



ASS 2017009122



FEB 03 2017 10:45 P 6

ASS ⁶/₁₆ ME

FEE 40.00 FB 11-16580

BKP C/O COMP SP

DEL SCAN FV

0

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
2/3/2017 10:45:03.10

2017009122

Prepared By and Return To:
Luther C. Curtis, Esq.
Miller & Martin PLLC
1180 West Peachtree Street, NW
Suite 2100
Atlanta, Georgia 30309

Cross Reference To: Instrument #2016095911
Douglas County, NE Land Records

ABSOLUTE ASSIGNMENT AND ASSUMPTION OF NOTE AND LIENS

FOR VALUE RECEIVED, ACCESS POINT FINANCIAL, INC., a Delaware corporation ("**Assignor**"), effective as of the 21st day of December, 2016, hereby assigns and transfers to APF – CS, LLC, a Delaware limited liability company ("**Assignee**") having its principal office at 1 Ravinia Drive, Suite 900, Atlanta, Georgia 30346, and the Assignee's successors and assigns, without recourse, warranty or representation express or implied, the undersigned's interest in and to the following documents related to a loan made on or about November 8, 2016 by Assignor to Lucky Omaha Hospitality LLC, a Nebraska limited liability company ("**Borrower**"), in the original amount of \$3,720,000.00 (the "**Loan**"), evidenced by a Promissory Note in the amount of the Loan (the "**Note**");

(a) Nebraska Deed of Trust and Security Agreement dated November 8, 2016 and recorded on November 16, 2016 in the Douglas County, NE real property records as Instrument #2016095911, executed by Borrower in favor of Assignor to secure the repayment of the Note and the other obligations described therein, together with any amendments thereto, if any; and

(b) such other agreements, documents and instruments now or hereafter executed by Assignor, Borrower, or other persons or entities for the benefit of the holder of the Note in connection with the Loan (all such agreements, documents and instruments are referred to collectively as the "**Loan Documents**").

TO HAVE AND TO HOLD the Loan Documents unto the Assignee, its successors and assigns forever.

In consideration of the transfer of the Loan Documents from Assignor to Assignee, Assignee hereby assumes all of the obligations of Assignor under the Loan Documents that accrue on or after the date of this Assignment.

Assignor represents and warrants to Assignee that Assignor is the owner and holder of the Loan Documents assigned hereby and that Assignor has full right to make this Assignment and to vest in Assignee the interests assigned hereby. Except for the warranties in the preceding sentence, Assignor has not made and does not hereby make any representation or warranty to Assignee regarding the Loan Documents.

CK#014176

Concurrently herewith, Assignor agrees to endorse the Note to Assignee, or (if necessary) to sign an Allonge to be attached to the Note, as follows: "Pay to the order of APF – CS, LLC, a Delaware limited liability company, without recourse, warranty or representation." Assignor further agrees to deliver to Assignee the original of each of the Loan Documents.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this instrument has been executed under seal by the undersigned to be effective as of the date first above written.

"ASSIGNOR:"

ACCESS POINT FINANCIAL, INC., a Delaware corporation

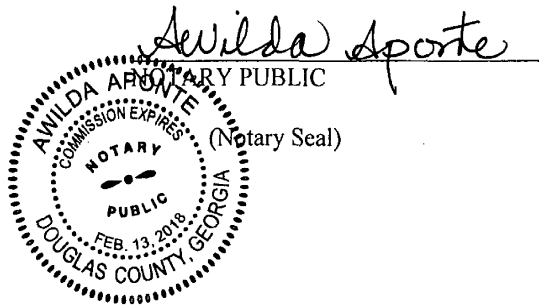
By: [Signature] (SEAL)
Name: Dilip Petigara
Title: COO

STATE OF Georgia
COUNTY OF DeKalb

On Dec. 21, 2016, before me, the undersigned, a Notary Public, duly commissioned and qualified in said County, personally came Dilip Petigara, the COO of Access Point Financial, Inc., a Delaware corporation known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and seal the day and year last above written.

My Commission Expires:
2-13-2018



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this instrument has been executed under seal by the undersigned to be effective as of the date first above written.

"ASSIGNEE:"

APF-CS, LLC, a Delaware limited liability company

By: *John Patton* (SEAL)
 Name: John Patton
 Title: CFO

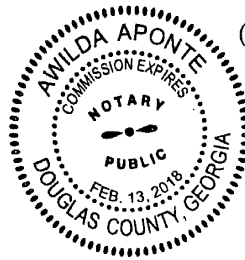
STATE OF Georgia
 COUNTY OF DeKalb

On Dec. 21, 2016, before me, the undersigned, a Notary Public, duly commissioned and qualified in said County, personally came John Patton, the CFO of APF-CS, LLC, a Delaware limited liability company known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and seal the day and year last above written.

