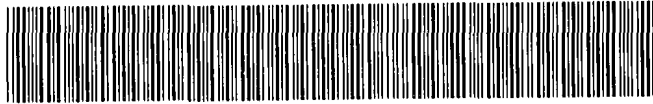


MISC 2012069990



JUL 18 2012 15:13 P 3

S *3 min* *7750*
 FEE _____ FB *OU-36281*
 BKP _____ C/O _____ COMP *MB*
 DEL _____ SCAN _____ FV _____

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 7/18/2012 15:13:30.71



2012069990

(Space Above This Line for Recording Data)

AFTER RECORDING, RETURN TO: Daniel B. Kinnamon, Erickson & Sederstrom, P.C., 10330 Regency Parkway Drive, Omaha, NE 68114

**ASSIGNMENT AND ASSUMPTION OF POST CONSTRUCTION
 STORM WATER MANAGEMENT PLAN, MAINTENANCE
 AGREEMENT AND EASEMENT**

THIS ASSIGNMENT AND ASSUMPTION OF POST CONSTRUCTION STORM WATER MANAGEMENT PLAN, MAINTENANCE AGREEMENT AND EASEMENT (the "Assignment") is made this 28th day of June, 2012 by and between Irvington Volunteer Fire Department Incorporated, s/k/a Irvington Volunteer Fire Department, s/k/a Irvington Volunteer Fire Department, Inc., a Nebraska nonprofit corporation ("Assignor") and Irvington Smoky Ridge Homeowners Association, a Nebraska nonprofit corporation ("Assignee").

RECITALS

A. Assignor entered into a Post Construction Storm Water Management Plan, Maintenance Agreement and Easement dated November 10, 2011 which was recorded on December 9, 2011 as Instrument No. 2011106010 of Miscellaneous Records, Register of Deeds Office, Douglas County, Nebraska (the "Storm Water Management and Maintenance Agreement"), which Agreement affected the following described real property in Douglas County, Nebraska:

Lots 1 through 14, inclusive, and Outlot "A" in Smoky Ridge, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

B. Assignee has been formed as the homeowners association for the Smoky Ridge subdivision to operate and administer that certain Declaration of Covenants, Conditions, Restrictions and Easements For Smoky Ridge affecting the above-described real property and as a part of those institutional activities it has the obligation to fulfill all of the terms and obligations of the Storm Water Management and Maintenance Agreement and therefore it is appropriate that the Storm Water Management and Maintenance Agreement be assigned to Assignee by Assignor and that the obligations thereunder be assumed by Assignee.

69813-


NOW, THEREFORE. for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged. Assignor and Assignee covenant and agree as follows:

1. **Assignment.** Assignor hereby assigns, transfers and sets over unto Assignee all right, title and interest in and to the Storm Water Management and Maintenance Agreement.
2. **Assumption of Agreement and Obligations.** Assignee hereby accepts the assignment of all right, title and interest in and to the Storm Water Management and Maintenance Agreement and agrees to perform and fulfill all of the obligations thereunder.
3. **Binding Effect.** This Assignment shall be binding upon and shall inure to the benefit of, Assignor and Assignee, and their respective transferees, successors and assigns.
4. **Governing Law.** This Assignment shall be governed by and construed and enforced in accordance with the laws of Nebraska.

IN WITNESS WHEREOF, intending to be legally bound, Assignor and Assignee have caused this instrument to be executed by their duly authorized representatives on the day and year first above written.

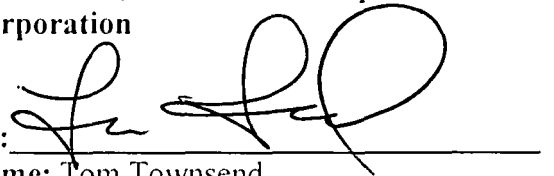
ASSIGNOR:

**Irvington Volunteer Fire Department
Incorporated, s/k/a Irvington Volunteer
Fire Department, s/k/a Irvington
Volunteer Fire Department, Inc.
a Nebraska Nonprofit Corporation**

By: 
Name: Gregg Gilmore
Title: Its President


ASSIGNEE:

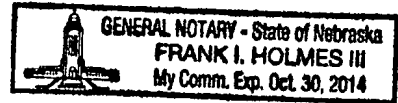
**Irvington Smoky Ridge Homeowners
Association, a Nebraska Nonprofit
Corporation**

By: 
Name: Tom Townsend
Title: Its President

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

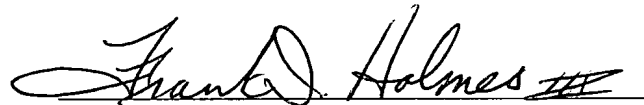
The foregoing instrument was acknowledged before me this 28TH day of June, 2012, by Gregg Gilmore, President of Irvington Volunteer Fire Department Incorporated, s/k/a Irvington Volunteer Fire Department, s/k/a Irvington Volunteer Fire Department, Inc., a Nebraska nonprofit corporation, on behalf of the corporation.


Notary Public



STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 28TH day of June, 2012, by Tom Townsend, President of Irvington Smoky Ridge Homeowners Association, a Nebraska nonprofit corporation, on behalf of the corporation.


Notary Public

