

Prepared by and return to:
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 (file # 4038.16001)

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FILED AND RECORDED
 CLERK SUPERIOR COURT
 GWINNETT COUNTY, GA
 09 DEC 28 PM 4: 33
 TOM LAWLER, CLERK

STATE OF GEORGIA
 COUNTY OF GWINNETT

Cross Reference to Declaration: Deed Book: 48148
 Page: 476

ASSIGNMENT OF DECLARANT'S RIGHTS

THIS ASSIGNMENT OF DECLARANT'S RIGHTS (the "Assignment") is made the date hereinafter set forth, by and between **Tuscany Park Homes, LLC**, a Georgia limited liability company (formerly known as Rock Springs Capital Group, LLC, a Georgia limited liability company) ("Grantor") and **3664 Properties, LLC**, a Georgia limited liability company, ("Grantee").

WITNESSETH:

WHEREAS, Grantor executed that certain Declaration of Covenants, Restrictions and Easements for Tuscany Park recorded in the public records of the Clerk of Superior Court of Gwinnett County, Georgia, in Book 48148, Page 476, on August 2, 2007, as amended by that certain Amendment to the Declaration of Covenants, Restrictions and Easements for Tuscany Park, recorded in the public records of the Clerk of Superior Court of Gwinnett County, Georgia in Book 49552, Page 628 on June 22, 2009. (as amended, the "Declaration"); and

WHEREAS, pursuant to Section 1.08 of the Declaration, "Declarant" means Grantor and its successors-in-title, and assigns provided any such successors-in-title or assigns shall acquire for the purpose of development or sale all or any portion of the remaining undeveloped or unsold portions of the real property described in Exhibit "A" or the real property which is intended to become part of the Development (as such term is defined in the Declaration), and provided further, in the instrument of conveyance to and such successor-in-title or assign is designated as the "Declarant" by the Grantor of such conveyance which Grantor shall be the "Declarant" at the time of such conveyance; and

WHEREAS, Grantor has conveyed property within the Development to Grantee and desires that all rights, responsibilities, and powers of Declarant under the Declaration be assigned to Grantee, causing Grantee to be the sole Declarant; and


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WHEREAS, Grantee desires to accept the rights, responsibilities, and powers of Declarant under the Declaration under such Assignment; and

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in accordance with the provisions of the Declaration, Grantor does hereby assign and transfer any and all rights, responsibilities, and powers of Declarant to Grantee, and Grantee does hereby accept any and all rights, responsibilities, powers, and obligations of Declarant. From and after the date hereof, Grantee shall be the sole Declarant.

IN WITNESS WHEREOF, the undersigned have executed this Assignment and affixed the corporate seal effective as of the 23rd day of Dec., 2009.


GRANTOR: **Tuscany Park Homes, LLC,**
 a Georgia limited liability company

By: 
 Mark T. Whitmire, Manager

Signed, sealed, and delivered
 this 23rd day of Dec.,
 2009, in the presence of:—



WITNESS


 NOTARY PUBLIC

My Commission Expires: 04/26/09

[AFFIX NOTARY SEAL]

[Signatures Follow on Next Page]

BK49871PG0090

GRANTEE: 3664 Property, LLC,
a Georgia limited liability company

By: Mark T. Whitmire, Manager

Signed, sealed, and delivered
this 23rd day of Dec,
2009, in the presence of:

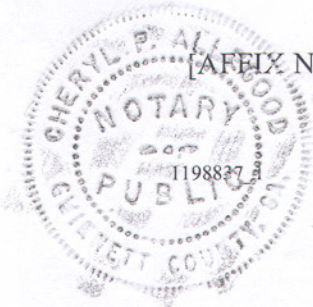
Patricia W. Cible

WITNESS

Cheryl P. Allegood

NOTARY PUBLIC

My Commission Expires: 04/26/09



[AFFIX NOTARY SEAL]