Awilda Aponte
 NOTARY PUBLIC

My Commission Expires:
2-13-2018



(Notary Seal)

EXHIBIT "A"**[Land]**

All of Lots Ten (10), Eleven (11), Twelve (12) and Thirteen (13), in Block Eight (8), in Hillside Addition No. 1, an addition to the City of Omaha, in Douglas County, Nebraska, together with part of Lots Three (3) and Four (4), and the North Half (N½) of the vacated alley adjacent thereto on the South, together with all of Lots Five (5), Six (6) and Seven (7), and the North Half (N½) of the vacated alley adjacent thereto on the South, and all of Lots Fourteen (14) and Fifteen (15), and the South Half (S½) of the vacated alley adjacent thereto on the North, in Block Seven (7), in said Hillside Addition No. 1, together with parts of Lots Eight (8), Ten (10), Eleven (11), Twelve (12) and Thirteen (13), and part of the vacated alley adjacent thereto on the North, in Block Seven (7), in said Hillside Addition No. 1, together with vacated Chicago Street, all more particularly described as follows:

Commencing at the Northwest corner of Lot Three (3), said Block Seven (7); thence Southerly, on the West line of said Lot Three (3), 40.00 feet, to the point of beginning; thence Southerly, on the West line of said Lot Three (3) and its Southerly extension, 86.00 feet, to the centerline of said vacated alley; thence Westerly, on the centerline of said vacated alley, 54.00 feet, to the Northerly extension of the West line of Lot Fifteen (15), said Block Seven (7); thence Southerly, on the West line of said Lot Fifteen (15) and its Northerly extension, 126.00 feet, to the Southwest corner of said Lot Fifteen (15); thence Easterly, on the South line of Lots Fourteen (14) and Fifteen (15), said Block Seven (7), 104.00 feet, to the Southeast corner of said Lot Fourteen (14); thence Northerly, on the East line of said Lot Fourteen (14), 16.00 feet; thence Northeasterly, 219.02 feet, more or less, to a point on the West line of Lot Nine (9), said Block Seven (7), said point being 14.73 feet South of the Northwest corner of said Lot Nine (9); thence Northerly, on the West line of said Lot Nine (9) and on its Northerly extension, 20.73 feet, more or less, to a point on the centerline of said vacated alley; thence Easterly, on the centerline of said vacated alley, 27.68 feet; thence Northwesterly, 126.18 feet, to a point on the North line of Lot Eight (8), said Block Seven (7), said point being 21.00 feet East of the Northwest corner of said Lot Eight (8); thence Northwesterly, 63.57 feet, to the Southeast corner of Lot Ten (10), said Block Eight (8); thence Northerly, on the East line of said Lot Ten (10), 120.00 feet, to the Northeast corner of said Lot Ten (10); thence Westerly, on the Northerly line of Lots Ten (10), Eleven (11), Twelve (12) and Thirteen (13), said Block Eight (8), 200.00 feet, to the Northwest corner of said Lot Thirteen (13); thence Southerly, on the West line of said Lot Thirteen (13), 120.00 feet, to the Southwest corner of said Lot Thirteen (13); thence Southeasterly, on a 50.00 foot radius curve to the right (said curve being tangent to the North line of Chicago Street), an arc distance of 157.08 feet, to a point 100.00 feet South of the North right-of-way line of Chicago Street; thence Westerly, on a line 100.00 feet South of the North line of Chicago Street, 50.00 feet, to the point of beginning.

EXCEPT

A tract of land located in Lot Eight (8) and part of vacated alley adjoining, and vacated Chicago Street, Block Seven (7), Hillside Addition No.1 to the City of Omaha, Douglas County, Nebraska, described as follows:

25019-0084

Referring to the Southeast corner of Lot Ten (10), Block Eight (8), Hillside Addition No.1 to the City of Omaha; thence Southerly a distance of 53.37 feet along the Westerly existing 30th Street right of way line to the point of beginning; thence Southerly deflecting 000 degrees 00 minutes 00 seconds a distance of 10.30 feet along the Westerly existing 30th Street right of way line; thence Southerly deflecting 016 degrees 13 minutes 30 seconds right, a distance of 126.21 feet along the Westerly existing 30th Street right of way line; thence Westerly deflecting 093 degrees 19 minutes 07 seconds right, a distance of 10.48 feet along said line; thence Northerly deflecting 089 degrees 53 minutes 04 seconds right, a distance of 135.71 feet to a point on the Westerly existing 30th Street right of way line to the point of beginning.

25019-0084