

94-12036

KNOW ALL MEN BY THESE PRESENTS:

THAT I or We, Howard D. Vann and Judith M. Vann, husband and wife,

herein called the grantor whether one or more,

in consideration of Ten and no/100 Dollars and other valuable consideration

received from grantee, do hereby grant, bargain, sell, convey and confirm unto

Construction Sciences, Inc., a Nebraska corporation

herein called the grantee whether one or more, the following described real property in

Sarpy County, Nebraska

See the attached Exhibit "A"

NEBRASKA DOCUMENTARY
MAY 26 1994
\$455.25 BY *Jan*

To have and to hold the above described premises together with all tenements, hereditaments and appur-

tenances thereto belonging unto the grantee and to the grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with the grantee's heirs and assigns that grantor is lawfully seized of said premises; that they are free from encumbrance, except those covenants, easements and restrictions of record;

that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

Dated March 26, 1994

Howard D. Vann
Judith M. Vann

State of NEBRASKA

County of DOUGLAS

The foregoing instrument was acknowledged before me on March 26, 1994

by Howard D. Vann and Judith M. Vann

Daniel Walsh



STATE OF NEBRASKA

County of DOUGLAS

Entered on numerical index and filed for record in the Register of Deeds Office of said County the _____ day of _____, 19____, at _____ o'clock and _____ minutes of _____ M., and recorded in Book _____ of _____ at page _____

By _____ Reg. of Deeds
Deputy

INSTRUMENT NO. 94-12036

MAY 26 PM 2:27

Construction Sciences
REGISTERED DEEDS

Proof *YV*
D.E. *Y*
V. *Y*
F. *Y*
Checked _____
Fee \$ *10.50*

12036

LEGAL DESCRIPTION

EXHIBIT "A"

94-110036

Part of Lot 2, Rock Creek Addition, a subdivision located in the South 1/2 of Section 14, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 212, said Rock Creek Replat I, said point also being on the Northerly right-of-way line of Rock Creek Drive; thence N00°40'02"W (assumed bearing) along the East line of said Lot 212, Rock Creek Replat I, a distance of 400.00 feet to the Northeast corner of said Lot 212, Rock Creek Replat I; thence S89°19'58"W along the North line of said Lot 212, Rock Creek Replat I, a distance of 373.15 feet to the Northwest corner of said Lot 212, Rock Creek Replat I; thence S37°04'31"W along the Westerly line of said Lot 212, Rock Creek Replat I, a distance of 358.16 feet to the Westerly corner of said Lot 212, Rock Creek Replat I, said point also being on the Northerly boundary line of Chalco Pointe, a subdivision located in said South 1/2 of Section 14; thence N52°55'29"W along said Northerly boundary line of Chalco Pointe, a distance of 672.66 feet to the Northwest corner of Lot 31, said Chalco Pointe; thence N00°13'51"W along the West line of said Lot 2, Rock Creek Addition, a distance of 604.11 feet to the Northwest corner of said Lot 2, Rock Creek Addition; thence along the Northerly line of said Lot 2, Rock Creek Addition on the following described courses; thence S72°56'17"E, a distance of 1978.71 feet; thence S70°57'09"E, a distance of 810.12 feet; thence N89°55'46"E a distance of 45.00 feet to the Northeast corner of said Lot 2, Rock Creek Addition; thence S28°41'16"W along the Easterly line of said Lot 2, Rock Creek Addition, a distance of 580.89 feet; thence S89°19'58"W, a distance of 595.83 feet to a point on the Easterly right-of-way line of said Rock Creek Drive; thence along said Easterly and Northerly right-of-way line of Rock Creek Drive on the following described courses; thence Northwesterly on a curve to the left with a radius of 267.65 feet, a distance of 402.77 feet, said curve having a long chord which bears N47°33'28"W, a distance of 365.83 feet; thence S89°19'58"W, a distance of 425.00 feet to the point of beginning

#76023.8

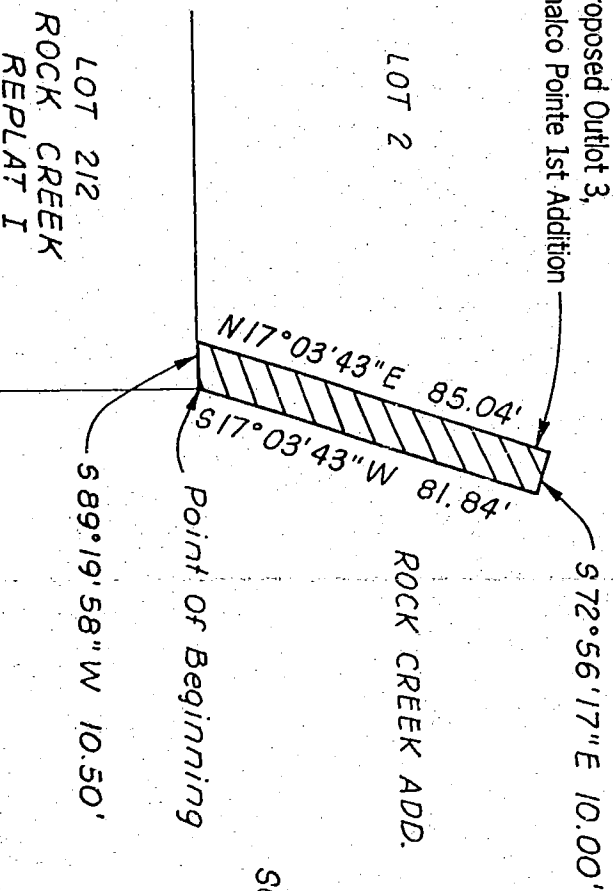
3/30/94

ELLIOTT & ASSOCIATES
5316 SOUTH 132ND STREET
OMAHA, NE 68137

94-06776A

TRUSTEE LOT

Proposed Outlot 3,
Chalco Pointe 1st Addition



SCALE: 1" = 40'

