

992864

22-4-6

State of Nebraska, Gage County ss. Entered in Numerical Index and filed for record the 14th day of July, 1999, at 8:45 o'clock A.M., and recorded as INSTRUMENT NO. 992864

Ruth E. Siema
Register of Deeds
By _____ Deputy

Pages 5 Doc Tax \$ 15.75 EX# _____
Fee Amt \$ 25.50 Ck Pd \$ 41.25
Cash Pd \$ _____ Refund \$ _____
Paid by DAKOTA Ck # 2464
_____ Ck # _____

CUSTOMER CODE _____
RETURN TO DAKOTA TITLE & ESCROW
ATTN: TOM WEBSTER
1246 GOLDEN GATE DR
PAPILLION NE 68046

TRACT INDEX
COMPUTER
COMPARED
PAGED
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CORPORATION WARRANTY DEED

THIS DEED made this 28th day of JUNE, 1999, between **WAL-MART STORES, INC.**, a corporation organized and existing under the laws of the state of Delaware, with offices in the county of Benton, State of Arkansas (hereinafter referred to as "Grantor"), and **RDB Enterprises** *[Signature]*, a Nebraska partnership with a mailing address of 3600 N. 6th Street, Beatrice, Nebraska 68310, hereinafter referred to as "Grantee"),

WITNESSETH:

NEBRASKA DOCUMENTARY STAMP TAX	
Date	7-14-99
\$ 15.75	By DM

That Grantor, for and in consideration of the sum of ten and no/100 dollars (\$10.00) and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby forever grant, bargain, sell, convey and confirm to Grantee, and its successors and assigns, a certain tract of land, containing **.4129 acres**, more or less, situated, lying, and being in the City of **Beatrice**, County of **Gage**, State of **Nebraska**, as more particularly described on Exhibit A attached hereto and made a part hereof (the "Land");

TO HAVE AND TO HOLD said land unto Grantee, and its successors and assigns, forever, with all tenements, appurtenances and hereditaments thereunto belonging, subject to easements, conditions, restrictions and other matters of record, and subject to the following conditions and restrictions:

- (i) said Land shall only be used for an expanded storage area and/or light manufacturing, or for purposes of the kind typically found in shopping centers, including, but not limited to, offices, restaurants, financial institutions, and retail shops, and for no other purpose without the written consent of Grantor or its successors;
- (ii) said Land shall not be used for a bar, nightclub, tavern, dance hall, adult book store, cafeteria, movie theater, bowling alley, health spa/fitness center, billiard parlor, discount rack shoe store, automotive maintenance facility engaged in quick lube/oil changes, pharmacy/drug store, discount retail store, warehouse or wholesale club, grocery store, or any other business whose principal revenues are from the sale of alcoholic beverages, amusement, or entertainment, nor shall it be used for parking or improvements in support of the foregoing uses;
- (iii) only signs advertising businesses located on the Land may be erected thereon;
- (iv) the Land and all improvements erected or constructed thereon shall be maintained in good condition and repair.

The aforesaid conditions and restrictions shall run with and bind said Land and shall inure to the benefit of and be enforceable by Grantor, or an affiliated company or its successors, by any appropriate proceedings at law or in equity to prevent violations of such conditions and restrictions and/or to recover damages for such violations; however, such conditions and restrictions shall remain in effect either for so long as Grantor, or an affiliated company or its successors, is either owner or lessee of any tract of land adjacent to said Land or for fifty (50) years, whichever time period is less.

And said Grantor does hereby warrant the title to said Land, and will defend the same against the lawful claims of all persons claiming under Grantor, but none other, subject to the easements, encumbrances, restrictions, and other matters of record and the conditions and restrictions as stated herein, and subject to real property taxes for the year of 1999, and thereafter.

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IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name by its Vice President of the Grantor trust and caused its corporate seal attested by its Assistant Secretary to be hereto affixed the day and year first above written.

