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20080418-0005830 04/18/2008
P: 1 of 16 F: \$68.00 10:35:29 AM
Register of Deeds T20080014559
JO CO KS BK:200804 PG:005830

NCS321008

Title of Document: First Amendment to Declaration Regarding
Construction, Operating and Reciprocal Easements

Date of Document: April 9, 2008

Grantor: 135 Metcalf, L.L.C. and State Line, LLC

Grantee: 135 Metcalf, L.L.C. and State Line, LLC

Grantee's Mailing Address: 16820 Frances St., Suite 102
Omaha, NE 68130

Legal Description: See Attached Exhibit A

Reference Document No: Book 200803 at Page 002407

321008
Please return to:
Robert L. Patterson
First American Title Insurance Company
911 Main St., Suite 2500
Kansas City, MO 64105

WHEN RECORDED RETURN TO:

Max J. Burbach
Koley Jessen P.C., L.L.O.
1125 South 103 Street, Suite 800
Omaha, NE 68124

(Space Above For Recorder's Use Only)

FIRST AMENDMENT TO DECLARATION REGARDING
CONSTRUCTION, OPERATION AND RECIPROCAL
EASEMENTS

made by

135 METCALF, L.L.C.

an Iowa limited liability company,

and

STATE LINE, LLC

an Iowa limited liability company

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**FIRST AMENDMENT TO DECLARATION REGARDING
CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENTS**

This First Amendment to Declaration Regarding Construction, Operation and Reciprocal Easements (the "**Amendment**") is made this 9th day of April, 2008 ("**Effective Date**"), by 135 METCALF, L.L.C., an Iowa limited liability company ("**135 Metcalf**"), and STATE LINE, LLC, an Iowa limited liability company ("**State Line**"). 135 Metcalf and State Line are hereinafter collectively referred to as "**Developer**".

RECITALS

WHEREAS, Developer executed that certain Declaration Regarding Construction, Operation and Reciprocal Easements dated March 5, 2008 and recorded March 7, 2008 at Book 200803, Page 002407, with the Register of Deeds of Johnson County, Kansas (the "Declaration"), pursuant to which Developer established certain terms, provisions, easements, restrictions, covenants and agreements to which that certain real property described on Exhibit "A" ("Shopping Center Property") is subject to and bound by, pursuant to the terms of the Declaration.

WHEREAS, Section 5.1 of the Declaration contains certain use restrictions, which preclude any portion of the Shopping Center Property from being used for specified purposes.

WHEREAS, Developer desires and intends to amend certain use restrictions in Section 5.1 of the Declaration pursuant to the terms specified herein.

NOW, THEREFORE, in furtherance of all of the foregoing, Developer does hereby declare that the Declaration shall be amended as follows:

1. Section 5.1(N) of the Declaration is hereby deleted in its entirety and replaced with the following:


(n) any massage parlor, adult book shop, movie house or other establishment selling or exhibiting pornographic materials or other pornographic use; provided, however, that such restrictions shall not preclude the (i) showing of films in any first rate motion picture theater operated in the Shopping Center, so long as such motion picture theater does not show pornographic movies (i.e., those in violation of applicable laws or which are otherwise primarily shown in so-called "adult" movie theaters); provided, however, any film that has received an "NC-17" rating (or then equivalent or more restrictive rating) from the Motion Picture Association of America or any successor to the Motion Picture Association of America which rates motion pictures shall only be shown on one (1) screen, (ii) sale or rental of adult books, magazines or videos (including, without limitation, video cassettes, DVDs, laserdiscs and other like media) as an incidental part of the business of a general purpose bookstore or retailer carrying a general selection of books, magazines and video products) (such as, by way of example and without limitation, Target, Best Buy and Blockbuster Video) normally found in a first class shopping center, or (iii) massages in connection with a beauty salon, spa operation

or massage therapy operation which are normally found in a first class shopping center.

2. Except as modified and amended herein, all other terms and conditions of the Declaration shall remain unchanged and in full force and effect. All capitalized terms in this Amendment which are not otherwise defined herein shall have the meaning ascribed to them in the Declaration.

**[Remainder of Page Intentionally Left Blank.
Signature Page to Follow.]**

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IN WITNESS WHEREOF, Developer has caused this Amendment to be executed the day and date first above written.

