



DEED 2014090610



NOV 20 2014 10:41 P 10

Nebr Doc  
Stamp Tax

11-20-14 F

Date

\$ 22950.00

By *[Signature]*


Deed 01-60000

10 FEE 124.00 FB See attached

21 B/P 34-15-12 LC C/O COMP

DEL SCAN FV

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
11/20/2014 10:41:33.41



2014090610

Warranty Deed 1 of 3

DS Canfield Plaza LLC, a Nebraska limited liability company

To

Schumacher Enterprises, LLC, a Nebraska limited liability company

See legal description on document

0260594

Please Return recorded document to:  
Nebraska Title Company  
14680 West Dodge Road, Suite 1  
Omaha, NE 68154

✓  
20101266

#33

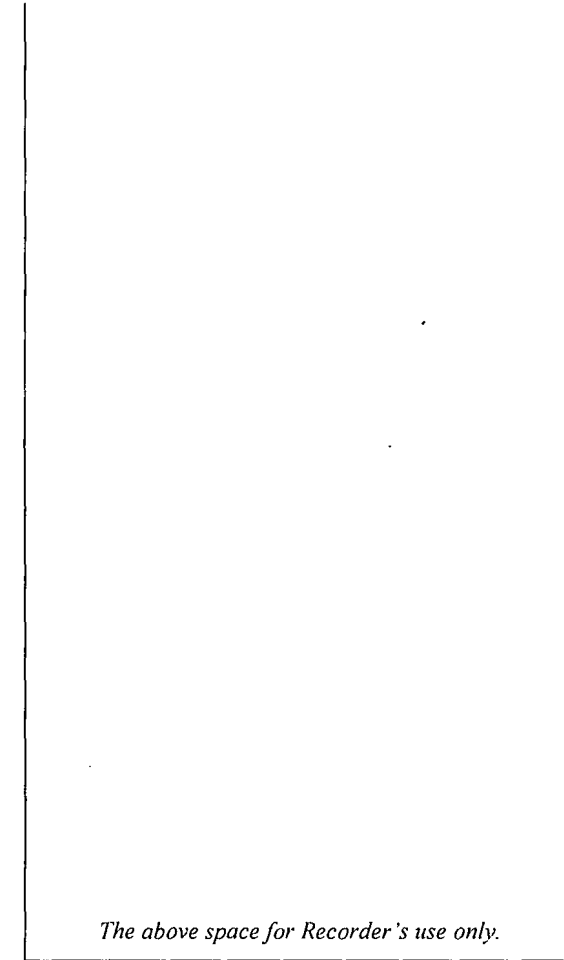
**SPECIAL WARRANTY DEED**

This Special Warranty Deed is made as of November 17, 2014, between DS Canfield Plaza LLC, a Nebraska limited liability company ("Grantor"), and Schumacher Enterprises LLC, a Nebraska limited liability company ("Grantee").

**WITNESSETH:**

Grantor, in consideration of Ten Dollars (\$10.00) in hand paid by Grantee, the receipt of which is acknowledged, and pursuant to the authority of the sole manager of Grantor, by these presents does remise, release, alien and convey unto Grantee, an undivided one-third interest in the real estate situated in the County of Douglas and State of Nebraska, and legally described on **Exhibit A** attached hereto and made a part hereof (the "Property").

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereon, all improvements, and all the estate, right, title, interest, claim or demand whatsoever of Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances:



*The above space for Recorder's use only.*

to have and to hold the Property as above described.

And Grantor, for itself, and its successors, covenants, promises and agrees, to and with Grantee, that it has not done or suffered to be done anything whereby the Property is or may be in any manner encumbered or charged, except as stated in this Deed; and that it will warrant and defend the Property against all persons lawfully claiming, or to claim the same, by, through or under Grantor, subject to those exceptions set forth on attached **Exhibit B**.

Real Estate Tax Parcel No.: 3639 000 20; 3643 000 20; 1303 0508 17; 1303 0505 17

Address of Real Estate: 8457 West Center Road, Omaha, Nebraska

[The remainder of this page was intentionally left blank. The signature page follows.]

This Special Warranty Deed was executed as of the date set forth above.

