

2778851

ASSIGNMENT OF DEVELOPER RIGHTS

THIS ASSIGNMENT, made as of this ~~8th~~ day of December, 1997, between RED OAK HILLS PARTNERSHIP, a Partnership (hereinafter referred to as "Developer") and RED OAK HILLS HOMES ASSOCIATION, INC., a Kansas not-for-profit corporation (hereinafter referred to as "Association").

WITNESSETH:

WHEREAS, Developer did reserve certain rights, privileges, powers and interests in and to itself as stated in that certain Declaration of Restrictions for Red Oak Hills, a subdivision in Johnson County, Kansas dated July 11, 1979 (the "Original Restrictions") executed by Red Oak Hills Partnership, and recorded in the Office of the Register of Deeds of Johnson County, Kansas on July 12, 1979, in Volume 1483, at Page 170, and as stated in that certain First Amended Declaration of Restrictions dated October 31, 1984 (the "First Amended Restrictions") executed by Red Oak Hills Partnership and recorded with the Register of Deeds of Johnson County, Kansas on December 28, 1984, as document number 1509353, in Volume 2104, at Page 605, and as stated in that certain Certificate of Substantial Completion and Declaration of Homes Association dated May 21, 1986 (the "Association Declaration") executed by Red Oak Hills Partnership and recorded with the Register of Deeds of Johnson County, Kansas on May 27, 1986, as document 1606940, in Volume 2344 at Page 832, and as stated in that certain Restrictions for replats in Red Oak Hills dated February 2, 1988 (the "Replat Restrictions") executed by Red Oak Hills Partnership, and recorded in the office of the Register of Deeds on February 3, 1988, as document 1768975, in Volume 2737 at Page 231; and

WHEREAS, the Association has been formed under the laws of the State of Kansas for the purpose of assuming the maintenance and operation of the subdivision known as RED OAK HILLS; and

WHEREAS, Developer now desires to assign, convey and transfer unto RED OAK HILLS HOMES ASSOCIATION, INC., a Kansas not-for-profit corporation, all of the rights, reservations, interests, privileges and powers heretofore reserved by it; and

WHEREAS, the Association is desirous of accepting such assignment from the Developer.

NOW, THEREFORE, in consideration of the premises, the parties hereto agree as follows:

1. That all rights, reservations, interests, privileges and powers heretofore reserved by or to Developer are hereby unconditionally assigned and conveyed by Developer to the RED OAK HILLS HOMES ASSOCIATION, INC., its successors and assigns.
2. That the Association hereby accepts all of said rights, reservations, interests, privileges and powers herein assigned and conveyed to it by Developer. The Association further

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acknowledges that any financial obligation by Developer by virtue of assessment or otherwise, has been completed.

IN WITNESS WHEREOF, the undersigned have executed this Assignment as of the day and year first above written.

RED OAK HILLS PARTNERSHIP

By: David K. Miller
Name: DAVID K. MILLER
Title: Managing Partner

RED OAK HILLS HOMES ASSOCIATION, INC., a Kansas not-for-profit corporation

By: Robert A. Garrity
Name: ROBERT A. GARRITY
Title: TREASURER

STATE OF KANSAS)
COUNTY OF JOHNSON)
FILED 12-10-1997

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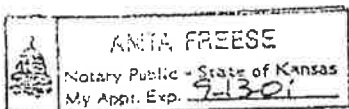
SARA F. DILLON, M.A.
REGISTER OF DEEDS

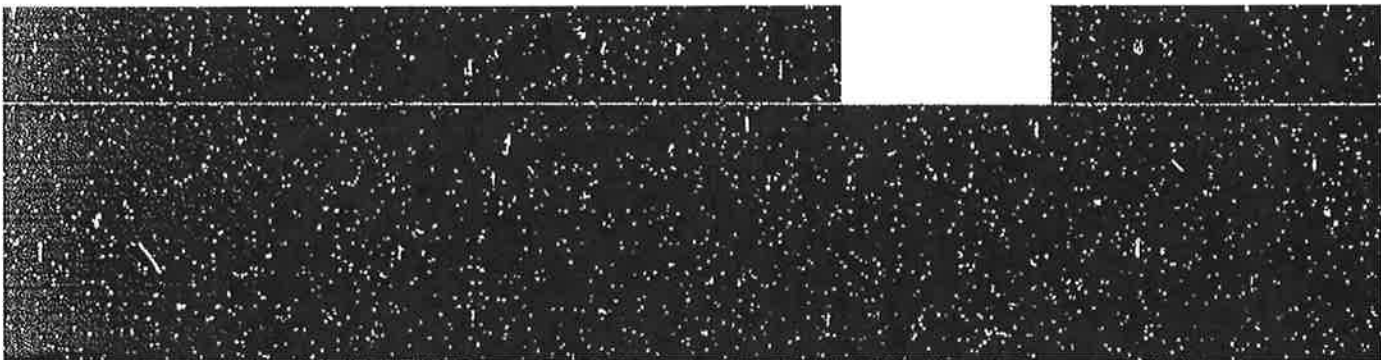
STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 2nd day of December, 1997, before me, a Notary Public in and for said County and State, came David K. Miller Managing Partner of RED OAK HILLS PARTNERSHIP, a KS General Partnership, who is personally known to me to be the same person who executed as such officer the within instrument or writing on behalf of such partnership, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Antia Freese
Notary Public





STATE OF KANSAS)
) ss.
 COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 24th day of December, 1997, before me, a Notary Public in and for said County and State, came Robert A. Garrity, Treasurer of RED OAK HILLS HOMES ASSOCIATION, INC., a not-for-profit corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be the same person who executed as such officer the within instrument or writing on behalf of such not-for-profit corporation, and such person duly acknowledged the execution of the same to be the act and deed of said not-for-profit corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Anita Freese

Notary Public

