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**Type of Document:**            **ASSIGNMENT AND ASSUMPTION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS**

**Return Document to:**        Brenda Carrico  
   City of Council Bluffs  
   Community Development Department  
   209 Pearl Street  
   Council Bluffs, IA 51503

**Tax Information:**            N/A

**Between:**                      City of Council Bluffs and  
   New Community Development Corporation dba NeighborWorks  
   Home Solutions and  
   Rachel L. Neubauer

**Legal Description:**        Lots 1-7, Walnut Grove Subdivision

**ASSIGNMENT AND ASSUMPTION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS**

THIS ASSIGNMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS (“Assignment and Assumption”) is made as of the \_\_\_\_\_ day of September, 2018 by NEW COMMUNITY DEVELOPMENT CORPORATION DBA NEIGHBORWORKS HOME SOLUTIONS, an Iowa not-for-profit corporation (hereinafter “NWHS”) and the CITY OF COUNCIL BLUFFS, IOWA, an Iowa Municipality (hereinafter the “City”).

**PRELIMINARY STATEMENT**

By DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated May 25, 2017 and recorded on June 26, 2017 at Book 2017, Pages 08434, et. seq. of the records of the Recorder’s Office of Pottawattamie County, Iowa, certain restrictions, easements and covenants were imposed on Lots 1-7 of Walnut Grove Subdivision.

The City desires to assign and transfer its rights, powers, reservations and obligations under the Declarations to NWHS.

NOW, THEREFORE, in consideration of the foregoing, the continuation of the Declarations of Covenants, Conditions and Restrictions and such other valuable consideration, the receipt and sufficiency are hereby acknowledged and agree as follows:

1. As of the date set forth above, the City hereby assigns and transfers all of its rights, powers, reservations and obligations in, to and under the Declarations of Covenants, Conditions and Restrictions to NWHS and NWHS hereby assumes such rights, powers, reservations and obligations in, to and under the Declarations.

2. Except as provided in Paragraph 1 above, the Declarations of Covenants, Conditions and Restrictions shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, the undersigned have caused this ASSIGNMENT AND ASSUMPTION OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS to be executed pursuant to due and proper authority as of the date first set forth above.

CITY OF COUNCIL BLUFFS, IOWA  
An Iowa municipality

By: \_\_\_\_\_  
Matthew J. Walsh, Mayor

Attest: \_\_\_\_\_  
Jodi Quakenbush, City Clerk

STATE OF IOWA  
COUNTY OF POTTAWATTAMIE

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Matthew J. Walsh and Jodi Quakenbush, to me personally known and who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa, a municipal corporation; and that the instrument was signed on behalf of the City of Council Bluffs by authority of its City Council and that Matthew J. Walsh and Jodi Quakenbush acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City of Council Bluffs, by it voluntarily executed.

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

NEW COMMUNITY DEVELOPMENT CORPORATION  
DBA NEIGHBORWORKS HOME SOLUTIONS

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF IOWA  
COUNTY OF POTTAWATTAMIE

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that \_\_\_\_\_, to me personally known and who being by me duly sworn, did say that they are an authorized representative of New Community Development Corporation dba NeighborWorks Home Solutions; and that the instrument was signed on behalf of New Community Development Corporation dba NeighborWorks Home Solutions and acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of New Community Development Corporation dba NeighborWorks Home Solutions.

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

**COUNTERPART SIGNATURE PAGE FOR ASSIGNMENT AND ASSUMPTION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

Rachel L. Neubauer, the owner of Lot 2, Walnut Grove Subdivision, consents and joins in the Assignment and Assumption of Covenants, Conditions and Restrictions as set forth above.

IN WITNESS WHEREOF, the undersigned has caused this Assignment and Assumption of Covenants, Conditions and Restrictions to be executed pursuant to due and proper authority as of the date first set forth above.

By: \_\_\_\_\_  
Rachel L. Neubauer  
Date: \_\_\_\_\_

STATE OF IOWA  
COUNTY OF POTTAWATTAMIE

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Rachel L. Neubauer, to me personally known and who being by me duly sworn, that she is the authorized homeowner of Lot 2, Walnut Grove Subdivision; and that the instrument was signed voluntarily and acknowledge the execution of the instrument to be her voluntary act and deed.

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