DS Canfield PLaza LLC, a Nebraska limited liability company

By: *Donna Stender*  
Donna Stender, ~~its~~ manager

State of Illinois )  
   ) SS  
County of Cook )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, certify that Donna Stender, personally known to me to be the manager of DS Canfield Plaza LLC, a Nebraska limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his own free and voluntary act, and as the free and voluntary act and deed of said company, for the uses and purposes therein set forth.

Given under my hand and official seal as of November 11, 2014.



*Janiece Waters* (SEAL)  
Notary Public

**This instrument was prepared by:** Steven A. Stender, Much Shelist, 191 North Wacker Drive, Suite 1800, Chicago, IL 60606

**Mail recorded document and send subsequent tax bills to:** Schumacher Enterprises LLC, 17110 Douglas Street, Omaha, Nebraska, 68118

**EXHIBIT A TO DEED**

**Legal Description**

TRACT 1:

Lot One (1), except the North five feet thereof, Rainbow Replat, an Addition to the City of Omaha, in Douglas County, Nebraska.

56-31920

TRACT 2:

Lot Four (4), Rainbow Replat, an Addition to the City of Omaha, in Douglas County, Nebraska.

56-31920

TRACT 3:

Lot Five (5), Rainbow Replat, an Addition to the City of Omaha, in Douglas County, Nebraska.

56-31920

TRACT 4:

Beginning at the Northeast corner of said Lot 37, Marshall and Pahl Addition, an Addition to the City of Omaha, in Douglas County, Nebraska, a point 50 feet South and 50 feet West of the Northeast corner of the Northeast Quarter (NE ¼) of Section Thirty-Four (34), Township Fifteen (15) North, Range Twelve (12) East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, and the Southwest corner of the intersection of 84<sup>th</sup> Street and West Center Road, thence South along the West line of 84<sup>th</sup> Street 317 feet to a point, thence West 343 feet to a point, thence North 317 feet more or less to a point on the South line of West Center Road, thence East along said South line of West Center Road 343 feet more or less to the Point of Beginning.

56-24000

-AND-

A tract of land being all of Lots One (1) through Six (6), inclusive, Lots Twenty-Eight (28) through Thirty-Five (35), inclusive, a portion of Lots Thirty-Six (36) through Thirty-Eight (38), inclusive, all in Marshall and Pahl Addition, an Addition to the City of Omaha, in Douglas County, Nebraska, together with part of vacated 86<sup>th</sup> Street and together with a portion of the North Half of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Thirty-Four (34), Township Fifteen (15) North, Range Twelve (12) East of the 6<sup>th</sup> P.M., in Douglas County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of said Lot One (1), said point also being on the South line of West Center Road; thence along the North Line of Lots One (1), Thirty-Five (35) and Thirty-Six (36), and along said South line of West Center Road, North 90 degrees 00 minutes 00 seconds East (assumed bearing), 580.06 feet; thence South 00 degrees 00 minutes 00 seconds East, 16.00 feet; thence North 90 degrees 00 minutes 00 seconds East, 85.00 feet; thence North 00 degrees 00 minutes 00 seconds West, 16.00 feet to said North line of Lot Thirty-Six (36) and said South line of West Center Road; thence along said North line of Lot Thirty-Six (36) and along said South line of West Center Road, North 90 degrees 00 minutes 00 seconds East, 261.74 feet; thence South 00 degrees 17 minutes 37 seconds West, 317 feet; thence North 90 degrees 00 minutes 00 seconds East, 343.00 feet to the East line of said Lot Thirty-Eight (38), said point also being on the West line of 84<sup>th</sup> Street; thence along said West line, South 00 degrees 17 minutes 37 seconds West, 294.39 feet to the Southeast corner of said Lot Thirty-Eight (38); thence along the South line of said Marshall and Pahl Addition and its Westerly extension, North 89 degrees 56 minutes 25 seconds West,

56-24000  
01-60000

1,270.68 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 degrees 22 minutes 35 seconds East, 610.08 feet to the point of beginning.

LESS AND EXCEPT;

56-24660

Part of Lot Thirty-Eight (38) Marshall & Pahl Addition, located in the Northeast Quarter of the Northeast Quarter (NE  $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section Thirty-Four (34), Township Fifteen (15) North, Range Twelve (12) East of the 6<sup>th</sup> p.m. in Douglas County, Nebraska described as follows: Referring to the Northeast corner of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Thirty-Four (34); thence South 87 degrees 31 minutes 54 seconds West (assumed bearing) on the North line of said Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of 50.00 feet; thence South 02 degrees 05 minutes 49 seconds East a distance of 50.00 feet to the Northeast corner of said Lot Thirty-Eight (38) and the point of beginning; thence South 02 degrees 05 minutes 49 seconds East a distance of 31.45 feet; thence North 45 degrees 52 minutes 59 seconds West a distance of 43.28 feet; thence North 87 degrees 31 minutes 13 seconds East a distance of 29.95 feet to the point of beginning.

