

2584 245  
Recorded in the Above  
DEEDS Book & Page  
11-08-2019 03:14:47 PM  
Dix E. Smith - Probate Judge  
Lee County, AL

**ASSIGNMENT AND TRANSFER OF DEVELOPER RIGHTS**

THIS ASSIGNMENT AND TRANSFER OF DEVELOPER RIGHTS FOR TIVOLI PHASE 3 SUBDIVISION ("Assignment") is made and entered into as of the 11<sup>th</sup> day of April, 2019, by and between AUBURDAN, INC., an Alabama corporation (hereinafter the "Assignor and Developer") and H&H DEVELOPMENT PARTNERS, LLC., an Alabama limited liability company (hereinafter the "Assignee").

**WITNESSETH**

WHEREAS, AUBURDAN, INC. conveyed or will convey to Assignee the remaining 28 Lots left in Tivoli Phase 3 which consists of Lot 10-A and Lots 2A-27 as recorded in Plat Book 35, at Page 185 and Plat Book 42, at Page 33; and

WHEREAS, AUBURDAN, INC and LCR Tuscany, LLC subjected all Lots in Tivoli to the Amended Declaration of Covenants, Conditions, and Restrictions of Tivoli recorded in Book 2404, Page 487 in the Office of the Judge of Probate of Lee County, Alabama by the terms of the First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Tivoli Subdivision dated July 23, 2013 and recorded in Book 2419, at Page 360 in the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, in connection with such conveyance of the Lots remaining in Tivoli Phase 3, Assignor, AUBURDAN, INC and Assignee have agreed that Assignor shall transfer and assign to Assignee all right, title and interest of Assignor in and to the Declaration as relating to Assignor's interest as Declarant and/or Developer thereto; and

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, Assignor and Assignee hereby agree as follows:

1. Transfer and Assignment. Assignor hereby sells, transfers, assigns, delivers and conveys to Assignee, its successors and assigns, all right, title and interest of Assignor in, to and under the Declaration, if any. Assignor warrants that it has the rights as Declarant and/or Developer under the Declaration. Assignor acknowledges this Assignment is done with the specific intent to transfer all of Developer's rights in the Declaration as authorized by the Declaration and AUBURDAN, INC shall execute any documents required by the Declaration to reference this Assignment

2. Approval of Plans. Assignor as developer specifically approves the construction plans for Lot 10-A, Phase 3.

3. Governing Law. This Assignment shall be construed and enforced in accordance with and governed by the laws of the State of Alabama.

4. Binding Effect. This Assignment shall be binding upon the parties hereto and their respective successors and assigns and shall, except as otherwise set forth herein, inure to the benefit of only the parties hereto.

IN WITNESS WHEREOF, Assignor and Assignee have caused this instrument to be executed under seal, on the day and year first above written.

ASSIGNOR:

**AUBURDAN, INC, an Alabama corporation**

Julie Brideau  
By: Julie Brideau  
Its: President

Book/Pg: 2584/245  
Term/Cashier: CNPJOSK02 / CO  
Tran: 22385.324231.432911  
Recorded: 11-08-2019 15:15:15  
REC Recording Fee  
Total Fees: \$ 14.00

14.00

**ACKNOWLEDGMENT**

STATE OF ALABAMA Georgia  
COUNTY OF Bartow

I, the undersigned authority in and for said County in said State, hereby certify that Julie Brideau, whose name as President of AUBURDAN, INC., an Alabama Corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal, this 11 day of April, 2019.

(SEAL)

Mary C Parker  
Notary Public  
My Commission Expires:



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DEEDS Book & Page

ASSIGNEE:

**H&H DEVELOPMENT PARTNERS, LLC,**  
an Alabama limited liability company

By:   
Its: MEMBER

ACKNOWLEDGMENT

STATE OF ALABAMA  
COUNTY OF Lee

I, the undersigned authority in and for said County in said State, hereby certify that Woods T. Hummer, whose name is signed to the foregoing conveyance as a duly authorized Manager of **H&H DEVELOPMENT PARTNERS, LLC, an Alabama limited liability company**, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on and as the act of said company on the day the same bears date.

Given under my hand and official seal, this 11<sup>th</sup> day of April, 2019.

(SEAL)

  
Notary Public  
My Commission Expires: 7/3/23