

A F F I D A V I T

The undersigned, Steven E. Fivel, the duly authorized and acting agent of 84th & Center Corp., an Indiana corporation, in consideration of issuance of a policy of title insurance covering real estate in Douglas County, State of Nebraska, legally described on Exhibit "A" attached hereto, free and clear of any special exceptions relating to or arising out of that certain Collateral Assignment of Lease of Lionel Leisure, Inc., interest of Consolidated Toy Company subleased from 84th & Center Corp., dated January 14, 1983, filed August 4, 1983 in Book 694 at page 278; Conditional Assignment of Lessee's Interest in Lease and Sublessee's Interest in Subleases by and between Plus, Inc. and Landmark Bank of Ladue, Inc., dated January 15, 1983, filed August 4, 1983 in Book 694 at page 285 and Conditional Assignment of Lessee's Interest in Lease and Sublessee's Interest in Sublease, Toys Plus, Inc. to Landmark Bank of Ladue, dated January 4, 1984, filed January 13, 1984 in Book 703 at page 410, contained in the ALTA Owner's Policy, does hereby warrant, covenant and agree with and unto Commonwealth Land Title Insurance Company and its agent, ATI Title Company, as follows: the Sublease by and between Toys Plus, Inc. and 84th & Center Corp. was Ordered rejected by Judge James J. Barta, United States Bankruptcy Judge, United States Bankruptcy Court, Eastern District of Missouri, Eastern Division. A true, correct and complete copy of said Order is attached hereto as Exhibit "B". Therefore the Sublease is no longer in full force and effect.

WITNESS my hand this 30th day of April, 1993.

84th & Center Corp.,  
an Indiana corporation

By: Steven E. Fivel

Title: Agent

STATE OF INDIANA        )  
                                  )SS:  
COUNTY OF MARION     )

Before me, a Notary Public in and for said County and State, personally appeared Steven E. Fivel, to me personally known as the duly and authorized agent, 84th & Center Corp., who executed the foregoing instrument for and on behalf of said Corporation.

WITNESS my hand and notarial seal this 30th day of April, 1993.

Deborah J. Chrisman  
Notary Public

r:affid

DEBORAH J. CHRISMAN, Notary Public  
County of Residence: Marion  
My Commission Expires Aug. 22, 1994

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## EXHIBIT "A"

A tract of land being all of Lots 1 through 6, Inclusive, Lots 28 through 35, Inclusive, a portion of Lots 36 through 38, Inclusive, all in MARSHALL AND PAHL ADDITION, an Addition to the City of Omaha, together with part of vacated 86th Street and together with a portion of the North Half of the Northeast Quarter of the Northeast Quarter of Section 34, Township 15 North, Range 12 East of the 6th, P.M., in Douglas County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of said Lot 1, said point also being on the South line of West Center Road; thence along the North line of Lots 1, 35 and 36, and along said South line of West Center Road, North  $90^{\circ}00'00''$  East (assumed bearing), 580.06 feet; thence South  $00^{\circ}00'00''$  East, 16.00 feet; thence North  $90^{\circ}00'00''$  East, 85.00 feet; thence North  $00^{\circ}00'00''$  West, 16.00 feet to said North line of Lot 36 and said South line of West Center Road; thence along said North line of Lot 36 and along said South line of West Center Road, North  $90^{\circ}00'00''$  East, 281.74 feet; thence South  $00^{\circ}17'37''$  West, 317.00 feet; thence North  $90^{\circ}00'00''$  East, 343.00 feet to the East line of said Lot 38, said point also being on the West line of 84th Street; thence along said West line, South  $00^{\circ}17'37''$  West, 294.39 feet to the Southeast corner of said Lot 38; thence along the South line of said Marshall and Pahl Addition and its Westerly extension, North  $89^{\circ}56'25''$  West, 1270.68 feet to the point of intersection with the Southerly extension of the Westerly line of said Marshall and Pahl Addition; thence along said Westerly line and its Southerly extension, North  $00^{\circ}22'35''$  East, 610.08 feet to the Point of Beginning.

EXHIBIT "B"UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re	)	
	)	
TOYS PLUS, INC.,	)	Case No. 87-03864-BKC-JJB
	)	
Debtor,	)	
	)	
and	)	
	)	
TOYS PLUS OF TEXAS, INC.	)	Case No. 88-00120-BKC-JJB
	)	
Debtor	)	
	)	
ROBERT J. BLACKWELL,	)	
	)	
Trustee - Movant.	)	

O R D E R

At St. Louis, Missouri this 9th day of March, 1988.

The Trustee's Motion to Extend the Time to Assume or Reject the non-residential real property lease on store # 104, at Omaha, Nebraska, being presented, and the Trustee announcing that an agreement had been entered into between the Trustee and the attorney for the landlord that the Trustee would reject the lease and the landlord would allow the Trustee until March 31, 1988 to remove from the store the estate's property located therein, consisting of inventory, fixtures, and various other items, and the Court finding that the agreement is fair and reasonable and in the best interest of the estate and no adverse interest appearing.

IT IS ORDERED that the non-residential real property lease on store # 104 be and hereby is rejected, subject to the agreement of the landlord that the estate's property,

inventory, and equipment may remain on said premises up to and including the 31st day of March, 1988; and that the estate may remove the same during that period of time, and the stays in Bankruptcy are applicable to any act against said estate property up to and including the 31st day of March, 1988.

*James J. Barta*  
\_\_\_\_\_  
Judge James J. Barta  
UNITED STATES BANKRUPTCY JUDGE

cc: Mr. Steve Pecar  
Box 82008  
Indianapolis, IN 46282

Robert J. Blackwell, Trustee

10379 # 1069 R ~~694-615~~ 34-15-128 7/237 01-60000  
CASH \_\_\_\_\_ BK \_\_\_\_\_ FB \_\_\_\_\_  
TYPE misc PG 603-696 C/O \_\_\_\_\_ COMP \_\_\_\_\_  
FEE 29.00 OF misc LEGL PG 604 MC \_\_\_\_\_ FV \_\_\_\_\_  
SCAN IM

RECEIVED  
MAY 3 1 49 PM '93  
GEORGE J. BUGLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, IN