

MISC 2006002760



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Filed: AS RECEIVED

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
1/9/2006 14:06:26.70



**REVOCABLE ASSIGNMENT AND ASSUMPTION OF
DECLARANT RIGHTS AND NOTICE**

BOYER YOUNG EQUITIES III, L.L.C., a Declarant of that certain Declaration of Covenants, Conditions and Restrictions of Arbor Gate, a Subdivision in Douglas County, Nebraska, covering the following described Property, to-wit:

Lots 1 thru 23, inclusive; Lots 26 thru 69, inclusive; Lots 72 thru 399, inclusive; Lots 401 thru 468, inclusive; and Outlots "A," "B," "C," and "D," all in Arbor Gate, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; ~~and Lots 1 thru 5, inclusive, and Outlot "A," all in Arbor Gate Replat One,~~ a subdivision as surveyed, platted and recorded in Douglas County, Nebraska

recorded of record at Instrument No. 2006002759 in the office of the Register of Deeds of Douglas County, Nebraska, and any amendments, restatements and/or annexations thereto (hereinafter the "Declaration") does hereby assign all of its status, right, title and interest as a Declarant therein to HEARTHSTONE HOMES, INC., effective as of the 6th day of January 2006, subject only to revocation by Boyer Young Equities III, L.L.C. in the event of any breach by HearthStone Homes, Inc. of the separate agreement by and between Boyer Young Equities III, L.L.C. and HearthStone Homes, Inc., and HEARTHSTONE HOMES, INC., by this instrument, does hereby assume all rights, responsibilities and duties pursuant to the Declaration.

Dated this 6th day of January 2006.

BOYER YOUNG EQUITIES III, L.L.C.,
DECLARANT, Assignor:

By: Boyer Young Development Company, as
Administrative Member,

By: Timothy W. Young
Timothy W. Young, President

HEARTHSTONE HOMES, INC., Assignee:

By: John J. Smith
John J. Smith, President

misc

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SK
BS

STATE OF NEBRASKA)
)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a Notary Public in and for said state and county, this 6 day of ~~December~~ ^{September} 2006 by Timothy W. Young, as President of Boyer Young Development Company as Administrative Member of Boyer Young Equities III, L.L.C., a Nebraska limited liability company, a person known to me who acknowledged the same to be his/her voluntary act and deed on behalf of said entity.



Randi A. Zabawa
Notary Public

STATE OF NEBRASKA)
)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a Notary Public in and for said state and county, this 30th day of December 2005 by John J. Smith as President of HearthStone Homes, Inc., a person known to me who acknowledged the same to be his voluntary act and deed on behalf of said entity.



Cheryl McKenzie
Notary Public

**** FILED: AS IS**