



BK 1833 PG 018



DEED 1988 09591

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INDEXING
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NEBRASKA DOCUMENTARY
STAMP TAX

Date 8-24-88

\$ 1.050 By JW

BOOK **1833** PAGE **18**

Special Warranty

DEED OF CONVEYANCE

This indenture made this 10th day of June, 1988 by and between Harbor Realty, a Nebraska general partnership (hereinafter referred to as "Grantor"), and Omaha Development Foundation, a Nebraska nonprofit corporation (hereinafter referred to as "Grantee").

W I T N E S S E T H :

That the Grantor in consideration of the sum of One Dollar (\$1.00) and other valuable consideration in hand paid to it by the Grantee, the receipt of which is hereby acknowledged, does by these presence grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns the realty situated in Douglas County, Nebraska described in Exhibit "A" attached hereto and made a part hereof.

To have and to hold the premises together with all tenements, hereditaments and appurtenances thereunto belonging unto the Grantee, its successors and assigns forever. The Grantor does hereby covenant that it is lawfully seized of the premises herein conveyed and that the same are free and clear of any lien or encumbrance except easements and restrictions described in Exhibit "A" or of record. The Grantor undertakes to warrant and defend the title to said premises against the lawful claims and demands of all persons claiming by, through or under the Grantor.

In witness whereof, the Grantor has hereunto set its hand and seal the day and year above written.

HARBOR REALTY, a Nebraska general partnership

(Corporate Seal)

By: Brewco Machinery Corporation,
a Pennsylvania corporation,
general partner

RECEIVED

1988 AUG 24 AM 9:13

GEORGE J. BOULENCHZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

(Corporate Seal) By: Aaron Feren & Sons Co., a
Nebraska corporation, general partner

By Larry E. Ebert
Title PRESIDENT

By Aaron F. Feren
Title President

NOTARY PUBLIC
My Commission Expires March 15, 1990

1833 N 9-459 etc C/O PA FEE 1.00
pg 18-29 N AA DEL MC B
DE Deeds COMP AA F/B

1301 Norway St
68102

9591 F Red

George J. Boulenchz
6/11/88

By:

Donn H. Lipton
 Donn H. Lipton, attorney-in-fact
 for Patricia Ferer and Christie
 Ann Ferer, general partners

STATE OF New Jersey)
)
 COUNTY OF Burlington) ss.

The foregoing conveyance was acknowledged before me this 1st
 day of June, 1988 by PEREZ EBRIN in his capacity as
PRESIDENT of Brewco Machinery Corporation, a
 Pennsylvania corporation, for and on its behalf as a participating
 partner in Harbor Realty, a Nebraska general partnership.

Nancy V. Dean
 Notary Public

(Seal)

My commission expires:

6/1/88
 NANCY V. DEAN
 NOTARY PUBLIC - STATE OF NEBRASKA
 My Commission Expires March 15, 1989

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

The foregoing instrument was acknowledged before me this 10th
 day of June, 1988 by Harvey D. Ferer in his capacity as President
 of Aaron Ferer & Sons Co., a Nebraska corporation, on its behalf
 as a participating partner in Harbor Realty, a Nebraska general
 partnership.

Ray R. Simon
 Notary Public

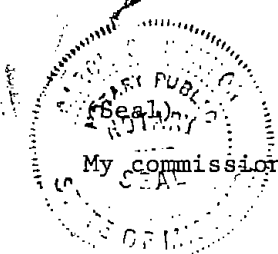
(Seal)

My commission expires:

GENERAL NOTARY - State of Nebraska
 RAY R. SIMON
 My Comm. Exp. Dec. 13, 1989

STATE OF MISSOURI)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 3rd day of June, 1988 by Donn H. Lipton in his capacity as attorney-in-fact for Patricia Ferer and Christie Ann Ferer, partner-participants in Harbor Realty, a Nebraska general partnership.



