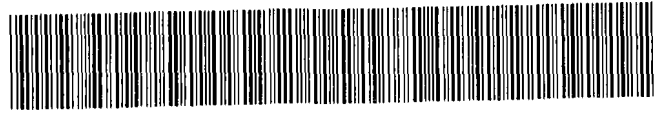




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 15-04560
 FEE 58.00 PD 10-30940
 B/P _____ C/O _____ C/P AK -new
 C/L _____ SCAN _____ N

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 10/10/2013 09:21:36.39

 2013103254

When Recorded Return To: Nebraska Land Title & Abstract, PO Box 6577,

Lincoln, NE 68506

Omaha, NE (Saddle Creek)
 Store Number 4139

WRITTEN CONSENT TO
 PROPOSED PARTY WALL AND UTILITY PLANS
 IN ACCORDANCE WITH
 AMENDED AND RESTATED EASEMENT AND AGREEMENT

That certain Amended and Restated Easement and Agreement dated December 14, 2012 was recorded on January 10, 2013 in the Office of Register of Deeds of Douglas County, Nebraska at Miscellaneous Instrument number 2013003041 (as amended, the "Agreement"). Capitalized terms used in this Consent but not defined in this Consent shall have the meanings assigned to them in the Agreement. The Agreement encumbers the Tracts, and Tract 1 is legally described on Exhibit A attached hereto and Tract 2 is legally described on Exhibit B attached hereto. Tract 1 Owner desires to construct the Replacement Wall and perform certain other improvements to the Tracts, including the relocation of certain communications utilities on and across portions of Tract 2, all as set forth in more detail in the Plans. Section 4 of the Agreement grants certain cross-utility easement rights between the Tracts and Section 5(b) of the Agreement requires the approval of the Non-Entering Owner to the Plans. Tract 1 Owner and Tract 2 Owner agree that upon the completion of the work set forth in the Plans by the Tract 1 Owner, the Party Wall shall no longer exist, the Party Wall Easement shall terminate, and the Owners of Tract 1 (which includes Lot 2) and Tract 2 shall have no further obligations under the Agreement regarding the Party Wall.

The Plans consist of the following:

- 0050 - D1 DEMOLITION PLAN AND DETAILS - 4139
- 01742-4139
- 07530-4139
- 07620-4139
- 09220-4139
- 09900-4139
- 1130 - DS1 STRUCTURAL DEMOLITION PLAN AND DETAILS - 4139
- 6030 DEMOLITION PLAN DEMOLITION PLAN 2013-0828
- 6060 UTILITY PLAN 2013-0828

By execution of this Consent, each of the undersigned hereby affirm that they have reviewed the Plans and do hereby grant their approval of and consent to the matters set forth in the Plans. Each of the undersigned hereby certifies that he/she has the authority to execute

and deliver this Consent for the purposes stated herein and that this Consent shall be binding upon the successors in interest to the parties hereto.

[Remainder of Page Left Intentionally Blank – Signature Pages to Follow]

E.R. Newman, an individual



STATE OF

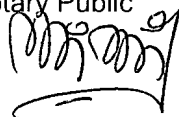
COUNTY OF

The foregoing instrument was acknowledged before me this 08 day of October, 2013 by E.R. Newman, an individual.

(Seal and Expiration Date)



Notary Public



M.H. Newman, an individual

M. H. Newman

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 08 day of October, 2013 by M.H. Newman, an individual.

(Seal and Expiration Date)



Notary Public
[Signature]

Phyllis H. Newman, as Successor Trustee
for the benefit of Maxwell C. Newman under
that certain Trust Agreement dated July 6,
1982

Phyllis H. Newman

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 08 day of October, 2013 by Phyllis H. Newman, as Successor Trustee for the benefit of Maxwell C. Newman under that certain Trust Agreement dated July 6, 1982.

(Seal and Expiration Date)



Notary Public
[Signature]

Phyllis H. Newman, as Successor Trustee
for the benefit of Louis H. Newman under
that certain Trust Agreement dated July 6,
1982

Phyllis H. Newman

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 08 day of
October, 2013 by Phyllis H. Newman, as Successor Trustee for the benefit of Louis
H. Newman under that certain Trust Agreement dated July 6, 1982.