"DEVELOPER"

135 METCALF, L.L.C., an Iowa limited liability company

By:

Jeffrey W. Johnson, Manager

STATE LINE, LLC an Iowa limited liability company

By:

Jeffrey W. Johnson, Manager

STATE OF NEBRASKA)

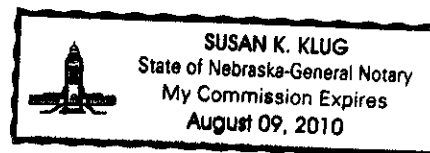
COUNTY OF DOUGLAS)

SS.

The foregoing instrument was acknowledged before me this 9 day of April, 2008, by Jeffrey W. Johnson, the Manager of 135 METCALF, L.L.C., an Iowa limited liability company under the laws of Iowa, on behalf of said company.

Susan K. Klug
Notary Public

My Commission Expires: August 9, 2010



STATE OF NEBRASKA)

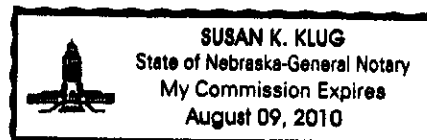
COUNTY OF DOUGLAS)

SS.

The foregoing instrument was acknowledged before me this 9 day of April, 2008, by Jeffrey W. Johnson, the Manager of STATE LINE, LLC, an Iowa limited liability company under the laws of Iowa, on behalf of said company.

Susan K. Klug
Notary Public

My Commission Expires: August 9, 2010



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ACKNOWLEDGMENT AND AGREEMENT OF LIEN HOLDER

The First National Bank of Olathe, as the holder of that certain Construction Mortgage, dated October 12, 2007 and recorded October 16, 2007 in Book 200710, at Page 004820 of Official Records (the "Mortgage"), which encumbers a portion of the Shopping Center Property, hereby consents to the execution and recording of the Amendment and states, on behalf of itself and its successors and assigns, that the Mortgage shall be subject and subordinate to the terms and conditions of this Amendment so that such Amendment shall not be terminated but shall continue in effect notwithstanding any foreclosure or other acquisition of title pursuant to the Mortgage.

IN WITNESS WHEREOF, The First National Bank of Olathe has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf, all done at Olathe, Kansas on this 7 day of April, 2008.

THE FIRST NATIONAL BANK OF OLATHE

By Sam Somerhalder, SVP

Name Sam Somerhalder, SVP

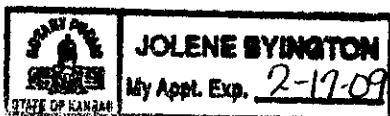
STATE OF KANSAS)

) SS

COUNTY OF JOHNSON)

On this 7th day of April, 2008, before me, a Notary Public in and for said county and state, personally appeared Sam Somerhalder, who executed the foregoing Acknowledgement and Agreement of Lien Holder, and acknowledged before me that he was duly authorized and did execute the same as SVP of The First National Bank of Olathe, a banking institute, on behalf of the bank.

GIVEN under my hand and Notarial Seal, this 7th day of April, 2008.



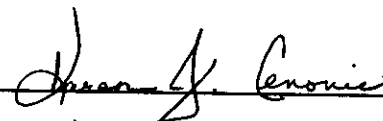
Jolene Byington

ACKNOWLEDGMENT AND AGREEMENT OF LIEN HOLDER

Union Bank & Trust Company, as the holder of a first priority lien which encumbers the Shopping Center Property, as evidenced by those documents listed on Exhibit 1 attached hereto (collectively, the "Mortgage"), hereby consents to the execution and recording of the Amendment and states, on behalf of itself and its successors and assigns, that the Mortgage shall be subject and subordinate to the terms and conditions of this Amendment so that such Amendment shall not be terminated but shall continue in effect notwithstanding any foreclosure or other acquisition of title pursuant to the Mortgage.

IN WITNESS WHEREOF, Union Bank & Trust Company has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf, all done at Union Bank & Trust, Omaha, NE on this 16th day of April, 2008.

UNION BANK & TRUST COMPANY

By 
Name KAREN J. CENOVIC

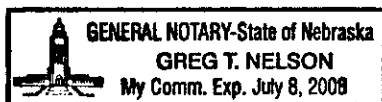
STATE OF Nebraska)

) SS

COUNTY OF Douglas)

On this 16th day of April, 2008, before me, a Notary Public in and for said county and state, personally appeared Karen J. Cenovic, who executed the foregoing Acknowledgement and Agreement of Lien Holder, and acknowledged before me that he was duly authorized and did execute the same as President of Union Bank & Trust Company, a Nebraska state banking corporation, on behalf of the corporation.

