

E A S E M E N T

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Eugene L. Cottier and Virginia E. Cottier, of Lincoln, Lancaster County, Nebraska, desire to construct a dam on their property, located and known as

Lot 74 of Section 21, Township 10, Range 7  
Lancaster County, Nebraska

for the purpose of creating a lake by the entrapment and pumping of water, and

WHEREAS, the contour of the land whereon the dam will be constructed is such that when water is pumped and trapped, water will flow on the land south of and immediately adjoining Lot 74 of Section 21, Township 10, Range 7, Lancaster County, Nebraska, and

WHEREAS, Harold B. Conant and Gwendolyn B. Conant, are owners of

Lot 89, Section 21, Township 10, Range 7,  
Lancaster County, Nebraska

the land immediately to the south of and adjoining Lot 74, Section 21, Township 10, Range 7, Lancaster County, Nebraska,

THEREFORE, IT IS MUTUALLY AGREED by and between Eugene L. Cottier and Virginia E. Cottier, parties of the first part, and Harold B. Conant and Gwendolyn B. Conant, parties of the second part, that the parties of the first part have a right and easement to cause water to flow from Lot 74, Section 21, Township 10, Range 7, Lancaster County, Nebraska, onto Lot 89, Section 21, Township 10, Range 7, Lancaster County, Nebraska, and the parties of the second part do hereby convey and grant to the parties of the first part, a right and easement on Lot 89, Section 21, Township 10, Range 7, Lancaster County, Nebraska, to have water flow from Lot 74, Section 21, Township 10, Range 7, Lancaster County, Nebraska, onto that part of Lot 89, Section 21, Township 10, Range 7, Lancaster County, Nebraska, described as follows:

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From a point beginning 300 feet west of the Northeast corner of Lot 89, Section 21, Township 10, Range 7, Lancaster County, Nebraska, running south 300 feet, and from thence directly west 300 feet, and from thence directly north 300 feet, and from thence to the place of beginning.

This mutual agreement and creation of easement is for the consideration and upon the following conditions:

That the parties of the first part will remove any and all trees and obstructions of the height of 4 feet and will not cause any trees or any other obstructions to be built or erected to a height of more than 4 feet on that part of Lot 74, Section 21, Township 10, Range 7, Lancaster County, Nebraska, described as follows:

~~From a point beginning on the Southeast corner of Lot 74, Section 21, Township 10, Range 7, Lancaster County, Nebraska, running west \_\_\_\_\_ feet, from thence directly north \_\_\_\_\_ feet, from thence directly east \_\_\_\_\_ feet and from thence to the place of beginning.~~

*Rider*  
Beginning at a point on the South line of Lot 74, Section 21, Township 10, Range 7, Lancaster County, Nebraska, 50 feet West of the Southeast corner of said Lot, running thence West along said line 150 feet, thence in a Northeasterly direction to a point in the East line of said Lot 74 to a point 250 feet North of the Southeast corner thereof; thence South along said East line to a point 65 feet North of the Southeast corner of Lot 74, thence in a Southwesterly direction to place of beginning.

This agreement is binding upon the heirs and assigns of both parties forever.

Virginia E. Cottier

Gwendolyn B. Conant

Eugene L. Cottier  
Parties of the First Part

Harold B. Conant  
Parties of the Second Part

STATE OF NEBRASKA )  
County of Lancaster ) ss:

On this 11th day of June, 1951, before me, the undersigned Siack Mateen, a Notary Public, personally came Eugene L. Cottier and Virginia E. Cottier, and Harold B. Conant and Gwendolyn B. Conant, to me known to be the identical persons whose names are affixed to the foregoing instrument, and acknowledged the same to be their voluntary act and deed.  
Witness my hand and notarial seal the day and year last



Siack Mateen  
Notary Public.

My commission expires the 12th day of Feb, 1957.

