



MISC 2010041848



MAY 17 2010 10:26 P 5

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OC-00902-Rep1.
OC-00901
832

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
5/17/2010 10:26:18.32



2010041848

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ASSIGNMENT OF REVOCATION RIGHTS

Boyer Young Equities III, L.L.C. hereby assigns its revocation rights under that certain Revocable Assignment and Assumption of Declarant Rights and Notice, recorded in the Douglas County Register of Deeds on January 9, 2006 as Instrument No. 2006002760 (attached hereto and labeled Exhibit "A"), to BYE VIII – ARBOR GATE, LLC, a Nebraska limited liability company. In the event BYE VIII - Arbor Gate, LLC exercises its revocation rights under the Revocable Assignment, it is understood and agreed that BYE VIII – Arbor Gate, LLC shall become the Declarant under that certain Declaration of Covenants, Conditions and Restrictions of Arbor Gate, a Subdivision in Douglas County, Nebraska, recorded on January 9, 2006 as Instrument No. 2006002759, covering the following described property, to-wit:

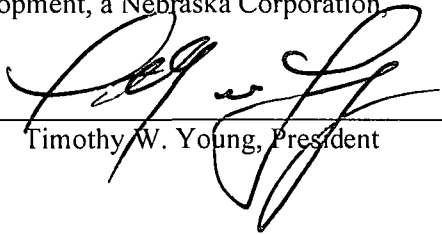
Lots 1 through 23, inclusive, Lots 26 through 69, inclusive, Lots 72 through 633, inclusive, and Outlots "A" through "F", inclusive, Arbor Gate, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and Lots 1 through 5, inclusive, and Outlot "A", Arbor Gate Replat One, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

Dated this 3rd day of May, 2010.

RETURN TO:
FULLENKAMP, DOYLE & JOBEUN
11440 WEST CENTER ROAD
OMAHA, NEBRASKA 68144-4482
ATTN: L. Jobeun

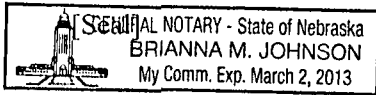
Box 15/MLA

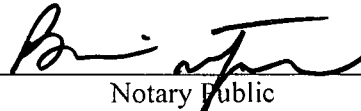
BOYER YOUNG EQUITIES III, L.L.C., a
Nebraska limited liability company, by its
Administrative Member Boyer Young
Development, a Nebraska Corporation

By: 
Timothy W. Young, President

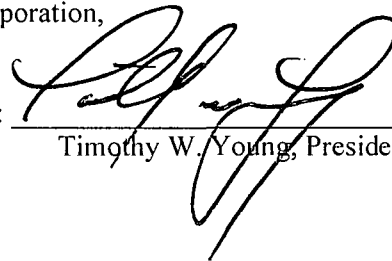
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a Notary Public in and for said state and county, this 3rd day of May, 2010, by Timothy W. Young, as president of Boyer Young Development Company, as Administrative Member of Boyer Young Equities III, LLC, a Nebraska limited liability company, a person known to me who acknowledged the same to his voluntary act and deed on behalf of said entity.



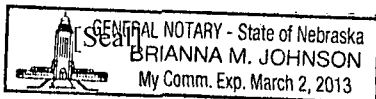

Notary Public

BYE VIII –ARBOR GATE, LLC, a
Nebraska limited liability company, by its
Administrative Member Boyer Young
Development Company, a Nebraska
corporation,

By: 
Timothy W. Young, President

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 3rd day of May, 2010, by Timothy W. Young, as president of Boyer Young Development Company, as Administrative Member of BYE VIII – Arbor Gate, LLC, a Nebraska limited liability company, a person known to me who acknowledged the same to his voluntary act and deed on behalf of said entity.



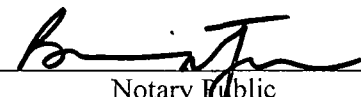
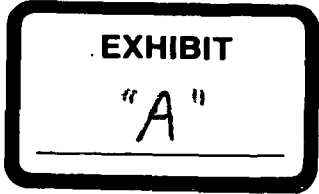

Notary Public

EXHIBIT "A"

REVOCABLE ASSIGNMENT

MISC

2006002760



Filed: AS RECEIVED

JAN 09 2006 14:06 P 2

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
1/9/2006 14:06:26.70
2006002760

**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 - Repet. Sale,~~ 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

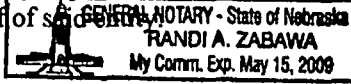
FEE 243.50 FB 00-002 01
BKP _____ C/O _____ COMP _____
DEL _____ SCAN _____ FV _____

2/467

SC 35

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

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

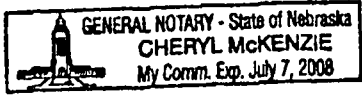


Randi A. Zabawa
Notary Public

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

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