

MISC 2011113447



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
12/30/2011 12:55:34.94
 2011113447

After Recording, Return To:

Filed: AS RECEIVED

ASSIGNMENT OF DECLARANT RIGHTS

THIS ASSIGNMENT OF DECLARANT RIGHTS ("Assignment") is made and entered into as of the 30 day of December, 2011 (the "Effective Date"), by and between FIRST NATIONAL BANK OF OMAHA, a national banking association ("FNBO") and CELEBRITY HOMES, INC., a Nebraska corporation ("Celebrity").

RECITALS

WHEREAS, Sagewood Development Company ("Sagewood Development") 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 Development 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 Douglas County, Nebraska,

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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

WHEREAS, the Townhomes/Villas Declaration was further amended by a Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Sagewood, a subdivision in Douglas County, Nebraska ("Townhomes/Villas Declaration Second Amendment"), dated July 11, 2009 and recorded on July 17, 2009, as Instrument No. 2009077394, in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska; and

WHEREAS, the Declaration, Townhomes/Villas Declaration, Townhomes/Villas Declaration Amendment and Townhomes/Villas Declaration Second 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 the properties in 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, by virtue of an Assignment of Declarant Rights entered into as of March 12, 2010, Sagewood Development assigned all of its rights and obligations as "Declarant" to FNBO; and

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

WHEREAS, FNBO: (a) is the holder of all the Declarant rights and obligations established in the Declarations as the assignee from Sagewood Development, 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, FNBO seeks to assign to Celebrity, 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 Celebrity agree as follows:

1. Assignment of Declarant Rights. FNBO hereby assigns to Celebrity all of its rights, obligations and responsibilities as Declarant under the Declarations.

2. Representations of FNBO. FNBO hereby represents and warrants to Celebrity 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 Celebrity.

3. Celebrity's Assumption. Celebrity 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:

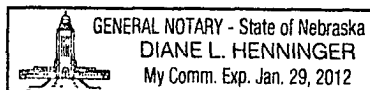
FIRST NATIONAL BANK OF OMAHA

By: [Signature]
Name: SCOTT W. DAMROW
Title: VICE PRESIDENT

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 30th day of December, 2011, by Scott W. Damrow, the Vice President of First National Bank of Omaha, on behalf of such Bank.

[Signature]
Notary Public



ACCEPTANCE OF ASSIGNMENT

The undersigned, Celebrity Homes, Inc., a Nebraska corporation, hereby accepts the Assignment of Declarant Rights.

** FILED: AS IS

Dated this ___ day of December, 2011.

CELEBRITY HOMES, INC., a Nebraska corporation

By: [Signature]
Name: Loren Johnson
Title: Vice-President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

DA The foregoing instrument was acknowledged before me this 30th day of December, 2011, by ~~Scott O. De~~ Loren Johnson, the Vice President of Celebrity Homes, Inc., a Nebraska corporation, on behalf of such corporation.

[Signature]
Notary Public