Carol S. Sexton
Notary Public

My commission expires:

CAROL S. SEXTON
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES 11/2/91
CITY OF ST. LOUIS

Property situate in the County of Douglas, State of Nebraska:

(A) UNION PACIFIC RAILROAD COMPANY PROPERTY

10 - 1
A piece or parcel of land situate in and being all that part of Lots Six (6) and Seven (7) of Block One Hundred Sixty (160); of Lots Two (2), Three (3) and Four (4) of Block One Hundred Eighty-one (181); of Jackson Street, as originally platted, lying between said Blocks One Hundred Sixty (160) and One Hundred Eighty-one (181), in the original City of Omaha, Douglas County, Nebraska, described as follows:

Beginning at the southeast corner of said Lot Two (2) of Block One Hundred Eighty-one (181), which is also a point on the west line of Government Lot Three (3) of Section Twenty-three (23), Township Fifteen (15) North, Range Thirteen (13) East of the Sixth Principal Meridian; thence northerly along the east line of said Block One Hundred Eighty-one (181) and One Hundred Sixty (160), which said east line of said blocks is co-incident with said west line of Government Lot Three (3), a distance of three hundred sixty-four (364) feet, more or less, to a point on the north line of said Lot Seven (7) of Block One Hundred Sixty (160); thence westerly along the north line of said Lot Seven (7) of Block One Hundred Sixty (160) a distance of forty-six and three-tenths (46.3) feet, more or less, to a point that is twenty (20) feet distant easterly, measured radially, from the center line of the most easterly track of the Union Pacific Railroad Company as now constructed across said Block One Hundred Sixty (160); thence southwesterly along a curved line, concave northwesterly and having a radius of nine hundred seventy-three and seventy-two hundredths (973.72) feet parallel with and twenty (20) feet distant southeasterly, measured radially, from said center line of most easterly track, a distance of three hundred four and seven-tenths (304.7) feet, more or less, to a point on the west line of said Lot Four (4), of Block One Hundred Eighty-one (181); thence southerly along said west line of Lot Four (4) of Block One Hundred Eighty-one (181) a distance of ninety-four and three tenths (94.3) feet, more or less, to a point on the south line of said Lot Four (4); thence easterly along the south line of Lots Four (4), Three (3) and Two (2) of said Block One Hundred Eighty-one (181) a distance of one hundred eighty-seven and three-tenths (187.3) feet, more or less, to the point of beginning; containing an area of forty-six thousand six hundred fourteen (46,614) square feet, more or less; also North Half (N $\frac{1}{2}$) of vacated alley South of and adjoining said property last hereinbefore described.

(B) COLE PROPERTY

2
Lots Five and Six (5&6), and the West Fifty-six and Thirty-one One Hundredths (56.31) feet of Lot Seven (7) in Block One Hundred Eighty-one (181) of the Original City of Omaha, as surveyed and lithographed, and also a strip of land Twenty (20) feet wide adjoining said Lot Five (5) on the West, being a part of Sixth Street vacated and bounded and described as follows:

Beginning at the Southwest corner of said Lot Five (5) in said Block One Hundred Eighty-one (181) of the Original City of Omaha, running thence West Twenty (20) feet, thence North One Hundred Thirty-two (132) Feet, thence East Twenty (20) feet to the Northwest corner of said Lot Five (5), and thence South to the place of beginning, all in the City of Omaha, Douglas County, Nebraska; also the South Half (S $\frac{1}{2}$) of vacated alley North (N) of and adjoining said property last hereinbefore described,

Exhibit "A"

(C) CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY PROPERTY

- 23-15-13
- (1) A part of Government Lot Three (3), Section Twenty-three (23) Township Fifteen (15) North, Range Thirteen (13) East of the Sixth (6th) Principal Meridian;

