



MISC 2004040035



MAR 30 2004 15:00 P 2

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
3/30/2004 3:00:19 PM



2004040035

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

BOYER YOUNG EQUITIES I, L.L.C., the Declarant of that certain Declaration of Covenants, Conditions, Restrictions and Easements of Oakmont in Douglas County, Nebraska, covering the following described Property, to-wit:

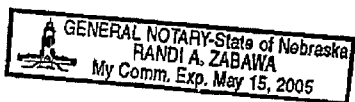
Lots 39 thru 55, inclusive, and Lots 125 thru 180, inclusive, and Lots 198 thru 205, inclusive, and Outlot A, all in OAKMONT, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and Lots 1 thru 67, inclusive, all in OAKMONT REPLAT ONE, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and Lots 1 thru 57, inclusive, all in OAKMONT REPLAT TWO, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, *OC-28221*
OC-28227
OC-28223

recorded of record on March 30, 2004 as Document No. 2004040035 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 the Declarant therein to HEARTHSTONE HOMES, INC., effective as of the 1st day of April 2004, subject only to revocation, by separate document filed with the Douglas County Register of Deeds on or before April 1, 2024, by Boyer Young Equities I, L.L.C., in the event of any breach by HearthStone Homes, Inc. of the separate agreement by and between Boyer Young Equities I, 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. HearthStone Homes, Inc. hereby agrees to obtain prior written approval of Boyer Young Equities I, L.L.C. before making any amendment, restatement, annexation, modification or other change to the Declaration of Covenants, Conditions, Restrictions and Easements of Oakmont.

Dated this 30 day of March 2004.

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

By: BOYER YOUNG DEVELOPMENT
COMPANY, Administrative Member



By: *[Signature]*
Timothy W. Young, President

FULLENKAMP, DOYLE & JOBEUN
11440 WEST CENTER ROAD
OMAHA, NEBRASKA 68144-4482

B *2*
206

Misc
FEE 113.00 FB See Above
BKP _____ C/O _____ COMP [Signature]
DEX _____ SCAN _____ FV _____
31088

HEARTHSTONE HOMES, INC., Assignee:

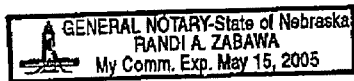
By: *[Signature]*
John J. Smith, President

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 20 day of March 2004 by Timothy W. Young, as President of Boyer Young Development Company, Administrative Member of Boyer Young Equities I, L.L.C., 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 29 day of March 2004 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.

Christie K Groebli
Notary Public