GIVEN under my hand and Notarial Seal, this 16th day of April, 2008.



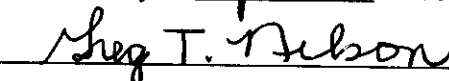

Notary Public

Exhibit 1

1. A financing statement recorded April 26, 2004 in Volume 200404, Page 012364 of Official Records. (Includes other property)

Debtor: Series A Holding Co., L.L.C., a Kansas limited liability company

Secured party: Union Bank & Trust Company, a Nebraska State Banking Corporation, its successors and assigns

a.) Amendment filed November 14, 2007 in Book 200711, Page 003364.

2. A financing statement recorded April 26, 2004 in Volume 200404, Page 012365 of Official Records. (Includes other property)

Debtor: Series B Holding Co., L.L.C.

Secured party: Union Bank & Trust Company, a Nebraska State Banking Corporation, its successors and assigns

a.) Amendment filed November 14, 2007 in Book 200711, Page 003365.

3. A financing statement recorded April 26, 2004 in Volume 200404, Page 012366 of Official Records. (Includes other property)

Debtor: 135 Metcalf, L.L.C.

Secured party: Union Bank & Trust Company, a Nebraska State Banking Corporation, its successors and assigns

a.) Amendment filed November 14, 2007 in Book 200711, Page 003366.

4. A financing statement recorded April 26, 2004 in Volume 200404, Page 012367 of Official Records. (Includes other property)

Debtor: Series E Holding Co., L.L.C.

Secured party: Union Bank & Trust Company, a Nebraska State Banking Corporation, its successors and assigns

a.) Amendment filed November 14, 2007 in Book 200711, Page 003367.

5. A mortgage to secure an original principal indebtedness of \$23,500,000.00, and any other amounts or obligations secured thereby, recorded April 26,

Exhibit "1"

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2004 in Volume 200404, Page 012363 of Official Records. (Includes other property)

Dated: April 22, 2004

Mortgagor: Series A Holding Co., L.L.C., a Kansas limited liability company; Series B Holding Co., L.L.C., a Kansas limited liability company; 135 Metcalf, L.L.C., an Iowa limited liability company; Series E Holding Co., L.L.C., a Kansas limited liability company

Mortgagee: Union Bank & Trust Company, a Nebraska State Banking Corporation

- a.) Modification Agreement filed September 15, 2004 in Volume 200409, Page 005965.
 - b.) Agreement filed November 18, 2005 in Volume 200511, Page 007229.
 - c.) First Amendment filed August 17, 2006 in Volume 200608, Page 006727.
 - d.) Second Amendment filed September 14, 2006 in Volume 200609, Page 004068.
 - e.) Third Amendment filed February 23, 2007 in Volume 200702, Page 007170.
 - f.) Fourth Amendment filed August 16, 2007 in Book 200708, Page 005421.
 - g.) Partial Release filed November 14, 2007 in Book 200711, Page 003362.
 - h.) Fifth Amendment filed December 13, 2007 in Book 200712, Page 003151.
6. A mortgage to secure an original principal indebtedness of \$12,000,000.00, and any other amounts or obligations secured thereby, recorded June 7, 2005 in Volume 200506, Page 003306 of Official Records.

Dated: May 31, 2005

Mortgagor: 135 Metcalf, LLC, an Iowa Limited Liability Company

Mortgagee: Union Bank & Trust Company

- a.) Assignment of Leases and Rents filed June 7, 2005 in Volume 200506, Page 003307.

- b.) First Amendment filed May 12, 2006 in Volume 200605, Page 004942.

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- c.) Second Amendment filed September 14, 2006 in Volume 200609, Page 004066.
- d.) Second Amendment to Land Development Loan Agreement filed September 14, 2006 in Volume 200609, Page 004067.
- e.) Third Amendment filed February 23, 2007 in Volume 200702, Page 007171.
- f.) Fourth Amendment filed August 16, 2007 in Book 200708, Page 005420.
- g.) Partial Release filed November 14, 2007 in Book 200711, Page 003363.
- h.) Fifth Amendment filed December 13, 2007 in Book 200712, Page 003152.

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EXHIBIT "A"

LEGAL DESCRIPTION OF SHOPPING CENTER PROPERTY

I. **COMMERCE BANK PROPERTY**

LOT 12, CORBIN PARK, TENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS.