Assessor's Parcel Number (APN): See Tax Information on Schedule B Exceptions

**EXHIBIT B TO DEED**

**Title Exceptions**

## Title Exceptions

- 1) General and special taxes and assessments for tax parcels ID Numbers 3639 0000 20, 3643 0000 20, 1303 0508 17, and 1303 0505 17.
- 2) Rights or claims of tenants under unrecorded leases.
- 3) Special assessments not yet certified to the Office of the County Treasurer.
- 4) Terms and conditions contained in Easement granted to Northern Natural Gas Company, a Delaware corporation, its successors and assigns, recorded August 30, 1940 in Book 148, Page 233, assigned to Metropolitan Utilities District of Omaha, a quasi municipal corporation created and existing under the laws of the State of Nebraska by Assignment, recorded June 7, 1955 in Book 298, Page 573; records of Douglas County, Nebraska. (Tracts 1, 2 and 3)
- 5) Terms and conditions contained in Plat of Rainbow Replat recorded June 2, 1955 in Book 970, Page 670; and Affidavit recorded in Book 299, Page 696; records of Douglas County, Nebraska. (Tracts 1, 2 and 3)
- 6) Terms and conditions contained in Protective Covenants recorded June 9, 1955 in Book 298, Page 717; Conditional Release of Protective Covenants recorded July 12, 1962 in Book 383, Page 371; Conditional Release of Protective Covenants recorded September 22, 1964 in Book 417, Page 367; and Conditional Release of Protective Covenants recorded October 19, 1964 in Book 418, Page 405; records of Douglas County, Nebraska. (Tracts 1, 2 and 3)
- 7) Terms and conditions contained in Notice by Metropolitan Utilities District, recorded January 13, 1956 in Book 305, Page 706; records of Douglas County, Nebraska. (Tract 1)
- 8) Terms and conditions contained in Notice by Metropolitan Utilities District, recorded February 20, 1956 in Book 306, Page 740; records of Douglas County, Nebraska. (Tract 1)
- 9) Terms and conditions contained in Return of Appraisers recorded July 2, 1965 in Book 427, Page 179; records of Douglas County, Nebraska. (Tract 1)
- 10) Terms and conditions contained in Release of Easement recorded November 28, 1969 in Book 484, Page 111; records of Douglas County, Nebraska. (Tract 2)
- 11) Terms and conditions contained in Easement granted to Peoples Natural Gas Company, a corporation, its successors and assigns, recorded February 21, 1941 in Book 153, Page 112; assigned to Northern Natural Gas Company by Indenture, recorded November 1, 1954 in Book 292, Page 655; assigned to Metropolitan Utilities District of Omaha, a quasi municipal corporation created and existing under the laws of the State of Nebraska by Assignment, recorded June 3, 1955 in Book 298, Page 573; and Partial Release of Easement, recorded June 28, 1993 in Book 1080, Page 565; records of Douglas County, Nebraska. (Tract 4)