LEGAL DESCRIPTION
TRUSTEE LOT
SARPY COUNTY SID NO. 165

Part of Lot 2, Rock Creek Addition, a subdivision located in the South 1/2 of Section 14, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of Lot 212, Rock Creek Replat I, a subdivision located in said South 1/2 of Section 14; thence S89°19'58"W (assumed bearing) along the North line of said Lot 212, Rock Creek Replat I, a distance of 10.50 feet; thence N17°03'43"E, a distance of 85.04 feet; thence S72°56'17"E, a distance of 10.00 feet; thence S17°03'43"W, a distance of 81.84 feet to the point of beginning.

#76023.8
4/16/93

ELLIOTT & ASSOCIATES
5316 SOUTH 132ND STREET
OMAHA, NE 68137

| | |
|---------|-------|
| Proof | _____ |
| D.E. | _____ |
| Verify | _____ |
| Filmed | _____ |
| Checked | _____ |
| Fee \$ | 11.50 |

Exhibit "A"

NEBRASKA DOCUMENTARY

MAR 25 1994

BY: [Signature]

94-07171

SANITARY AND IMPROVEMENT DISTRICT STATEMENT
SARPY COUNTY, NEBRASKA

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

James M. Ecker, being first duly sworn, states that he is the Clerk of Sanitary and Improvement District No. 165 of Sarpy County, Nebraska and makes the following statement regarding same:

1. District Number: 165
2. Outer Boundaries: See Exhibit "A" attached hereto and by this reference made a part hereof.
3. The purpose of this District shall be acquiring, installing, repairing, maintaining, renewing, operating and replacing electrical service lines and conduits, a sewer system, a water system, a system of sidewalks, public roads, streets and highways, a civil defense warning system, to contract for water for fire protection and for resale to the residents of the District, and to contract for gas and electricity, for street lighting for the public streets and highways within the District and to acquire, improve and operate public parks, playgrounds and recreational facilities. The District shall have all of the powers and authorities as are permitted by law, to achieve the purposes hereinabove set forth, including, but not in limitation of the foregoing, the power and authority to contract with corporations, utility companies, or municipalities for water for fire protection and for resale to the residents of the District, and for electricity and gas, for street lighting of the public streets and highways within the District and for the disposal of sewage in the use of existing sewer improvement facilities and for the operation and maintenance of electrical service lines and conduits.
4. The District has the power to levy an unlimited property tax to pay its debts and its expenses of operation and maintenance.
5. The District is required by statute to levy special assessments on property in the District to the full extent of special benefits arising by reason of improvements installed by it.
6. In all years when a budget is required by law, the District's annual budget is filed with the County Clerk, which budget shows anticipated revenue and expenses, levy, and indebtedness of the District.
7. The actual current levy of the District may be obtained from the County Clerk.

Return to:

Walsh, Fulkerson & Doyle
1140 West Center Road
Omaha, Nebraska 68144
Attn: Fran -

07 1971

94-07171A

8. A copy of the District's annual financial audit is on file with the Clerk of the District and the State Auditor of Public Accounts.

[Signature]
CLERK

SUBSCRIBED and sworn to before me this 22nd day of March, 1994.

[Signature]
Notary Public



PROCESSED
94-07171A
CLERK'S OFFICE
MARCH 20 PM 1:51

Proof ✓
D.E. ✓
Verif. W
Filmed ---
Checked ---
Fee \$ 20.50

LEGAL DESCRIPTION
SARPY COUNTY SID NO. 165

94-07171B

Part of Lot 2, Rock Creek Addition, a subdivision located in the South 1/2 of Section 14, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 212, said Rock Creek Replat 1, said point also being on the Northerly right-of-way line of Rock Creek Drive; thence N00°40'02"W (assumed bearing) along the East line of said Lot 212, Rock Creek Replat 1, a distance of 400.00 feet to the Northeast corner of said Lot 212, Rock Creek Replat 1; thence S89°19'58"W along the North line of said Lot 212, Rock Creek Replat 1, a distance of 373.15 feet to the Northwest corner of said Lot 212, Rock Creek Replat 1; thence S37°04'31"W along the Westerly line of said Lot 212, Rock Creek Replat 1, a distance of 358.16 feet to the Westerly corner of said Lot 212, Rock Creek Replat 1, said point also being on the Northerly boundary line of Chalco Pointe, a subdivision located in said South 1/2 of Section 14; thence N52°55'29"W along said Northerly boundary line of Chalco Pointe, a distance of 672.66 feet to the Northwest corner of Lot 31, said Chalco Pointe; thence N00°13'51"W along the West line of said Lot 2, Rock Creek Addition, a distance of 604.11 feet to the Northwest corner of said Lot 2, Rock Creek Addition; thence along the Northerly line of said Lot 2, Rock Creek Addition on the following described courses; thence S72°56'17"E, a distance of 1978.71 feet; thence S70°57'09"E, a distance of 810.12 feet; thence N89°55'46"E, a distance of 45.00 feet to the Northeast corner of said Lot 2, Rock Creek Addition; thence S28°41'16"W along the Easterly line of said Lot 2, Rock Creek Addition, a distance of 580.89 feet; thence S89°19'58"W, a distance of 595.83 feet to a point on the Easterly right-of-way line of said Rock Creek Drive; thence along said Easterly and Northerly right-of-way line of Rock Creek Drive on the following described courses; thence Northwesterly on a curve to the left with a radius of 267.65 feet, a distance of 402.77 feet, said curve having a long chord which bears N47°33'28"W, a distance of 365.83 feet; thence S89°19'58"W, a distance of 425.00 feet to the point of beginning

