

DOC # 775434  
12/14/2010 03:30PM Deputy: PK  
OFFICIAL RECORD  
Requested By:  
STEWART TITLE LAS VEGAS  
Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 4 Fee: 17.00  
BK-1210 PG-3425 RPTT: 0.00



APN: 1320-30-802-002

WHEN RECORDED, MAIL TO:

Holland & Hart LLP  
3800 Howard Hughes Pkwy. 10th Floor  
Las Vegas, Nevada 89169  
Attention: Lance C. Earl, Esq.

Loan No.01-10125797 (Hickey Family Trust Loan)

**RECEIVER'S ASSIGNMENT OF NOTE AND MORTGAGE/DEED OF TRUST**

**KNOW ALL MEN BY THESE PRESENTS:**

This Assignment is entered into between the FEDERAL DEPOSIT INSURANCE CORPORATION (the "FDIC"), as Receiver for TierOne Bank, Lincoln, Nebraska f/k/a First Federal Lincoln Bank (the "Bank"), whose mailing address is 1601 Bryan Street, 32<sup>nd</sup> Floor, Dallas, Texas 75201, as ("Assignor"), and Great Western Bank, a bank chartered under the laws of the State of South Dakota, as ("Assignee"), whose address is 100 North Phillips Avenue, 4<sup>th</sup> Floor, Sioux Falls, South Dakota 57104, and its successors and/or assigns.

**WHEREAS**, the Bank was closed by the Office of Thrift Supervision on June 4, 2010, and the FDIC was appointed as receiver (the "Receiver"); and

**WHEREAS**, the Receiver is the successor in interest to the right, title and interest of the Bank to the Note, the Mortgage/Deed of Trust, Security Agreement, Financing Statement, Assignment, and other related documents, if any, described in Exhibit A (collectively called the "Loan Documents"); and

**WHEREAS**, the Assignor desires to assign to Assignee all of its right, title, and interest in and to the Loan Documents and the indebtedness evidenced thereby, and Assignee desires to assume all of the Assignor's obligations thereunder; and

**NOW, THEREFORE**, for good and valuable consideration, paid by Assignee to the Assignor, the receipt and sufficiency of which are hereby acknowledged, the Assignor assigns to Assignee all of the Assignor's right, title, and interest in, to, and under, and Assignee hereby assumes all of the Assignor's obligations under, the Loan Documents, in each case pursuant and subject to that certain Purchase and Assumption Agreement between the Receiver and Assignee dated as of June 4, 2010 (the "Purchase and Assumption Agreement").




THE CONVEYANCE OF ASSETS UNDER THIS ASSIGNMENT IS MADE "AS IS", "WHERE IS", WITHOUT RECOURSE AND, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THE PURCHASE AND ASSUMPTION AGREEMENT, WITHOUT ANY WARRANTIES WHATSOEVER WITH RESPECT TO SUCH ASSETS, WHETHER EXPRESS OR IMPLIED, WITH RESPECT TO TITLE, ENFORCEABILITY, COLLECTABILITY, DOCUMENTATION, OR FREEDOM FROM LIENS OR ENCUMBRANCES (IN WHOLE OR IN PART), OR ANY OTHER MATTERS.

The validity, construction, enforcement, interpretation, and performance of this assignment shall be governed by the laws of the United States of America, and to the extent that state law would apply under applicable federal laws, the laws of the State of Nebraska.

Executed and Delivered this Fifth day of November, 2010.


RECEIVER (ASSIGNOR):

**FEDERAL DEPOSIT INSURANCE CORPORATION,  
AS RECEIVER FOR TIERONE BANK F/K/A FIRST  
FEDERAL LINCOLN BANK**

By:   
Name: LLOYD SOHL  
Title: Attorney-in-Fact

ASSIGNEE:

**GREAT WESTERN BANK**

By:   
Name: LLOYD SOHL  
Title: Senior Vice President

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(CERTIFICATES OF ACKNOWLEDGEMENT ON NEXT PAGE)



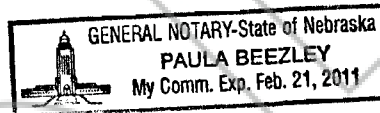
**ACKNOWLEDGEMENT**

STATE OF Nebraska )  
 )ss  
COUNTY OF Lancaster )

This Assignment of Deed of Trust and Other Loan Documents was acknowledged before me on November 19, 2010, by Lloyd Sohl, Attorney-in-fact for the Federal Deposit Insurance Corporation as Receiver of TierOne Bank f/k/a First Federal Lincoln Bank.

Paula Beezley  
Notary Public  
My Commission Expires: 2/21/2011

Place Notary Seal here →



**ACKNOWLEDGEMENT**

STATE OF NEBRASKA )  
 )ss  
COUNTY OF LANCASTER )

This Assignment of Deed of Trust and Other Loan Documents was acknowledged before me on November 19, 2010, by Lloyd Sohl, as Senior Vice President for Great Western Bank f/k/a First Federal Lincoln Bank.

Paula Beezley  
Notary Public  
My Commission Expires: 2/21/2011

Place Notary Seal here →

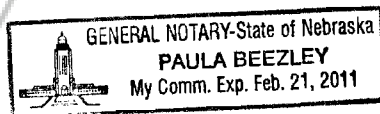




EXHIBIT "A"

**Loan No.:** 01-10152797

**Borrower/Trustor:** James Michael Hickey, Trustee of the James Michael Hickey Family Trust Dated June 7, 1995

**Guarantor(s):** James Michael Hickey

**Promissory Note (the "Note")** February 24, 2000.

**Original Principal Amount of the Note:** \$2,575,000.00.

**Deed of Trust:** Deed of Trust With Assignment of Rents and Security Agreement executed by James Michael Hickey, Trustee of the James Michael Hickey Family Trust Dated June 7, 1995 ("Trustor"), to Marquis Title & Escrow, Inc., a Nevada corporation ("Trustee"), for the benefit of First Federal Lincoln Bank, a corporation organized and existing under the laws of the United States of American [predecessor in interest to TierOne Bank] ("Beneficiary"), as beneficiary, dated February 24, 2000 and recorded February 25, 2000 in Book 0200, Page 3936 as Document No. 048693 in the Douglas County Recorder's Office, Douglas County, Nevada, Official Records.

**Other Recorded Documents:** Assignment of Leases and Rents ("Assignment of Rents") by James Michael Hickey, Trustee of the James Michael Hickey Family Trust Dated June 7, 1995 ("Borrower") made as of February 24, 2000 to First Federal Lincoln Bank [predecessor in interest to TierOne Bank] ("Lender"), recorded February 25, 2000 in Book 0200 Page 3948 in the Douglas County Recorder's Office, Douglas County, Nevada, Official Records.