

CLARIFICATION OF:
(1) ASSIGNMENT; AND (2) AGREEMENT
FOR PAYMENT OF RENT

WHEREAS, W. T. GRANT COMPANY, ✓ a Delaware corporation ("Grant") and 84TH & CENTER CORP. ✓, an Indiana corporation ("84th") are parties to the following agreements, to-wit:

- (1) Assignment from Grant to 84th dated June 27, 1975, and recorded October 31, 1975 in Book 557, at Page 248 of the Miscellaneous Records of Douglas County, Nebraska (the "Assignment"); and
- (2) Agreement For Payment of Rent between Grant and 84th dated June 27, 1975, and recorded October 31, 1975 in Book 557, at Page 241 of the Miscellaneous Records of Douglas County, Nebraska (the "Rent Agreement"); and

WHEREAS, both the Assignment and Rent Agreement were intended to relate to certain premises in Center Plaza Shopping Center, Omaha, Douglas County, Nebraska, and attached to each of the Assignment and Rent Agreement was a legal description entitled "Legal Description of Shopping Center In Which The Premises Described or Referred To In The Foregoing Instrument Is Located" which was intended by the parties to be a legal description of said Center Plaza Shopping Center; and

WHEREAS, through inadvertance and oversight, an erroneous and incorrect legal description was attached to both The Assignment and the Rent Agreement and, by virtue thereof, the property intended by the parties to be described therein was not so described, and the parties wish to clarify and correct such error, and to correctly describe the property intended to be described therein and affected by the Assignment and the Rent Agreement;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The legal descriptions attached to both the Assignment and the Rent Agreement are hereby deleted and the legal description at-

tached hereto as Exhibit "A" is hereby substituted therefor in each instrument, which substitutions shall be deemed to have been made concurrently with the execution of the Assignment and the Rent Agreement in the first instance.

2. The Assignment and the Rent Agreement, as herein modified, amended and clarified, are and shall remain in full force and effect, binding upon the parties and their respective successors and assigns, to the same extent as each of the parties was bound thereby immediately prior to the execution hereof, it being the intent of this instrument merely to correctly identify and describe the real estate intended to have been identified and described in and to be affected by the Assignment and the Rent Agreement from their inception and not to increase, modify or affect in any manner or constitute an assumption or re-affirmance by any of the parties of any duty, liability or obligation under the Assignment or the Rent Agreement.

IN WITNESS WHEREOF, this instrument is executed this 20th day of ^{September}~~August~~, 1976.

Charles G. Rodman

Charles G. Rodman, Trustee of the Estate of W. T. Grant Company, Bankrupt.

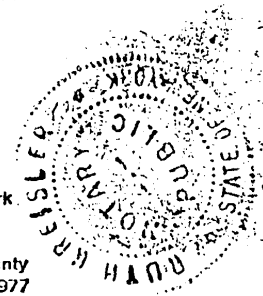
84TH & CENTER CORP.

By Herbert Simon
Herbert Simon, President

ATTEST: Elliott Freed
Elliott Freed, Ass't Secretary

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

RUTH KREISLER
Notary Public, State of New York
No. 03-219575
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires March 30, 1977



On this 20th day of ^{September}~~August~~, 1976, before me, the undersigned, a Notary Public duly commissioned and qualified for and residing in said County, personally came Charles G. Rodman, Trustee of the Estate of W. T. Grant Company, Bankrupt, to me known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said bankrupt corporation.

WITNESS my hand and Notarial Seal the day and year last above written.

My Commission Expires:
March 20 1977

Ruth Kreisler
Notary Public

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

On this 2nd day of February, 1977, before me, the undersigned, a Notary Public duly commissioned and qualified for and residing in said County, personally came Herbert Simon and Fred Simon, the President and Secretary, respectively, of 84TH & CENTER CORP., an Indiana corporation, to me known to be the identical persons whose names are affixed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said corporation.

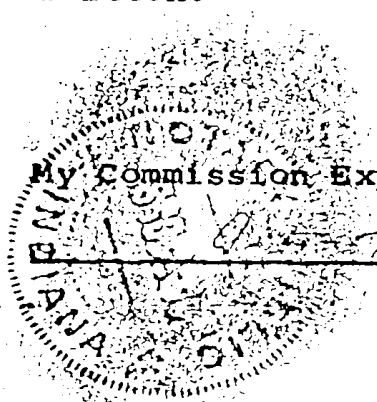
WITNESS my hand and Notarial Seal the day and year last above written.

