

**BK: 11102 PG: 659**  
**Recorded: 8/4/2021 at 8:51:58.0 AM**  
**County Recording Fee: \$12.00**  
**Iowa E-Filing Fee: \$3.22**  
**Combined Fee: \$15.22**  
**Revenue Tax:**  
**Joan McCalmant RECORDER**  
**Linn County, Iowa**  
**Unique Doc ID: 2655509**

Prepared by: Kirsten H. Frey, Shuttleworth & Ingersoll, P.L.C., 327 2<sup>nd</sup> Ave. Suite 300, Coralville, IA 52241  
(319) 365-9461  
Address tax statement & return to: Abode Companies, Inc., 3405 7<sup>th</sup> Avenue, Suite 102, Marion, IA 52302

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### **ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT RIGHTS**

**THIS ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT RIGHTS** (the "*Assignment*") is made and entered into as of the 3rd day of August, 2021 and made effective August 3, 2021 (the "*Effective Date*"), by and between Hodge Construction Company, an Iowa corporation ("*Assignor*"), and Abode Construction, Inc., doing business as Abode Companies, Inc., an Iowa corporation ("*Assignee*").

**WHEREAS**, the Assignor is the "Developer" under that certain Declaration of Submission of Property to Horizontal Property Regime for Forest Greens Condominiums ("Regime") filed April 10, 2000 in Volume 4073, Page 617 of the records of the Linn County, Iowa Recorder (the "Declaration").

**WHEREAS**, the Assignor has been granted rights in its capacity as Developer under the Regime and Declaration (the "*Development Rights*") including, but not limited to, the right to develop the Regime pursuant to section I(B) of the Declaration and to file amendments to the Declaration to effectuate the same ;

**WHEREAS**, Assignor desires to assign its interest in all its Development Rights pertaining to the units to be conveyed to Assignee and Assignee desires to assume the same.

**NOW, THEREFORE**, in consideration of the material covenants and agreements entered herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Assignment of Development Rights. Assignor hereby sells, assigns and transfers all of its Development Rights with respect to six (6) units located at 419, 421, 425, 427, 429, and 431 Cimarron Drive, Hiawatha, Iowa, legally described as:

Units 419, 421, 425, 427, 429 and 431 Forest Greens Condominiums, Linn County, Iowa, together with said units' undivided percentage interest in and to the common areas and facilities appurtenant thereto, all as appears of record and on land described in the Declaration recorded in the Office of the County Recorder, Linn County, Iowa, April 10, 2000, in Volume 4073, beginning at page 617, as may be amended, subject to easements, restrictions and covenants of record,

to Assignee and Assignee hereby assumes the same, which assignment shall be effective as of the Effective Date.

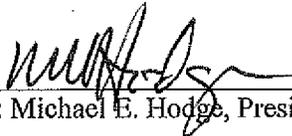
2. Assignor's Covenants. Assignor covenants with Assignee, and its successors in interest, that it holds and owns the Development Rights assigned herein, that it has good and lawful authority to

assign said rights to the Assignee; and that the Development Rights assigned herein are free of liens and encumbrances. Assignor further covenants to warrant and defend the assignment of the Development Rights hereunder to Assignee against all lawful claims of all persons.

3. Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. If this Assignment is executed in counterparts, no signatory hereto shall be bound until each of the parties named below has duly executed or caused to be duly executed a counterpart of this Assignment.

**ASSIGNOR**

HODGE CONSTRUCTION COMPANY

  
By: Michael E. Hodge, President

**ASSIGNEE**

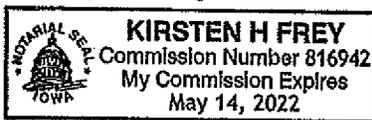
ABODE CONSTRUCTION, INC., d/b/a Abode Companies, Inc

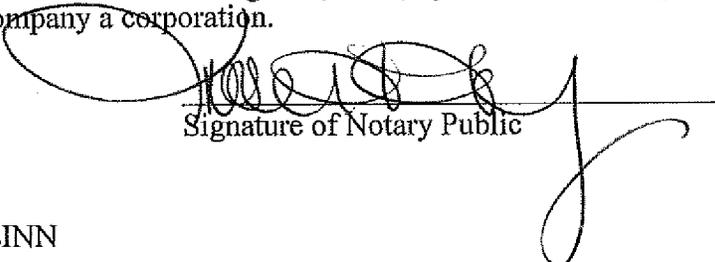
  
By: Jeffery A. Witter, President

  
By: Sarah J. Witter, Secretary

STATE OF IOWA, COUNTY OF JOHNSON

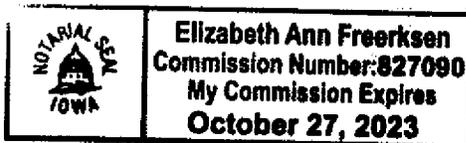
This record was acknowledged before me on August 3, 2021, by Michael E. Hodge, as President, of Hodge Construction Company a corporation.

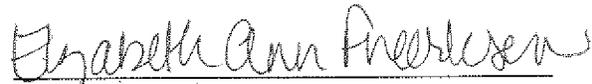


  
Signature of Notary Public

STATE OF IOWA, COUNTY OF LINN

This record was acknowledged before me on August 3, 2021, by Jeffery A. Witter as President and Sarah J. Witter, as Secretary of Abode Construction, Inc., doing business as Abode Companies, Inc.



  
Signature of Notary Public