#76023.8
4/16/98

ELLIOTT & ASSOCIATES
5316 SOUTH 132ND STREET
OMAHA, NE 68137

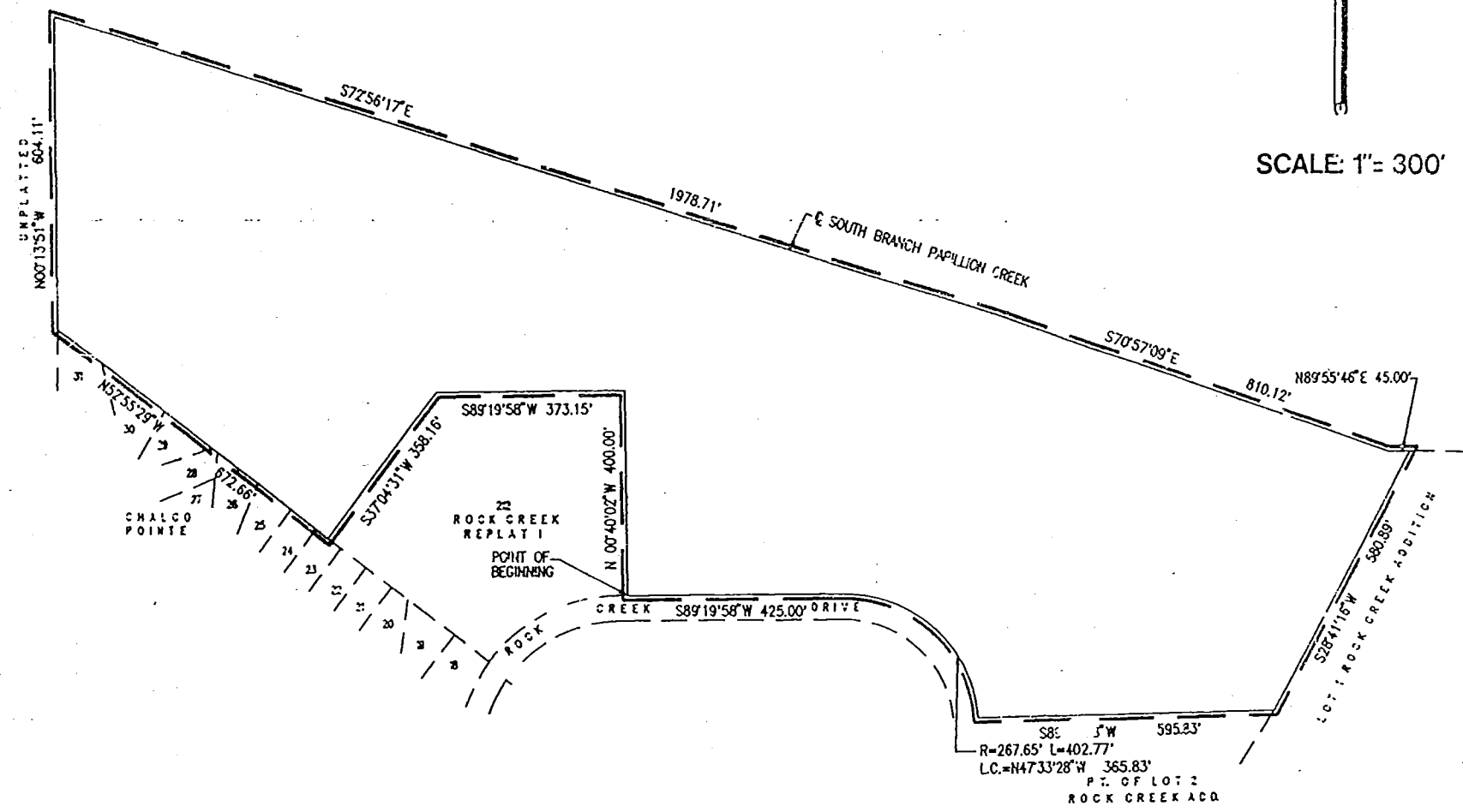
Exhibit "A"

SARPY COUNTY SID NO. 165
 (See Attached Legal)



SCALE: 1" = 300'

Exhibit "A"



4-16-93
 #76023.8

94-071711C

RETURN TO:
FIRSTIER BK. OMA
ATTN: CONST LENDING
510360
1700 FARNAM ST.
OMAHA, NE 68102

Proof
D.E.
Verify
File
Checked
Fee \$ 110.50

94-13230
REGISTERED UNDER
94-13230

SEP 13 AM 9:35

DEED OF TRUST

THIS DEED OF TRUST, made this 25th day of May, 1994, between Construction Sciences, Inc., a Nebraska Corporation, as Trustor,

Firstier Bank, National Association,

Omaha Nebraska as Trustee, Firstier Bank, National Association,

Omaha Nebraska as Beneficiary.

WITNESSETH:

The Trustor irrevocably grants, transfers and assigns to Trustee in trust, with power of sale, the following described property:
See Attached Exhibit "A"

together with all interest which Trustor now has or may hereafter acquire in and to said property and in and to: (a) all easements and rights of way appurtenant thereto;(b) all tenements, hereditaments, buildings, structures, improvements, fixtures, equipment, furnishings and appurtenances now or hereafter placed thereon; (c) all leasehold estate, right, title, and interest of Trustor in and to all leases or subleases thereof or any portion thereof now or hereafter existing or entered into, and all right, title, and interest of Trustor thereunder, including, without limitation, all cash or security deposits, advance rentals, and deposits or payments of similar nature, and (d) all mineral, oil, gas rights and profits, water, water rights, and water stock. Trustor agrees to execute and deliver, from time to time, such further instruments as may be requested by Beneficiary in form and substance satisfactory to Beneficiary to confirm the lien of this Deed of Trust on any of the aforementioned property. The property so conveyed to Trustee hereunder is hereinafter referred to as "such property".