[Handwritten signature of Jo Ann Owen]

Notary Public
Jo Ann Owen

My Commission Expires:

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PARCEL I

ALL OF LOTS 1 TO 6 INCLUSIVE AND LOTS 28 TO 38, INCLUSIVE, MARSHALL AND PAHL ADDITION TO THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA, BUT EXCEPTING THEREFROM THE FOLLOWING PORTIONS OF SAID LOTS 36, 37 AND 38:

BEGINNING AT THE NE CORNER OF SAID LOT 37, BEING A POINT 50 FEET SOUTH AND 50 FEET WEST OF THE NE CORNER OF THE NE $\frac{1}{4}$ OF SECTION 34, TOWNSHIP 15 NORTH, RANGE 12 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, AND THE SW CORNER OF THE INTERSECTION OF 84TH STREET AND WEST CENTER ROAD; THENCE SOUTH ALONG THE WEST LINE OF 84TH 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 THE SAID SOUTH LINE OF WEST CENTER ROAD 343 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL II

A TRACT OF LAND LOCATED IN THE N $\frac{1}{2}$ OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 34, TOWNSHIP 15 NORTH, RANGE 12 EAST OF THE 6TH P.M., BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF LOT 6, MARSHALL AND PAHL ADDITION TO THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA; THENCE SOUTH ALONG A LINE WHICH IS THE EAST LINE OF LOT 7, RAINBOW REPLAT II, AN ADDITION TO THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA, A DISTANCE OF 37.2 FEET TO A POINT; THENCE EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 6, MARSHALL AND PAHL ADDITION, A DISTANCE OF 200 FEET TO A POINT WHICH IS THE SW CORNER OF LOT 28, MARSHALL AND PAHL ADDITION, THENCE NORTH ALONG THE WEST LINE OF SAID LOT 28, MARSHALL AND PAHL ADDITION, A DISTANCE OF 37.2 FEET TO A POINT; THENCE WEST ALONG A LINE WHICH IS THE SOUTH LINE OF SAID LOT 6, MARSHALL AND PAHL ADDITION, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

PARCEL III

A TRACT OF LAND LOCATED IN 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., BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, MARSHALL AND PAHL ADDITION TO THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA, AS ORIGINALLY PLATTED AND RECORDED; THENCE NORTH 89°43'20" EAST A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°05'10" WEST A DISTANCE OF 609.93 FEET; THENCE SOUTH 89°50'30" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 00°05'10" EAST A DISTANCE OF 609.73 FEET TO THE POINT OF BEGINNING.

APPURTENANT EASEMENT RIGHTS

TOGETHER WITH: APPURTENANT EASEMENT RIGHTS OVER CERTAIN "COMMON AREAS" CONTAINED IN THE PROPERTY DESCRIBED BELOW, FOR PARKING, DRIVING, SERVICE AREAS AND ACCESS WAYS, AS CONTAINED IN EASEMENT AND AGREEMENT, DATED AND FILED MARCH 3, 1969 IN BOOK 474 AT PAGE 159 OF THE MISCELLANEOUS RECORDS OF DOUGLAS COUNTY, NEBRASKA; AMENDED BY AMENDED EASEMENT AND AGREEMENT DATED AUGUST 25, 1969 AND FILED JANUARY 23, 1970 IN BOOK 485, AT PAGE 447 OF THE MISCELLANEOUS RECORDS OF DOUGLAS COUNTY, NEBRASKA; AND FURTHER AMENDED BY FIRST AMENDMENT TO AMENDED EASEMENT AND AGREEMENT DATED DECEMBER 12, 1969 AND FILED JANUARY 22, 1970 IN BOOK 485 AT PAGE 467 OF THE MISCELLANEOUS RECORDS OF DOUGLAS COUNTY, NEBRASKA.

A PORTION OF LOTS 36, 37 AND 38, MARSHALL AND PAHL ADDITION TO THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 37, BEING A POINT 50 FEET SOUTH AND 50 FEET WEST OF THE NE CORNER OF THE NE 1/4 OF SECTION 34, TOWNSHIP 15 NORTH, RANGE 12 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA AND THE SW CORNER OF THE INTERSECTION OF 84TH STREET AND WEST CENTER ROAD; THENCE SOUTH ALONG THE WEST LINE OF 84TH 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.

PARCEL I, PARCEL II AND PARCEL III ARE SUBJECT TO EASEMENTS, HIGHWAYS AND RIGHT-OF-WAYS AS SHOWN UPON SURVEY OF F. W. MANN & ASSOCIATES DATED NOVEMBER 17, 1970 AND REVISED JANUARY 8, 1971 AND JANUARY 27, 1971, AND THE FOLLOWING DESCRIBED EASEMENTS:

EASEMENTS DESCRIBED IN EASEMENT AND AGREEMENT DATED AND FILED MARCH 3, 1969, IN BOOK 474 AT PAGE 159 OF THE MISCELLANEOUS RECORDS OF DOUGLAS COUNTY, NEBRASKA, AMENDED BY AMENDED EASEMENT AND AGREEMENT DATED AUGUST 25, 1969 AND FILED JANUARY 22, 1970 IN BOOK 485 AT PAGE 447 OF THE MISCELLANEOUS RECORDS OF DOUGLAS COUNTY, NEBRASKA, AND FURTHER AMENDED BY FIRST AMENDMENT TO AMENDED EASEMENT AND AGREEMENT DATED DECEMBER 12, 1969 AND FILED JANUARY 22, 1970 IN BOOK 485 AT PAGE 467 OF THE MISCELLANEOUS RECORDS OF DOUGLAS COUNTY, NEBRASKA.

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REGISTER OF DEEDS
CLARENCE OSTLER
DOUGLAS COUNTY, NEBR.

EXHIBIT "A"
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