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STATE OF NEBRASKA )  
County of Lancaster ) ss.  
I, \_\_\_\_\_, Clerk of said County, do hereby certify that the  
above and foregoing is a true and correct copy of the  
original as the same appears in the records of said County, Nebraska, on  
this 4th day of *January*, 1951.  
at \_\_\_\_\_, Nebraska, this 4th day of *January*, 1951.  
\_\_\_\_\_  
Clerk of said County  
\_\_\_\_\_  
A. \_\_\_\_\_, Register of Deeds  
Deputy

*Revised Attached*

*For Collier's Specimens*  
6 5 3 3

A F F I D A V I T

STATE OF NEBRASKA )  
COUNTY OF LANCASTER )

ss:

Merlin L. Springer, being one and the same person as M. L. Springer, being first duly sworn, upon oath deposes and says that he is the court-appointed successor-trustee to the Commerce Trust Company, which company, as Trustee, was the mortgagee in a mortgage executed by Cotner College, a corporation, which was recorded in Book 337 of Real Estate Mortgages, Page 496, on November 20, 1929, and which was re-recorded in Book 423 of real estate mortgages, at Page 22, on June 23, 1942, in the records of the Register of Deeds of Lancaster County, Nebraska; that said mortgage included in the following described real estate:

That part of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of Section Sixteen (16), Township Ten (10) North, Range Seven (7), East of the Sixth P. M., Lancaster County, Nebraska, shown on the recorded plat of Bethany Heights (now a part of Lincoln, Nebraska), as University Campus, bounded on the north by Oskaloosa Avenue (now Colby Street), on the east by Drake Avenue (now 68th Street), on the south by Hiram Avenue (now Aylesworth Avenue) and on the west by Saunders Avenue (now Cotner Boulevard), an area 660 feet by 1100 feet.

That prior to the releasing of the aforesaid mortgage or the conveyance of said property to the Bethany Lumber & Coal Co., the unanimous consent of all the bondholders interested in said mortgage to such release and sale was obtained in the following form:

"M. L. Springer, Successor-Trustee  
c/o Commerce Investment Company  
Post Office Box 313  
Lincoln 1, Nebraska

"January 4, 1951

"Dear Sir:

"Enclosed to you herewith, as Successor-Trustee under the original Commerce Trust Company of Lincoln, Nebraska, Loan Number 282, to Cotner College (the Campus Loan), are the following described bonds, to-wit:

- "Loan No. 282, Bond No. \_\_\_\_\_, in the amount of.....\$ \_\_\_\_\_
- Bond No. \_\_\_\_\_, in the amount of.....\$ \_\_\_\_\_
- Bond No. \_\_\_\_\_, in the amount of.....\$ \_\_\_\_\_
- Bond No. \_\_\_\_\_, in the amount of.....\$ \_\_\_\_\_

Total of bonds enclosed.....\$ \_\_\_\_\_

which said bonds are secured under original real estate mortgage dated concurrently with said bonds, October 28, 1929, and originally recorded in Book 337 of Mortgages, at Page 496 of the Mortgage Records of Lancaster County, Nebraska; and re-recorded on July 23, 1942, in Book 423, at Page 22, of the Lancaster County, Nebraska, mortgages, and you as Successor-Trustee are hereby authorized to release said mortgage, cancel said bonds and return the same to the said Cotner College, against their deeding to you, as Trustee; or to your nominee,

Bethany Lumber and Coal Co., Inc., per their offer of December 13, 1950, as amended to the sum of \$2,550.00 to be paid, and as extended orally for completion of said transaction, against payment by you as Trustee of our proportionate share of the net proceeds received from said sum of \$2,550., reduced by any expenses to which the Trustee may be placed, including attorneys fees and Court costs in securing authorization to complete said transaction; in the event that all of the holders of said bonds do not voluntarily accept said proposal of said Bethany Lumber and Coal Co., Inc.

Respectfully submitted,

Bondholders and owner of bonds above described, and the correct address of said bondholder being as follows, to-wit:  
(Addr.) \_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_ day of January, 1951, at the address above shown.