- 12) Terms and conditions contained in Plat of Marshall and Pahl Addition, recorded May 25, 1960 in Book 1088, Page 678; records of Douglas County, Nebraska. (Tract 4)
- 13) Terms and conditions contained in Protective Covenants, recorded March 15, 1961 in Book 364, Page 15; and Release of Protective Covenants, recorded January 9, 1969 in Book 472, Page 371; records of Douglas County, Nebraska. (Tract 4)
- 14) Terms and conditions contained in Corporation Warranty Deed from The Evergreen Company, Inc., organized and existing under and by virtue of the laws of the State of Nebraska, to The Omaha National Bank, Trustee under written Declaration of Trust dated February 1, 1964, recorded February 13, 1964 in Book 1210, Page 545; and Trustee's Deed (Inter Vivos Trust) from First Tier Bank, N.A., Trustee, successor to Omaha National Bank, Trustee, to J.M. Newman, recorded June 16, 1988 in Book 1828, Page 155; records of Douglas County, Nebraska. (Tract 4)
- 15) Terms and conditions contained in Corporation Easement granted to the State of Nebraska, recorded July 19, 1965 in Book 427, Page 553; records of Douglas County, Nebraska. (Tract 4)
- 16) Terms and conditions contained in Easement and Agreement by and between L.J. Newman and The Omaha National Bank, Trustee, recorded March 3, 1969 in Book 474, Page 159; amended by Amended Easement and Agreement, recorded January 22, 1970 in Book 485, Page 447; amended by First Amendment to Amended Easement and Agreement, recorded January 22, 1970 in Book 485, Page 467; records of Douglas County, Nebraska. (Tract 4)
- 17) Terms and conditions contained in Corporation Warranty Deed from The Evergreen Company, Inc., a corporation organized and existing under and by virtue of the laws of the State of Nebraska, to American Community Stores Corporation, recorded April 10, 1969 in Book 1379, Page 19; and Corporation Warranty Deed from American Community Stores Corporation, a corporation organized and existing under and by virtue of the laws of the State of Delaware, to L.J. Newman, recorded April 10, 1969 in book Book 1379, Page 23; records of Douglas County, Nebraska. (Tract 4)
- 18) Terms and conditions contained in Ordinance No. 25084 Vacating 86<sup>th</sup> Street, recorded April 24, 1969 in Book 475, Page 663; Release of Sewer Easement recorded June 28, 1993 in Book 1080, Page 561; Release of Easement recorded June 28, 1993 in Book 1080, Page 563; and Release recorded June 28, 1993 in Book 1080, Page 564; records of Douglas County, Nebraska. (Tract 4)
- 19) Terms and conditions contained in Lease by and between Douglas Development Company, a limited partnership, Landlord, and Walgreen Co., an Illinois corporation, Tenant, recorded January 25, 1970, in Book 485, Page 625; records of Douglas County, Nebraska. (Tract 4)

- 20) Terms and conditions contained in Easement granted to the Omaha Public Power District, its successors and assigns, recorded October 21, 1971 in Book 504, Page 135; records of Douglas County, Nebraska.
- 21) Terms and conditions contained in U.S. Postal Service Lease by and between 84<sup>th</sup> & Center Corp., Lessor, and United States Postal Service, recorded February 17, 1976 in Book 561, page 387; records of Douglas County, Nebraska. (Tract 4)
- 22) Terms and conditions of Lease by and between Leroy L. Canfield, Landlord, and Boston Chicken, Inc., a Delaware corporation, Tenant, evidenced by Memorandum of Lease, recorded January 23, 1995, in Book 1138, Page 483; Assignment and Assumption of Leases by and between Northstar Restaurants, Inc., a Delaware corporation, Assignor, and Finest Foodservice, LLC, a Delaware limited liability company, Assignee, recorded January 8, 1996, in Book 1166, Page 123; records of Douglas County, Nebraska. (Tract 4)
- 23) Terms and conditions of Lease by and between Finest Foodservice, L.L.C., a Delaware limited liability company, Tenant, and A.D. Gardner Inc., a Nebraska corporation, Subtenant, evidenced by Memorandum of Lease recorded September 26, 1996, in Book 1189, Page 270; records of Douglas County, Nebraska. (Tract 4)
- 24) Terms and conditions of Lease by and between Leroy L. Canfield, Landlord, and Taco Bell Corp., a California corporation, Tenant, evidenced by Memorandum of Lease, recorded May 8, 1997 in Book 1209, Page 528; records of Douglas County, Nebraska. (Tract 4)
- 25) Terms and conditions contained in Declaration of Restrictive Covenant recorded May 8, 1997 in Book 1209, Page 536; records of Douglas County, Nebraska. (Tract 4)
- 26) Terms and conditions of Lease between Canfield Family Limited Partnership, a Nebraska limited partnership, Landlord, and Mars, Inc., a Florida corporation, Tenant, evidenced by Memorandum of Lease, recorded May 19, 2000, in Book 1338, Page 429; records of Douglas County, Nebraska. (Tract 4)
- 27) Terms and conditions of Lease by and between Big Red Lottery Services Ltd., Lessee, and Red Eye Inc., Lessor, evidenced by Omaha Satellite Lease and Operating Agreement, recorded February 29, 2003 in Book 1496, Page 676; records of Douglas County, Nebraska. (Tract 4)