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Commonwealth Title of Arizona
Trust 319
P. O. Box 16020
Phoenix, Az. 85011

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**DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS CIRCLE G RANCHES 4, UNIT 3, AND
SECOND 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 3, and Second Supplementary Declarations of Covenants, Conditions and Restrictions Circle G Ranches 4, Unit 1 made this 23RD day of MARCH, 1981 by Commonwealth Title of Arizona, an Arizona corporation, as Trustee, herein referred to as "Declarant".

WITNESSETH

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 80 through 160, inclusive, and TRACT B, CIRCLE G RANCHES 4, UNIT 3, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, in Book 228 of Maps, Page 13 thereof;

and,

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

WHEREAS Declarant desires to convey TRACT B of the above-described real property, except that portion thereof described as:

BEGINNING at the most northerly corner of Tract B, Circle G Ranches 4, Unit 3, as recorded in Book 228, Page 13, M.C.R. being a 1/2" iron bar, and the TRUE POINT OF BEGINNING, thence:

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1. Along a non-tangent curve concave to the southwest, having a local tangent bearing of S.18°37'46"W. with radius of 675.00', an arc length of 187.95', said length subtends a delta of 15°57'15" with a tangent length of 94.59'; thence:
2. S.55°25'00"E. a distance of 105.00', thence:
3. S.10°25'00"E. a distance of 28.28', thence:
4. S.34°35'00"W. a distance of 205.00', thence:
5. N.55°25'00"W. a distance of 129.37', thence:
6. S.89°54'01"W. a distance of 43.87', thence:
7. N.1°38'50"E. a distance of 266.86' to the TRUE POINT OF BEGINNING.

Reserving a 10' irrigation and equestrian easement adjacent to and north of Course 6 above recited.

to the CIRCLE G RANCHES 4 HOMEOWNERS ASSOCIATION, an Arizona non-profit corporation, as common area for the benefit of all parties having any right, title or interest in the Circle G Ranches 4 subdivison; 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 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 and the scheme of covenants and restrictions of the 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, recorded in Docket 13404, Page 661, 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

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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, 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 previously organized 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 and in the 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 and in this Declaration, Unit 3.

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 is entitled to Class B Membership in the Association.

1.4 **"Common Area"** shall Unofficial Document 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 688, records of the Maricopa County Records Office, as it may from time to time be amended or supplemented.

1.7 **"Declaration, Unit 2"** shall mean the covenants, conditions and restrictions set forth in the Declaration of Covenants, Conditions and Restrictions Circle G Ranches 4, Unit 2, and First Supplementary Declaration of Covenants, Conditions and

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Restrictions Circle G Ranches 4, Unit 1, as recorded in the Docket 13404, Page 661, records of the Maricopa County Recorders Office, as it may from time to time be amended or supplemented.

1.8 "Declaration, Unit 3" 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.

1.9 "Developer" shall mean and refer to CIRCLE G, INC., an Arizona corporation.

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

1.11 "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.

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

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ARTICLE II Annexation

2.1 Extension of Declaration: Declarant hereby annexes the Property into the Circle G Ranches 4 subdivision and all covenants, conditions, restrictions, rights, privileges, duties and obligations created by the Declaration as previously supplemented, 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 and Unit 2 by the Declaration, as previously supplemented, 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

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and placed upon Circle G Ranches 4, Unit 1 and Unit 2 by the Declaration, as previously supplemented, 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

Fence Restrictions

3.1 Fence Materials: The owners of Lots 80, 84, 85, 96, 97 and 101 shall construct a concrete block fence six feet in height along that portion of each of said Lots which is contiguous to Caroline Lane for the purpose of enclosing their back yards. The owners of Lots 112, 113, 127, 128, 134, 135 and that Lot described as:

BEGINNING at the most northerly corner of Tract B, Circle G Ranches 4, Unit 3, as recorded in Book 228, Page 13, M.C.R. being a 1/2" iron bar, and the TRUE POINT OF BEGINNING, thence:

1. Along a non-tangent curve concave to the southwest, having a local tangent bearing of S.18°37'46"W. with radius of 675.00', an arc length of 187.95', said length subtends a delta of 15°57'15" with a tangent length of 94.59'; thence:
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2. S.55°25'00"E. a distance of 105.00', thence:
 3. S.10°25'00"E. a distance of 28.28', thence:
 4. S.34°35'00"W. a distance of 205.00', thence:
 5. N.55°25'00"W. a distance of 129.37', thence:
 6. S.89°54'01"W. a distance of 43.87', thence:
 7. N.1°38'50"E. a distance of 266.86' to the TRUE POINT OF BEGINNING.