The Trustor absolutely and irrevocably grants, transfers and assigns to Beneficiary the rents, income, issues, and profits of all property covered by this Deed of Trust.

FOR THE PURPOSE OF SECURING:

1. Payment of the principal sum of **Three Million Seven Hundred Fifty Thousand and 00/100 (\$3,750,000.00)**

together with all future advances with interest thereon (whether made at the option of the parties or whether necessary to protect the security interest granted herein), and any sums which are an obligation of any person named in this Deed of Trust to the beneficiary. The principal sum set forth hereinabove is evidenced by the following promissory note or notes executed by and bearing the date or dates set forth:

| Note | Date | Maturity |
|--|----------------|----------------|
| Construction Sciences, Inc., a Nebraska Corporation | August 1, 1993 | August 1, 1994 |

If any of these promissory note(s) is a revolving note, the reduction, hereof to zero or elimination of the obligation shall not invalidate any future advances unless a notice or release to the contrary is filed of record.

This Deed of Trust shall also secure all interest on the foregoing note(s) and prepayment or late charges assessed. This Deed of Trust shall also secure all renewals, extensions or modifications of the foregoing note(s).

2. Performance, discharge of and compliance with every obligation, covenant and agreement of Trustor incorporated by reference or contained herein or in any other security agreement or deed of trust at any time given to secure any indebtedness hereby secured, or any part thereof.
3. Payment of all fees and charges of Beneficiary or Trustee, whether or not set forth herein.

TO PROTECT THE SECURITY OF THIS DEED OF TRUST, TRUSTOR COVENANTS:

TITLE: That it is lawfully seized and possessed of a good and indefeasible title and state to all of such property in fee simple free from any prior lien or encumbrances, has good right and lawful authority to convey the same, and will forever warrant and defend the title thereto against the claims and demands of all persons whosever; that it will, at its expense, maintain and preserve the lien of this Deed of Trust as a first and paramount lien upon such property.

MAINTENANCE: To keep property in good condition and repair; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay, when due, all claims for labor performed and materials furnished thereon and for any alterations thereof; not to remove, demolish or materially alter any building, or the character or use thereof at any time thereon; not to drill or extract nor to permit the drilling for or extraction of oil, gas or other hydrocarbon substances; water or any

SLT
94

Parcel I

Lot 2, Rock Creek Addition, a Subdivision in Sarpy County, Nebraska, except that part more particularly described as follows:

Beginning at the Southeast corner of said Lot 2, Rock Creek Addition, said point being on the North right-of-way line of Giles road; thence along said North right-of-way line of Giles Road on the following described course; thence S89°19'43"W (assumed bearing), a distance of 18.24 feet; thence S89°19'58"W a distance of 349.32 feet to the point of intersection of said North right-of-way line of Giles Road and the Easterly right-of-way line of 151st Street; thence along said Easterly right-of-way line of 151st Street on the following described courses; thence Northeastly on a curve to the right with a radius of 201.37 feet, a distance of 104.35 feet, said curve having a long chord which bears N14°10'40"E, a distance of 103.19 feet; thence N29°01'23"E, a distance of 538.54 feet; thence Northerly on a curve to the left with a radius of 486.70 feet, a distance of 247.52 feet, said curve having a long chord which bears N14°27'13"E, a distance of 244.86 feet; thence N00°06'57"W, a distance of 291.25 feet; thence Northerly on a curve to the left with a radius of 267.65 feet, a distance of 20.24 feet, said curve having a long chord which bears N02°16'55"W, a distance of 27.23 feet to the Point of intersection of said Easterly right-of-way line of 151st Street and the Easterly extension of the North right-of-way line of Green Avenue; thence N89°19'58"E along said Easterly extension of the North right-of-way line of Green Avenue, a distance of 595.83 feet to a point on the East line of said Lot 2, Rock Creek Addition; thence S28°41'16"W along said East line of Lot 2, Rock Creek Addition, a distance of 1197.14 feet to the Point of Beginning.

Parcel II

Lots 85, 86, 87, 88, 89, 90, 91, 92, 93, and 94, in Rock Creek Replat I, a Subdivision in Sarpy County, Nebraska.

Parcels I and II now known as Lots 1 thru 141, inclusive, in Chalco Pointe 1st Addition, A Subdivision, in Sarpy County, Nebraska.

49-748

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 29th day of April, 1976, between Howard D. Vann, Judith M. Vann, Sander J. Kasin, Frankie L. Kasin, Jerry S. Krupinsky, and Jean Ann Krupinsky, hereinafter referred to as "Grantors", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, an easement and right of way to lay, maintain, operate, repair and relay and remove, at any time, pipelines for the transportation of water and gas, and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land lying in Lots One (1) and Two (2) of Rock Creek Addition, a subdivision, as now platted and recorded, in Sarpy County, Nebraska, said tract being more particularly described as follows:

Beginning at the point of intersection of the Easterly property line of Lot Two (2) and the North right-of-way line of Giles Road; thence South 89° 19' 44" West along the said North line of Giles Road a distance of Eighteen and Twenty-four Hundredths (18.24) feet; thence South 89° 19' 58" West continuing along said North line of Giles Road a distance of Sixty-one and Seventy-six Hundredths (61.76) feet; thence North 0° 40' 2" West a distance of One Hundred (100) feet; thence North 89° 19' 58" East a distance of Two Hundred Forty-five (245) feet; thence South 0° 40' 2" East a distance of One Hundred (100) feet to a point on the South property line of Lot One (1); thence South 89° 19' 44" West a distance of One Hundred Sixty-five (165) feet to the point of beginning.