(CORPORATE SEAL)

ATTEST:

BY: J. Scott Greear
J. Scott Greear
Assistant Secretary

WAL-MART STORES, INC.

BY: Anthony L. Fuller
ITS: Vice President

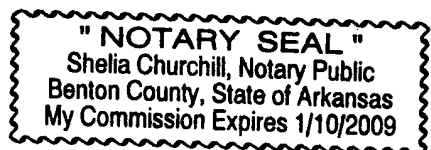
STATE OF ARKANSAS)
) ss
COUNTY OF BENTON)

In the State of Arkansas, County of Benton, on this 28 day of June 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Anthony Fuller, to me personally known, who being by me duly sworn did say that he is the Vice President of the corporation in the foregoing deed, and that the seal thereto affixed is the corporate seal of said corporation and that said deed was signed and sealed in behalf of said trust by authority of its Board of Directors and said Anthony Fuller acknowledged said deed to be the free act and deed of said corporation.

WITNESS my hand and notarial seal subscribed and affixed in said county and state, the day and year in this certificate above written.

Shelia Churchill
Notary Public

My Term Expires 1-10-2009



THIS INSTRUMENT PREPARED BY: Ann Elliott
WAL-MART Realty
2001 SE 10TH STREET
BENTONVILLE, AR 72712-6489

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EXHIBIT "A"

(Attached to and made a part of that certain Special
Warranty Deed dated June 28, 1999 by and between
Wal-Mart Stores, Inc. as Grantor, and RDB Enterprises, a Nebraska
partnership as Grantee)

[Handwritten signature]

A part of undedicated 8th Street being described as follows:

~~Commencing at the Northwest Corner of the NW1/4 of said Section 22; thence N88°12'38"E 1486.80 feet along the North line of said Section 22 to the Northeast Corner of the West 10 Acres of the E1/2 of the NW1/4 of said Section 22; thence S02°07'39"E 1349.26 feet along the Easterly line of the West 10 Acres of the E1/2 of the NW1/4 of said Section 22 to a found 5/8 inch rebar; thence S88°24'20"W 677.99 feet along a line 1302.94 feet Northerly and parallel with the Southerly line of the NW1/4 of said Section 22 to the Point of Beginning of said 8th Street parcel; thence S02°09'02"E 200.72 feet (300' Deed) to the Northwest corner of Lot Two (2), Bauman Addition to the City of Beatrice; thence S88°22'44"W 60.00 feet to the Northeast corner of Lot One (1) of said Bauman Addition; thence N02°09'02"W 299.82 feet to a line 1302.94 feet Northerly and parallel with the Southerly line of the NW1/4 of said Section 22; thence N88°24'20"E along said line 60.00 feet to the Point of Beginning and containing 17,986.25 square feet or 0.4129 acres, more or less.~~

LEGAL DESCRIPTION

Part of the Southwest Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 6 East of the 6th P.M., Gage County, Nebraska, more particularly described as:

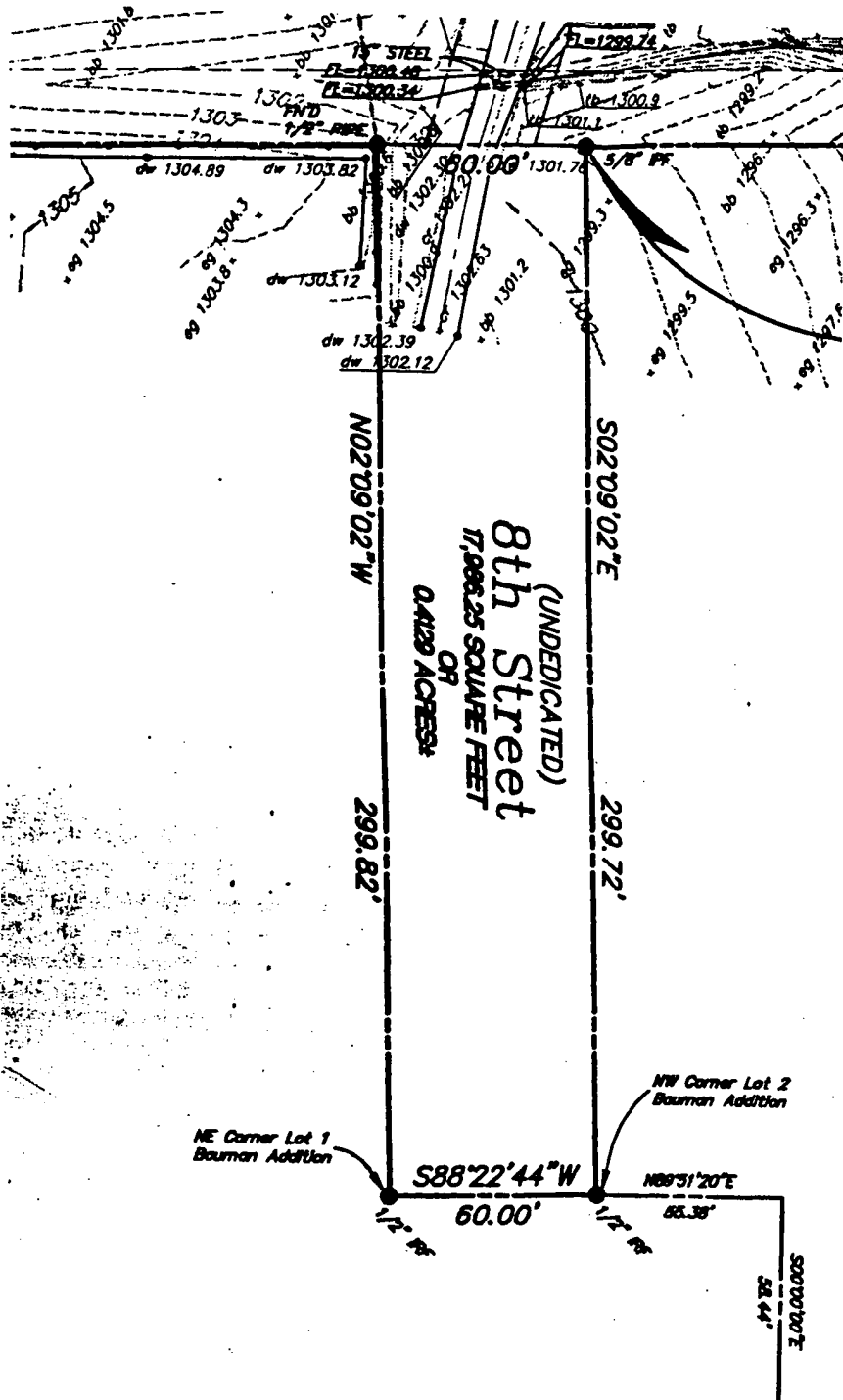
Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88°12'38" East 1486.80 feet along the North line of said Section 22 to the Northeast corner of the West 10 acres of the East Half of the Northwest Quarter of said Section 22; thence South 02°07'39" East 1349.26 feet along the Easterly line of the West 10 acres of the East Half of the Northwest Quarter of said Section 22 to a found 5/8 inch rebar; thence South 88°24'20" West 677.99 feet along a line 1302.94 feet Northerly and parallel with the Southerly line of the Northwest Quarter of said Section 22 to the point of beginning of said 8th Street parcel; thence South 02°09'02" East 299.72 feet (300 foot Deed) to the Northwest corner of Lot 2, Bauman Addition to the City of Beatrice; thence South 88°22'44" West 60.00 feet to the Northeast corner of Lot 1 of said Bauman Addition; thence North 02°09'02" West 299.82 feet to a line 1302.94 feet Northerly and parallel with the Southerly line of the Northwest Quarter of said Section 22; thence North 88°24'20" East along said line 60.00 feet to the point of beginning.

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EXHIBIT "B"

Site Plan



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