Commencing at the point of intersection of the North line of Jones Street with the center line of Sixth Street; thence East in the North line of Jones Street Five Hundred Eighty-three and Sixteen Hundredths (583.16) feet to a point; thence North on an angle of Ninety Degrees, Fifteen and Five Tenths Minutes (90°15.5') to the left, Forty-five (45) feet to the point of beginning of the parcel herein conveyed; thence North on the same course Two Hundred Forty and Six Tenths (240.6) feet; thence East on a line parallel with the North line of Jones Street Fourteen and Ninety-three Hundredths (14.93) Feet, thence Southeast on an interior angle of One Hundred twenty-four Degrees, Fifty-seven Minutes (124°57') with last previously described course One Hundred Sixty-six and Eighty Hundredths (166.80) feet; thence Southeast on an interior angle of One Hundred Seventy-one Degrees, Fourteen Minutes (171°14') with last previously described course One Hundred Four and Thirty-nine Hundredths (104.39) Feet to a point Ten (10) feet southwest at right angles from center line of track of the Grantor defined as No. 4; thence Southwest on an interior angle of Sixty-nine Degrees, Three Minutes (69°03') with last previously described course One Hundred Eleven (111) Feet to a point; thence West on an interior angle of One Hundred Seventy-four Degrees, Forty-six Minutes (174°46') with last previously described course and parallel with the North line of Jones Street Forty-five (45) feet to a point of beginning; containing Twenty Thousand Five Hundred Thirty-six (20,536) square feet, more or less;

- (11) A part of Government Lot Three (3), Section Twenty-three (23) Township Fifteen (15) North, Range Thirteen (13) East of the Sixth (6th) Principal Meridian;

Commencing at the point of intersection of the North line of Jones Street with the center line of Sixth Street; thence East in the North line of Jones Street Five Hundred Eighty-three and Sixteen Hundredths (583.16) feet to a point; thence North on an angle of Ninety degrees, Fifteen and Five-tenths Minutes (90°15.5') to the left, Two Hundred Eighty-five and Sixty Hundredths (285.60) feet to a point; thence East on a line parallel with the North line of Jones Street Fourteen and Ninety-three Hundredths (14.93) feet to the point of beginning of land herein conveyed; thence East on the same course Twenty-one and Sixty-seven Hundredths (21.67) feet to a point Ten (10) Feet Southwest at right angles from center line of track of the Grantor defined as No. 4; thence Southeast on an interior angle of One Hundred Eighteen Degrees, Fifty-two Minutes (118°52') with last previously described course One Hundred Twenty-seven and Sixty-four Hundredths (127.64) Feet to a point Ten (10) Feet Southwest at right angles to center line of track No. 4; thence Southeast on an interior angle of One Hundred Seventy-seven Degrees, Nineteen Minutes (177°19') with last previously described course Twenty-seven and Seventy-nine Hundredths (27.79) feet to a point, thence Northwest on an interior angle of Eight degrees, forty-six minutes (8°46') with last previously described course One Hundred Sixty-six and Eighty Hundredths (166.60) Feet to the point of beginning, containing Fifteen Hundred Sixty-four (1564) square feet, more or less

(D) STREET RAILWAY PROPERTY

23-15-13

That part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-three (23) in Township Fifteen (15), North, Range Thirteen (13) East of the 6th P.M., bounded and described as follows:

Commencing at a point on the North line of Jones Street in the City of Omaha, Nebraska, 90 feet East of the Southwest corner of Sublot One (1) of Government Lot Three (3), as surveyed, platted and recorded, said point being Ninety (90) feet east of gas pipe now in place; thence Eastward along the North line of Jones Street a distance of One Hundred Ninety-four and six-tenths (194.6) feet; thence Northeasterly a distance of One Hundred Forty-eight and Eight-tenths (148.8) feet to a point on the East line of Sublot Three (3) of Government Lot Three (3) One Hundred Forty-four (144) feet North of the North line of Jones Street, thence North along the East line of Sublot Three (3) of Government Lot Three (3) a distance of One Hundred Forty-one and Six-tenths (141.6) feet to a point in the South line of Jackson Street extended Eastward, said point being marked by "T" rail now in place; thence East along the South line of Jackson Street extended a distance of Thirteen (13) feet to the Southeast corner of Sublot Four (4) of Government Lot Three (3); thence North Thirty-four (34) degrees, Fifty-seven (57) minutes West a distance of Five Hundred Seventy-one (571) feet to a point marked by a "T" rail now in place; thence South Twelve (12) degrees West a distance of One Hundred Thirty-Two (132) feet to a point in the East line of Block One Hundred Sixty (160) in the original plat of the City of Omaha, as surveyed and lithographed, being also a point on the West line of the northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-three (23); thence South along the East line of said Block One Hundred Sixty (160) and the West line of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Twenty-three (23) a distance of Three Hundred Thirty-eight and Four-tenths (338.4) feet; thence East along the South line of Jackson Street extended Eastward a distance of Fifteen (15) feet; thence South along the West line of Sublot One (1) of Government Lot Three (3) a distance of Two Hundred Twenty-five and Six-tenths (225.6) feet; thence East on a line parallel to the North line of Jones Street a distance of Ninety (90) feet; and thence south a distance of Sixty (60) feet to the point of beginning; all in the City of Omaha, Nebraska, containing approximately Three and Seventy-eight hundredths (3.78) acres;

Also, all that part of Government Lot Three (3) in Section Twenty-three (23), Township Fifteen (15) North, Range Thirteen (13) East of the 6th P.M., which lies North of the North line of Jackson Street extended East to the Missouri River and East of the East line of the right-of-way of the Omaha and Southwestern Railroad Company, together with all riparian rights thereto, all in the City of Omaha, Nebraska,

(E) UNION PACIFIC RAILROAD COMPANY PROPERTY

03-15-13

A piece or parcel of land situate in and being all that part of Lot Two (2), Block One Hundred Sixty (160) in the original City of Omaha, Douglas County, Nebraska described as follows:

Beginning at the southeast corner of said Lot Two (2), which is also a point on the west line of Government Lot Three (3) of Section Twenty-three (23), Township Fifteen (15), North, Range Thirteen (13) East of the Sixth Principal Meridian; thence northerly along the east line of said Lot Two (2) a distance of eighty-four (84) feet to a point; thence westerly along a straight

line at right angles to said east line of Lot Two (2) a distance of fourteen and one tenth (14.1) feet to a point that is eight and five tenths (8.5) feet distant westerly, at right angles, from the center line of the spur track constructed across said Lot No. Two (2); thence southerly along a straight line forming an angle from west to south of eighty-one degrees and fifty minutes (81°50') with the last described course produced and which is parallel with and eight and five tenths (8.5) feet westerly, at right angles, from said center line of spur track, a distance of ten and six tenths (10.6) feet to a point; thence southerly along a curved line to the left having a radius of five hundred eighty-two and nineteen hundredths (582.19) feet, and which is tangent at its point of beginning to the last described course, parallel with and eight and five tenths (8.5) feet westerly, measured radially, from said center line of spur track, a distance of seventy-three and eight tenths (73.8) feet, more or less, to a point on the south line of said Lot Two (2), thence easterly along said south line of Lot Two (2) a distance of twenty-one and four tenths (21.4) feet, more or less, to the point of beginning; containing an area of one thousand five hundred seventy-four (1,574) square feet, more or less; also North Half (1/2) of vacated alley South of and adjoining said property last hereinbefore described,

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereto belonging and all easements, licenses, permits and contracts appertaining thereto including, but not limited to, the following:

1 - An Agreement dated January 25, 1946, recorded in Book 223, at Page 431 of Miscellaneous Records in the Office of the Register of Deeds, Douglas County, Nebraska, whereby the Reconstruction Finance Corporation acquired from the Omaha and Council Bluffs Street Railway Company the right to erect, construct and maintain underground gas lines and underground electric cables and conduits therefor and concrete transformer platform upon the real property heretofore described as Parcel "D" which rights were not vested in the Grantee by said Deed by reason of certain reservations therein.

