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CLAUDE WICZ
OF DEEDS
COUNTY, N.

QUITCLAIM DEED AND EASEMENT AGREEMENT

This Agreement is entered into this 13 day of July, 1994, by and between UNITED SEEDS, INC., a Nebraska corporation ("United Seeds") and OMEGA CHEMICAL COMPANY, INC., A Nebraska corporation ("Omega").

WHEREAS, United Seeds and Omega each claim to be the owner of the real estate described as follows:

That part of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, on the South (hereinafter referred to as the "Terminal Right-of-Way").

WHEREAS, United Seeds ^{REPRESENTS THAT IT IS} is the owner of the real property legally described as the East 54.9 feet of Lot 2, Block 57, Original Town of Ralston, Douglas County, Nebraska, together with the property described on Exhibit "A" attached hereto;

WHEREAS, United Seeds has grain storage bins located on the above-described Terminal Right-of Way;

WHEREAS, Omega is the owner of the real property described as the West 45.1 feet of Lot 2, Block 57, Original Town of Ralston, Douglas County, Nebraska;

WHEREAS, Omega uses the Northerly 14.8 feet of the above-described Terminal Right-of-Way for the purpose of ingress and egress to the improvements on Omega's property;

WHEREAS, United Seeds uses the Northerly 14.8 feet of the above-described Terminal Right-of-Way for the purpose of ingress and egress to its grain storage bins located on the Terminal Right-of-Way and for ingress and egress by railway to United Seeds' adjoining property;

WHEREAS, United Seeds and Omega are desirous of resolving the dispute as to each of their rights, title and interest in and to the above Terminal Right-of-Way; and,

NOW, THEREFORE, upon mutual consideration herein received, the parties hereby agree as follows:

1. United Seeds hereby quit claims to Omega all right, title and interest to the Northerly 14.8 feet of the Terminal Right-of-Way in the Village of Ralston, Douglas County,

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NEBR DOC STAMP TAX
Date 7/22/94
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Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal Right-of-Way adjoining said Lot 2, Block 57, subject, however, to the following:

- A. United Seeds' existing grain bins, including the foundations and footings thereof on the above-described Terminal Right-of-Way and any replacements of such bins provided that any such replacements shall not encroach upon Omega's property any more than the existing grain bins may encroach, if the existing grain bins encroach at all. These grain bins shall not be a breach of this Agreement and Omega shall have no right to move or compel the removal of such existing grain bins and shall not interfere with the normal daily use of the grain bins by United Seeds.
- B. The existing railroad tracks and any replacements thereof on the above described Terminal Right-of-Way. Omega shall have no right to move or compel removal of the railroad tracks. Omega shall not interfere with the use of the railroad tracks until such time as they are abandoned by United Seeds or its successors and assigns. Such abandonment must be in writing and filed of record with the Register of Deeds of Douglas County, Nebraska; and
- C. The easement granted to United Seeds below.

2. Omega hereby grants to United Seeds, its successors, assigns, agents, and contractors a permanent easement for ingress and egress over the Northerly 14.8 feet of the above-described Terminal Right-of-Way by pedestrians, vehicles, and trains to or for the benefit of the property owned by United Seeds or its successors and assigns and for repair and replacement of the existing railroad tracks, the use, and maintenance, repair and replacement of the grain bins or other improvements upon United Seeds property. This easement shall include the right to construct and operate machinery to load and unload grain onto trains or vehicles provided such machinery is suspended over the ground and does not interfere with Omega's normal vehicular ingress and egress to its property.

3. Omega hereby quit claims to United Seeds that portion of the Terminal Right-of-Way in the Village of Ralston, Douglas County, Nebraska, lying between the West line of Lot 2, Block 57, Original Town of Ralston, extended due South and a North-South line 45.1 feet East of the West line of said Lot 2, Block 57, extended due South, being the West 45.1 feet of said Terminal-of-Way adjoining said Lot 2, Block 57, except the Northerly 14.8 feet thereof.

4. These conveyances and grants are in recognition of United Seeds' claim of adverse possession and do not terminate or waive such claim as to any persons, other than Omega, claiming or holding an interest in the Terminal Right-of-Way.

STATE OF NEBRASKA)
)
COUNTY OF Douglas) SS.

On this 13th day of July, 1994, before me the undersigned Notary Public duly commissioned and qualified for said county, personally came R.A. Berry, the President of United Seeds, Inc. ~~Omega Chemical Company, Inc.~~, known to me to be the identical person whose name is subscribed to the foregoing instrument, and acknowledged the execution thereof to be his/her voluntary act and deed.



Betty J. Russell
Notary Public

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

SCHEDULE "A"

PARCEL I:

All Lot 1 and Lot 2, except the West 45.1 feet, thereof, Block 57; Lot 10, Block 58; Lots 10, 11, and 12, Block 59; all of Block 60; and Block 61, excepting therefrom those portions heretofore conveyed by deeds recorded in Book 899 at Page 665, Book 1302 at page 405 and Book 1499 at page 103, all being located in the Original Town of Ralston, Douglas County, Nebraska.

PARCEL II:

All that portion of the Terminal Railroad Right of Way as shown on the Plat of the Original Town of Ralston, recorded in Book 303 at Page 134, of the Deed records of Douglas County, Nebraska, lying between Lots 10, 11, and 12, Block 59; Block 61 and Block 60 and extending to a line 45.1 feet East of the West line of Lot 2, in Block 57, and that portion of same lying between Lot 10, in Block 58, and Lots 12 and 11, in Block 59 and extending to the West line of Lot 2, in Block 57, EXCEPTING THEREFROM Parcel III described below.

PARCEL III:

All that portion of the Terminal Railroad Right of Way, as shown on the Plat of the Original Town of Ralston, Douglas County, Nebraska, lying between the abandoned Missouri Pacific Railroad Right of Way and that portion of same conveyed in Deed recorded in Book 422 at Page 606. Also that portion of same lying between the Westerly line of Block 60 and the East line of Lot 1, Block 57 extended south, and south of that portion conveyed in Deed recorded in Book 422 at Page 606.