

**PARTIAL ASSIGNMENT OF DEVELOPER RIGHTS**

THIS PARTIAL ASSIGNMENT OF DEVELOPER RIGHTS, made as of this 6<sup>th</sup> day of January, 2004, by 7500 PARTNERS, a Kansas general partnership (hereinafter referred to as "Developer").

WITNESSETH:

WHEREAS, by a Declaration of Restrictions for Fairway Hills, dated as of August 13, 1996 and recorded in the Office of the Register of Deeds of Johnson County, Kansas on August 14, 1996, in Book 4962, at Page 333 ("Declaration of Restrictions"), Developer did reserve certain rights in and to itself as stated therein and referenced certain rights, privileges and duties of the Fairway Hills Homes Association ("Association"); and

WHEREAS, by a Homes Association Declaration for Fairway Hills, dated as of August 13, 1996 and recorded in the Office of the Register of Deeds of Johnson County, Kansas on August 14, 1996, in Book 4962, at Page 346 ("Homes Association Declaration"), Developer did reserve certain rights in and to itself as stated therein and referenced certain rights, privileges and duties of the Association; and

WHEREAS, the Declaration of Restrictions and Homes Association Declaration have been amended from time to time to include additional phases of development; and

WHEREAS, Developer now desires to assign, convey and transfer unto the Association all of the rights, reservations and privileges heretofore reserved by it in the Declaration of Restrictions and Homes Association Declaration except as may be hereinafter provided; 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. Except as set forth below, all of the rights, reservations and privileges heretofore reserved by Developer in the aforescribed Declaration of Restrictions and Homes Association Declaration, all as set forth above, are hereby assigned and conveyed to the Fairway Hills Homes Association, a Kansas corporation; provided, however, that nothing contained herein shall constitute an assignment of: (i) the power to regulate and approve new residential construction, including site improvements and landscaping on currently undeveloped or unimproved lots in the Fairway Hills subdivision. For purposes

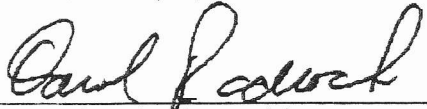
hereof, an "undeveloped or unimproved lot" shall mean a lot on which there is no residence constructed and occupied in good faith by the owner.

2. That the Association hereby accepts without reservation all of said rights, reservations and privileges herein conveyed to it by the said Developer.

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

7500 PARTNERS,  
a Kansas General Partnership

By: Rodrock Homes, Inc., a  
corporation, Managing Partner

By:   
Darol Rodrock, President

STATE OF KANSAS, JOHNSON COUNTY, SS.:

BE IT REMEMBERED, that on this 6<sup>th</sup> day of January, 2004, before me the undersigned, a Notary Public in and for the county and state aforesaid, came Darol Rodrock, President of Rodrock Homes, Inc., Managing Partner of 7500 PARTNERS, a general partnership, who is personally known to me to be the same person who executed, as such officer of Managing Partner, the within instrument on behalf of said partnership and corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation and partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

\_\_\_\_\_

Accepted:

FAIRWAY HILLS HOMES  
ASSOCIATION, INC., a corporation

By:   
Title: President

STATE OF KANSAS, COUNTY OF JOHNSON, SS.:

BE IT REMEMBERED, that on this \_\_\_\_\_ day of January, 2004, before me, a Notary Public in and for said County and State, came \_\_\_\_\_, President of FAIRWAY HILLS HOMES ASSOCIATION, a 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 of writing on behalf of such corporation, 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.

\_\_\_\_\_  
Notary Public

My appointment expires:

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