2 - An unrecorded Agreement dated April 9, 1946, by and between the Union Pacific Railroad Company, a corporation, and Reconstruction Finance Corporation, whereby Reconstruction Finance Corporation, its successors and assigns acquired the right to lay, maintain, repair, renew and operate steam, drain, syrup and air pipe lines under and across the tracks and right of way of said Union Pacific Railroad Company at the location which is described as follows:

Across the right of way and under the track of Grantor which extends along the easterly side of Block One Hundred Sixty (160) in the City of Omaha, Douglas County, Nebraska, the center line of the group of pipe lines aforesaid being at an approximate right angle to the center line of said track and intersecting the center line of said track at a point 119.7 feet distant (when measured along the center line of said track) northerly of the south line of Jackson Street in said City of Omaha, and also the right to lay, maintain, repair, renew and operate said pipeline under the track owned by the Grantee but operated by the Grantor under the provisions of that certain agreement between Defense Plant Corporation, Farm Crops Processing Corporation and the Grantor dated April 17, 1944, as more fully described in Item No. 6 hereinafter,

3 - An Easement for the purpose of constructing, laying maintaining, repairing, renewing and operating 3,000, 440 volt electric cables in 6 inch conduit under and across the right of way and tracks of the Union Pacific Railroad Company, a corporation, at the location which is described as follows:

Across the right of way and under the track of Grantor which extends along the easterly side of Block One Hundred Sixty (160) in the City of Omaha, Douglas County, Nebraska, the center line of the Wire Line aforesaid being at an approximate right angle to the center line of said track and intersecting the center line of said track at a point 117.5 feet distant (when measured along the center line of said track) northerly of the south line of Jackson Street in said City of Omaha; and also the right to construct, lay, maintain, repair, renew, and operate said Wire Line under the track owned by the Grantee but operated by the Grantor under the provisions of that certain agreement between Defense Plant Corporation, Farm Crops Processing Corporation, and the Grantor dated April 17, 1944, as more fully described in Item No. 6 hereinafter, reserving, however, to the Union Pacific Railroad Company right of way in common with Reconstruction Finance Corporation of the right to construct, operate, and maintain railroad track or tracks pursuant to the terms of that certain right of way agreement recorded April 7, 1956, in Book 67, Page 122 of the Deed Records of Douglas County, Nebraska,

4 - An unrecorded permit dated October 4, 1943, issued by the War Department, Engineers' Office, to Farm Crops Processing Corporation for the construction and maintenance of a submerged pipeline crossing for the transportation of water across the Missouri River at mile 659.46 above the mouth approximately 1800 feet downstream from the Ak-Sar-Bon (Douglas Street) Bridge, Omaha, Nebraska.

5 - A license to construct, operate and maintain an overhead steam line across Jones Street at a point approximately 600 feet East of 6th Street, Omaha, Douglas County, Nebraska, being the same license right acquired by Reconstruction Finance Corporation, its successors and assigns, by an unrecorded Resolution of the City Council of Omaha, Nebraska, dated September 21, 1943.

6 - An unrecorded Agreement dated April 17, 1944, between the Union Pacific Railroad Company, party of the first part, and Defense Plant Corporation, party of the second part, for the construction, maintenance and operation of an industry spur track approximately 652.3 feet long between Jones and Edward Streets at approximately 5th Street at Omaha, Douglas County, Nebraska.

