



BK 0852 PG 588



MISC 1988 09984

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CROSS EASEMENT AGREEMENT

This agreement, made and entered into between Howard D. Vann and Judith M. Vann as the owners of Phase I of Fox Ridge as hereinafter more particularly described and Howard D. Vann and Judith M. Vann as the owners of Phase II of Fox Ridge as hereinafter more particularly described for the benefit of all residents of both said Phase I and Phase II and for the benefit of all current and future lien holders with respect to each of said phases of building and approved by lienholder Norwest Nebraska, National Association.

W I T N E S S E T H:

WHEREAS, Howard D. Vann and Judith M. Vann, husband and wife, are the owners of the East One-Half of Lot 2, Heide Heights, a subdivision in Douglas County, Nebraska; and,

WHEREAS, Howard D. Vann and Judith M. Vann, husband and wife, are the owners of the West One-Half of Lot 2, Heide Heights, a subdivision in Douglas County, Nebraska.

WHEREAS, utilities, driveways, recreational facilities and other amenities to the Fox Ridge Apartment Complex are intended to serve and benefit the present and future tenants of Phase I and of Phase II as well as the present and future owners and lienholders with respect to said Phase I and Phase II without regard to the location of such amenities; and,

WHEREAS, the undersigned Norwest Nebraska, National Association as holder of liens upon said Phase I and said Phase II by the execution of this Agreement desire to agree to the terms hereof.

NOW, THEREFORE, in consideration of one dollar and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, the parties agree as follows:

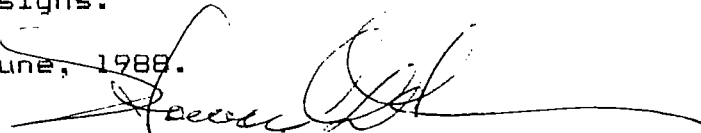
1. The undersigned owners of Phase I and Phase II above described hereby grant a perpetual easement over, under and upon those portions of the West One-Half of Lot 2 Heide Heights and the East One-Half of Lot 2, Heide Heights, a subdivision in Douglas County, Nebraska, to current and future owners, tenants and lienholders with respect to both such Phase I and such Phase II as are reasonably necessary for the purpose and use and enjoyment of such premises including the installation of utilities, or any similar appurtenant use, including without limitation any necessary maintenance and reconstruction thereof for utility purposes,

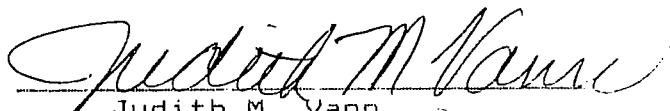
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driveways and parking spaces, and the use of recreational facilities, wherein the owners of Phase I and Phase II shall pay for the maintenance of the common amenities and to share the cost on a pro-rata basis based on the number of living units, and further the owner of Phase II does hereby grant a perpetual easement for the runoff of water from Phase I to Phase II caused by the flow as it now exists, it being the intention of this Cross Easement Agreement that all of such improvements shall inure to the benefit of all present and future tenants, owners and lienholders of said Phase I and Phase II notwithstanding change of ownership of all or any part of either phase or proceedings which shall foreclose any lien against all of any part of such phases and with respect to whether located in such Phase I and such Phase II.

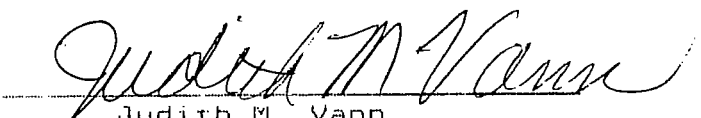
2. It is expressly understood and agreed this Cross Easement Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

Dated this 21 day of June, 1988.

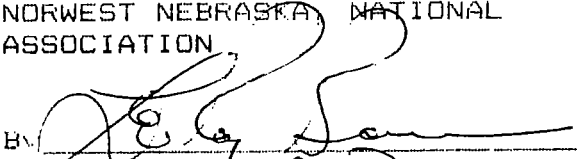

Howard D. Vann


Judith M. Vann
Owners of Phase I


Howard D. Vann


Judith M. Vann
Owners of Phase II

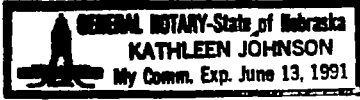
NORWEST NEBRASKA NATIONAL ASSOCIATION


By _____
Its _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this _____ day of June, 1988, before me, a Notary Public, in and for said County and State, personally

appeared Howard D. Vann and Judith M. Vann, husband and wife, the owners of Phase I of the Fox Ridge Apartment Complex, known to me to be the identical persons who executed the foregoing Cross Easement Agreement and that the execution thereof was their voluntary act and deed.



Kathleen Johnson
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 21 day of June, 1988, before me, a Notary Public, in and for said County and State, personally appeared LeRoy Bower the Vice Pres. of Norwest Nebraska National Association, known to me to be the identical person who executed the foregoing Cross Easement Agreement and that the execution thereof was his voluntary act and deed and the voluntary act and deed of said national association.



Kathleen Johnson
Notary Public

BK 852 N 79A-244 C/O _____ FEE 15.50
PG 588-590 N 79A/244 DEL IN MC WC
OF Misc COMP dw F/B 63-16040

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GEORGE J. LEBLONCZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.