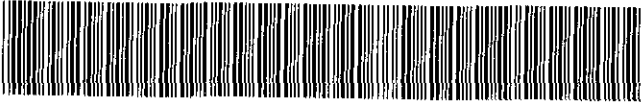




MISC 2006052216



MAY 10 2006 16:06 P 2

WHEN RECORDED RETURN TO:	Julie Dermody Cox Communications Omaha, Inc. 11505 W. Dodge Rd. Omaha NE 68154
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Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
5/10/2006 16:06:54.35



2006052216

MEMORANDUM OF AGREEMENT  
(NEBRASKA)

PLEASE TAKE NOTICE that Wiener Edgewater, LLC ("Owner") and CoxCom, Inc. d/b/a Cox Communications Omaha, a Nebraska corporation ("Cox Communications") have entered into a Telecommunications Agreement ("Agreement") dated August 1, 2005, which, in accordance with its terms, entitles Cox Communications to provide cable television services throughout the property described on Exhibit A attached hereto and incorporated herein by this reference. Among other things, the Agreement provides Cox Communications with rights of ingress and egress to the property necessary or useful to provide such service and maintain its facilities on the property used in providing such services. The Agreement binds any successors and assigns of the Owner in accordance with its terms. A copy of relevant provisions of the Agreement will be provided to any properly interested person upon written request.

Cox Communications requests that it receive notice of any pending trustee or foreclosure sale or receivership, bankruptcy or other proceeding affecting the property, sent to the address above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date and year first above written.

Cox Communications Omaha  
A Nebraska corporation

By: [Signature]  
Its: VP Regional Manager  
Print Name: Perry Kirk



STATE OF NEBRASKA  
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me this 3rd day of Oct, 2005 by Perry Kirk as VP/OM of Cox Communications Omaha, Inc. a Nebraska corporation, on behalf of said corporation.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 4-1-08

Wiener Edgewater, LLC

By: [Signature]  
Its: VP/OM member  
Print Name: Wanda Perez

STATE OF NE  
COUNTY OF Douglas

The foregoing instrument was acknowledged before me this 9th day of Sept 2005 by Wanda Perez as Managing Member of Wiener Edgewater, LLC, on behalf of said company.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 3/12/06



MISC 10.3 FB 59-05650  
 2 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP OK  
 1 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

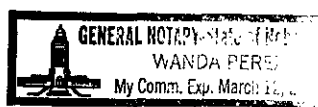


Exhibit  
SCHEDULE "A" LEGAL DESCRIPTION

All of Lot 85, Candlewood, an Addition in part of the North  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ , part of the NE  $\frac{1}{4}$ , and part of the North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , all in Section 18, Township 15 North, Range 12 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the point of intersection of the Southwesterly right-of-way line of 124<sup>th</sup> Street and the Southeasterly right-of-way line of Rose Lane; thence Southerly, along said Southwesterly right-of-way line of 124<sup>th</sup> Street on the following-described courses; thence S48 degrees 21 minutes 24 seconds East (assumed bearing), a distance of 121.90 feet; thence Southerly on a curve to the right, with a radius of 792.29 feet, a distance of 410.27 feet; thence Southerly on a curve to the right, with a radius of 487.38 feet, a distance of 162.94 feet; thence S 00 degrees 28 minutes 06 seconds West, a distance of 22.84 feet to a point on the South line of said North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 18; thence N89 degrees 39 minutes 00 seconds West, along said South line of the North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 18, a distance of 685.00 feet to a point on said Southeasterly right-of-way line of Rose Lane; thence Northeasterly along said Southeasterly right-of-way line of Rose Lane, on a curve to the right with a radius of 563.24 feet, a distance of 405.93 feet, said curve having a long chord which bears N 20 degrees 59 minutes 48 seconds East, a distance of 397.20 feet; thence N 41 degrees 38 minutes 36 seconds East, along said Southeasterly right-of-way line of Rose Lane, a distance of 304.03 feet to the point of beginning.

THE ABOVE DESCRIBED PROPERTY IS ALSO DESCRIBED AS FOLLOWS:

All of Lot 85, Candlewood, a Subdivision located in the North  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ , and also part of the NE  $\frac{1}{4}$ , and also part of the North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , all located in Section 18, Township 15 North, Range 12 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the point of intersection of the Southwesterly right-of-way line of 124<sup>th</sup> Street and the Southeasterly right-of-way line of Rose Lane; thence Southerly along said Southwesterly right-of-way line of 124<sup>th</sup> Street on the following described courses; thence S 48 degrees 21 minutes 24 seconds E (assumed bearing), a distance of 121.90 feet; thence Southerly on a curve to the right, with a radius of 792.29 feet, a distance of 410.27 feet, said curve having a long chord which bears S 33 degrees 31 minutes 19 seconds E, a distance of 405.70 feet; thence Southerly on a curve to the right, with a radius of 487.38 feet, a distance of 162.94 feet, said curve having a long chord which bears S 09 degrees 06 minutes 35 seconds E, a distance of 162.18 feet; thence S 00 degrees 28 minutes 06 seconds W, a distance of 22.84 feet to a point on the South Line of said North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 18, said point also being the Southeast corner of said lot 85, Candlewood; thence N 89 degrees 39 minutes 00 seconds W along said South line of the North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 18, said line also being the South line of said Lot 85, Candlewood, a distance of 685.00 feet to a point on said Southeasterly right-of-way line of Rose Lane, said point also being the Southwest corner of said Lot 85, Candlewood; thence Northeasterly along the Westerly line of said Lot 85, Candlewood, said line also being said Southeasterly line of Rose Lane on the following described courses; thence Northeasterly on a curve to the right with a radius of 563.24 feet, a distance of 405.93 feet, said curve have a long chord which bears N 20 degrees 59 minutes 48 seconds E, a distance of 397.20 feet; thence N 41 degrees 38 minutes 36 seconds E, a distance of 304.03 feet to the Point of Beginning.