

COMPARED

R Fee 15⁰⁰

A Fee _____

T Tax _____

Pottawattamie County, IA 2008-016504
Recorder John Sciortino
Book-Page: 2008-016504
File Time: 12/02/2008 @ 09:03:27 AM
Rec-\$15.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00
Current Transfer Tax Paid: \$0.00



Prepared by and return to: Thomas L. Flynn, The Financial Center, 666 Walnut Suite 2000, Des Moines, IA 50309-3989, 515-243-7100

MODIFICATION OF INGRESS/EGRESS AND PARKING EASEMENT

THIS MODIFICATION OF INGRESS/EGRESS AND PARKING EASEMENT is made and entered into between Reuben Investments III, LLC, a Nebraska limited liability company ("Grantor"), and Bankers Trust Company, N.A ("Grantee"), successor in interest by deed in lieu of foreclosure to Lincoln Street, L.L.C., an Iowa limited liability company ("Lincoln Street").

WHEREAS, On September 10, 2005, O-P Warehouse, L.L.C. granted and conveyed unto Lincoln Street an Ingress/Egress and Parking Easement, said easement having been recorded in **Book 106, Page 7859** in the office of the Recorder of Pottawattamie County, Iowa on October 17, 2006 (the "Easement").

WHEREAS, O-P Warehouse, L.L.C. has conveyed its interest in the property burdened by the Easement to Grantor.

WHEREAS, Grantee is the current fee simple owner of the property benefitted by the Easement.

WHEREAS, Grantor and Grantee wish to modify the Easement as to correct an error in the legal description of the Easement Area.

NOW THEREFORE, it is understood and agreed as follows:

1. The legal description for the Easement Area (as defined in the Easement) is deleted and the following legal description inserted in lieu thereof:


THE NORTH 79.50 FEET OF THE SOUTH 430.00 FEET OF LOTS 18 AND 19, AUDITOR'S SUBDIVISION OF SECTION 21, T75N, R44W OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, TOGETHER WITH THE NORTH 79.50 FEET OF THE SOUTH 430.00 FEET OF THE WEST 3.00 FEET AND THE SOUTH 430.00 FEET OF THE EAST 35.00 FEET OF THE 38.00 FOOT WIDE VACATED RAILROAD RIGHT-OF-WAY ADJACENT THERETO ON THE EAST.

RETURN TO:
THOMPSON, DREESSEN & DORNER, INC.
10836 OLD MILL ROAD
OMAHA, NEBRASKA 68154

2. A drawing showing the Easement Area, as modified hereby, is attached hereto as Exhibit A.
3. In all other respects the Easement Agreement stands as originally written.

Signed this 26th day of November, 2008.