This tract contains a total of Fifty-six Hundredths (0.56) acre, more or less, all as shown on the plat attached hereto and made a part hereof.

TEMPORARY EASEMENT

A tract of land lying in Lots One (1) and Two (2) of Rock Creek Addition, a subdivision, as now platted and recorded, in Sarpy County, Nebraska, said tract being more particularly described as follows:

Commencing at the point of intersection of the Easterly property line of Lot Two (2) and the North right-of-way line of Giles Road; thence North 28° 41' 16" East a distance of One Hundred Fourteen and Seventy-four Hundredths (114.74) feet along the said Easterly property line of Lot Two (2) to the point of beginning; thence South 89° 19' 58" West a distance of One Hundred Thirty-six and Twenty-five Hundredths (136.25) feet; thence North 0° 40' 2" West a distance of Fifty (50) feet; thence North 89° 19' 58" East a distance of Two Hundred Ninety-five (295) feet; thence South 0° 40' 2" East a distance of One Hundred Fifty (150) feet to a point on the South property line of Lot One (1); thence South 89° 19' 44" West a distance of Fifty (50) feet; thence North 0° 40' 2" West a distance of One Hundred (100) feet; thence South 89° 19' 58" West a distance of One Hundred Eight and Seventy-five Hundredths (108.75) feet to the point of beginning.

This tract contains a total of Forty-five Hundredths (0.45) acre, more or less, all as shown on the plat attached hereto and made a part hereof.

TO HAVE AND TO HOLD said easement and right of way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantors agree that neither they nor their heirs or assigns will at any time erect, construct or place on or below the surface of said

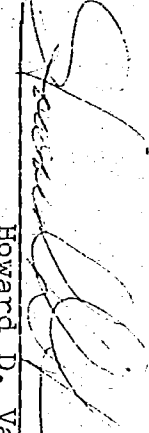
27-7487


tract of land any building or structure, except pavement, and that they will not give anyone else permission to do so.


2. Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour thereof and as soon after such work is performed as may be reasonably possible to do so.

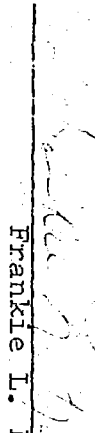
3. Nothing herein contained shall be construed as a waiver of any rights of Grantors, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantors have executed this easement the day and year first above written.

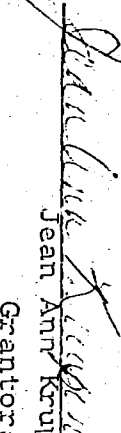

Howard D. Vann


Judith M. Vann


Sander J. Kasin

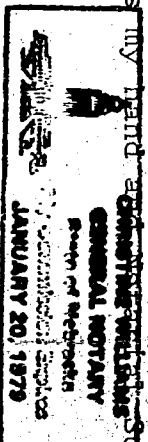
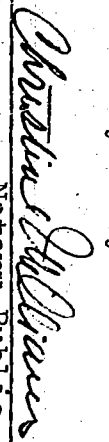

Frankie L. Kasin


Jerry S. Krupinsky


Jean Ann Krupinsky
Grantors

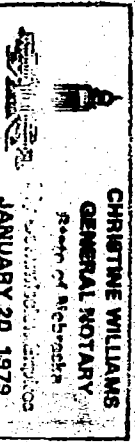

STATE OF NEBRASKA)
COUNTY OF DOUGLAS } ss

On this 23rd day of April, 1976, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Howard D. Vann and Judith M. Vann, to me personally to be the identical persons whose names are affixed to the foregoing instrument as Grantors, and acknowledged the same to be their voluntary act and deed.

Witness my hand and ~~signature~~ seal the day and year last above written.


Christine Williams
Notary Public

STATE OF NEBRASKA)
COUNTY OF DOUGLAS } ss

On this 23rd day of April, 1976, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Sander J. Kasin and Frankie L. Kasin, to me personally known to be the identical persons whose names are affixed to the foregoing instrument as Grantors, and acknowledged the same to be their voluntary act and deed.

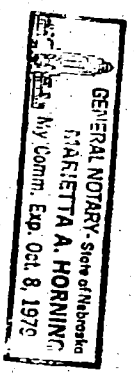
Witness my hand and Notarial Seal the day and year last above written.


Christine Williams
Notary Public

49-148B

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss

On this 21 day of April, 1976, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Jerry S. Krupinsky and Jean Ann Krupinsky, to me personally known to be the identical persons whose names are affixed to the foregoing instrument as Grantors, and acknowledged the same to be their voluntary act and deed.

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



Marietta A. Horning
Notary Public

51-759

IN THE COUNTY COURT OF SARPY COUNTY, NEBRASKA

DOC. M3 NO. 454

PAGE 134

IN THE MATTER OF THE APPLICATION OF SANITARY AND IMPROVEMENT DISTRICT NO. 92 OF SARPY COUNTY, NEBRASKA, TO ACQUIRE CERTAIN REAL ESTATE FOR PARK PURPOSES IN SARPY COUNTY, NEBRASKA, TO BE OWNED AND USED BY THE CONDEMNOR FOR ITS CORPORATE PURPOSES,

Condemner,

vs.

RETURN OF APPRAISERS

ROCK CREEK CORPORATION, a Nebraska Corporation, Owner; GERTRUDE I. FITZSIMMONS and RALPH FITZSIMMONS, wife and husband, Mortgagees; SARPY COUNTY TREASURER,

Condemnees.

