

THIS INSTRUMENT PREPARED BY AND
AFTER RECORDING MAIL TO:
Brian Meltzer
MELTZER, PURTILL & STELLE LLC
1515 East Woodfield Road
Second Floor
Schaumburg, Illinois 60173-5431

2015 032300

STATE OF INDIANA
LAKE COUNTY
FILED IN PUBLIC RECORDS

2015 MAY 27 AM 10:11

MICHAEL B. BRUGH
RECORDER

**ASSIGNMENT AND ACCEPTANCE OF DECLARANT RIGHTS UNDER
AMENDED AND RESTATED COMMUNITY DECLARATION FOR EDGEWATER**

THIS ASSIGNMENT AND ACCEPTANCE OF DECLARANT RIGHTS (the "Assignment") is made by and between ATM Development, LLC, an Indiana limited liability company ("Assignor"), and RH of Indiana, L.P., an Indiana limited partnership (the "Assignee").

Assignor recorded that certain Community Declaration for Edgewater, in Lake County, Indiana, on September 22, 2014, as Document No. 2014-03139 (the "Original Declaration").

Immediately prior to the recording of this Assignment, Assignor recorded that certain Amended and Restated Community Declaration for Edgewater in Lake County, Indiana, on March ____, 2015 (the "Declaration"), which amended and restated the Original Declaration in its entirety. The Declaration is currently recorded with respect to the real estate legally described in Exhibit A hereto, however additional portions of the Development Area (as defined in the Declaration) may be made subject to the terms of the Declaration, as more fully provided in the Declaration.

Assignor desires to assign to Assignee, all of its rights, title and interest as the Declarant, in, to and under the Declaration (the "Assigned Rights"), and Assignee desires to accept such assignment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree that each of the Recitals above is true and correct and incorporated herein by this reference and further agree as follows:

1. Capitalized Terms. Capitalized terms used but not defined herein shall have the same meaning assigned to them in the Declaration.
2. Assignment. Effective upon the later of (i) the recording of the Declaration, or (ii) the date of this Assignment (the "Effective Date"), Assignor hereby assigns, transfers and sets over unto Assignee, its respective successors and assigns, the Assigned Rights.

**FIDELITY NATIONAL
TITLE COMPANY**

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3. Acceptance. Assignee hereby accepts the assignment of the Assigned Rights effective as of the Effective Date and assumes the obligations of the Declarant from and after the Effective Date.

4. Representations and Warranties of Assignor. Assignor represents and warrants that (i) it has full power and authority to enter into this Assignment and the execution and delivery of this Assignment has been duly authorized; and (ii) it has not assigned or otherwise pledged, encumbered or transferred the Assigned Rights prior to the date of this Assignment.

5. Representations and Warranties of Assignee. Assignee represents and warrants that it has full power and authority to enter into this Assignment and the execution and delivery of this Assignment has been duly authorized.

6. Recording. This Assignment shall be recorded in the Office of the Recorder of Deeds, Lake County, Indiana.

7. No Oral Changes. This Assignment and any provisions hereof may not be modified, amended, waived, extended, changed, discharged or terminated orally, or by any act or failure to act on the part of Assignor or Assignee, but only by an agreement in writing signed by the party against whom the enforcement of any modification, amendment, waiver, extension, change, discharge or termination is sought.

8. Successors and Assigns. This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, if any.

9. Applicable Law. This Assignment shall be governed by and construed in accordance with the laws of the State of Illinois.

10. Counterparts. This Assignment may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

[Signature page follows]



Dated: March 13, 2015

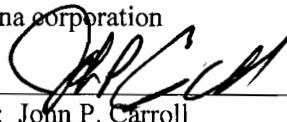
ASSIGNOR:

ATM DEVELOPMENT, LLC, an Indiana limited liability company

By: _____
Name: _____
Title: _____

ASSIGNEE:

RH OF INDIANA, L.P., an Indiana limited partnership

By: **RH BUILDERS OF INDIANA, INC.**, an Indiana corporation
By: 
Name: John P. Carroll
Title: Vice President



Dated: March 13, 2015

ASSIGNOR:

ATM DEVELOPMENT, LLC, an Indiana limited liability company

By: Mark Kendra
Name: Mark Kendra
Title: Manager

ASSIGNEE:

RH OF INDIANA, L.P., an Indiana limited partnership

By: **RH BUILDERS OF INDIANA, INC.**, an Indiana corporation

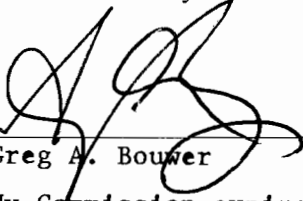
By: _____
Name: _____
Title: _____



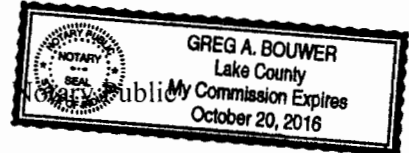
STATE OF INDIANA)
) SS
COUNTY OF LAKE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Mark Keenan Mares, as ATM DEVELOPMENT, LLC, an Indiana limited liability company (the "Company"), appeared before me this day in person and acknowledged that he signed and delivered this instrument as his own free and voluntary act, and as the free and voluntary act of the Company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 13 day of March, 2015.