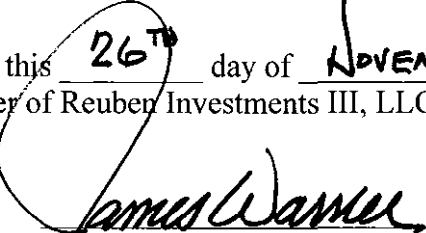
GRANTOR:
REUBEN INVESTMENTS III, LLC

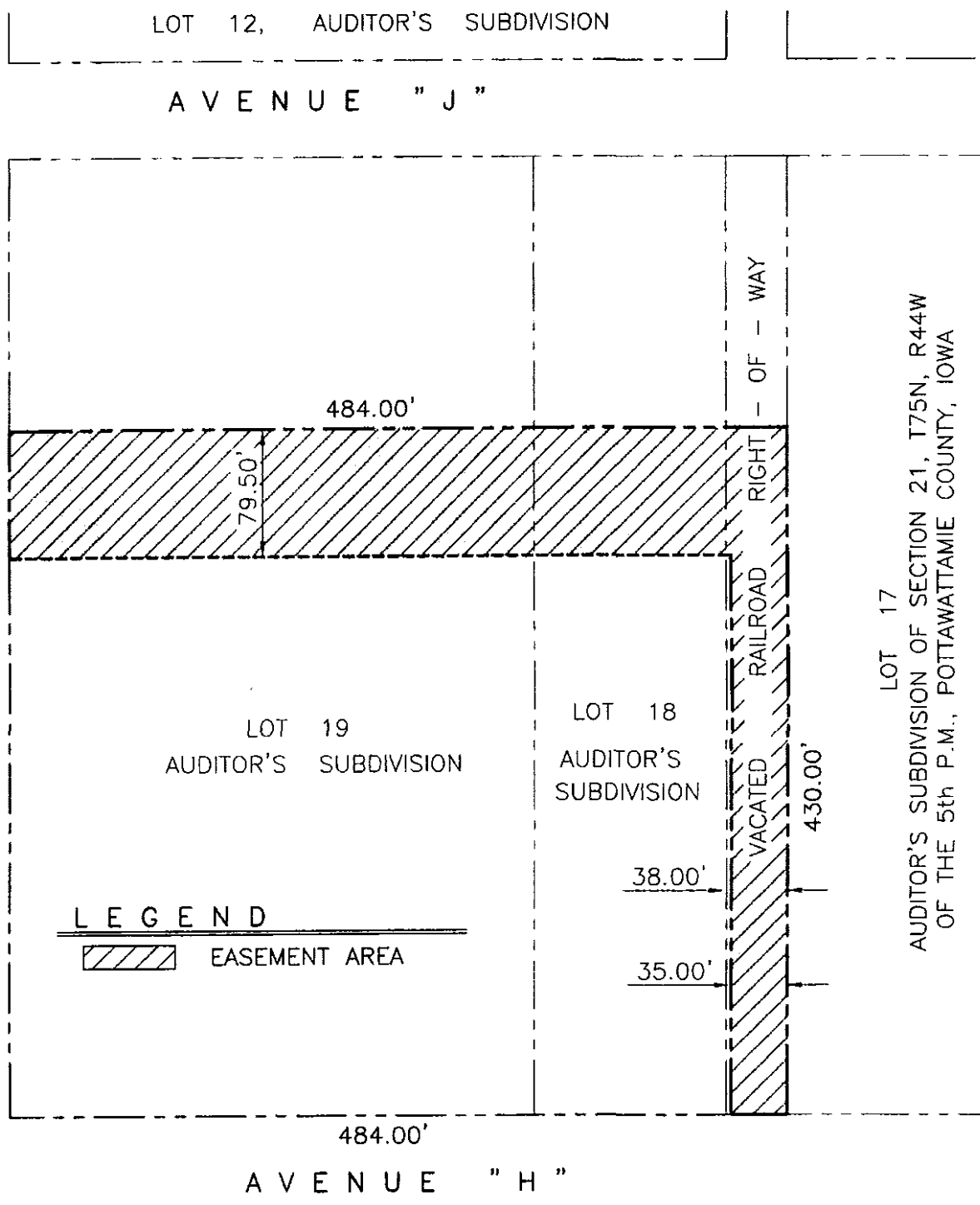
By: 
Michael P. Sortino, Managing Member

STATE OF NEBRASKA)
) s.s.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on this 26th day of NOVEMBER, 2008, by Michael P. Sortino as Managing Member of Reuben Investments III, LLC.




NOTARY PUBLIC



LEGAL DESCRIPTION

THE NORTH 79.50 FEET OF THE SOUTH 430.00 FEET OF LOTS 18 AND 19, AUDITORS SUBDIVISION OF SECTION 21, T75N, R44W OF THE 5th P.M., POTTAWATTAMIE COUNTY, IOWA, TOGETHER WITH THE NORTH 79.50 FEET OF THE SOUTH 430.00 FEET OF THE WEST 3.00 FEET AND THE SOUTH 430.00 FEET OF THE EAST 35.00 FEET OF THE 38.00 FOOT WIDE VACATED RAILROAD RIGHT-OF-WAY ADJACENT THERETO ON THE EAST.

EXHIBIT "A"