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REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

11245 #

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LEGAL PG	SCA <i>[Signature]</i>	RV

**ASSIGNMENT OF RIGHTS UNDER AND AMENDMENT TO  
PROTECTIVE COVENANTS AND RESTRICTIONS**

This instrument is made as of this 11<sup>th</sup> day of October, 1995, by ROSE GARDEN ESTATES LIMITED PARTNERSHIP I, also known as Rose Garden Estates, a Limited Partnership, a Nebraska limited partnership, referred to herein as "Assignor", as successor in interest to Louis A. Seminara, trustee under those certain Protective Covenants and Restrictions dated August 15, 1978, recorded at Book 604, Page 88, of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, as previously amended by those certain Amendments to Protective Covenants and Restrictions recorded at Book 669, Page 350; Book 819, Page 633; Book 833, Page 139; and Book 870, Page 628, of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (as amended, the "Covenants") pertaining to all of Lots 1 through 263, inclusive, of Rose Garden Estates, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska (the "Property").

**RECITALS:**

A. Assignor has certain rights, powers, and privileges with respect to the Property and its development as specified in the Covenants.

B. Assignor desires to assign all of its rights, powers, and privileges under the Covenants to Rose Garden Estates Homeowners Association, Inc., a Nebraska nonprofit corporation ("Assignee") and, for such purpose, desires to amend the Covenants as herein provided.

NOW, THEREFORE, for valuable consideration the receipt and sufficiency of which are hereby acknowledged, Assignor agrees as follows:

1. Assignment. Assignor does hereby assign all of its rights, powers, and privileges under the Covenants to Assignee, effective as of the date of this instrument.

2. Amendment. The Covenants hereby are amended, effective as of the date of this instrument, by substituting the name of Assignee for the name of Assignor in each place where Assignor is referred to in the Covenants.

3. Confirmation. As hereby modified and amended, the Covenants shall remain in full force and effect.

PLEASE RETURN TO:  
ABF 173895  
Abrahams, Kaslow & Cassman  
8712 W. Dodge Rd. #300  
Omaha, NE 68114  
Attention: DIO

IN WITNESS WHEREOF, the Assignor has caused its duly authorized General Partner to execute this instrument on its behalf as of the date first above written.

ROSE GARDEN ESTATES LIMITED PARTNERSHIP I, a Nebraska limited partnership

By: Builders Supply Co., Inc., General Partner

By: David A. Lovitt

Title: V.P. Finance

STATE OF NEBRASKA )  
 ) SS.  
COUNTY OF DOUGLAS )

The above and foregoing instrument was acknowledged before me this 11<sup>th</sup> day of October, 1995 by David A. Lovitt, the Vice President - Finance of Builders Supply Co., Inc., General Partner of Rose Garden Estates Limited Partnership I, a Nebraska limited partnership, on behalf of such limited partnership.



John E. Fifer  
Notary Public

My Commission Expires:

3-12-98

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