

33072

FLOWAGE EASEMENT

Willie J. Verbeek and Donna C. Verbeek (Grantors) are owners of real estate described as:

Lots 15, 24, and 35 Irregular Tracts, in the West 1/2 of the Northwest 1/4 of Section 6, Township 8 North, Range 7 East of the 6th P.M., and

Lots 10, and 12, Irregular Tracts, in the East 1/2 of the Northeast 1/4 of Section 1, Township 8 North, Range 6 East of the 6th P.M., and

Lot 8, Block 7, Jamaica Subdivision, in the Southeast 1/4 of Section 36, Township 9 North, Range 6 East of the 6th P.M.,

All in Lancaster County, Nebraska.

(Grantors' property).

Down Home, Inc. (Grantee) is the owner of property described as:

Lots 9, 11, and 41, Irregular Tracts, in the Northeast 1/4 of Section 1, Township 8 North, Range 6 East of the 6th P.M., and

Lot 36 in the West 1/2 of the Northwest 1/4 of Section 6, Township 8 North, Range 7 East of the 6th P.M.,

All in Lancaster County, Nebraska.

(Grantee's property).

There is currently a dirt embankment located on the Grantee's property, the present location of which is shown on Exhibit 1. This dirt embankment, together with its continued maintenance, repair and operation to protect the improvements within its boundaries from the floodwaters of Salt Creek, are collectively referred to as the "Ring Dike".

In consideration of \$1.00 and other valuable consideration received from Grantee, Grantors convey to Grantee the permanent easement and right of flowage and backup over, upon and across the Grantors' property for the water of Salt Creek, its tributaries and drainage basin, caused by or resulting from the Ring Dike or any condition, structure or improvement within the present boundaries of the Ring Dike, or resulting from any increase in the elevation of the Ring Dike or of any structures or improvements within the present boundaries of the Ring Dike. Grantee shall not be responsible to Grantors or Grantors' successors and assigns for any damages or injuries occurring to Grantors or Grantors' property, real or personal or crops, as a result of such flowage or backup.

X

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The present boundaries of the Ring Dike are as shown on the attached Exhibit 1 which is made a part of this easement. This easement shall not grant any rights with respect to any additional flowage on Grantors' property caused by or resulting from any structure or improvements beyond the present boundaries of the Ring Dike.

This easement shall run with the land and be binding upon the successors and assigns of the parties.

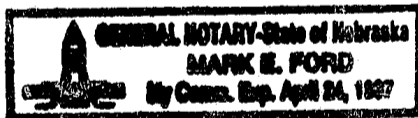
Dated: December 31, 1993.

Willie J. Verbeek  
Willie J. Verbeek

Donna C. Verbeek  
Donna C. Verbeek

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF LANCASTER )

