

201200522

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FILED
OTOE COUNTY, NE
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ENTERED _____
VERIFIED _____
SCANNED _____

REGISTER OF DEEDS

After Recording, Return to: Frank J. Mihulka
Woods & Aitken LLP
10250 Regency Circle, Suite 525
Omaha, NE 68114

MEMORANDUM OF TENANTS IN COMMON BUY-SELL AGREEMENT

This MEMORANDUM OF TENANTS IN COMMON BUY-SELL AGREEMENT is made and executed by and between FRANCIS V. BISKUP ("Biskup") and AVM REAL ESTATE INVESTMENTS, LLC, a Nebraska limited liability company ("AVM").

RECITALS:

WHEREAS, Biskup and AVM own, as tenants in common, the real property described on Exhibit "A" attached hereto ("Property"); and

WHEREAS, Biskup and AVM have entered into that certain Tenants in Common Buy-Sell Agreement dated as of February 17, 2011 ("Agreement") pursuant to which each of the parties has granted to the other certain rights and options to purchase from the other all of a party's ownership interest in the Property, according to the terms and provisions set forth therein, including a put/call option, right of first refusal and rights upon death of Biskup or Thomas J. Monteith (collectively the "Options").

NOW THEREFORE, Biskup and AVM hereby execute this Memorandum for the purpose of acknowledging the parties' respective interests in, and rights and obligations under, the Agreement and the Options and recording the same in the office of the Register of Deeds of Otoe County, Nebraska.

This Memorandum is subject in each and every respect to the terms, covenants and conditions of the Agreement between the parties hereto. This Memorandum is executed and delivered with the understanding and agreement that the same shall not in any manner or form whatsoever, alter, modify or vary the purchase price or the other terms, covenants and conditions of the Agreement, or the specific circumstances under which one party has the option or obligation to purchase or sell his or its interest in the Property under any of the Options.

IN WITNESS WHEREOF, the undersigned have caused this Memorandum to be executed as of the date first written above.

201200522

FRANCIS V. BISKUP

By: Francis V. Biskup
Francis V. Biskup

AVM REAL ESTATE INVESTMENTS, LLC, a
Nebraska limited liability company

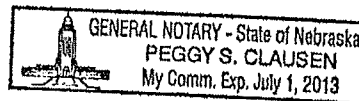
By: Thomas J. Monteith
Thomas J. Monteith, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

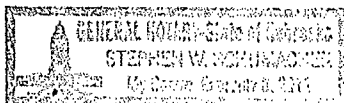
The foregoing instrument was acknowledged before me this 6 day of
January, 2012, by Francis V. Biskup, as his voluntary act and deed.

Peggy S. Clausen
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)



The foregoing instrument was acknowledged before me this 4th day of
JANUARY, 2012, by Thomas J. Monteith, the Manager of AVM Real Estate
Investments, LLC, a Nebraska limited liability company, as the voluntary act and deed for and
on behalf of said Company.



Stephen W. Schuman
Notary Public

EXHIBIT "A"

Legal Description of Property

Parcel A:

Lots One (1) through Nine (9), Inclusive, Arbor View Subdivision to Nebraska City, Otoe County, Nebraska, except the portion thereof conveyed to the City of Nebraska City by Deed dated August 11, 2011 and recorded on August 16, 2011 as Instrument No. 201102068, and described as follows:

A tract of land in Lot 1, Arbor View Subdivision, a subdivision located in Blocks 68 and 71, Kearney Addition to the City of Nebraska City, Otoe County, Nebraska, more particularly described as follows: Commencing at the Southeast Corner of said Lot 1 and running thence northerly on an assumed bearing of N00°33'00" East a distance of 424.51 feet; thence westerly on a bearing of N89°27'00" West a distance of 7 feet; thence southerly southerly on a bearing of S00°33'00" West a distance of 424.43 feet to the East line of Lot 1, thence North 88°46'30" East a distance of 7 feet to the point of beginning, and containing .06 acres, more or less.

Parcel B:

A tract of land located in Kearney City Addition to Nebraska City, Otoe County, Nebraska, conveyed by the City of Nebraska City by Deed dated August 15, 2011 and recorded on August 16, 2011 as Instrument No. 201102067, and described as follows:

Commencing at the N.E. Corner of Lot 1, Arbor View Subdivision, a Subdivision located in Kearney City Addition to Nebraska City, Otoe County, Nebraska, said point being the True Point of Beginning; thence westerly along the North line of said Lot 1 on an assumed bearing of N88°23'50"W, 111.87 feet to a point; thence northerly N02°39'56"E, 25.0 feet to the N.E. Corner of Lot 2 of said Subdivision; thence easterly parallel to the said North line of said Lot 1, S88°23'50"E, 96.6 feet to a point on the westerly right-of-way line of South 2nd Street; thence southeasterly along the said westerly right-of-way line S29°02'42"E, 29.05 feet to the True Point of Beginning.