TO: THE COUNTY COURT OF SARPY COUNTY, NEBRASKA

we hereby certify that under

and by virtue of an "Order of Condemnation" duly served upon

appraisers" duly served upon

us by the Deputy Clerk of said County, Nebraska, on the 5 day of ~~Mar~~ ^{April} 1925

and filed the "Oath of Appraisers" to view the property

Appraisers

described herein

Sanitary and

Improvement District No. 92

Nebraska, and also

other property

and thereby and

did hear all parties

reference to the amount

of damages sustained

, and viewing the property

herein described and

and assess the damages that the

condemnees have sustained

and will sustain by such appropriation of

the property herein described for park purposes and also damage to such other property of the condemnees as, in our opinion, was damaged by the appropriation of the property described in Exhibit "A" attached hereto.

Now, therefore, we, as appraisers aforesaid, do hereby

find and appraise the damages that will be suffered by reason of the appropriation of title to the said property or any interest therein described for park purposes by Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, in the amount of:

For Park
for
ours

12 25

FILED FOR RECORD 11-9-28 IN 1358 IN BOOK 51
Mae Rice
759 Cal & Hill
12 25
11411
REGISTER OF DEEDS, SARPY COUNTY, NEB.

51-759A

ROCK CREEK CORPORATION, Owner \$ 132,500
 GERTRUDE I. FITZSIMMONS and RALPH
 FITZSIMMONS, Mortgagees \$ _____
 SARDY COUNTY TREASURER. \$ _____

All of which is hereby respectfully submitted.

Dated this _____ day of _____, A.D., 1974.

[Signature]
 Lee Larson

[Signature]
 Kenneth L. Stahl

[Signature]
 W. H. Turtzcher

(APPRAISERS)

Subscribed and sworn to before me this 5 day of April, 1974.

[Signature]
 COUNTY JUDGE

51-759B

A part of Tax Lots 3B¹ and 5A, located in the South $\frac{1}{2}$ of Section 14, Township 14 North, Range 11 East of the 6th P.M., Sargey County, Nebraska, more particularly described as follows:

Commencing at the Southwest corner of the SE $\frac{1}{4}$ of said Section 14; thence N 00 degrees 06'57" W, (assumed bearing), along the West line of said SE $\frac{1}{4}$ of Section 14, a distance of 33.00 feet, to a point on the North right-of-way line of a County Road, said point also being the Point of Beginning; thence S 39 degrees 19'58" W, along said North right-of-way line of a County Road, a distance of 349.32 feet, to the point of intersection of said North right-of-way line of a County Road and the Easterly right-of-way line of a Proposed Street; thence along said right-of-way line of a Proposed Street on the following described courses;

thence Northeasterly on a curve to the right with a radius of 201.37 feet, a distance of 104.35 feet, said curve having a long chord, which bears N 14 degrees 10'39" E, a distance of 103.19 feet; thence N 29 degrees 01'23" E, a distance of 538.54 feet; thence Northerly on a curve to the left with a radius of 486.70 feet, a distance of 247.52 feet; thence N 00 degrees 06'57" W, a distance of 219.25 feet; thence Westerly on a curve to the left with a radius of 267.65 feet, a distance of 423.00 feet; thence S 89 degrees 19'58" W, a distance of 440.00 feet; thence Southwesterly on a curve to the left with a radius of 330.16 feet, a distance of 301.17 feet, said curve having a long chord which bears S 63 degrees 11'57" W, a distance of 290.84 feet, to the Northeasterly corner of Proposed Lot 3, Rock Creek Addition; an addition located in said South $\frac{1}{4}$ of Section 14;

thence N 52°55'59" W, along the common lot line between Proposed Lots 2 and 3, in said Rock Creek Addition, a distance of 1072.66 feet, to a point on the West line of said Tax Lot 3B¹; thence N 00 degrees 13'51" W, along said West line of Tax Lot 3B¹, a distance of 604.11 feet, to a point on the centerline of a drainage ditch; thence S 72 degrees 56'17" E, along said centerline of a drainage ditch, a distance of 1978.71 feet; thence S 70 degrees 57'09" E, along said centerline of a drainage ditch, a distance of 810.12 feet; thence N 89 degrees 55'46" E, along said centerline of a drainage ditch, a distance of 45.00 feet; thence S 28 degrees 41'16" W, along the centerline of a drainage ditch, a distance of 1778.04 feet, to a point on said North right-of-way line of a County Road; thence S 39 degrees 19'44" W, along said North right-of-way line of a County Road, a distance of 18.24 feet, to the Point of Beginning.

Now Known as: Pt. Lot 2 Rock Creek and Lot 212 Rock Creek Replat I

EXHIBIT "A"

51-759A

PAPILLION TIMES PRINT

IN THE COUNTY COURT, OF THE COUNTY OF SARPY, STATE OF NEBRASKA
(Certified Copy of Record)

STATE OF NEBRASKA }
County of Sarpy } ss.

I, EUGENE T. ATKINSON, Judge of the County Court of the County of Sarpy,
State of Nebraska, do hereby certify that I have compared the foregoing copies of
proceedings had and done in the case entitled:

IN THE MATTER OF SID 92)
vs) Doc M3 No. 475
ROCK CREEK CORPORATION, et al)
)
)
)

with the original records thereof, now remaining in said Court; that the same are correct transcripts thereof, and
of the whole of said original records.

