

COMPARED

FILED FOR RECORD
POTTAWATTAMIE CO. IA.

04 DEC 27 AM 10: 25

JOHN SCIORTINO
RECORDER

INST # 12001
RECORDING FEE 20⁰⁰
AUDITOR FEE 5⁰⁰
RMA FEE 1.00 ECOM 1.00

Space Above This Line For Recording Information

Prepared by + When recorded mail to Robert J. Murray, Lamson, Dugan & Murray, 10306 Regency Parkway Drive, Omaha, NE 68114
Address Tax Statements: Marathon Investments Three (Earl May), c/o Marathon Realty 11222 Davenport Street, Omaha, NE 68154; ATTN: Cindy

SPECIAL WARRANTY DEED

This Deed, made this 9th day of December, 2004, between Happy Day Partnership, Ltd., a Nebraska limited partnership, Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration received from Grantee, Marathon Investments Three, LLC, a Nebraska limited liability company, conveys to Grantee, the real estate situated in Pottawattamie County, Iowa, legally described on Exhibit "A" attached.

Grantor covenants with Grantee that Grantor:

- (1) Is lawfully seized of such real estate and that it is free from encumbrances except (a) existing easements, leases, rights of tenants, covenants, restrictions, rights-of-way, liens, and encumbrances, whether or not of record, and (b) real estate taxes not yet delinquent;
- (2) Has legal power and lawful authority to convey the same; and
- (3) Warrants and will defend title to the real estate against the lawful claims of all persons claiming the same or any part thereof, through, by or under Grantor.

Executed: December 9, 2004.

Happy Day Partnership, Ltd., a Nebraska limited partnership,

Natalie K. Gendler, Sole Surviving Trustee of the Irvin Gendler and Natalie K. Gendler Multi-Generational Revocable Trust, an amendment and restatement of the Irvin Gendler Revocable Trust and the Natalie K. Gendler Revocable Trust, General Partner

REAL ESTATE TRANSFER TAX PAID	
STAMP#	
\$	<u>348.00</u>
RECORDER	<u>[Signature]</u>
DATE	<u>12-27-04</u>
	<u>Pottawattamie</u>
	COUNTY

By: Natalie K. Gendler

[Signature]

SPENCE TITLE SERVICES, INC.
1905 HARNEY STREET SUITE 210
OMAHA, NEBRASKA 68102

BK105PG11960

TA-49435

348.00

DEC 27 2004
COUNTY AUDITOR

Entered for Taxation
Natalie K. Gendler

Natalie K. Gendler, Trustee

Carol J. Gendler Revocable Trust, General Partner,

By: *Carol J. Gendler*
Carol J. Gendler, Trustee

STATE OF WASHINGTON

COUNTY OF KING

)
) ss.
)

The foregoing instrument was acknowledged before me on December _____, 2004, by Natalie K. Gendler, Sole Surviving Trustee of the Irvin Gendler and Natalie K. Gendler Multi-Generational Revocable Trust, an amendment and restatement of the Irvin Gendler Revocable Trust and the Natalie K. Gendler Revocable Trust.

Notary Public

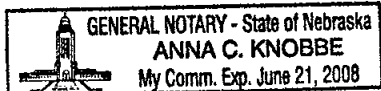
My commission expires: _____

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on December 15th, 2004, by Carol J. Gendler, Trustee of the Carol J. Gendler Revocable Trust.



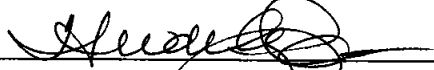
Anna C. Knobbe
Notary Public

My commission expires: 6/21/08

332641

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that NATALIE GENDLER, sole surviving trustee of the IRVIN GENDLER AND NATALIE K. GENDLER MULTI-GENERATIONAL REVOCABLE TRUST, an amendment and restatement of the IRVIN GENDLER REVOCABLE TRUST and the NATALIE K. GENDLER REVOCABLE TRUST, is the person who appeared before me, and said person acknowledged that she signed this instrument as her free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: December 9, 2004 _____ 

Heidi L.G. Orr

Print Name: _____
NOTARY PUBLIC for the State of
Washington, residing at
Seattle, WA



My appointment expires:
3/19/05

EXHIBIT "A"

A tract of land in the NE Quarter of Section 6, Township 74 North, Range 43 West of the 5th P.M., in Pottawattamie County, Iowa, described as follows:

Commencing at the point of intersection of the North line of the South Half of the NE Quarter of said Section 6, and the Westerly Right of Way line of relocated Madison Avenue; thence N 38°48'44" W (assumed bearing) on the Westerly Right of Way line of said relocated Madison Avenue, 85.38 feet; thence S 59°45'10" W, 99.41 feet to the point of beginning; thence continuing S 59°45'10" W, 20.51 feet; thence S 68°22'41" W, 25.0 feet; thence S 64°58'55" W, 131.82 feet; thence S 09°03'58" E, 8.78 feet; thence S 39°41'41" E, 229.5 feet; thence N 50°18'19" E, 176.0 feet; thence N 39°41'41" W, 192.53 feet to the point of beginning.

Such tract being the same and also known as Lot 2 Auditor's Subdivision of part of SW Quarter NE Quarter, Lot 2 and Lot 4 Auditor's Subdivision of SE Quarter NE Quarter, Lot 11, Auditor's Subdivision of NW Quarter NE Quarter and part of Lot 3, Auditor's Subdivision of NE Quarter NE Quarter of Section 6, Township 74 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa.

Together with non-exclusive easement rights appurtenant thereto as established by Declaration of Easement dated June 24, 1977 and filed July 18, 1977 in Book 78 at Page 1094 of the Records of Pottawattamie County, Iowa, and Declaration of Easement and Maintenance Agreement dated April 23, 1992 and filed May 7, 1992 in Book 92 at Page 27750 of the Records of Pottawattamie County, Iowa.