

5258

FILED
CASS COUNTY, NE.

2011 NOV 10 PM 4:25

BOOK 73 OF MIX PG. 309

David Johnson

REGISTER OF DEEDS

#5258 \$20.50

COMPARED

After recording, return to:
Robert Dailey
Suite 3700
1601 Dodge Street
Omaha, NE 68102

PERMANENT EASEMENT

In consideration of One Dollar (\$1.00) which has been received, HCH, LLC, a Nebraska limited liability company, (Grant) as owner of Tax Lot 128, an Administrative Subdivision, located in the SW ¼ of the SW ¼ of Section 12-T12N-R13E of the 6th P.M., City of Plattsmouth, Cass County, Nebraska, grants to **Tincher Investments Co., Inc.**, a Nebraska corporation, and to future owners of Tax Lot 127, an Administrative Subdivision, located in the SW ¼ of the SW ¼ of Section 12-T12N-R13E of the 6th P.M., City of Plattsmouth, Cass County, Nebraska (Grantee), a permanent easement as follows for the limited purpose of obtaining vehicular and pedestrian ingress and egress to Tax Lot 127. Said easement is shown on the attached Exhibit A. This easement shall run with the land, but shall be subject to termination as set forth below.

REFERRING TO THE NW CORNER OF SAID TAX LOT 128, (AN ADMINISTRATIVE SUBDIVISION); THENCE S89°57'32"E, (ASSUMED BEARING), ALONG THE NORTH LINE OF SAID TAX LOT 128, A DISTANCE OF 180.00' TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S89°57'32"E, A DISTANCE OF 30.00'; THENCE S00°02'26"W, A DISTANCE OF 55.00' TO A POINT ON THE NORTH LINE OF TAX LOT 127, (AN ADMINISTRATIVE SUBDIVISION); THENCE N89°57'34"W, ALONG SAID NORTH LINE, A DISTANCE OF 30.00'; THENCE N00°02'26"E, A DISTANCE OF 55.00' TO THE POINT OF BEGINNING. Said described tract contains 1,650 sq. ft., more or less.

The Easement is subject to the following further conditions:

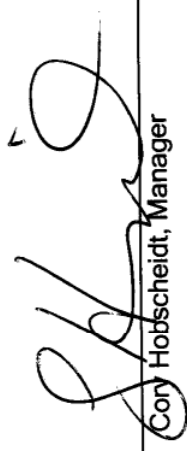
- a) Grantee's ingress and egress shall be made in a reasonable manner.
- b) Grantor agrees not to construct any building structure or similar improvement on the surface of the easement area in a manner to obstruct Grantee's use of the area for ingress or egress.

X

- c) If Grantee disturbs the easement area for its ingress and egress, Grantee will restore the area to substantially the same condition and in the manner consistent with the area's prior condition.
- d) Grantee, as it relates to its use of the easement area, will hold Grantor harmless from any claim by any person arising out of the negligent acts or omissions of Grantee or its agents.
- e) This grant is for a permanent easement and inures to the benefit of, and is binding on, the heirs, executors, administrators, successors and assigns of the parties.
- f) Grantor shall provide snow removal for the easement area. Grantor and Grantee shall equally share the cost of maintaining the concrete or asphalt improvements in the easement area such that the same remains in a conditions substantially free of cracks and potholes. Grantor shall ultimately have the final determination in regard to the need for normal maintenance for the concrete or asphalt. In the event Grantor repairs, or causes repairs to be made to the concrete or asphalt, Grantee shall reimburse Grantor for reasonable repair expenses within 15 days of receiving proof of Grantor's payment for the repairs.
- g) Grantor, as it relates to its use of the easement area, will hold Grantee harmless from any claim by any person regarding Grantor's use of the same.
- h) Grantee shall not block the easement area, Grantee's use being limited to ingress and egress to Tax Lot 127.
- i) This Easement shall be governed by the laws of the State of Nebraska.
- j) Grantor's notices to Grantee shall be served by first class mail addressed to the street address of Tax Lot 127.
- k) This grant of easement is subject to all prior easements of record affecting the easement area.

Dated: 11-9, 2011 HCH, LLC, Grantor

By:

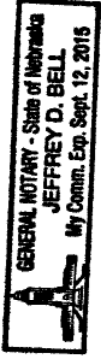

Cory Hobscheidt, Manager

STATE OF NEBRASKA)

)ss.

