



MISC 2007140770



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Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
12/26/2007 10:23:37.87



2007140770

**GERMAN AMERICAN CAPITAL CORPORATION**, a Maryland corporation, with  
an address at 60 Wall Street, 10<sup>th</sup> Floor, New York, New York 10005, as assignor  
("Assignor")

to

**FANNIE MAE**, duly organized and existing under the Federal National Mortgage  
Association Charter Act, 12 U.S.C. § 1716 et seq., as amended from time to time, with an  
address at 3900 Wisconsin Avenue N.W., Washington, D.C. 20016, Mail Stop 11H-807,  
as assignee ("Assignee")

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**ASSIGNMENT OF SECURITY AGREEMENTS**

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Dated: December 7, 2007

Location: Omaha, Nebraska

Parcel Number: 0139-1657-16

Town: Omaha

County: Douglas

State: Nebraska

DOCUMENT PREPARED BY AND WHEN RECORDED, RETURN TO:

Cadwalader, Wickersham & Taft LLP  
227 West Trade Street, Suite 2400  
Charlotte, North Carolina 28202  
Attention: Jeffrey J. Lee, Esq.



## ASSIGNMENT OF SECURITY AGREEMENTS

WHEREAS, **GERMAN AMERICAN CAPITAL CORPORATION**, a Maryland corporation ("**Assignor**"), is the legal and equitable owner and holder of that certain Multifamily Promissory Note, dated as of April 3, 2007, made by 11402 Evans Omaha LLC, an Iowa limited liability company, having an address at c/o BH Equities, L.L.C., 400 Locust Street, Suite 790, Des Moines, Iowa 50309 (the "**Borrower**"), in the principal amount of \$12,465,000.00 (the "**Note**"), which Note is secured by the mortgage described on Schedule 1 attached hereto and by this reference made a part hereof, (the "**Mortgage**"), recorded on **April 9, 2007** in the county of Douglas (the "**Clerk's Office**"), and by an Assignment of Leases and Rents executed by the Borrower and recorded in the Clerk's Office on **April 9, 2007** in the county of Douglas, dated as of even date with the Note (the "**ALR**", and together with the Mortgage, collectively the "**Security Instrument**"); and

WHEREAS, Assignor has endorsed the Note to FANNIE MAE ("**Assignee**") and the parties desire that the Security Instrument be assigned to Assignee.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby sell, assign, grant, transfer, set over and convey to Assignee, its successors and assigns, the Security Instrument, which encumbers certain improved real property (the "**Mortgaged Property**") as more particularly described on Exhibit A annexed hereto and made a part hereof; and

Together with the Note and other obligations described in said Security Instrument and secured thereby and all of Assignor's right, title, and interest therein. To have and to hold the same unto the Assignee, its successors and assigns, forever.

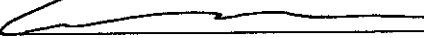
This assignment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

This Assignment shall be governed by and construed in accordance with the laws of the State of Nebraska.

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IN WITNESS WHEREOF, the undersigned has executed and delivered  
this instrument as of the 1 day of December, 2007.

**GERMAN AMERICAN CAPITAL  
CORPORATION**, a Maryland corporation

By: 

Name: Eric Draeger  
Title: VP

By: 

Name:  
Title:

HELAINÉ M. KAPLAN  
VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF New York )  
 )  
COUNTY OF New York )

The foregoing instrument was acknowledged before me on December 7  
2007, by Eric Draeger, the Vice President, of GERMAN AMERICAN  
CAPITAL CORPORATION, a Maryland corporation, on behalf of the corporation.

NOTARIAL SEAL  
REGISTER OF DEEDS

K. D. Bl  
Notary Public, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

ACKNOWLEDGMENT

KAREN D. BERNSOHN  
Notary Public, State of New York  
No. 01BE6008038  
Qualified in New York County  
Commission Expires June 15 2010

STATE OF New York )  
 )  
COUNTY OF New York )

The foregoing instrument was acknowledged before me on December 7,  
2007, by Helaine M. Kaplan, the Vice President, of GERMAN AMERICAN  
CAPITAL CORPORATION, a Maryland corporation, on behalf of the corporation.

K. D. Bl  
Notary Public, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

KAREN D. BERNSOHN  
Notary Public, State of New York  
No. 01BE6008038  
Qualified in New York County  
Commission Expires June 15 2010

NOTARIAL SEAL  
REGISTER OF DEEDS

### **Schedule 1**

A Multifamily Deed of Trust and Security Agreement, together with any and all addenda, riders, exhibits, supplements, amendments, schedules and attachments thereto (the "**Mortgage**") among 11402 EVANS OMAHA LLC, an Iowa limited liability company (the "**Borrower**"), for the benefit of DEUTSCHE BANK BERKSHIRE MORTGAGE, INC., a Delaware corporation, (the "**Original Lender**"), dated April 3, 2007, and recorded on the 9<sup>th</sup> day of April, 2007 as Document Number 2007039477 among the records of the Office of the Recorder for Douglas County, Nebraska.

An Assignment of Leases and Rents, together with any and all addenda, riders, exhibits, supplements, amendments, schedules and attachments thereto (the ("**ALR**") among 11402 EVANS OMAHA LLC, an Iowa limited liability company (the "**Borrower**"), for the benefit of DEUTSCHE BANK BERKSHIRE MORTGAGE, INC., a Delaware corporation, (the "**Original Lender**"), dated April 3, 2007, and recorded on the 9<sup>th</sup> day of April, 2007 as Document Number 2007039478 among the records of the Office of the Recorder for Douglas County, Nebraska.

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**EXHIBIT A**

**Legal Description**

Exhibit "A"

Parcel I:

Lots 1, 2, 3, and 10, in Lake Forest Estates Replat, an Addition to the City of Omaha, as surveyed, platted, and recorded in Douglas County, Nebraska, in Book 1362, page 201, except that portion of said Lot 3, more particularly described as follows: 63-21480

Beginning at the Northwest corner of said Lot 3; thence East along the Northerly property line of Lot 3, a distance of 20 feet; thence Southeasterly, along a line parallel to the Westerly property line of Lot 3, a distance of 20 feet; thence Southwesterly, along a line parallel to the Northerly property line of Lot 3, a distance of 20 feet, more or less, to a point on the Westerly property line of Lot 3; thence Northwesterly, along the westerly property line of Lot 3, to the point of beginning;

And, except that part of Lot 3 more particularly described as follows:

Beginning at the Northeast corner of said Lot 3; thence South along the easterly property line of Lot 3 a distance of 20 feet; thence West, along a line parallel to the Northerly property line of Lot 3, a distance of 20 feet; thence Northerly, along a line parallel to the Easterly property line of Lot 3, a distance of 20 feet, more or less, to a point on the Northerly property line of Lot 3; thence Easterly, along the Northerly line of Lot 3; to the point of beginning

Parcel II:

Lot 1, Lake Forest Estates, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, in Book 1329, page 479. 63-21460

Parcel III:

Lots 15-25, Lake Forest Estates Replat, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, in Book 1362, page 201. 63-21480