In Witness Whereof I have hereunto set my hand and
affixed the seal of said County Court in Papillion, County
of Sarpy, State of Nebraska, on this 9th day of
November A.D., 19 78

EUGENE T. ATKINSON
Judge of the County Court

BY *[Signature]*
Clerk of the County Court



93-05875

QUIT CLAIM DEED

The undersigned, Howard D. Vann and Judith M. Vann, herein "Grantors", in consideration of One (\$1.00) Dollar and other good and valuable consideration received from Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, herein "Grantee", do hereby remise, release and forever quit claim unto Grantee, and its assigns forever all their right, title and interest in and to all the following described property, to-wit:

Lot 212, Rock Creek Replat I, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska

together with all and singular the hereditaments thereunto belonging.

TO HAVE AND TO HOLD the above described premises unto said Grantee and to Grantee's assigns forever so that neither said Grantors, nor any person in their name and behalf, shall or will hereafter claim or demand any right or title to said premises or any part thereof, but they and everyone of them shall by these presents be excluded and forever barred.

In testimony whereof, said Grantors have caused this Quit Claim Deed to be executed this 8th day of March, 1993.

Judith M. Vann
JUDITH M. VANN
Howard D. Vann
HOWARD D. VANN

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

The foregoing instrument was acknowledged before me, a Notary Public this 8th day of March, 1993 by Judith M. Vann and Howard D. Vann.



Eileen V. Randall
Notary Public

FILED
INSTRUMENT NO. **005875**
93

93 MAR 26 PM 2:39

Robert J. Glavin
REGISTER OF DEEDS

Proof
D.E.
Verify
Filmed
Checked
Fee \$ 5.50

NEBRASKA DOCUMENTARY
STATE TAX
MAR 23 1993
\$42 BY *dl*

005875

92-24361

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

COUNTY OF SARPY,

DOC 9268

PAGE 1451

Plaintiff,

vs.

LIS PENDENS

HOWARD D. AND JUDITH M. VANN,
husband and wife, et al.,
Defendants.

TO: Sarpy County Register of Deeds

Notice is hereby given that an action has been commenced and is now pending in the District Court of Sarpy County, Nebraska, on the complaint of the County of Sarpy, praying for the foreclosure of its lien for delinquent real estate taxes and special assessments, if any, on the following described parcels of real estate, to-wit:

CAUSE OF ACTION NO. 1:

LOT 212, ROCK CREEK REPLAT I, SARPY COUNTY, NEBRASKA,

Also Known as Tax Location I.D. # 010899987

CAUSE OF ACTION NO. 2:

PART OF LOT 2, ROCK CREEK ADDITION, SARPY COUNTY, NEBRASKA,

Also Known as Tax Location I.D. # 010394869

FILED SARPY COUNTY
INSTRUMENT NUMBER
92-024361

COUNTY OF SARPY,
Plaintiff

92 NOV -6 AM 8:53

By:

Mark P. Reynolds
REGISTER OF DEEDS

Mark P. Reynolds, #18154
Deputy Sarpy County Attorney
1210 Golden Gate Drive
Papillion, Nebraska 68046
402/ 593-2230

LIS-PENDENS
CIVIL

| | |
|---------|-------|
| Proof | _____ |
| D.E. | _____ |
| Verify | _____ |
| Filmed | _____ |
| Checked | _____ |
| Fee \$ | _____ |

024361

44-190

D E D I C A T I O N

KNOW ALL MEN BY THESE PRESENTS that we, GERTRUDE I. FITZSIMONS and RALPH FITZSIMONS, wife and husband, being the sole owners and mortgagees of the land described within the surveyor's certificate and embraced within this plat, have caused said land to be subdivided into lots and streets to be numbered and named as shown, and said subdivision to be hereafter known as ROCK CREEK, and we do hereby ratify, approve and consent to the disposition of our property as shown on said plat, and do hereby dedicate to the public for public use the streets and easements as shown on this plat. We do further grant a perpetual easement in favor of and granted to the Omaha Public Power District and the Northwestern Bell Telephone Company, their successors and assigns, to erect, operate, maintain, repair and renew cable conduits and poles with the necessary supports, sustaining wires, cross-arms, guys and anchors and other instrumentalities, and to extend thereon wires for the carrying and transmission of electric current for light, heat and power, and for all telephone and telegraph and message service over, upon or under a five-foot (5') strip of land adjoining the rear and side boundary lines of said lots, (these easements apply only to land within said subdivision) said license being granted for the use and benefit of all present and future owners of lots in said subdivision.

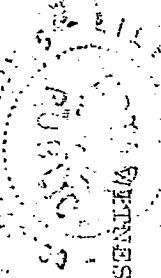
IN WITNESS WHEREOF, we have set our hands this 6th day of March, 1974.

Gertrude I. Fitzsimons
Gertrude I. Fitzsimons

Ralph Fitzsimons
Ralph Fitzsimons

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

On this 6th day of March, 1974, before me, a Notary Public in and for said county, personally came GERTRUDE I. FITZSIMONS and RALPH FITZSIMONS, wife and husband, to me known to be the identical persons whose names are affixed to the dedication on this plat and being the mortgagees of the property described in the certificate of survey, and they acknowledged the signing of said dedication to be their voluntary act and deed.



Ed Lena
Notary Public

My Commission expires: Sept. 12, 1974.