II. **135 METCALF PROPERTY**

1. TRACT A, CORBIN PARK, FIRST PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
2. TRACT A, C, E, F, G, I, K, L, N, O AND P, CORBIN PARK, SECOND PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
3. SOUTHERLY AND SOUTHEASTERLY HALF OF TRACT Q, CORBIN PARK, THIRD PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
4. LOT 1, 2, 3 AND 4, CORBIN PARK, FOURTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
5. LOT 22, CORBIN PARK, NINTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
6. TRACTS D AND T, CORBIN PARK, TENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
7. LOT 24, CORBIN PARK, TWELFTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
8. LOT 29, CORBIN PARK, THIRTEENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
9. ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE NORTH 87°49'01" EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 A DISTANCE OF 70.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF METCALF AVENUE; THENCE NORTH 1°54'05" WEST ALONG THE EAST RIGHT OF WAY LINE OF METCALF AVENUE A DISTANCE OF 716.69 FEET TO

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THE POINT OF BEGINNING, THENCE NORTH 1°54'06" WEST ALONG THE EAST RIGHT OF WAY LINE OF METCALF AVENUE A DISTANCE OF 1844.88 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 135TH STREET; THENCE NORTH 88°07'14" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF 135TH STREET A DISTANCE OF 2539.22 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LAMAR AVENUE; THENCE SOUTH 1°56'41" EAST ALONG THE WEST RIGHT OF WAY LINE OF LAMAR AVENUE A DISTANCE OF 103.56 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE WEST RIGHT OF WAY LINE OF LAMAR AVENUE AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2560.00 FEET, THROUGH A CENTRAL ANGLE OF 7°53'10", AN ARC DISTANCE OF 352.35 FEET TO A POINT; THENCE SOUTH 5°56'29" WEST ALONG THE WEST RIGHT OF WAY LINE OF SAID LAMAR AVENUE A DISTANCE OF 215.17 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE WEST RIGHT OF WAY LINE OF LAMAR AVENUE AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 890.00 FEET, THROUGH A CENTRAL ANGLE OF 34°34'50", AN ARC DISTANCE OF 537.15 FEET TO A POINT OF REVERSE CURVATURE; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 93°16'32", AN ARC DISTANCE OF 40.70 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 607.18 FEET, THROUGH A CENTRAL ANGLE OF 14°51'06", AN ARC DISTANCE OF 157.39 FEET TO A POINT; THENCE SOUTH 79°29'17" WEST A DISTANCE OF 461.23 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 635.00 FEET, THROUGH A CENTRAL ANGLE OF 37°41'13", AN ARC DISTANCE OF 417.68 FEET TO A POINT; THENCE SOUTH 41°48'04" WEST A DISTANCE OF 438.44 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 565.00 FEET, THROUGH A CENTRAL ANGLE OF 46°19'31", AN ARC DISTANCE OF 456.82 FEET TO A POINT; THENCE SOUTH 88°07'38" WEST A DISTANCE OF 46.75 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 842.31 FEET, THROUGH A CENTRAL ANGLE OF 27°54'00", AN ARC DISTANCE OF 410.16 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 645.00 FEET, THROUGH A CENTRAL ANGLE OF 27°55'40", AN ARC DISTANCE OF 314.39 FEET TO A POINT; THENCE SOUTH 88°05'54" WEST A DISTANCE OF 134.99 FEET TO THE POINT OF BEGINNING.

EXCEPT

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE SOUTH 88°07'14" WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, 794.90 FEET TO A POINT; THENCE SOUTH 1°52'46" EAST, 100.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 135TH STREET, THE POINT OF BEGINNING; THENCE SOUTH 88°07'14" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF 135TH STREET, 485.79 FEET TO A POINT; THENCE SOUTH 1°54'23" EAST, 231.04 FEET TO A POINT; THENCE NORTH 88°05'37" EAST, 335.29 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 12°26'40", AN ARC DISTANCE OF 54.30 FEET TO A POINT; THENCE NORTH 75°38' 57" EAST, 128.21 FEET TO A POINT; THENCE NORTH 14°21'03"

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WEST, 19.68 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 13°04'17", AN ARC DISTANCE OF 57.03 FEET TO A POINT; THENCE NORTH 1°16'46" WEST, 61.39 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 100.47 FEET; THROUGH A CENTRAL ANGLE OF 36°35'05" AN ARC DISTANCE OF 64.15 FEET TO THE POINT OF BEGINNING.