7 - An unrecorded license dated April 15, 1945, granted by the Chicago, Burlington & Quincy Railroad Company to Farm Crops Processing Corporation acting on behalf of Defense Plant Corporation and duly assigned according to the terms thereof under date of August 30, 1947, to Reconstruction Finance Corporation, a corporation created under the laws of the United States for the construction and maintenance of a 72 inch reinforced concrete conduit for carrying a 15 inch steam line and 6 inch condensate line and a 4 inch gas line in, to, on, under, over, and across the following described property:

Beginning at the point of intersection of the north line of Jones Street with the east line of sub-lot 3, Government Lot 3, Section 23, Township 15 North, Range 13 East, said point marked by "T" rail. Thence North from said point a distance of 49.0 feet to a point on property line and also being a point on center line of 72" conduit for steam condensate and gas lines leading from Nebraska Power Company building to Main building of Alcohol Plant; thence west along center-line of 72" conduit a distance of 6.6 feet to a point on the center line of track #37 of Chicago, Burlington and Quincy Railroad Company; thence west on last described course a distance of 10.2 feet to point on center line of track #24 of C.B. & Q. Railroad Company (last 2 points described located on Nebraska Power Company property); thence west along

last described course a distance of 16.0 feet to center line of track "A" (Alcohol track) owned by Defense Plant Corporation; thence west along last described course and along center line of 72" conduit a distance of 74.28 feet to center line of track "B" owned by D.P.C.; thence west along last described course a distance of 13.2 feet to center line of track "C" owned by D.P.C.; and thence west along last described course a distance of 21.0 feet to center line of 72" conduit corner structure (manhole) said point being 48.2 feet north of the north line of Jones Street, in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska;

8 - An unrecorded Agreement dated February 10, 1947, by and between the Union Pacific Railroad Company, party of the first part, and Farm Crops Processing Corporation, a corporation in the State of Nebraska, and Reconstruction Finance Corporation, a corporation organized and existing under the laws of the United States of America, parties of the second part, for the construction, maintenance and operation of an industry spur track approximately 197 feet long eastwardly of the intersection of Howard and 6th Streets, Omaha, Douglas County, Nebraska

being the same property acquired by the UNITED STATES OF AMERICA by Quitclaim Deed dated November 26, 1948; filed for record on December 2, 1948, in the office of the Register of Deeds of Douglas County, Nebraska, in Book of Deeds 846, Page 671.

PARCEL NO. 1

All that part of vacated Sixth Street, as originally platted, adjacent to Lot Four (4) of Block One Hundred Eighty-one (181), in the Original City of Omaha, Douglas County, Nebraska, which was vacated by Ordinance No. 5031 of said City of Omaha, dated January 14, 1902, and which was conveyed by said City of Omaha to the Union Pacific Railroad Company by Quitclaim Deed dated January 15, 1902, and recorded on Page 412 of Book 248 of the records of said Douglas County, described as follows:

Beginning at the Southwest (SW) corner of said Lot Four (4) of Block One Hundred Eighty-one (181) and running thence North (N) along the West (W) line of said Lot Four (4) a distance of ninety-four and three-tenths (94.3) feet, more or less, to a point that is twenty (20) feet distant Southeasterly (SE), measured radially, from the center line of the most Easterly (E) track of said Union Pacific Railroad Company as now constructed across said Sixth Street; thence southwesterly (SW) along a curved line concave northwesterly (NW) and having a radius of nine hundred seventy-three and seventy-two hundredths (973.72) feet, parallel with and twenty (20) feet distant Southeasterly (SE), measured radially, from said center line of most Easterly (E) track, a distance of thirty-three and five-tenths (33.5) feet, more or less, to a point in a straight line that is parallel with and twenty (20) feet distant Westerly (W), measured at right angles, from said West (W) line of Lot Four (4); thence Southerly (S) along said straight line that is parallel with and twenty (20) feet distant Westerly (W), measured at right angles, from said West (W) line of Lot Four (4), a distance of sixty-seven and five-tenths (67.5) feet, more or less, to a point on the South (S) line, produced Westerly (W), of said Lot Four (4); thence Easterly (E) along said South (S) line, produced Westerly (W), of Lot Four (4) a distance of twenty (20) feet, more or less, to the point of beginning; containing an area of one thousand six hundred eighteen (1618) square feet, more or less,

