

W Travis Burrey
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LANCASTER COUNTY NEB

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NEBRASKA DOCUMENTARY
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OCT 17 1996

QUITCLAIM DEED AND RELEASE

\$ 5.25 BY me

KNOW ALL MEN BY THESE PRESENTS, that BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, Grantor, for Ten and No/100 Dollars (\$10.00), to it duly paid, the receipt whereof is hereby acknowledged, has granted, conveyed, remised, released and quitclaimed, and by these presents does grant, convey, remise, release and forever quitclaim, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, unto HERMAN J. GERDES AND EDNA J. GERDES, HUSBAND AND WIFE, AS JOINT TENANTS, of 9205 NW 105th St., Malcolm, Nebraska 68402, Grantees, and to their heirs and assigns forever, all its right, title, interest, estate, claim and demand, if any, both at law and in equity of, in and to that certain strip or parcel of land located in the County of Lancaster, State of Nebraska, more particularly described as follows:

All that portion of Burlington Northern Railroad Company's (formerly Chicago, Burlington & Quincy Railroad Company) 100 foot wide Woodlawn to Seward, Nebraska Branch Line right of way, now discontinued, being 50 feet wide on each side of said Railroad Company's Main Track centerline as originally located and constructed upon, over and across the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 21, Township 11 North, Range 5 East of the 6th Principal Meridian, Lancaster County, Nebraska, bounded on the East by the East line of said Northwest Quarter of the Southwest Quarter and bounded on the West by the West line of said Southwest Quarter of the Northwest Quarter.

Hereinabove described property is also bounded on the East by property conveyed by said Railroad Company to Andre and Maxine Herman by deed dated July 18, 1991 and bounded on the West by property conveyed to W.L. Staudinger and wife by deed dated August 16, 1995.

SUBJECT, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise.

ALSO, if the premises are locally assessed, the Grantees, and for their heirs and assigns, by acceptance of this deed, agree to assume all locally assessed real estate taxes, outstanding and otherwise, and any and all past, present, pending and future assessments of every nature whatsoever, which have been or may be levied against the premises.

ALSO, the Grantees, and for their heirs and assigns, by acceptance of this deed, hereby release and forever discharge the Grantor, its successors and assigns, from any and all present or

Known as Lot 19 + 20 in Pt. SW 1/4 NW 1/4 + Pt. NW 1/4 SW 1/4

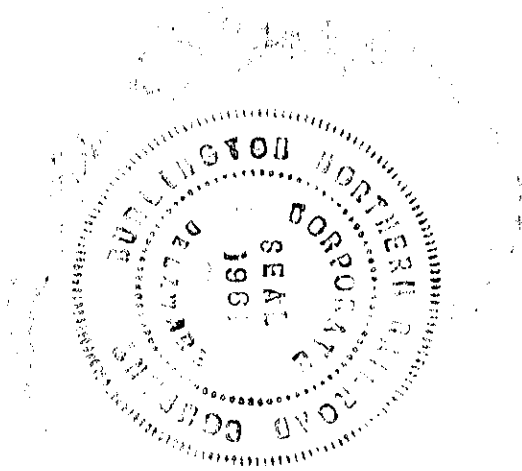
future obligations of the Grantor, its successors and assigns, including but not limited to the construction of or continued maintenance thereto of any railroad fences, snow fences, road crossings, cattle guards, gates, farm crossings, bridges, drainage or irrigation pipes, if any, located and situated on the premises herein conveyed.

BY ACCEPTANCE OF THIS DEED, Grantees acknowledge that a material consideration for this conveyance, without which it would not be made, is the agreement by the Grantees, for their heirs and assigns, that the Grantor, its predecessors, successors, and assigns shall be in no manner responsible to the Grantees, any subsequent owner, purchaser, or any person interested therein for any and all claims, demands, damages, causes of action including loss of access, or suits regarding the quiet and peaceable possession of such premises, title thereto, or condition thereof.

IN WITNESS WHEREOF, Burlington Northern Railroad Company has caused its corporate name to be hereunto signed by its authorized officers, and the corporate seal to be hereto affixed this 13th day of Sept., 1996.

BURLINGTON NORTHERN
RAILROAD COMPANY

By: D. P. Schneider
D. P. Schneider
Director Real Estate



ATTEST:

By: Margaret R. Aclin
Margaret R. Aclin
Assistant Secretary

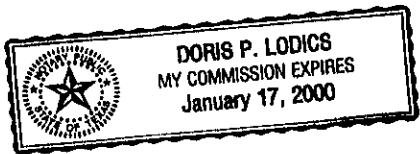
Send Tax Bills To:

Herman J. Gerdes
9205 NW 105th St.
Malcolm, NE 68402

STATE OF TEXAS)
) ss.
COUNTY OF TARRANT)

On this 13th day of Sept., 1996, before me, the undersigned, a Notary Public in and for said County, personally came D. P. Schneider, Director Real Estate of Burlington Northern Railroad Company (a corporation), to me personally known to be the Director Real Estate and the identical person whose name is affixed to the above conveyance, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that the Corporate seal of the said corporation was thereto affixed by its authority.

Witness my hand and Notarial Seal at Fort Worth in said county the day and year last above written.



Doris P. Lodics
Notary Public

My Commission Expires: 1-17-2000

This instrument was drafted by:
Burlington Northern Railroad Company
Property and Facilities Management
2650 Lou Menk Drive
Fort Worth, Texas 76131-2830