

AFFIDAVIT X

L. M. Roessler
Surveyor
to
Dan V. Stephens
STATE OF NEBRASKA
DODGE COUNTY

Filed for record on the 7th day of May, 1929, at 1:30 o'clock P. M.
Ernest Hahn, Register of Deeds.

:SS:

L. M. Roessler, being by me first duly sworn on oath, deposes and says that he is a surveyor and engineer and that he personally surveyed the present channel of the Elkhorn River where it passes through Section 3 and 4, in Township 17, North Range 9, East of the 6th P. M. in Dodge and Washington Counties, Nebraska, and that from this survey he has determined that the South and West line of the present channel of the Elkhorn River intersects the North line of the West half of the Southwest quarter of the Northeast quarter of said Section 4, at a point which is located 2710 feet due East from the West line of said Section 4. From thence said South and West line of the present channel of the Elkhorn River runs in a Southeasterly direction to a point on the North line of the East half of the Northwest quarter of the Southeast quarter of said Section 4, which point is 3474 feet due East from said West line of said Section 4, from thence said South and West line of said present channel of the Elkhorn River runs in and Easterly direction to a point on the West line of the Northeast Quarter of the Southeast quarter of said Section 4, which point is 2450 feet due North of the South line of said Section 4; from thence said South and West boundary of the present channel of the Elkhorn River runs in a Southeasterly direction to a point on the North line of the Southwest quarter of the Southwest quarter of said Section 3, which point is 1710 feet due East from the Southeast corner of the Northwest quarter of the Southeast quarter of Section 4, from thence said channel runs in a Southeasterly direction to a point on the East line of the Southwest quarter of the Southwest quarter of said Section 3, which point is 860 feet due North of the South line of said Section 3.

This affiant further states from said survey, he has determined the East and North line of said present channel of the Elkhorn River to be as follows: Said East and North line of said present channel of the Elkhorn River intersects the North line of the East Half of the Southwest quarter of the Northeast quarter of said Section 4, at a point 2041 feet due West of the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 3.

This affiant further states that said East and North line of the present channel of the Elkhorn River goes thence in a Southeasterly direction to a point on the east line of said Section 4, which point is 1978 feet due South of the Southeast corner of the Northeast quarter of the Northeast quarter of said Section 4.

This affiant further states that said East and North line of said present channel of the Elkhorn River goes thence in a Southeasterly direction to a point on the East line of the Southwest quarter of the Southwest quarter of said Section 3, which point is 2058 feet due South from the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 3.

This affiant further states that the West and South boundary line of the channel of the Elkhorn River as fixed and platted by the Elkhorn River Drainage District, (referred to in a contract between Mary Ann Miller and Margaret Dora Laaker, parties of the first part, and Dan V. Stephens, party of the second part, as the "old channel of the Elkhorn River") intersects the North line of the East Half of the Southwest quarter of the Northeast quarter of Section 4, at a point 235 feet due West from the point where the said North and East line of the present channel of the Elkhorn River intersects said line, and that said channel of the Elkhorn River, as fixed and platted by the Elkhorn River Drainage District, is 200 feet wide and goes in a

Southeasterly direction between the above described lines of the present channel of the Elkhorn River as above described, through said Sections 3 and 4, in Township 17, North Range 9 and of the 6th P. M. in Dodge and Washington Counties.

This affiant further states that the aforesaid West and South lines of the channel of the Elkhorn River, as fixed and platted by the Elkhorn River Drainage District, intersect the west line of said Section 3 at a point approximately 1560 feet due North of the Southwest Corner of said Section 3.

This affiant further states that the West and South line of the channel of the Elkhorn River, as fixed and platted by the Elkhorn River Drainage District, intersects the West line of the Southeast quarter of the Southwest quarter of said Section 3, at a point approximately 1560 feet due North of the Southwest corner of said Southeast quarter of the Southwest quarter of said Section 3.

Further affiant sayeth not.

L. M. Roessler

Subscribed in my presence and sworn to before me this 25 day of April, 1929.

H. A. Gunderson
Notarial Seal
Comm. expires
Sept. 29, 1933
Dodge County
Nebraska.

H. A. Gunderson
Notary Public

POWER OF ATTORNEY

Lloyd W. Phillips, Et al)
to)
Auditor of Public Accounts)

Filed for record on the 9th day of May, 1929, at 2:50 o'clock P. M.
Ernest Hahn, Register of Deeds

KNOW ALL MEN BY THESE PRESENTS: That the Lloyd Phillips & Co. Inc. is a corporation with a principal office at Wilmington State of Delaware and a branch office in the State of Nebraska, at Fremont, County of Dodge.

The name of our agent in charge of our branch office is Lloyd W. Phillips and we hereby appoint the Auditor of Public Accounts of the State of Nebraska our true and lawful Attorney upon whom all lawful process in any action or proceeding against the company may be served with the same effect as if the company existed in this state.

And it is hereby strictly agreed on the part of the Company that any lawful process against said company, which is served on said attorney, shall be of the same legal force and validity as if served on the company, and that this authority shall continue in force so long as any liability remains outstanding against the company in the State of Nebraska.

Witness our signature this -----day of May, 1929.

State of Nebraska)
County of Dodge)

Lloyd W. Phillips, President
Lambert G. Faltys, Secretary

Before me, a notary public in and for the county of Dodge, in state of Nebraska personally appeared Lloyd W. Phillips, President and Lambert G. Faltys, Secretary, and acknowledged the signing of the above instrument.

Ilva R. Baldwin
Notarial Seal
Comm. expires
Dec. 2, 1934
Dodge County
Nebraska.

Ilva R. Baldwin
Notary Public