FILED FOR RECORD 4-9-74 AT 8:00 A M, IN BOOK 47 OF Mea 3rd
PAGE 190 Paul & M. Nichols REGISTER OF DEEDS, SANDY COUNTY, NEB. C. 35

Rec# 005546

1974

Rock Creek

SURVEYORS CERTIFICATE

I hereby certify that I have surveyed the property shown on this plat and that all dimensions have been computed for all lots and streets in Rock Creek Addition, a replat of all of Tax Lot 6A, in the Southeast 1/4 of Section 14 and Tax Lot 3B1, in the Southwest 1/4 of said Section 14, all in Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of the SE 1/4 of said Section 14; thence S89°19'58"W (assumed bearing) along the South line of said Section 14, a distance of 1820.91 feet to the Southwest corner of said Tax Lot 3B1; thence N00°13'51"W, along the West line of said Tax Lot 3B1, a distance of 2459.11 feet to a point on the centerline of a drainage ditch; thence along said centerline of a drainage ditch on the following described courses; thence S72°56'17"E, a distance of 1978.71 feet; thence S70°57'09"E, a distance of 810.12 feet; thence N89°55'46"E, a distance of 507.17 feet to a point on the East line of the West 1/2 of said SE 1/4 of Section 14; thence S00°03'26"E, along said East line of the West 1/2 of the SE 1/4 of Section 14, a distance of 1577.92 feet to a point on said South line of Section 14; thence S89°19'44"W, along said South line of Section 14, a distance of 1335.53 feet to the Point of Beginning.

Don W. Elliott

L.S. 205

Date

1-15-74



RIGHT-OF-WAY EASEMENT

57-485

I, Harold R. Lane Owner(s)
of the real estate described as follows and hereafter referred to as "Grantor",

Lots One (1) through Ninety-four (94), Rock Creek Replat 1, an addition to Sarpy County, Nebraska, as surveyed, platted and recorded.

in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the OMAHA PUBLIC POWER DISTRICT, a public corporation, its successors and assigns, referred to as "Grantee", a permanent right of way easement to install, operate, maintain, repair, replace, and renew its electric facilities over, upon, above, along, under, in and across the following described real estate, to wit:

A strip of land Five feet (5') in width, lying adjacent to and parallel to the side lot lines of said Lots One (1) through Ninety-four (94).

CONDITIONS:

- (a) Where Grantee's facilities are constructed Grantee shall have the right to operate, maintain, repair, replace and renew said facilities, consisting of poles, wires, cables, fixtures, guys and anchors and other instrumentalities within a strip of land as indicated above, together with the right to trim or remove any trees along said line so as to provide a minimum clearance from the overhead facilities of at least twelve feet (12').
- (b) The Grantee shall have the right of ingress and egress across the Grantor's property for any purpose hereinafter granted. Such ingress and egress shall be exercised in a reasonable manner.
- (c) Where Grantee's facilities have been installed, no trees, permanent buildings or other structures shall be placed in or encroach the easement and no change of grade, elevation or any excavations shall be made therein without prior written approval of the Grantee, but the same may be used for landscaping or other purposes that do not then or later interfere with the granted easement uses.
- (d) Where Grantee's facilities are placed adjacent to Grantor's property line, Grantor hereby grants the owner of said adjacent property, or his agent, reasonable access to Grantee's facilities.
- (e) It is further agreed that Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the District forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the parties hereto have signed their names and caused the execution of this instrument this 18th day of June 19 84.

Harold R. Lane *
Harold R. Lane

OPPD 075550

STATE OF
COUNTY OF

RETURN TO:
OMAHA PUBLIC POWER DISTRICT
1823 HARBLY ST. - PM 401
OMAHA, NE 68112

On this _____ day of _____, 19____, before me the undersigned, a Notary Public in and for said County, personally came _____

President of _____ personally to me known to be the identical person(s) who signed the foregoing instrument as grantor(s) and who acknowledged the execution thereof to be voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal at _____ in said County the day and year last above written.

My Commission expires: _____ NOTARY PUBLIC

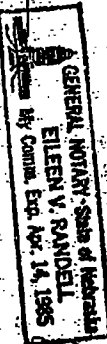
STATE OF
COUNTY OF

Abnacker
Douglas
On this 18th day of June, 1984, before me the undersigned, a Notary Public in and for said County and State, personally appeared Edward D. Mann

personally to me known to be the identical person(s) and who acknowledged the execution thereof to be voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

My Commission expires: April 17, 1985



FILED
BOOK 27 OF Misc. Rec. 57-00
PAGE 485
1984 JUL 19 AM 9:47
Coil & Hill
REGISTER OF DEEDS



Distribution Engineer HR Date 2-3-84 Land & Facilities Management MLK Date 7/3/84
Recorded in Misc. Book No. _____ at Page No. _____ on the _____ day of _____, 19____
Section S 1/4 Township 14 North, Range 11 East
Salesman K. Horwath Engineer W. White Est. # 8401033 H.O. # _____

57-418576

Easements granted for utilities by Plat and Dedication of Rock Creek recorded February 15, 1974, in Book 6 at Page 4 of the Plat Records of Sarpy County, Nebraska, over, upon and under a 5 foot strip of land where required through said Lots.

Affects Lot 2, Rock Creek, from which subdiv property was plattd

Easements granted for utilities by Dedication of Rock Creek recorded April 9, 1974, in Book 47 at Page 190 of the Miscellaneous Records of Sarpy County, Nebraska, over, upon or under a 5 foot strip of land adjoining the rear and side boundary lines of said Lots.

Affects Lot 2, Rock Creek, from which subdiv property was plattd.

CODE 47 PLAT

OF Chalco Pointe 1st Addition

Easements granted by Plat and Dedication filed 5-31-94 as Instrument No. 94-12262

of the

Records of Sarpy County, Nebraska,

on, over, through, under and across a 5-foot wide strip of land abutting all front and side boundary lot lines; an 8-foot wide strip of land abutting the rear boundary lines of all interior lots; and, a 16-foot wide strip of land abutting the rear boundary lines of all exterior lots, with provision for said 16-foot wide easement to be reduced to 8 feet.

CODE 48 COVENANTS

Covenants, conditions and restrictions contained in instrument dated 10-11-94, filed 10-27-94 as Instrument Number 94-23099 of the _____ Records of Sarpy County, Nebraska, which contains no forfeiture provision.