



2013-6880

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NEBRASKA DOCUMENTARY
STAMP TAX
Dec 19, 2013
\$13482.00 By JBauer

Inst. 2013-6880

Jean A. Bauer
REGISTER OF DEEDS
ELECTRONICALLY RECORDED

10

Return to: **Crain, Caton & James, Five Houston Center, 1401
McKinney Street, Houston, TX 77010-4035**
SPECIAL WARRANTY DEED

STATE OF NEBRASKA §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF SCOTTS BLUFF §

That **MFP Monument Mall LLC**, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration paid by **Rockstep Scottsbluff LLC**, a Texas limited liability company ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee, all that certain tract of land situated in Scotts Bluff County, Nebraska, and more fully described in Exhibit A attached hereto and made a part hereof, together with all buildings, structures, fixtures and improvements located thereon (the "Property"), SUBJECT, HOWEVER, to real estate taxes and installments of governmental assessments which are not delinquent and those matters shown on Exhibit B (the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Property, subject to the Permitted Encumbrances, together with all and singular the rights and appurtenances thereunto in anywise belonging unto Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming through or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

EXECUTED this 17 day of December, 2013.

GRANTOR

MFP Monument Mall LLC
a Delaware limited liability company

By: *Michael D. Perkins*
Michael D. Perkins, Vice President

EXHIBIT A
TO SPECIAL WARRANTY DEED

The land referred to is situated in the State of Nebraska, County of Scotts Bluff and is described as follows:

Parcel I:

Lot 3, Block 3, Third Replat of Lots 3 and 4, Block 3, Northeast Second Addition Replat No. 2, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

Parcel Ia:

Lot 2, Block 3, Northeast Second Addition Replat No. 2, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

Parcel II:

TOGETHER WITH the non-exclusive reciprocal easements set out in the Operating Agreement of record in Misc. Book 114 at Page 351, and First Amendment of record in Misc. Book 114 at Page 514;

Parcel III:

TOGETHER WITH non-exclusive appurtenant Easements as set forth in Declaration of Restrictions recorded as Instrument No. 2004-02057, and that certain Mutual Easement dated March 27, 2006 and recorded April 21, 2006 as Instrument No. 2006-002364, Records, Scotts Bluff County, Nebraska.

Parcel IV:

TOGETHER WITH the appurtenant access easement set out in the Agreement filed July 21, 1998 and recorded in Misc. Book 142, Page 456, Records, Scotts Bluff County, Nebraska.

EXHIBIT B TO SPECIAL WARRANTY DEED
PERMITTED ENCUMBRANCES

1. Terms and provisions of Utility Easement to K N Energy, Inc., filed April 1, 1986 in Book 116 at Page 363, Miscellaneous Records, Scotts Bluff County, Nebraska. (Affects Parcel I).
2. Easements and setbacks as set forth on the Plat and Dedication of Northeast Second Addition Replat No. 2, filed April 9, 1985 in Book 178 at Page 536, Deed Records, Scotts Bluff County, Nebraska. (Affects Parcel I & Ia).
3. Terms and provisions of Operating Agreement and the terms and conditions thereof, filed April 25, 1985 in Book 114 at Page 351, and First Amendment filed May 10, 1985 in Book 114 at Page 514, Miscellaneous Records, Scotts Bluff County, Nebraska. (Affects Parcel I & Ia).
4. Terms and provisions of Mutual Easement dated March 27, 2006 and recorded April 21, 2006 as Instrument No. 2006-002364, Records, Scotts Bluff County, Nebraska. (Affects Parcel I & Ia).
5. Easements and setbacks as set forth on the Plat and Dedication of Third Replat of Lots 3 and 4, Block 3, Northeast Second Addition Replat No. 2, filed April 2, 2001, as Inst. No. 2001-01820, Official Records, Scotts Bluff County, Nebraska. (Affects Parcel I & Ib).
6. The rights or interests of the following tenants: GNC, Claire's Boutique, Riddles Jewelry, Sports Village, Christopher & Banks, Kitchen Co., Sears, Manhattan Shoe, Athletes Edge, Regis Salon, Subway, Vanity, Armed Forces, Bath and Body Works, The Buckle, Turtle Moon, Herbergers, Carmike Cinema, Furniture Discount, Memories of the Past, and Nebraska Twister.
7. Terms and conditions of Agreement filed July 21, 1998, as Book 142, Page 456, Official Records, Scotts Bluff County, Nebraska. (Affects Parcel Ia).
8. Terms and conditions of Subdivider's Agreement filed January 3, 1985, as Book 113, Page 459, Official Records, Scotts Bluff County, Nebraska. (Affects Parcel Ia).
9. 2013 Taxes and Assessments not yet due or payable.
10. Any facts, rights, interests claims that may exist or arise by reason of the following matters disclosed by an ALTA/ACSM survey made by Dana L. Sperling on November 25, 2013; last revised December 16, 2013, designated Job Number 013-2243: Parking Spaces depicted on Lot 4, Block 3 and Lot 6 are not part of the subject property; Sign located on Lot 5 not part of subject property; Storm sewer and sanitary sewer easements cross through building location; Gas lines located across building location without depicted easement.