COUNTY OF CASS)

The foregoing instrument was acknowledged before me on 11-9, 2011 by
Cory Hobscheidt as a Manager of HCH, LLC, on behalf of the company.





Notary Public

5258

EASEMENT FOR INGRESS AND EGRESS:

As evidence for ingress and egress, over and across, a portion of "Tax Lot 128", an ADMINISTRATIVE SUBDIVISION, located in the SW1/4 of the SW1/4 of Section 12-T12N-R13E of the 6th T.M., City of Plattsmouth, Cass County, Nebraska, more fully described as follows:

Referring to the NW Corner of said Tax Lot 128, (an Administrative Subdivision) thence S89°59'27"E, (assumed bearing), along the North line of said Tax Lot 128, a distance of 190.00' to the TRUE POINT OF BEGINNING; thence continuing S89°59'27"E, a distance of 230.00'; thence S80°02'26"W, a distance of 55.00' to a point on the North line of Tax Lot 127, (an Administrative Subdivision); thence N89°57'54"W, along said North line, a distance of 30.00'; thence N08°02'26"E, a distance of 55.00' to the POINT OF BEGINNING. Said described tract contains 1,650 sq ft, more or less.

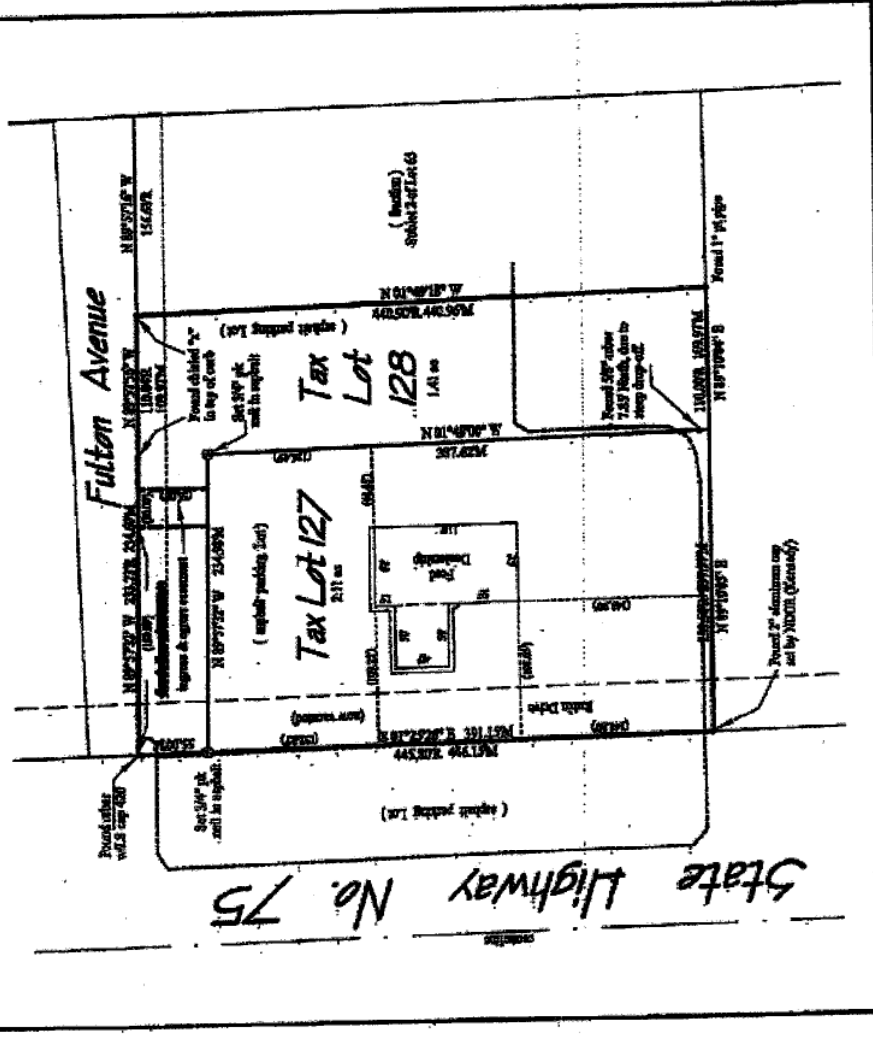


EXHIBIT A