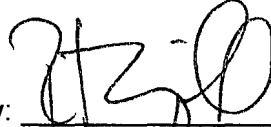
(Seal and Expiration Date)



Notary Public

Mireille M. Tayawa

WESTLAKE HARDWARE, INC., a Delaware corporation



By: _____
Name: Robert Massengill
Its: Sr. Director/Corporate Counsel

STATE OF Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me this 7th day of October, 2013 by Robert Massengill Sr. Director/Corp. Counsel of Westlake Hardware, Inc., a Delaware corporation, on behalf of the corporation.

(Seal and Expiration Date)

MICHELLE DOVE
Notary Public - Notary Seal
State of Kansas
My Appointment Expires 5-14-17



Notary Public

Exhibit A

Legal Description of Tract 1

Lot 1 and Lot 2, Poppleton Park Replat One, City of Omaha, Douglas County, Nebraska.

Exhibit B

Legal Description of Tract 2

A tract of land consisting of part of Lots 14, 15, 16 and 25, and all of Lots 23 and 24, and the vacated alley abutting said Lots, all in Block 4, Briggs Place Addition, an addition located in the Northwest Quarter of Section 20, Township 15 North, Range 13 East of the 6th P.M., in the City of Omaha, Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of said Lot 23, Block 4, Briggs Place Addition; thence N00°00'00" E, (assumed bearing) along the East Right-of-Way line of the former Omaha Beltline Railway, a distance of 220.00 feet; thence S89°16'00" E, a distance of 152.20 feet; thence S00°00'00" E, a distance of 220.00 feet to a point on the Northerly Right-of-Way line of Dodge Street; thence N89°16'00" W, along said Northerly Right-of-Way line of Dodge Street, a distance of 152.20 feet to the point of beginning.

And a tract of land consisting of part of Lot 11, Lots 12 through 16, Lots 23 through 27 and part of Lot 28, Block 1; and part of Lots 11 through 16, Block 4, all in Briggs Place Addition to the City of Omaha, Douglas County, Nebraska, and of vacated streets and alleys adjacent to the above lots, more particularly described as follows:

Beginning at a point on the West line of Lot 16, Block 4, Briggs Place Addition, which is 220.00 feet North of the Southwest corner of Lot 23, Block 4, Briggs Place Addition; thence North along the East line of the former Omaha Belt Line Railway Right-of-Way a distance of 333.94 feet; thence S89°54'E (assuming said East line of said Omaha Belt Line Railway to be due North and South) a distance of 312.10 feet to the West line of Saddle Creek Road; thence S2°13'W a distance of 58.00 feet; thence S3°22'W a distance of 77.93 feet; thence S0°22'W a distance of 199.32 feet; thence S5°35'E a distance of 2.20 feet, the four previous courses being along the West line of Saddle Creek Road; thence N89°16'W a distance of 304.40 feet to the point of beginning.

And a tract of land consisting of part of Lot 10 and Lots 11 and 12, Block 23; part of Lot 11, part of Lot 12 and part of Lot 13, Block 24; all in Poppleton Park Addition to the City of Omaha, Douglas County, Nebraska; and portions of vacated streets adjacent to the above lots more particularly described as follows:

Commencing at the Southwest corner of Lot 23, Block 4, Briggs Place Addition; thence North along the East line of the former Omaha Belt Line Railway Right-of-Way a distance of 553.94 feet to the point of beginning; thence continuing North along the East line of the said Omaha Belt Line Railway Right-of-Way, a distance of 116.13 feet; thence S89°16'E (assuming said East line of the said Omaha Belt Line Railway to be due North and South) a distance of 10.45 feet to the Northwest corner of the former Hinky Dinky Store Building; thence S89°55'E along the North wall of said Hinky Dinky Building a distance of 175.11 feet to the Northeast corner of said Hinky Dinky Building; thence S89°16'E a distance of 14.42 feet; thence S00°00'W a distance of 2.07 feet; thence S89°16'E a distance of 113.63 feet to the West line of Saddle Creek Road; thence S00°24'W a distance of 60.95 feet; thence S00°49'W a distance of 43.68 feet; thence S02°13'W a distance of 8.03 feet; thence three previous courses being along the West line of Saddle Creek Road; thence N89°54'W a distance of 312.10 feet to the point of beginning, the last course being along the South building line of said Hinky Dinky Building.