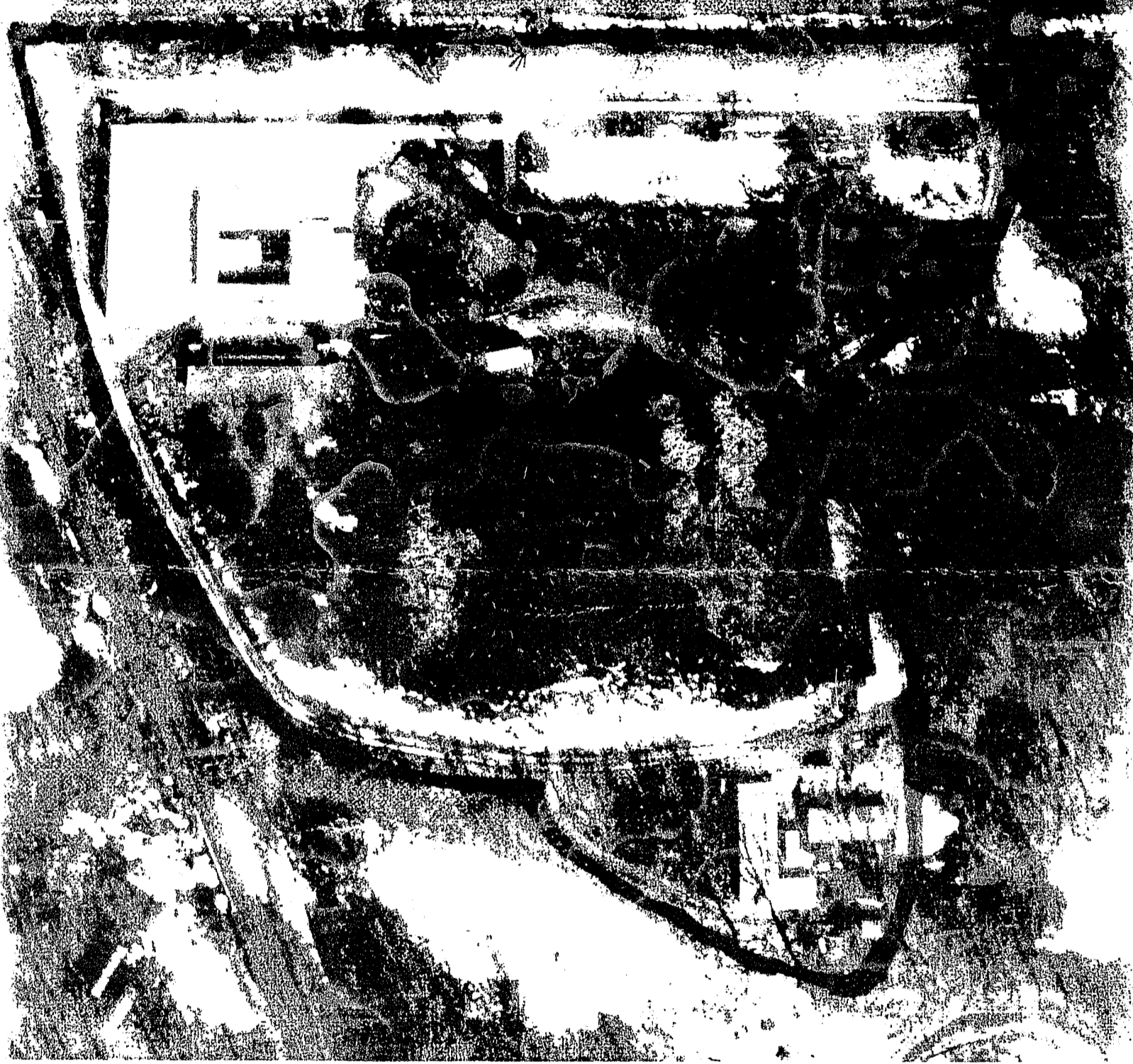
The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of December, 1993, by Willie J. Verbeek and Donna C. Verbeek, Husband and Wife.



Mark E. Ford  
Notary Public

(D:\WPBILLS\11-22-31.D)

PERGAD-Bayonne, N. J.  
**EXHIBIT**  
1  
Set. Ag./Ease.



