



MISC 2009097288



SEP 04 2009 07:36 P 3

Misc
 3 FEE 255.50 FB DU-06330
 BKP _____ C/O _____ COMP AK
 481 DEL _____ SCAN _____ FV _____

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 9/4/2009 07:36:07.06

 2009097288

ASSIGNMENT OF DECLARANT STATUS

This Assignment of Declarant Status (this "Assignment") is made and entered into this 20th day of August, 2009 by and between Horgan Development Company, formerly known as MCJ Investment Company, a Nebraska corporation (the "Assignor") and Cherry Hills Homeowners Association ("Assignee").

Recitals

WHEREAS, Assignee is the lawful successor to the rights and obligations of the Declarant under the Declaration of Covenants, Conditions and Restrictions for Cherry Hills, a residential subdivision in Douglas County, Nebraska filed on April 17, 1991, in Misc. Book 960 at Pages 91 through 101, inclusive of the records of the Douglas County Register of Deeds, as amended by First Amendment filed January 22, 1992, in Misc. Book 993 at Page 687, as amended by Second Amendment filed April 11, 1994, in Misc. Book 1116 at Pages 74 through 75, the Declaration of Covenants, Conditions, Restrictions and Easements of a Part of Cherry Hills, a subdivision in Douglas County, Nebraska, filed on January 12, 1994, at Book 1108 at Page 596; the Declaration of Covenants, Conditions, Restrictions and Easements of the Third Phase of Cherry Hills, a subdivision in Douglas County, Nebraska, filed on May 14, 1996, at Book 1177 at Pages 18 through 27 (the "Declaration"), and assumed status as Declarant in conjunction with the purchase of certain real estate subject to the Declaration;

WHEREAS, the real estate subject to the Declaration is legally described as follows:

Lots 1 through 215, Lots 219 through 484, inclusive, in Cherry Hills, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska;

WHEREAS, Article V, Section 3 of the Declaration provides that the rights of the Declarant may be assigned;

Return to:
 Mark J. LaPazza
 Pansing Horgan Ernst & Bachman, LLP
 10250 Regency Circle, Suite 300
 Omaha, Nebraska 68114

201-1656

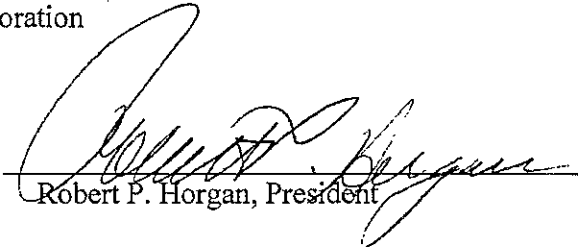
GERALD A. Schulte
 6325 N. 106th ST
 OMAHA, NE 68134 ✓001290

WHEREAS, the Assignor, wishes to assign the rights and duties of the Declarant to Assignee, and the Assignee wishes to assume the rights and duties of the Declarant under the Declaration.

NOW, THEREFORE, in consideration of the foregoing, the Assignor and Assignee agree as follows:

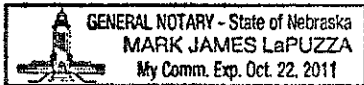
1. The Assignor hereby assigns to Assignee all of the rights and duties of the Assignor as Declarant under the Declaration.
2. The Assignee accepts the foregoing assignment and assumes all rights and duties of Assignor as successor-in-interest to the Assignor as Declarant under the Declaration.
3. Assignee represents and acknowledges to Assignor that Assignee has examined the Declaration and as a result of such examination and not in reliance upon any representations or statements of Assignor accepts the assignment from Assignor as stated herein.

HORGAN DEVELOPMENT COMPANY, formerly known as MCJ Investment Company, a Nebraska corporation

By: 
Robert P. Horgan, President

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

The foregoing instrument was acknowledged before me this 20th day of August, 2009, by ROBERT P. HORGAN, President of Horgan Development Company, a Nebraska corporation, on behalf of the corporation.




Notary Public

ACCEPTANCE OF ASSIGNMENT

The undersigned, CHERRY HILLS HOMEOWNERS ASSOCIATION, a Nebraska not-for-profit corporation, hereby accepts the Assignment of Declarant Rights.

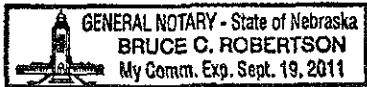
Dated this 1 day of September, 2009.

CHERRY HILLS HOMEOWNERS
ASSOCIATION, a Nebraska not-for-profit
corporation

By: *Ruth E. Rezac*
_____, President

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

The foregoing instrument was acknowledged before me this 1 day of September, 2009, by *Ruth Rezac*, President of CHERRY HILLS HOMEOWNERS ASSOCIATION, a Nebraska not-for-profit corporation, on behalf of the corporation.



Bruce C. Robertson
Notary Public