Reserving a 10' irrigation and equestrian easement adjacent to and north of Course 6 above recited.

shall construct similar block fencing along Shannon Drive; the owners of Lots 154 and 160 shall construct similar block fencing along Ranch Road; the owner of Lot 146 shall construct similar block fencing along Calle de Arcos and the owner of Lot 87 shall

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construct similar block fencing along Bala Drive. It is intended that these requirements shall be for the purpose of concealing from public view private back yards and shall be in addition to any other requirements or restrictions of the Declaration, Declaration, Unit 2 or this Declaration, Unit 3.

ARTICLE IV.

Membership and Voting Rights

4.1 Class A Members: In addition to the owners of Lots 1 through 59, Circle G Ranches 4, Unit 1 and Unit 2, the owners of Lots numbered 102 through 160 and that portion of TRACT B described as:

BEGINNING at the most northerly corner of Tract B, Circle G Ranches 4, Unit 3, as recorded in Book 228, Page 13, M.C.R. being a 1/2" iron bar, and the TRUE POINT OF BEGINNING, thence:

1. Along a non-tangent curve concave to the southwest, having a local tangent bearing of S.18°37'46"W. with radius of 675.00', an arc length of 187.95', said length subtends a delta of 15°57'15" with a tangent length of 94.59'; thence:
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5. N.55°25'00"W. a distance of 129.37', thence:
6. S.89°54'01"W. a distance of 43.87', thence:
7. N.1°38'50"E. a distance of 266.86' to the TRUE POINT OF BEGINNING.

Reserving a 10' irrigation and equestrian easement adjacent to and north of Course 6 above recited.

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

4.2 Class B Members: In addition to the owners of Lots 60 through 79, Circle G Ranches 4, Unit 2, the owners of Lots numbered 80 through 101 shall be Class B members of the Association and shall be entitled to all rights, privileges and powers of Class B membership.

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ARTICLE V
Horse Privileges

5.1 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.

ARTICLE VI
General Provisions

6.1 Adoption: All of the general provisions contained in Article X of the Declaration, as previously supplemented, are hereby specifically adopted for the purposes of interpretation, enforcement and amendment of this Declaration, Unit 3.

IN WITNESS WHEREOF, the undersigned Commonwealth title of Arizona, an Arizona corporation, as Trustee, has caused its corporate name to be signed by the signature of a duly authorized officer, on this 23rd day of MARCH, 1981.

Commonwealth Title of Arizona,
as Trustee.

By [Signature]

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Approved and Accepted:

WESTERN SAVINGS AND LOAN ASSOCIATION

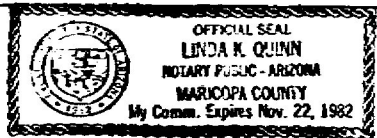
By [Signature]

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this, the 24th day of MARCH, 1981, before me the undersigned Notary Public personally appeared R. D. MATTHEW, who acknowledged that he is a Trust Officer of Commonwealth Title of Arizona, and that he as such officer, being so authorized, executed the foregoing instrument for the purposes therein contained, by signing the name of said corporation by himself as such officer.

[Signature]
Notary Public

My Commission Expires:



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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this, the 23rd day of March, 1981, before me the undersigned Notary Public personally appeared John T. Ellinger, who acknowledged that he is an Officer of Western Savings & Loan Association, and that he as such officer, being so authorized, executed the foregoing instrument for the purposes therein contained, by signing the name of said corporation by himself as such officer.

Cherie Kucher ne Cherie Lyson
Notary Public

My Commission Expires:

~~My Commission Expires A.T. 24, 1981~~



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STATE OF ARIZONA }
County of Maricopa } ss

I hereby certify that the within instrument was filed and recorded at request of

COMMONWEALTH LAND TITLE CO.

in Docket 15111
on page 1187-1194

Witness my hand and official seal the day and year aforesaid.

Bill Henry
County Recorder
By M. Levanter
Deputy Recorder

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