

1.1831 NATIONAL BANK OF OMAHA

File No. 539

Mortgage Loan Department

One First National Center
Omaha, Nebraska 68102

BOOK 1055 PAGE 247

WHEN RECORDED, PLEASE RETURN TO:

Joseph Polack, Esq.,
Polack, Woolley & Forrest, P.C.
420 First National Plaza
11404 West Dodge Road
Omaha, NE 68154
(402) 496-9600

DECLARATION OF FIRST NATIONAL BANK OF OMAHA

COMES NOW FIRST NATIONAL BANK OF OMAHA, a national banking association, Omaha, Nebraska, and shows as follows:

A. WHEREAS, on June 29, 1990, Maple Joint Venture, a Nebraska joint venture ("Borrower"), secured a loan from First National Bank of Omaha ("Lender") in the original principal amount of \$2,220,000.00; and, as evidence thereof, executed and delivered to Lender Borrower's \$2,220,000.00 Promissory Note, dated June 29, 1990 ("Original \$2,220,000.00 Promissory Note"); and

B. WHEREAS, to secure said indebtedness, Borrower executed and delivered to Lender, a Deed of Trust, Security Agreement and Assignment of Rents, dated June 29, 1990, Recorded June 29, 1990, in Mortgage Record Book 3507, at Page 394 ("Deed of Trust"), constituting a first mortgage lien upon the following described property ("Original Mortgaged Property"):

NE SW ¼ SE SW
The East ¼ of the SW¼ of Section 1, T15N, R11E of the 6th P.M., Douglas County, Nebraska except for that part described as follows:

Beginning at the Southeast corner of said East ¼; thence Westerly a distance of 1322.37 feet along the South line of said East ¼; thence Northerly deflecting 090°02'16" right, a distance of 121.70 feet along the West line of said East ¼; thence Easterly deflecting 091°41'11" right, a distance of 338.92 feet; thence Easterly deflecting 013°58'46" left, a distance of 308.06 feet; thence Easterly deflecting 012°10'45" right, a distance of 300.04 feet; thence Easterly deflecting 012°43'23" right, a distance of 391.86 feet; thence Southerly deflecting 077°17'51" right, a distance of 91.49 feet along the East line of said East ¼ to the Point of Beginning.

TRACT B SW SE NW SE

The West ¼ of the SE¼ of Section 1, T15N, R11E of the 6th P.M., Douglas County, Nebraska, except that part described as follows: Beginning at the Southwest corner of said West ¼; thence Easterly a distance of 1322.05 feet along the South line of said West ¼; thence Northerly deflecting 090°08'40" left, a distance of 137.10 feet along the East line of said West ¼; thence Westerly deflecting 092°57'10" left, a distance of 533.92 feet; thence Westerly deflecting 004°25'48" left, a distance of 419.82 feet; thence Northwesterly deflecting 041°41'16" right, a distance of 60.65 feet; thence Westerly deflecting 033°25'03" left, a distance of 322.29 feet; thence Southerly deflecting 090°47'40" left, a distance of 91.49 feet along the West line of said West ¼ to the Point of Beginning;

and

WHEREAS, all of the property described in the Deed of Trust, except the property hereinafter described, has been released and reconveyed and Lender wishes to clarify the record with respect to

the present legal description of the property remaining secured by said Deed of Trust.

NOW, THEREFORE, Lender does hereby show that the sole and only property remaining covered by, and subject to said Deed of Trust, is presently described as follows:

Lots 1 through 12, inclusive, Hillsborough Replat I, a Subdivision, as surveyed, platted and recorded, Douglas County, Nebraska.

IN WITNESS WHEREOF, First National Bank of Omaha has executed this Declaration this 19TH day of January, 1993.

FIRST NATIONAL BANK OF OMAHA,
a national banking association,

By: *Robert J. Horak*
Robert J. Horak, Vice President

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a Notary Public, this 19TH day of January, 1993, by Robert J. Horak, Vice President of First National Bank of Omaha, a national banking association, on behalf of said association.



Tracy Unraver
Notary Public

RECEIVED
Jan 25 8 29 AM '93
GEORGE J. BUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

CASH 1546 BK 1055 R 1-15-11 FB 01-60053 MO-16531
TYPE None PG 299,301 C/O COMP SCAN MM
FEE 17.00 OF None LEGL PG 248 MC FY