

COMPARED

FILED FOR RECORD
POTTAWATTAMIE CO. IA.

12003

04 DEC 27 AM 10:26

INST # _____
RECORDING FEE 20⁰⁰
AUDITOR FEE 5⁰⁰
RMA FEE 1.00 ECOM 1.00

JOHN SCIORTINO
RECORDER

Space Above This Line For Recording Information

Prepared by +

When recorded mail to Robert J. Murray, Lamson, Dugan & Murray, 10306 Regency Parkway Drive, Omaha, NE 68114
Address Tax Statements: Marathon Investments Three (Blockbuster Video & Bluffs Gateway Lot 6), c/o Marathon Realty 11222 Davenport Street, Omaha, NE 68154; ATTN: Cindy

SPECIAL WARRANTY DEED

This Deed, made this 9th day of December, 2004, between Woodbury Associates, a Nebraska general partnership, Grantor, in consideration of One Dollar (\$1.00) and other valuable consideration received from Grantee, Marathon Investments Three, LLC, a Nebraska limited liability company, conveys to Grantee, the real estate situated in Pottawattamie County, Iowa, legally described on Exhibit "A" attached.

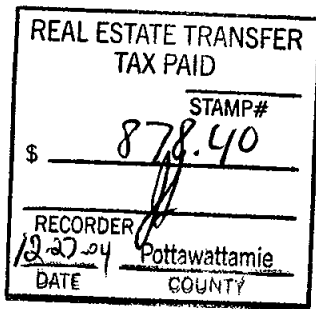
Grantor covenants with Grantee that Grantor:

- (1) Is lawfully seized of such real estate and that it is free from encumbrances except (a) existing easements, leases, rights of tenants, covenants, restrictions, rights-of-way, liens, and encumbrances, whether or not of record, and (b) real estate taxes not yet delinquent;
- (2) Has legal power and lawful authority to convey the same; and
- (3) Warrants and will defend title to the real estate against the lawful claims of all persons claiming the same or any part thereof, through, by or under Grantor.

Executed: December 9, 2004.

Woodbury Associates, a Nebraska general partnership,

Natalie K. Gendler, Sole Surviving Trustee of the Irvin Gendler and Natalie K. Gendler Multi-Generational Revocable Trust, an amendment and restatement of the Irvin Gendler Revocable Trust and the Natalie K. Gendler Revocable Trust, General Partner,



By: Natalie K. Gendler
Natalie K. Gendler, Trustee

878-40

1-88

DEC 27 2004
COUNTY AUDITOR
Marilyn G. Blumke

SPENCE TITLE SERVICES, INC.
1905 HARNEY STREET SUITE 210
OMAHA, NEBRASKA 68102

BK 105PG 11962

TA-49437

Carol J. Gendler Revocable Trust, General Partner,

By: *Carol J. Gendler*
Carol J. Gendler, Trustee

STATE OF WASHINGTON)
)ss.
COUNTY OF KING)

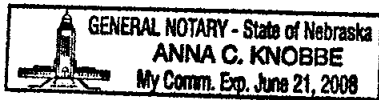
The foregoing instrument was acknowledged before me on December _____, 2004, by Natalie K. Gendler, Sole Surviving Trustee of the Irvin Gendler and Natalie K. Gendler Multi-Generational Revocable Trust, an amendment and restatement of the Irvin Gendler Revocable Trust and the Natalie K. Gendler Revocable Trust.

Notary Public

My commission expires: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on December 15th, 2004, by Carol J. Gendler, Trustee of the Carol J. Gendler Revocable Trust.



Anna C. Knobbe
Notary Public

My commission expires: 10/21/08

332714

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that NATALIE GENDLER, sole surviving trustee of the IRVIN GENDLER AND NATALIE K. GENDLER MULTI-GENERATIONAL REVOCABLE TRUST, an amendment and restatement of the IRVIN GENDLER REVOCABLE TRUST and the NATALIE K. GENDLER REVOCABLE TRUST, is the person who appeared before me, and said person acknowledged that she signed this instrument as her free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: December 9, 2004



Print Name:

Heidi L.G. Orr

NOTARY PUBLIC for the State of Washington, residing at

Seattle, WA

My appointment expires:

3/19/05



EXHIBIT "A"

All of Lot 6 and that part of Lots 4 and 5, in BLUFFS GATEWAY, a Subdivision, as surveyed, platted, and recorded, in Pottawattamie County, Iowa, described as follows:

Commencing at the Southwest corner of Lot 5; thence North $01^{\circ}08'33''$ West (assumed bearing) 30.00 feet, on the West line of said Lot 5; thence North $89^{\circ}40'19''$ East, 201.43 feet, on the North line of the South 30.00 feet of said Lot 5, to the Point of Beginning; thence South $00^{\circ}19'41''$ East, 172.76 feet to the South line of said Lot 4; thence South $90^{\circ}00'00''$ East, 163.22 feet, on the South line of said Lot 4, to the Southeast corner thereof; thence Northeasterly, on the East line of said Lot 4, on a 1,111.50 foot radius non-tangent curve to the left, chord bearing North $01^{\circ}14'40''$ East, chord distance 91.86 feet, an arc distance of 91.89 feet; thence North $01^{\circ}08'33''$ West, 81.87 feet on the East lines of said Lots 4 and 5; thence South $89^{\circ}40'19''$ West, 164.57 feet, on the North line of the South 30.00 feet of Lot 5, to the Point of Beginning.

Together with a non-exclusive easement rights appurtenant thereto as established by Driveway Easement Agreement (Entrance Roadway) dated March 8, 1996 and filed March 11, 1996 in Book 96 at Page 25279 and Joint Driveway Easement Agreement dated March 8, 1996 and filed March 11, 1996 in Book 96 at Page 25300, both of the Records of Pottawattamie County, Iowa.