PARTIAL NO. 2

That portion of the South half ($S\frac{1}{2}$) of the vacated alley in Block One Hundred Sixty (160), Original City of Omaha, between Howard and Jackson Streets from Sixth (6th) Street east, North of and adjoining Lot Seven (7) in said Block One Hundred Sixty (160), Original City of Omaha, described as follows, which said alley was vacated by the City of Omaha by Ordinance of its City Council No. 154C2, dated May 7, 1946:

Beginning at the Northeast (NE) corner of said Lot Seven (7); thence Westerly (W) along the North (N) line of said Lot Seven (7) a distance of forty-six and three-tenths (46.3) feet, more or less, to a point that is twenty (20) feet distant Easterly (E), measured radially, from the center line of the most Easterly (E) track of the Union Pacific Railroad Company as now constructed across said Block One Hundred Sixty (160); thence Northerly (N) along a concave curved line having a radius of nine hundred seventy-three and seventy-two hundredths (973.72) feet parallel with and twenty (20) feet distant Easterly (E), measured radially, from said center line of most Easterly (E) track to a point which is the center line of said vacated alley in said Block One Hundred Sixty (160); thence Easterly (E) along the center line of said vacated alley to a point on the Easterly (E) line of said Block Seven (7) produced Northerly (N); thence Southerly (S) a distance of ten (10) feet, more or less, to the point of beginning.

being the same property acquired by the UNITED STATES OF AMERICA by Correction Quitclaim Deed dated February 4, 1949, filed for record on July 2, 1949, in the office of the Registrar of Deeds of Douglas County, Nebraska, in Book of Deeds 697, Page 675.

AFFIDAVIT OF DONN H. LIPTON

STATE OF MISSOURI)
) ss.
 COUNTY OF ST. LOUIS)

Donn H. Lipton of St. Louis, Missouri, upon being first duly sworn, deposes and states as follows:

1. Beverly F. Katz (formerly known as Beverly Ferer, Beverly Pankewer and herein referred to as "Beverly") as settlor on the 27th day of August, 1965 created a trust by virtue of an "Indenture of Trust" in which Beverly and your affiant were designated as joint trustees. Such instrument was amended on February 2, 1970, August 20, 1971 and the 24th day of November, 1973 which latter document designated "Amendment to Indenture of Trust" represented a restated and modified instrument of trust establishing the rights and obligations thereunder wholly revising prior instruments and in fact effective and operable as an independent document.

2. Under the provisions of such trust (a) in the event of the demise of Beverly, your affiant was designated to act as sole and exclusive trustee (Article VI, Section A), (b) on the demise of Beverly, except for the sum of \$25,000.00 established as a reserve for the support and maintenance of her parents (Article III), the assets of the trust were to be divided in equal parts for the benefit of Beverly's children, Christie Ann Ferer (also known as Christine Ferer) and Patricia Ferer (Article IV), and (c) upon attaining the age of thirty (30) years, the assets of each trust created for the benefit of Christie Ann Ferer and Patricia Ferer were to be distributed to such beneficiary (Article IV, Section A).

3. Beverly has departed this life and Christie Ann Ferer and Patricia Ferer have each attained the qualifying age for distribution of thirty (30) years.

4. Among the assets vested in Christie Ann Ferer and Patricia Ferer, in consequence of the distribution to them of the assets of their respective trusts, is an aggregate 10% interest in a Nebraska general partnership known as Harbor Realty.


5. To facilitate the disposition of assets of such partnership, Christie Ann Ferer and Patricia Ferer have each designated your affiant, under powers of attorney duly executed by them, as their attorney-in-fact to do, take and perform all and

every act in connection with their interest in respect to such partnership.

Further your affiant saith not.


Donn H. Lipton

Subscribed and sworn to before me this 5 day of May, 1988.


Notary Public



CAROL S. SEXTON
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES 11/2/91
CITY OF ST. LOUIS