

#83.00

FILED SARPY CO. NE.
INSTRUMENT NUMBER
200410907

2004 MAR 30 P 4:26 B

Glenn Youngling
REGISTER OF DEEDS

COUNTER	<u> </u>	C.E.	<u> </u>
VERIFY	<u> </u>	D.E.	<u> </u>
PROOF	<u> </u>		
FEE \$	<u>83.00</u>		
CHECK#	<u>31087</u>		
CHG	<u> </u>	CASH	<u> </u>
REFUND	<u> </u>	CREDIT	<u> </u>
SHORT	<u> </u>	NCR	<u> </u>

**REVOCABLE ASSIGNMENT AND ASSUMPTION OF
DECLARANT RIGHTS AND NOTICE**

BOYER YOUNG EQUITIES IV, L.L.C., the Declarant of that certain Declaration of Covenants, Conditions, Restrictions and Easements of Grandview in Sarpy County, Nebraska, covering the following described Property, to-wit:

Lots 1 thru 37, inclusive, and Lots 121 thru 229, inclusive, in GRANDVIEW, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska,

recorded of record on March 30, 2004 as Document No. 2004-10905 in the office of the Register of Deeds of Sarpy County, Nebraska, and any amendments, restatements and/or annexations thereto (hereinafter the "Declaration") does hereby assign all of its status, right, title and interest as the Declarant therein to HEARTHSTONE HOMES, INC., effective as of the 1st day of April 2004, subject only to revocation, by separate document filed with the Sarpy County Register of Deeds on or before April 1, 2024, by Boyer Young Equities IV, L.L.C., in the event of any breach by HearthStone Homes, Inc. of the separate agreement by and between Boyer Young Equities IV, L.L.C. and HearthStone Homes, Inc., and HEARTHSTONE HOMES, INC., by this instrument, does hereby assume all rights, responsibilities and duties pursuant to the Declaration. HearthStone Homes, Inc. hereby agrees to obtain prior written approval of Boyer Young Equities IV, L.L.C. before making any amendment, restatement, annexation, modification or other change to the Declaration of Covenants, Conditions, Restrictions and Easements of Grandview.

Dated this 30 day of March 2004.

BOYER YOUNG EQUITIES IV, L.L.C.,
DECLARANT, Assignor:

By: BOYER YOUNG DEVELOPMENT
COMPANY, Administrative Member

By: *Timothy W. Young*
Timothy W. Young, President

HEARTHSTONE HOMES, INC., Assignee:

By: *John J. Smith*
John J. Smith, President

FULLENKAMP, DOYLE & JOBEUN
11440 WEST CENTER ROAD
OMAHA, NEBRASKA 68144-4482

10907

2004-10907A

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

The foregoing instrument was acknowledged before me, a Notary Public in and for said state and county, this 20 day of March 2004 by Timothy W. Young, as President of Boyer Young Development Company, Administrative Member of Boyer Young Equities I, L.L.C., a person known to me who acknowledged the same to be his/her voluntary act and deed on behalf of said entity.

Randi A. Zabawa
Notary Public

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

GENERAL NOTARY-State of Nebraska
RANDI A. ZABAWA
My Comm. Exp. May 15, 2005

The foregoing instrument was acknowledged before me, a Notary Public in and for said state and county, this 29 day of March 2004 by John J. Smith as President of HearthStone Homes, Inc., a person known to me who acknowledged the same to be his voluntary act and deed on behalf of said entity.

Christie K Groebli
Notary Public

GENERAL NOTARY-State of Nebraska
CHRISTIE K. GROEBLI
My Comm. Exp. Jan. 01, 2005