

1338 030 MISC



06522 00 030-039

Nebr Doc Stamp Tax
Date
\$
By

RICHARD M. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

00 MAY 15 PM 1:47

RECEIVED

M

Misc 590

10 FEE 2 FB 59-25698

4 BKP _____ C/O _____ COMP B

DEL _____ SCAN de FV _____

**AMENDED AND RESTATED
EASEMENT AGREEMENT**

THIS AMENDED AND RESTATED EASEMENT AGREEMENT ("Amended Agreement") is made and entered into on this 26th day of APRIL, 2000 by and between MVP PARTNERSHIP, a Nebraska general partnership, 11717, L.L.C., a Nebraska limited liability company ("11717") and WILLIAM R. JENSEN and MARY JENSEN, husband and wife ("Jensen").

WHEREAS, MVP is the owner of the real property more particularly described on Exhibit "A" attached hereto and incorporated herein by reference ("MVP Property");

WHEREAS, 11717 is the owner of the real property more particularly described on Exhibit "B" attached hereto and incorporated herein by reference ("11717 Property");

WHEREAS, Jensen is the owner of the real property more particularly described on Exhibit "C" attached hereto and incorporated herein by reference ("Jensen Property");

WHEREAS, the MVP Property, the 11717 Property and the Jensen Property are subject to the terms of that certain Easement Agreement dated February 29, 1988 and recorded on January 9, 1999 in Book 874, Page 108 of the Miscellaneous Records of Douglas County, Nebraska ("Original Agreement");

WHEREAS, the parties desire to amend and restate the Original Agreement upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of Ten Dollars and no/100 (\$10.00) and other good and valuable consideration the receipt, sufficiency and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Each Party hereby grants and conveys to each other Party for its use and the use of its Permittees, in common with others entitled to use the same, a non-exclusive easement for the passage of vehicles over and across the parking and driveway areas of their respective property as the same may from time to time be constructed and maintained for such use. The Parties specifically acknowledge that the terms of this Amended

Agreement shall not be construed to grant the right of any Party to use the parking areas of any other Parties' property.

2. For purposes hereof, the term Party shall mean each signatory hereto and their respective heirs, successors and assigns who become owners of any portion of the MVP Property, the 11717 Property and/or the Jensen Property. For purposes hereof, the term Permittee shall mean all occupants, the officers, directors, employees and agents, contractors, customers, suppliers, visitors, invitees, licensees, sub-tenants and concessionaires insofar as their activities relate to the intended use of the improvements constructed on any portion of the real estate subject to this Amended Agreement.

3. It is the intention of the parties hereto that this Amended Agreement completely amend and restate the Original Agreement.

IN WITNESS WHEREOF, the parties have executed this Amended Agreement on the day and year first written above.

"MVP"

MVP PARTNERSHIP, a Nebraska general partnership

By David L. Underwood
David L. Underwood, Partner

By Leo E. Dahlke
Leo E. Dahlke, Partner

ROYCE ENTERPRISES INCORPORATED, a Nebraska corporation, Partner

By Lawrence R. James II
Lawrence R. James II, President

"11717"

11717, L.L.C., a Nebraska limited liability company

By: Its Members

David L. Underwood

David L. Underwood, sole member

"JENSEN"

William R. Jensen

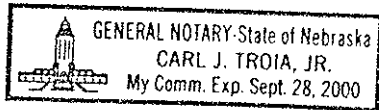
William R. Jensen

Mary Jensen

Mary Jensen

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Subscribed, sworn to and acknowledged before me this 26th day of APRIL, 2000 by David L. Underwood, the Partner of MVP Partnership, a Nebraska general partnership.



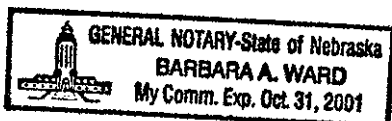
Carl J. Troia, Jr.

Notary Public

My Commission Expires:

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Subscribed, sworn to and acknowledged before me this 27th day of April, 2000 by Leo E. Dahlke, the Partner of MVP Partnership, a Nebraska general partnership.

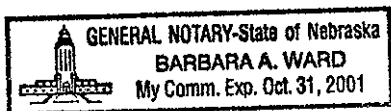


Barbara A. Ward
Notary Public

My Commission Expires:

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Subscribed, sworn to and acknowledged before me this 26th day of April, 2000 by Lawrence R. James II, the President of Royce Enterprises Incorporated, a Nebraska corporation.

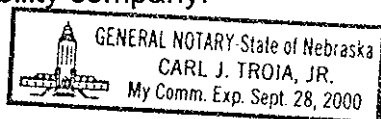


Barbara A. Ward
Notary Public

My Commission Expires:

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Subscribed, sworn to and acknowledged before me this 26th day of APRIL, 2000 by David L. Underwood, the sole member of 11717, L.L.C., a Nebraska limited liability company.

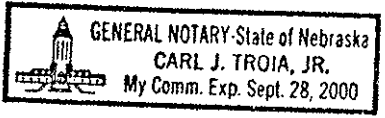


Carl J. Troia, Jr.
Notary Public

My Commission Expires:

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Subscribed, sworn to and acknowledged before me this 26th day of APRIL, 2000 by William R. Jensen.



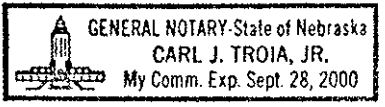
Carl J. Troia, Jr.

Notary Public

My Commission Expires:

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Subscribed, sworn to and acknowledged before me this 26th day of APRIL, 2000 by Mary Jensen.



Carl J. Troia, Jr.

Notary Public

My Commission Expires:

EXHIBIT "A"

Lots 1 and 2, in Miracle Village, an Addition to the City of Omaha, Douglas County, Nebraska, located in the Southwest Quarter of Section 17, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, EXCEPT that part of Lot 2 being described as follows: Beginning at the Southwest corner of Lot 2, Miracle Village; thence N 11°11'45" E, along the East R.O.W. of 120th Street, 137.00 feet; thence S 78°48'15" E, 210.79 feet to a point on the East line of said Lot 2, Miracle Village; thence S 28°13'59" W along said East line, 109.64 feet to the Southeast corner of said Lot 2; thence N 89°00'41" W along the North R.O.W. of Webster Street, 181.53 feet to the point of beginning.

EXHIBIT "B"

Lots Three (3) and Four (4) MIRACLE VILLAGE, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

EXHIBIT "C"

That part of Lot 2, in MIRACLE VILLAGE, an Addition to the City of Omaha, Douglas County, Nebraska, located in the Southwest Quarter of Section 127, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the Southwest corner of Lot 2, Miracle Village; thence N 11°11'45" E, along the East R.O.W. of 120th Street, 137.00 feet; thence S 78°48'15" E, 210.79 feet to a point on the East line of said Lot 2, Miracle Village; thence S 28°13'59" W along said East line, 109.64 feet to the Southeast corner of said Lot 2; thence N 89°00'41" W along the North R.O.W. of Webster Street, 181.53 feet to the point of beginning.