(Signature of Bondholder.)"

and further that upon distribution of the proceeds of the sale of said real estate, the following approval of sale was executed by all of the bondholders to said mortgage:

"RECEIPT AND RATIFICATION

"The undersigned owner of the following mortgage bonds of Cotner College, dated October 28, 1929,

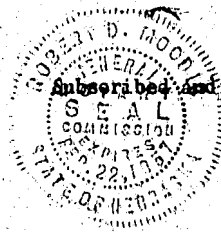
<u>Number</u>	<u>Amount</u>
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having previously consented to the sale of Cotner College University Campus, Bethany Heights, Lincoln, Lancaster County, Nebraska, security for said bonds, and to the cancellation of said bonds and release of the mortgage, hereby acknowledges receipt of the sum of \$\_\_\_\_\_ in full payment and satisfaction of the above listed bonds. The undersigned further ratifies, confirms and approves the sale and conveyance of said Cotner College University Campus by Merlin L. Springer, Successor-Trustee to the Bethany Lumber & Coal Co., a corporation, for the sum of \$5110.

Signature of Bondholder":

Further affiant sayeth not.

*Merlin L. Springer*



Subscribed and sworn to before me this 22 day of June, 1951.

*Robert D. Moschke*  
Notary Public

Commission expires Feb. 22, 1957

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*M. L. Springer*

STATE OF NEBRASKA } ss.  
Lancaster County }  
and filed for record in the Register  
of Deeds of said County  
this 22nd day of June, 1951.  
R.D. Moschke and P.C.  
Notary Public  
Clara Springer, Register of Deeds  
Deputy  
275

*Clara Springer*

APPOINTMENT OF REGISTERED AGENT AND DESIGNATION REGISTERED OFFICE (NEBRASKA)  
KNOW ALL MEN BY THESE PRESENTS:

THAT BISHOP OIL COMPANY is a corporation organized under the laws of the State of California with principal business office located at 315 Montgomery Street, San Francisco, California and that pursuant to the laws of the State of Nebraska for the qualification of foreign corporations to do business in that state, does hereby appoint as its Registered Agent, and designate as its Registered Office, in the State of Nebraska, the following:

REGISTERED AGENT THOMAS C. WOODS; WILLIAM I. AITKEN; PHILIP M. AITKEN.

REGISTERED OFFICE 402 WOODMEN ACCIDENT BUILDING, 1241 N. STREET,

CITY OF LINCOLN 8. COUNTY OF LANCASTER, NEBRASKA;

its true and lawful attorney upon <sup>any of</sup> whom all lawful process in any action or proceeding against the company may be served with the same effect as if the company existed in the state.

THAT BISHOP OIL COMPANY further states that any process, or other legal notice of the commencement of any legal proceeding, or in the prosecution thereof, that may be served upon its Registered Agents the said Thomas C. Woods; William I. Aitken; Philip M. Aitken shall constitute valid service upon the corporation, and such authority shall continue so long as liability exists against said corporation in the State of Nebraska.

CORPORATION FURTHER STATES that the address of its Registered Office and the address of the business office of the Registered Agent are identical, and that the facts herein designated were authorized by the managing officers of said corporation.

IN TESTIMONY WHEREOF, witness the signature and the corporate seal of the said corporation hereto affixed by its duly authorized officers on this 27 day of June, 1951.

BISHOP OIL COMPANY  
Name of Corporation

By [Signature]  
President or Vice President

[CORPORATE SEAL]

LOUIS J. HINDLE  
Above signature - Typewritten form

Attest: [Signature]  
Secretary or Assistant Secretary

E. J. Valencia  
Above signature - Typewritten form

State of California  
County of San Francisco } ss.

Subscribed and sworn to before me this 27 day of June, 1951.

[NOTARIAL SEAL]

[Signature]  
Notary Public  
in and for the City and County of San Francisco  
State of California

Commission expires Dec 16 - 1954

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*Printed out to  
Hood. Aitken Aitken*

STATE OF NEBRASKA } ss.  
Lancaster County }  
Entered on numerical index and  
filed for record in the Register of  
Lancaster Office of said County the  
6 day of June 1951  
at 11 o'clock and 50  
P. M. and recorded in  
E. of  
at page 750  
[Signature] Register of Deeds  
Deputy

STATE OF NEBRASKA } SS  
SECRETARY'S OFFICE  
Received and filed for record  
and recorded in book 79  
Page 77  
[Signature] Secretary of State  
[Signature]

JUN 6 1951