

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2007-06068

2007 MAR -2 P 4: 24 R

Glenn J. Dowling
REGISTER OF DEEDS

COUNTER 95 C.E. A
VERIFY JD D.E. TM
PROOF P
FEES \$ 28.00
CHECK # 114718
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NGR _____

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

ORCHARD VALLEY, INC., the Declarant of that certain Declaration of Covenants, Conditions, and Restrictions for Orchard Valley, a Subdivision in Sarpy County, Nebraska, covering the following described Property, to-wit:

Lots 1 thru 36, inclusive, in ORCHARD VALLEY, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska,

recorded of record on June 23, 2005 as Miscellaneous Instrument No. 2005-20843 in the office of the Register of Deeds of Sarpy County, Nebraska, and any amendments, restatements and/or annexations thereto (hereinafter collectively 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 20th day of February 2007, subject only to revocation, by separate document filed with the Sarpy County Register of Deeds on or before April 1, 2017, by Orchard Valley, Inc., in the event of any breach by HearthStone Homes, Inc. of the separate agreement by and between Orchard Valley, Inc. 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 Orchard Valley, Inc. before making any amendment, restatement, annexation, modification or other change to the Declaration of Covenants, Conditions and Restrictions for Orchard Valley.

Dated this 20th day of February 2007.

ORCHARD VALLEY, INC., Assignor:

By: *Melvin Sudbeck*
Melvin Sudbeck, Its President

HEARTHSTONE HOMES, INC., Assignee:

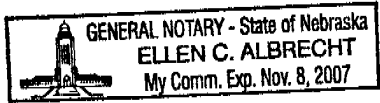
By: *Kyle Smith*
Name and Title:

*NC9
SEC
DWA*

2007060608 A

STATE OF NEBRASKA)
)
COUNTY OF Douglas) ss.

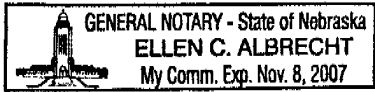
The foregoing instrument was acknowledged before me, a Notary Public in and for said state and county, this 20th day of February 2007 by Melvin Sudbeck, as President of Orchard Valley, Inc., a person known to me who acknowledged the same to be his/her voluntary act and deed on behalf of said entity.



Ellen C. Albrecht
Notary Public

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

The foregoing instrument was acknowledged before me, a Notary Public in and for said state and county, this 20th day of February 2007 by Kent Geschwender as CEO/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.



Ellen C. Albrecht
Notary Public