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PHOENIX, ARIZ. 85012

PROP RSTR (PR)

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TRUST 257  
(Tom M)

DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS CIRCLE G RANCHES 4, UNIT 2, AND  
FIRST SUPPLEMENTARY DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
CIRCLE G RANCHES 4, UNIT 1

This Declaration of Covenants, Conditions and Restrictions  
Circle G Ranches 4, Unit 2 and First Supplementary Declaration of  
Covenants, Conditions and Restrictions Circle G Ranches 4, Unit 1  
made this 24<sup>TH</sup> day of JANUARY, 1979 by Commonwealth Title of  
Arizona, an Arizona corporation, as Trustee, herein referred to  
as "Declarant".

W I T N E S S E T H :

WHEREAS Declarant is the owner of both legal and equitable  
title of the following described real property, situated within  
the County of Maricopa, State of Arizona, to wit:

LOTS 36 through 79, inclusive, and TRACT A,  
CIRCLE G RANCHES 4, UNIT 2, according to the  
plat of record in the Office of the County  
Recorder of Maricopa County, Arizona, in Book  
207 of Maps, Page 2 thereof;

and,

WHEREAS, Declarant desires to develop the above described  
real property as the second stage of the uniquely planned  
residential subdivision known as Circle G Ranches 4; and

WHEREAS Declarant desires to convey TRACT A of the above

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described real property to the CIRCLE G RANCHES 4 HOMEOWNERS ASSOCIATION, an Arizona non-profit corporation to be organized by Declarant, as common area for the benefit of all parties having any right title or interest in the Circle G Ranches 4 subdivision; and

WHEREAS the addition of the above described real property to said subdivision is in complete accord and in full compliance with that certain Planned Area Development (P.A.D.) for Circle G Ranches approved and accepted by the City of Tempe, Arizona, on April 20, 1978 pursuant to <sup>Unofficial Document</sup> application numbered S 78.2; and,

WHEREAS this supplementary declaration is the authorized manner to extend the scheme of covenants and restrictions of the Declaration of Covenants, Conditions and Restrictions Circle G Ranches 4, Unit 1 recorded in Docket 13290, Page 688, records of the Maricopa County Recorder's Office to the above described property; and

WHEREAS, in order to enable Declarant to accomplish the purposes outlined above, all of the above described property is hereby subjected to and shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall enure to the benefit of each owner thereof;

NOW THEREFORE, Commonwealth Title of Arizona, as Trustee,

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hereby declares, covenants and agrees as follows:

ARTICLE I

Definitions

1.1 "Association" shall mean and refer to the CIRCLE G RANCHES 4 HOMEOWNERS ASSOCIATION, an Arizona non-profit corporation to be organized by Declarant to administer the covenants and to exercise the rights, powers and duties set forth in the Declaration of Covenants, Conditions and Restrictions Circle G Ranches 4, Unit 1 Unofficial Document this Declaration, Unit 2.

1.2 "Class A Lot" shall mean and refer to any Lot the owner of which is entitled to Class A Membership in the Association.

1.3 "Class B Lot" shall mean and refer to any Lot the owner of which entitled to Class B Membership in the Association.

1.4 "Common Area" shall mean all real property owned or acquired by the Association for the common use and enjoyment of all or a part of the owners.

1.5 "Declarant" shall mean Commonwealth Title of Arizona, an Arizona corporation, as Trustee, its successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.

1.6 "Declaration" shall mean the covenants, conditions and restrictions set forth in the Declaration of Covenants, Conditions and Restrictions Circle G Ranches 4, Unit 1, as recorded in the Docket 13290, Page 683, records of the Maricopa

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County Recorders Office, as it may from time to time be amended or supplemented.

1.7 "Declaration, Unit 2" shall mean the covenants, conditions and restrictions herein set forth, or incorporated herein by reference, in this entire document, as it may from time to time be amended or supplemented.

1.8 "Developer" shall mean and refer to CIRCLE G RANCHES, an Arizona partnership.

1.9 "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision Unofficial Document of the Property (as defined herein) with the exception of the Common Area.

1.10 "Owner(s)" shall mean and refer to the record owner, whether one or more persons or entities, of equitable or beneficial title (or legal title if same has merged) of any Lot. Owner shall include the purchaser of a Lot under an executory contract for the sale of real property. The foregoing does not include persons or entities who hold an interest in any Lot merely as a security for the performance of an obligation nor shall the term "owner" include a developer or contractor other than Declarant.

1.11 "Property" shall mean and refer to that certain real property hereinbefore described.

## ARTICLE II

### Annexation

2.1 "Extension of Declaration": Declarant hereby annexes the Property into the Circle G Ranches 4 subdivision and all

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covenants, conditions, restrictions rights, privileges, duties and obligations created by the Declaration are hereby extended to the Property, except as may be specifically exempted, modified or amended herein. Declarant, by this annexation, intends to and does subject the Property to all assessments, easements, use restrictions, reviews by the Architectural Control Committee and management by the Association that have been created and placed upon Circle G Ranches 4, Unit 1 by the Declaration, except as may be otherwise provided herein. Declarant further, by this annexation, intends to and does create and endow the Property with all membership and voting rights, rights of enforcement and easements of enjoyment that have been created and placed upon Circle G Ranches 4, Unit 1 by the Declaration, except as may be otherwise provided herein. All such covenants, conditions, restrictions, rights, privileges, duties and obligations are incorporated herein by reference and shall have full force and effect and have the same binding effect as if set out in full herein.

### ARTICLE III

#### Membership and Voting Rights

3.1 Class A Members: In addition to the owners of Lots 1 through 35, Circle G Ranches 4, Unit 1, the owners of Lots numbered 36 through 59 shall be Class A members of the Association and shall be entitled to all rights, privileges and powers of Class A membership.

3.2 Class B Members: The owners of Lots numbered 60

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through 79 shall be Class B members of the Association and shall be entitled to all rights, privileges and powers of Class B membership.

#### ARTICLE IV

##### Horse Privileges

4.1 Restriction on Class B Members: No owner of any Class B Lot shall maintain, board or keep horses or other livestock on his Class B Lot.

4.2 Horse Stalls: Unofficial Document One horse stall shall be constructed for each Class B Lot by the Developer on Tract A prior to conveyance of Tract A to the Association by Declarant. A stall shall be assigned to each Class B Lot and shall be constructed and thereafter maintained for the exclusive use of the owner of that lot or his tenants as provided herein.

The owner of each Class B Lot shall be responsible for his assigned stall and shall care for his livestock in a clean, neat, orderly fashion in accordance with the prevailing customs and methods. The stall shall also be maintained by the lot owner in a clean, neat, orderly fashion in accordance with the prevailing custom and usage so that such facilities shall not become a nuisance to the remaining lot owners and shall comply with all requirements of the Maricopa County Health Department and any rules or regulations that may have been adopted by the Architectural Control Committee or Association.

If any owner of a Class B Lot should fail after ten (10) days written notice from the Architectural Control Committee to