July 19 1 55 PM '04

WILLIAM G. BLAKE  
LAWYER

PIERSON, FITCHETT, HUNZEKER,  
BLAKE & LOFTIS

INST. NO. 94

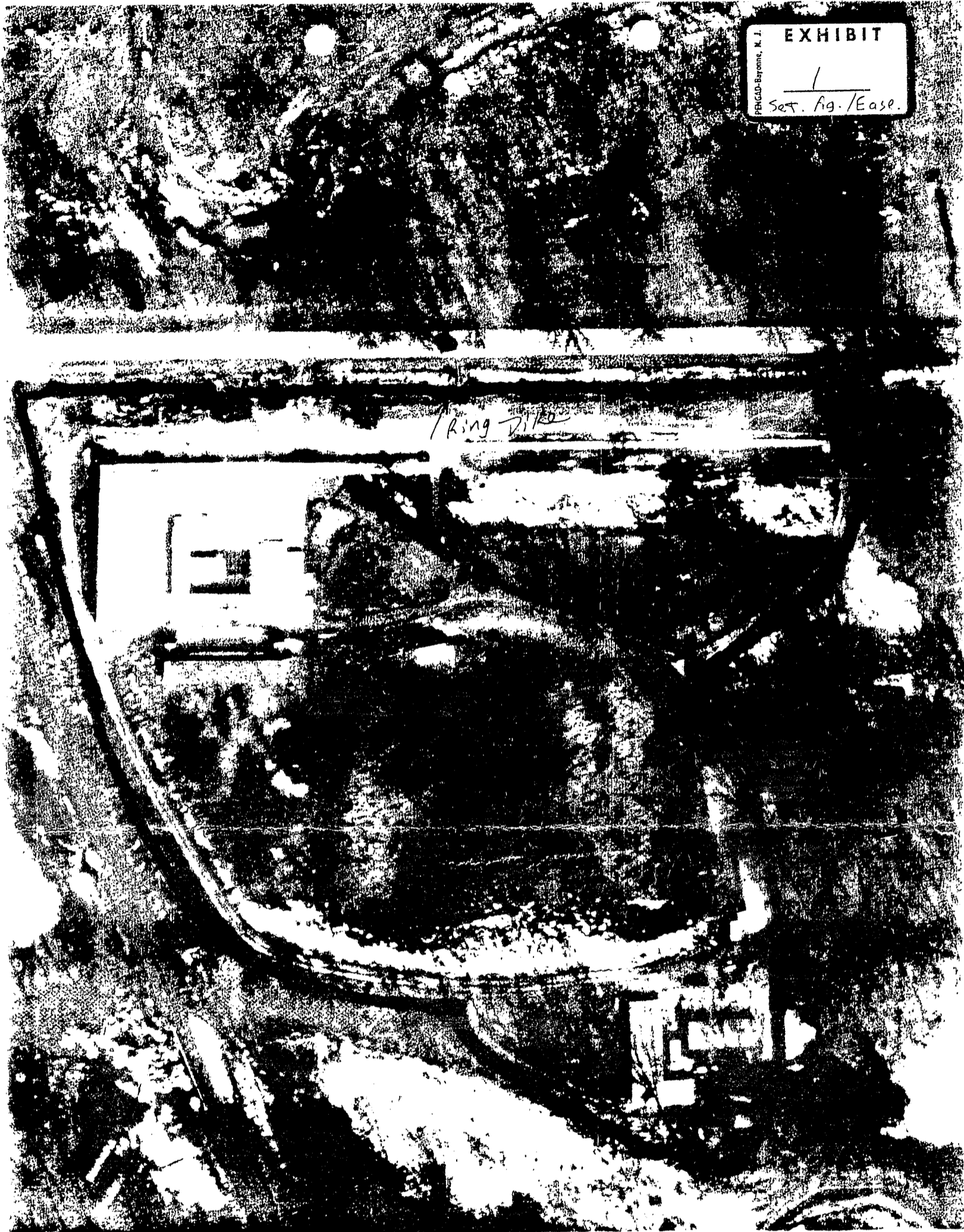


EXHIBIT  
1  
Set. fig. / Ease

LANCASTER COUNTY, NEB  
Dan Natta  
REGISTER OF DEEDS

3

JUL 19 4 13 PM '94

33072

BLOCK  
CODE  
JAMAICA  
CHECKED  
112  
ENTERED  
82852 ck  
pr

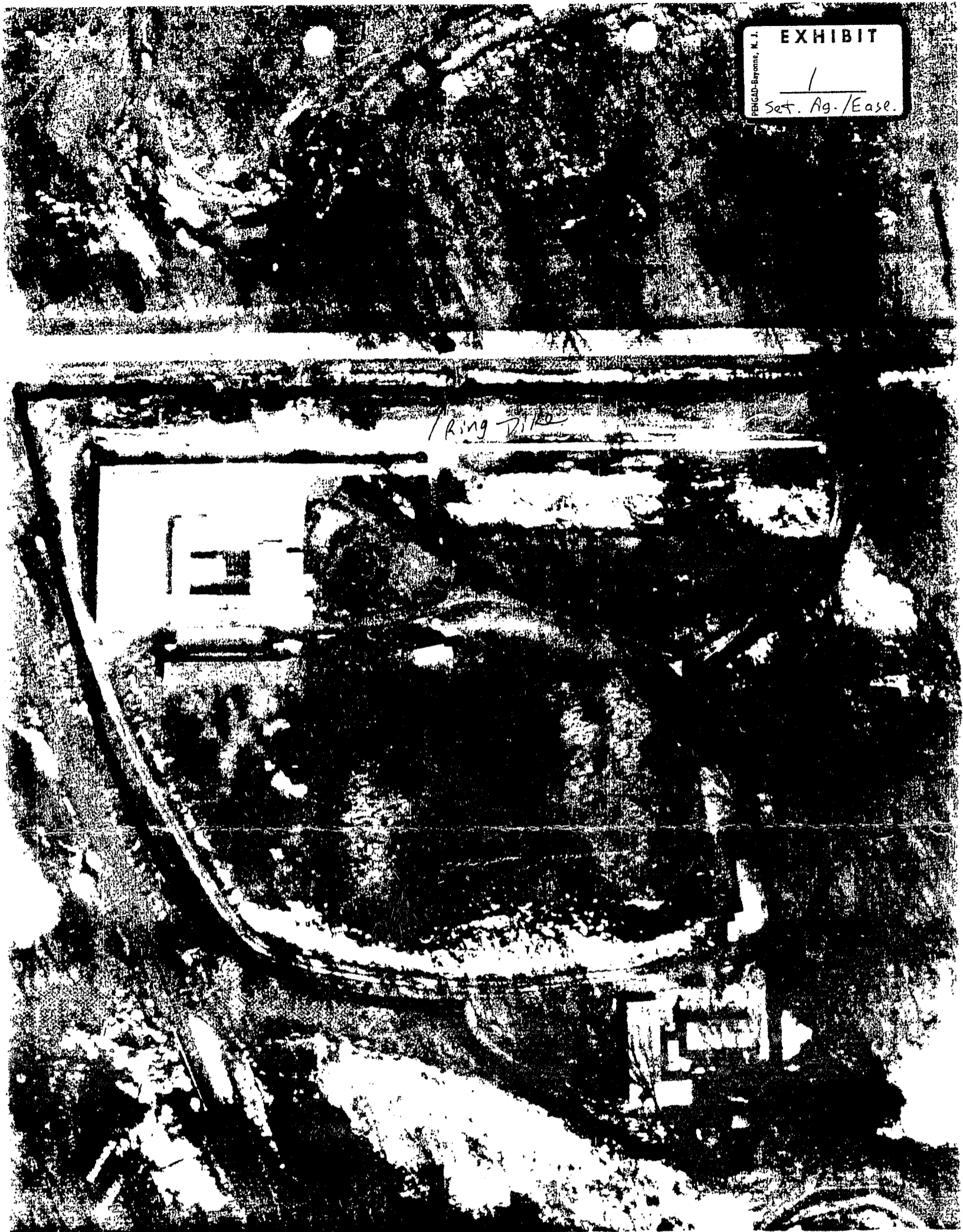
WILLIAM G. BLAKE  
LAWYER

PIERSON, FITCHETT, HUNZEKER,  
BLAKE & LOFTIS  
530 SOUTH 13TH STREET, SUITE B  
P.O. BOX 95109, LINCOLN, NEBRASKA 68509  
402-476-7621 FAX 402-476-7465

INST. NO. 94-16

X

EXHIBIT  
1  
Set. Ag. / Ease.



Ring Dike

3

LANCASTER COUNTY, NEB  
Dan Nette  
REGISTER OF DEEDS

Jun 19 4 13 PM '94

33072

BLOCK

CODE  
JAMAICA  
CHECKED

112

ENTERED

82852 ck

pm

WILLIAM G. BLAKE  
LAWYER

PIERSON, FITCHETT, HUNZEKER,  
BLAKE & LOFTIS

530 SOUTH 13TH STREET, SUITE B  
P.O. BOX 95109, LINCOLN, NEBRASKA 68509

402-476-7621 FAX 402-476-7465

INST. NO. 94—

16 10/5/

X