FURTHER EXCEPT

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE SOUTH 1°54'06" EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 A DISTANCE OF 1100.52 FEET TO A POINT; THENCE NORTH 88°05'54" EAST A DISTANCE OF 301.71 FEET TO THE POINT OF BEGINNING; THENCE NORTH 1°54'22" WEST A DISTANCE OF 170.31 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 7°23'54", AN ARC DISTANCE OF 64.56 FEET TO A POINT; THENCE NORTH 9°18'16" WEST A DISTANCE OF 279.78 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 265.00 FEET, THROUGH A CENTRAL ANGLE OF 104°47'43", AN ARC DISTANCE OF 484.69 FEET TO A POINT; THENCE SOUTH 84°30'33" EAST A DISTANCE OF 234.67 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1200.00 FEET, THROUGH A CENTRAL ANGLE OF 7°23'50", AN ARC DISTANCE OF 154.93 FEET TO A POINT; THENCE NORTH 88°05'37" EAST A DISTANCE OF 758.18 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 12°26'40", AN ARC DISTANCE OF 54.30 FEET TO A POINT, THENCE NORTH 75°38'57" EAST A DISTANCE OF 117.17 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1000.00 FEET, THROUGH A CENTRAL ANGLE OF 10°56'23", AN ARC DISTANCE OF 190.93 FEET TO A POINT; THENCE NORTH 86°35'20" EAST A DISTANCE OF 51.97 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.12 FEET, THROUGH A CENTRAL ANGLE OF 91°30'18", AN ARC DISTANCE OF 239.75 FEET TO A POINT; THENCE SOUTH 1°54'22" EAST A DISTANCE OF 196.72 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 13°44'53", AN ARC DISTANCE OF 95.98 FEET TO A POINT; THENCE SOUTH 15°39'14" EAST A DISTANCE OF 6.97 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 77°27'20", AN ARC DISTANCE OF 101.39 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 399.00 FEET, THROUGH A CENTRAL ANGLE OF 8°17'39", AN ARC DISTANCE OF 57.76 FEET TO A POINT; THENCE SOUTH 53°30'26" WEST A DISTANCE OF 66.06 FEET TO A POINT; THENCE SOUTH 36°29'34" EAST A DISTANCE OF 188.64 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF 124°35'12", AN ARC DISTANCE OF 489.25 FEET TO A POINT; THENCE SOUTH 88°05'38" WEST

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A DISTANCE OF 462.75 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 45°00'00", AN ARC DISTANCE OF 117.81 FEET TO A POINT; THENCE SOUTH 43°05'38" WEST A DISTANCE OF 42.24 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 45°00'00", AN ARC DISTANCE OF 196.35 FEET TO A POINT; THENCE SOUTH 88°05'38" WEST A DISTANCE OF 506.35 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 20°30'21", AN ARC DISTANCE OF 178.95 FEET TO A POINT; THENCE SOUTH 67°35'17" WEST A DISTANCE OF 91.73 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF 119°42'52", AN ARC DISTANCE OF 355.20 FEET TO A POINT; THENCE NORTH 7°18'09" EAST A DISTANCE OF 96.50 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 15°12'39", AN ARC DISTANCE OF 132.74 FEET TO A POINT; THENCE NORTH 7°54'30" WEST A DISTANCE OF 28.66 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 6°00'09", AN ARC DISTANCE OF 52.38 FEET TO THE POINT OF BEGINNING.

FURTHER EXCEPT

THAT PART PLATTED AS CORBIN PARK, FIRST PLAT, SECOND PLAT, THIRD PLAT, FOURTH PLAT, FIFTH PLAT, SEVENTH PLAT, EIGHTH PLAT, NINTH PLAT, TENTH PLAT, TWELFTH PLAT AND THIRTEENTH PLAT.

III. 135 METCALF/STATE LINE PROPERTY

1. TRACT M, CORBIN PARK, SECOND PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
2. NORTHERLY AND NORTHEASTERLY HALF OF TRACT Q, CORBIN PARK, THIRD PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
3. TRACT R AND S AND LOT 17, CORBIN PARK, FIFTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
4. LOT 18 AND TRACT U, CORBIN PARK, SIXTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
5. LOT 19 AND TRACT V, CORBIN PARK, SEVENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.
6. LOT 20, CORBIN PARK, EIGHTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.

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7. LOTS 25, 26 AND 27, CORBIN PARK, ELEVENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.

8. ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 25 EAST; THENCE SOUTH $1^{\circ}54'06''$ EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32 A DISTANCE OF 1100.52 FEET TO A POINT; THENCE NORTH $88^{\circ}05'54''$ EAST A DISTANCE OF 301.71 FEET TO THE POINT OF BEGINNING; THENCE NORTH $1^{\circ}54'22''$ WEST A DISTANCE OF 170.31 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF $7^{\circ}23'54''$, AN ARC DISTANCE OF 64.56 FEET TO A POINT; THENCE NORTH $9^{\circ}18'16''$ WEST A DISTANCE OF 279.78 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 265.00 FEET, THROUGH A CENTRAL ANGLE OF $104^{\circ}47'43''$, AN ARC DISTANCE OF 484.69 FEET TO A POINT; THENCE SOUTH $84^{\circ}30'33''$ EAST A DISTANCE OF 234.67 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1200.00 FEET, THROUGH A CENTRAL ANGLE OF $7^{\circ}23'50''$, AN ARC DISTANCE OF 154.93 FEET TO A POINT; THENCE NORTH $88^{\circ}05'37''$ EAST A DISTANCE OF 758.18 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF $12^{\circ}26'40''$, AN ARC DISTANCE OF 54.30 FEET TO A POINT, THENCE NORTH $75^{\circ}38'57''$ EAST A DISTANCE OF 117.17 FEET TO A POINT; THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1000.00 FEET, THROUGH A CENTRAL ANGLE OF $10^{\circ}56'23''$, AN ARC DISTANCE OF 190.93 FEET TO A POINT; THENCE NORTH $86^{\circ}35'20''$ EAST A DISTANCE OF 51.97 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.12 FEET, THROUGH A CENTRAL ANGLE OF $91^{\circ}30'18''$, AN ARC DISTANCE OF 239.75 FEET TO A POINT; THENCE SOUTH $1^{\circ}54'22''$ EAST A DISTANCE OF 196.72 FEET TO A POINT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF $13^{\circ}44'53''$, AN ARC DISTANCE OF 95.98 FEET TO A POINT; THENCE SOUTH $15^{\circ}39'14''$ EAST A DISTANCE OF 6.97 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF $77^{\circ}27'20''$, AN ARC DISTANCE OF 101.39 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 399.00 FEET, THROUGH A CENTRAL ANGLE OF $8^{\circ}17'39''$, AN ARC DISTANCE OF 57.76 FEET TO A POINT; THENCE SOUTH $53^{\circ}30'26''$ WEST A DISTANCE OF 66.06 FEET TO A POINT; THENCE SOUTH $36^{\circ}29'34''$ EAST A DISTANCE OF 188.64 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF $124^{\circ}35'12''$, AN ARC DISTANCE OF 489.25 FEET TO A POINT; THENCE SOUTH $88^{\circ}05'38''$ WEST A DISTANCE OF 462.75 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF $45^{\circ}00'00''$, AN ARC DISTANCE OF 117.81 FEET TO A POINT; THENCE SOUTH $43^{\circ}05'38''$ WEST A DISTANCE OF 42.24 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF

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45°00'00", AN ARC DISTANCE OF 196.35 FEET TO A POINT; THENCE SOUTH 88°05'38" WEST A DISTANCE OF 506.35 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 20°30'21", AN ARC DISTANCE OF 178.95 FEET TO A POINT; THENCE SOUTH 67°35'17" WEST A DISTANCE OF 91.73 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF 119°42'52", AN ARC DISTANCE OF 355.20 FEET TO A POINT; THENCE NORTH 7°18'09" EAST A DISTANCE OF 96.50 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 15°12'39", AN ARC DISTANCE OF 132.74 FEET TO A POINT; THENCE NORTH 7°54'30" WEST A DISTANCE OF 28.66 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 6°00'09", AN ARC DISTANCE OF 52.38 FEET TO THE POINT OF BEGINNING.

EXCEPT

ALL OF THOSE PARTS PLATTED AS TRACT M, SECOND PLAT, THE NORTHERLY AND NORTHEASTERLY HALF OF TRACT Q, THIRD PLAT, LOT 17 AND TRACT R AND S, FIFTH PLAT, LOT 18, AND TRACT U, SIXTH PLAT, LOT 19 AND TRACT V, SEVENTH PLAT AND LOT 20, EIGHTH PLAT ALL IN CORBIN PARK SUBDIVISION.

FURTHER EXCEPT


ALL OF THAT PART PLATTED AS CORBIN PARK NINTH PLAT AND ALL OF THAT PLATTED AS CORBIN PARK TENTH PLAT.

FURTHER EXCEPT

LOTS 25, 26 AND 27, CORBIN PARK, ELEVENTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS.

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