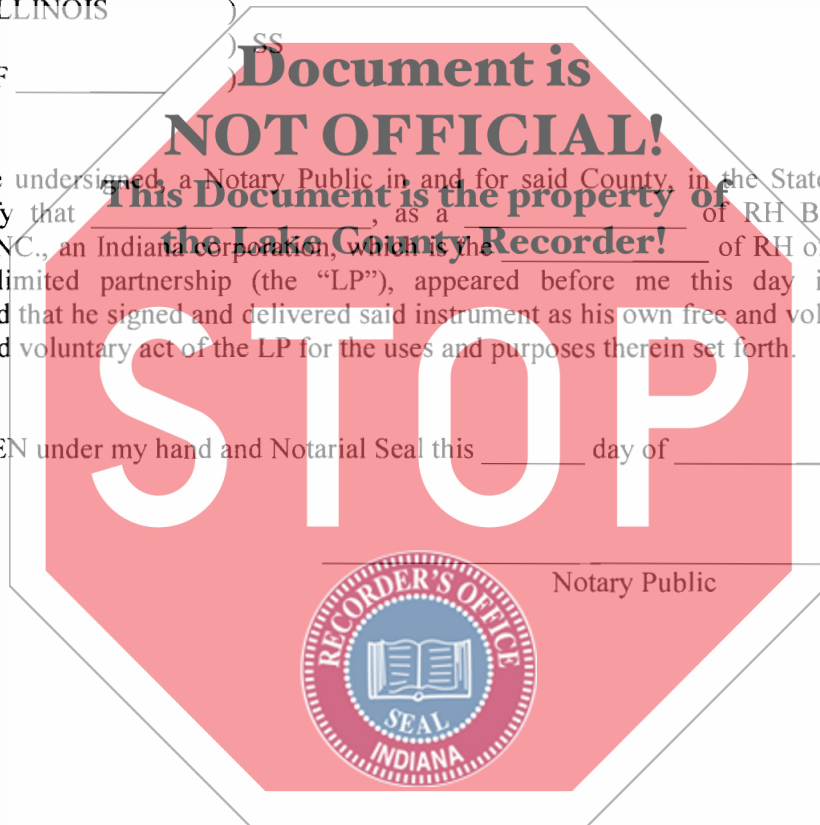
Greg A. Bower
My Commission expires: 10-20-16
Resident of Lake County



STATE OF ILLINOIS)
) SS
COUNTY OF _____)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that _____, as a _____ of RH BUILDERS OF INDIANA, INC., an Indiana Corporation, which is the _____ of RH of Indiana, L.P., an Indiana limited partnership (the "LP"), appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act, and as the free and voluntary act of the LP for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this _____ day of _____, 2015.



Notary Public

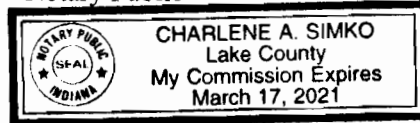
STATE OF INDIANA)
) SS
COUNTY OF LAKE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that _____, as ATM DEVELOPMENT, LLC, an Indiana limited liability company (the "Company"), appeared before me this day in person and acknowledged that he signed and delivered this instrument as his own free and voluntary act, and as the free and voluntary act of the Company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 13th day of March, 2015.

Charlene A. Simko

Notary Public



STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that John P. Carroll, as a Vice President of RH BUILDERS OF INDIANA, INC., an Indiana corporation, which is the general partner of RH Builders of Indiana, LP, an Indiana limited partnership (the "LP"), appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act, and as the free and voluntary act of the LP for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 12 day of MARCH, 2015.

Kathy Smigelsky

Notary Public



"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Shannon Stener

EXHIBIT A

THE PREMISES

- A. Lots 1 through 5, both inclusive, Lots 26 through 31, both inclusive, Lots 49, 50 and 70, and 88 through 99 in Edgewater - Phase One, an Addition to the City of Crown Point, recorded in Plat Book 92 page 94, in the Office of the Recorder of Lake County, Indiana.
- B. Lots 72 through 78, both inclusive, in Edgewater - Phase One-A, an Addition to the City of Crown Point, recorded in Plat Book 98 page 52, in the Office of the Recorder of Lake County, Indiana.
- C. Lots 6 through 12, both inclusive, and Lots 21 through 25, both inclusive, 25 in Edgewater Phase Two-A, an Addition to the City of Crown Point, as per plat thereof, recorded in Plat Book 98 page 53, in the Office of the Recorder of Lake County, Indiana.
- D. Building Envelope 100 in Condominiums at Edgewater an Addition to the City of Crown Point, as per plat thereof, recorded in Plat Book 103 page 93 in the Office of the Recorder of Lake County, Indiana.

