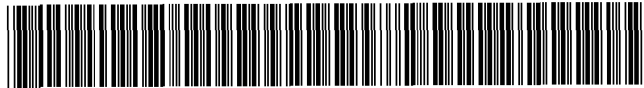


MISC 2017048648



JUN 23 2017 08:04 P 5

Fee amount: 34.00  
FB: 0J-08795  
COMP: MS

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
06/23/2017 08:04:36.00



2017048648

Please return to: Joseph J. Borghoff, Lamson, Dugan and Murray, LLP, 10306 Regency Parkway Drive, Omaha, NE 68114  
SPACE ABOVE THIS LINE FOR RECORDER

**NOTICE OF TERMINATION OF STATUS AS DECLARANT AND NOTICE OF APPOINTMENT OF SUCCESSOR DECLARANT**

THIS NOTICE OF TERMINATION OF STATUS AS DECLARANT AND NOTICE OF APPOINTMENT OF SUCCESSOR DECLARANT is made effective the 14 day of June 2017 by HORIZON LAND CORPORATION, a Nebraska corporation (“Declarant”) and DEER CREEK HIGHLANDS HOMEOWNERS’ ASSOCIATION, a Nebraska nonprofit corporation (“Homeowners’ Association”).

WITNESSETH THAT:

WHEREAS, Declarant is the current Declarant of the following described real property in Douglas County, Nebraska:

- 0J-08795** Lots 9 through 137, inclusive, and Lots 142 through 229, inclusive, in Deer Creek Highlands, a subdivision in Douglas County, Nebraska; and
- 0J-08797** Lots 1 through 6, inclusive, in Deer Creek Highlands Replat 12, a subdivision in Douglas County, Nebraska; and
- 0J-08818** Lots 1 and 2, Deer Creek Highlands Replat 17, a subdivision in Douglas County, Nebraska.

NOTE: Lots 1-8, Deer Creek Highlands became Lots 1-6, Replat 12; then Lots 7 & 8 of Replat 12 became Replat 17.

WHEREAS, Declarant is the current Declarant under that certain Declaration of Covenants, Conditions, Restrictions and Easements for Deer Creek Highlands, Lots 1 through 137 dated February 28, 2005, and filed for record in the office of Register of Deeds of Douglas County, Nebraska, on March 4, 2005, as Instrument No. 2005024306, and the Declaration of Covenants, Conditions, Restrictions and Easements for Deer Creek Highlands, Lots 142 through 229 dated May 5, 2006, and filed for record in the office of Register of Deeds of Douglas County, Nebraska, on May 11, 2006, as Instrument No. 2006052541 (collectively, “the Lots”);

WHEREAS, Declarant shall retain its status of Declarant over the Lots owned by Declarant and all lots not owned by private homeowners, which are provided for in Exhibit “A”, attached hereto and incorporated herein;

WHEREAS, Declarant shall appoint as a successor Declarant, the Homeowners’ Association, for all lots owned by private homeowners, which are provided for in Exhibit “B”, attached hereto and

incorporated herein, and terminate its status as Declarant over said lots;

WHEREAS, upon Declarant conveying a lot it owns to a private homeowner, or conveyance of a lot not owned by a private homeowner to a private homeowner, Declarant shall relinquish any and all rights as Declarant over the lot under this Notice of Termination, and thereafter the Homeowners' Association shall assume any and all responsibilities as Declarant over the lot;

WHEREAS, the parties to this Notice of Termination agree that should the Declarant assume ownership of any lot, improved or unimproved, subsequent to this Agreement, the Homeowners' Association shall immediately assign any and all rights as Declarant over said lot to the Declarant.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein, Declarant and the Homeowners' Association hereby declare and agree as follows:

1. Current Declarant, Horizon Land Corporation, does hereby, with the filing of this Notice, terminate its status as Declarant under the aforementioned Declarations of the Lots only as to those lots set forth on Exhibit "B" and hereby appoints Deer Creek Highlands Homeowners' Association as successor declarant over the Lots owned by private homeowners as set forth on Exhibit "B".

2. Horizon Land Corporation, shall retain its rights as a Declarant for only those lots currently owned by Declarant and any lots not owned by private homeowners as set forth on Exhibit "A". Upon the Declarant's sale of a lot to a private homeowner, Declarant immediately relinquishes its rights as Declarant over the lot. Thereafter, the Homeowners' Association assumes all rights and responsibilities over lot. Provided however, that in the event Declarant assumes ownership of any lot, improved or unimproved, subsequent to this Agreement, the Homeowners' Association shall immediately assign any and all rights as Declarant over said lot to the Declarant.

3. For any Lots Homeowners' Association is appointed Declarant over it shall serve as Declarant under the Declarations with the same authority and powers under the Declarations as Horizon Land Corporation.

4. Declarant retains the right to assign its rights as Declarant over any lots owned by Declarant and any lots not owned by a private homeowner, except, Declarant is restricted from assigning its rights as Declarant to O Street, LLC, a Nebraska limited liability company.

5. This agreement may be executed in one or more counterparts, and by different parties on separate counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties specifically covenant and agree that facsimile or copied signatures shall be legally binding.

6. This agreement and the rights and obligations of the Parties hereunder shall be construed in accordance with and governed by the internal laws of the State of Nebraska without giving effect to the conflict of law principles thereof.

7. This agreement shall be binding on all and inure to the benefit of Declarant, the Homeowners' Association and their respective successors and assigns.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Notice of Termination of Status as Declarant and Notice of Appointment of Successor Declarant effective as of the day and year first written above.

DECLARANT:

HORIZON LAND CORPORATION, a Nebraska corporation,

By: *James Stover*  
JAMES STOVER, President

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me by JAMES STOVER, on this 14 day of June 2017.

*Anthony J. Maryanski*  
Notary Public



SUCCESSOR DECLARANT:

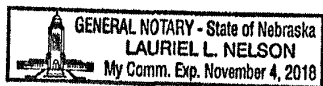
DEER CREEK HIGHLANDS HOMEOWNERS' ASSOCIATION, a Nebraska nonprofit corporation,

By: *Tom Heaney*  
TOM HEANEY, President

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me by TOM HEANEY, on this 13<sup>th</sup> day of June 2017.

*Lauriel L. Nelson*  
Notary Public



#639329v2

**EXHIBIT "A"**

220 079  
110 125  
051 114  
064 123  
065 124  
066 050  
070  
071  
093  
098  
101  
102  
106  
108  
169  
170  
219  
229  
085  
046  
006  
072  
073  
074  
103  
104  
188  
189  
190  
201  
202  
205  
192  
199  
204  
140  
138  
139  
141  
230  
231

**EXHIBIT "B"**

180	076	210	157	136
062	214	080	019	004
009	146	127	158	056
225	155	045	018	057
091	027	150	215	053
081	003	161	129	075
023	092	060	055	082
049	187	203	115	020
224	167	001	171	226
153	135	069	105	228
152	010	034	227	014
031	148	038	016	030
013	052	145	183	182
130	162	005	172	217
178	163	063	207	007
099	185	159	095	121
206	133	120	151	134
186	195	097	213	118
100	164	181	025	221
173	175	012	196	
166	218	122	197	
154	086	083	043	
047	059	011	142	
021	211	054	036	
107	223	113	160	
193	041	033	090	
126	039	194	137	
029	094	088	132	
061	111	068	089	
024	112	177	176	
209	109	084	191	
044	212	087	165	
128	035	048	116	
216	026	179	208	
077	015	222	184	
198	174	119	147	
008	028	040	200	
032	117	017	042	
144	058	168	037	
156	067	022	002	
078	096	143	131	