

MISC 2011113446



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
12/30/2011 12:55:18.08
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ASSIGNMENT OF DECLARANT RIGHTS

THIS ASSIGNMENT OF DECLARANT RIGHTS ("Assignment") is made and entered into as of the 12th day of March, 2010 (the "Effective Date"), by and between SAGEWOOD DEVELOPMENT COMPANY, LLC, a Nebraska limited liability company ("Sagewood"), and FIRST NATIONAL BANK OF OMAHA, a national banking association ("FNBO").

RECITALS

WHEREAS, Sagewood executed that certain Declaration of Covenants, Conditions, Restrictions and Easements of Sagewood, a subdivision in Douglas County, Nebraska for the Residential Lots of Sagewood dated as of and recorded on December 14, 2005, as Instrument No. 2005157538, in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska ("Declaration"), which encumbers Lots 1 through 24, inclusive; Lots 27 through 242, inclusive; and Lots 358 through 421, inclusive, in Sagewood, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, Sagewood further executed that certain Declaration of Covenants, Conditions, Restrictions and Easements of Sagewood, a subdivision in Douglas County, Nebraska, for the Townhomes and Villas of Sagewood ("Townhomes/Villas Declaration"), dated as of and recorded on December 28, 2005, as Instrument No. 2005163067, in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, which encumbers Lots 285 through 357, inclusive, and Lots 422 through 438, inclusive, Sagewood, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, the Townhomes/Villas Declaration was amended by a First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Sagewood, a subdivision in Douglas County, Nebraska ("Townhomes/Villas Declaration Amendment"), dated March 7, 2008 and recorded on April 11, 2008, as Instrument No. 2008035367, in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, which encumbers Lots 243 through 284, inclusive; Lots 285 through 314, inclusive; Lots 323 through 357, inclusive; and Lots 422 through 438, inclusive, Sagewood, a subdivision, as surveyed, platted and recorded in

After recording, return to:
John Q. Bachman
PANSING HOGAN ERNST & BACHMAN LLP
10250 Regency Circle, Suite 300
Omaha, NE 68114

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Douglas County, Nebraska, and Lots 1 through 6, inclusive, Sagewood Replat 1, and Lots 1 and 2, Sagewood Replat, 2, subdivisions, as surveyed, platted and recorded in Douglas County, Nebraska; and

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WHEREAS, the Declaration, Townhomes/Villas Declaration, and Townhomes/Villas Declaration Amendment are hereinafter collectively referred to as the "Declarations"; and

WHEREAS, the purpose of the Declarations is to provide for the preservation of the values and amenities of Sagewood, for the maintenance and character and residential integrity of Sagewood, and for the acquisition, construction and maintenance of Common Facilities for the use and enjoyment of the residents of Sagewood; and

WHEREAS, pursuant to the Declarations, Sagewood, as the Declarant under the Declarations, may assign its rights and obligations under said Declarations; and

WHEREAS, Sagewood: (a) is still the holder of all the Declarant rights and obligations established in the Declarations, and (b) has not assigned, encumbered or transferred any of its rights as the Declarant or obligations under the Declarations as of the Effective Date; and

WHEREAS, Sagewood seeks to assign to FNBO, all of its rights and obligations as Declarant under the Declarations, including, but not limited to, all easement rights, responsibilities and obligations created in the Declarations.

NOW, THEREFORE, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, FNBO and Sagewood agree as follows:

1. Assignment of Declarant Rights. Sagewood hereby assigns to FNBO all its rights, obligations and responsibilities as Declarant under the Declarations.
2. Representations of Sagewood. Sagewood hereby represents and warrants to FNBO that: (a) it has not assigned or encumbered any of its rights or responsibilities as the Declarant under the Declarations; and (b) it has the authority to assign all rights and responsibilities under the terms and conditions set forth in the Declarations to FNBO.
3. FNBO's Assumption. FNBO hereby acknowledges the assignment of all of the Declarant rights, responsibilities and obligations under the Declarations and agrees to assume all rights, responsibilities and obligations as created in said Declarations.
4. Governing Law. This Assignment shall be construed in accordance with and governed by the laws of the State of Nebraska.
5. Effective Date. This Assignment shall become effective on the date provided above as the Effective Date.

6. Incorporation of Recitals. All of the Recitals set forth in this Assignment so labeled are incorporated into and made a part of this Assignment.

7. Defined Terms. All capitalized terms not otherwise defined herein shall have the same meaning as set forth in the Declarations.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment on the dates of the acknowledgments set forth below to be effective as of the Effective Date.

DECLARANT:

SAGEWOOD DEVELOPMENT COMPANY, LLC,
a Nebraska limited liability company

By: SAGEWOOD, LLC, a Nebraska limited
liability company, Manager

By: Michael Riedmann
Michael Riedmann, Managing Member

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

The foregoing instrument was acknowledged before me this 3 day of October, 2011, by Michael Riedmann, Managing Member of Sagewood, LLC, a Nebraska limited liability company, Manager of Sagewood Development Company, LLC, a Nebraska limited liability company, on behalf of the company.



Alice A. Lawrence
Notary Public

ACCEPTANCE OF ASSIGNMENT

The undersigned, FIRST NATIONAL BANK OF OMAHA, a national banking corporation, hereby accepts the Assignment of Declarant Rights.

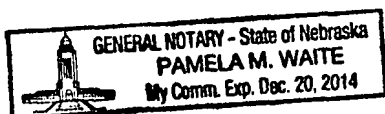
Dated this 3rd day of October, 2011.

FIRST NATIONAL BANK OF OMAHA,
a national banking association

By: Eric W. Musgjer
Eric W. Musgjer, Vice President

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

The foregoing instrument was acknowledged before me this 3rd day of OCTOBER, 2011, by Eric W. Musgjer, Vice President of First National Bank of Omaha, a national banking association, on behalf of the association.



Pamela M. Waite
Notary Public