

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

99-0781418 08/18/99 01:41

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When recorded, return to:
LAWYERS TITLE OF ARIZONA, INC.

Gordon E. Hunt, Esq.
Biskind, Hunt & Taylor
4201 North 24th Street, Suite 300
Phoenix, Arizona 85016

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**SUPPLEMENTAL DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR DC RANCH PARCEL 2.7**

This Supplemental Declaration of Covenants, Conditions and Restrictions for DC Ranch Parcel 2.7 ("Supplemental Declaration") is made effective this 18 day of August, 1999, by DC RANCH L.L.C., an Arizona limited liability company ("Declarant").

A. Declarant is the developer of the master planned community located in the City of Scottsdale, Maricopa County, Arizona, commonly known as DC Ranch (the "Development"); and

B. Declarant executed the DC Ranch Community Council Amended and Restated Declaration of Covenants and Easements and recorded said document in the official records of Maricopa County, Arizona on July 16, 1999 as Document No. 99-0673268 (the "Council Declaration"); and

C. The Council Declaration contemplates that supplemental declarations for parcels located within the Development will be executed and Recorded periodically as the development of the Development proceeds; and

E. Declarant wishes to cause that portion of the Development described on Exhibit "A" attached hereto (the "Tract") to become subject to the Council Declaration, and to be developed in accordance with certain supplemental covenants, conditions and restrictions as set forth herein.

NOW, THEREFORE, Declarant hereby declares that the Tract shall be held, sold and conveyed subject to the following restrictions, covenants, conditions, terms and provisions:

1. **Annexation.** Pursuant to Section 15.2 of the Council Declaration, Declarant hereby declares that the Tract is and shall be subject to the terms and provisions of the Council Declaration.

2. **Land Use Classification.** The Land Use Classification (as such term is used in Exhibit "C" to the Council Declaration) for the real property within the Tract shall be multi-family residential, and construction on such real property shall be limited to residential apartment-type dwelling units (including, without limitation, apartment-type dwelling units subject to a condominium regime or declaration, to the extent permitted by the municipal zoning classification applicable to the Tract) and related common elements.

3. **Calculation of Units.** For purposes of Exhibit "C" to the Council Declaration, until August 15, 2000 (at which time not less than one hundred twenty-nine (129) Units shall be allocated to the Tract), there shall be one Unit allocated to the Tract for each apartment-type dwelling unit that is located in a building in the Tract for which a certificate of occupancy has been issued (including, without limitation, apartment-type dwelling units subject to a condominium regime or declaration).

4. **Commencement of Assessments and Telecommunity Fees.** The Tract is subject to all assessments duly imposed pursuant to Article IX of the Council Declaration and the Telecommunity Fee assessed pursuant to Article VII of the Council Declaration. The obligation to pay assessments and the Telecommunity Fee under the Council Declaration shall commence as of the recording of this Supplemental Declaration in the official records of Maricopa County, Arizona, subject to the terms of the Council Declaration and Paragraph 3 above.

5. **Construction and Maintenance Requirements.** The construction of improvements within the Tract shall be subject to various approval requirements of the Covenant Commission, as set forth in The Covenant at DC Ranch, recorded as Document No. 96-0868789, official records of Maricopa County, Arizona, as amended by the First Amendment to The Covenant at DC Ranch, recorded as Document No. 99-0673268, official records of Maricopa County, Arizona, and any and all applicable rules, regulations, design guidelines and/or construction guidelines adopted in accordance with The Covenant. The owner of the Tract shall maintain all improvements, landscaping and natural open space areas within the Tract in accordance with the Community-Wide Standard applicable to the Development and all other requirements of the Governing Documents; provided that Declarant hereby reserves to itself and to the Community Council (or its agent or contractor) the right to enter upon the Tract to perform such maintenance if the owner of the Tract fails to do so.

6. **Enforcement.** The Community Council may recover from the owner of the Tract if it fails to maintain any improvements, landscaping or natural open space areas within the Tract, any and all costs incurred by the Community Council in performing such maintenance on behalf of such owner pursuant to Paragraph 5 above. In addition, without limiting any other rights or remedies available to the Community Council, the Community Council may impose a Specific Assessment under the Council Declaration against all property of the owner of the Tract within the Development in the amount of such costs, which assessment shall be immediately due and payable upon delivery of notice of such assessment to such owner.

7. **Interpretation.** This Supplemental Declaration shall run with the land within the Tract, shall be binding on all parties having or acquiring any right, title or interest in the Tract or any part thereof, and their respective heirs, successors and assigns, and shall be enforceable in accordance with and as a part of the Council Declaration.

8. **Incorporation of Council Declaration.** The Council Declaration is expressly incorporated herein and made a part hereof by this reference. Unless otherwise defined herein, every

capitalized term and expression used herein shall have the same meaning as set forth for such terms and expressions in the Council Declaration. In the event of any conflict between the terms of the Council Declaration and the terms of this Supplemental Declaration, the terms of the Council Declaration shall control.

9. **Amendment.** This Supplemental Declaration may be amended in the same manner as the Council Declaration may be amended in accordance with the provisions of the Council Declaration.

IN WITNESS WHEREOF, Declarant has executed the foregoing instrument as of the date first set forth above.

DC RANCH L.L.C., an Arizona limited liability company

By: DMB PROPERTY VENTURES LIMITED PARTNERSHIP, a Delaware limited partnership, Administrative Member

By: DMB GP, INC., an Arizona corporation, General Partner

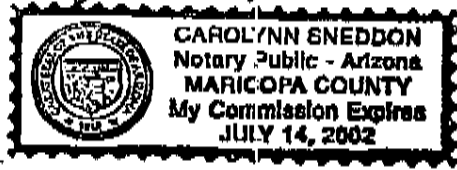
By: Charley Freericks
Its: Vice President

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 16th day of August, 1999, by Charley Freericks, the Vice President, of DMB GP, INC., an Arizona corporation, in its capacity as General Partner of DMB Property Ventures Limited Partnership, a Delaware limited partnership, in its capacity as Administrative Member of DC RANCH L.L.C., an Arizona limited liability company, for and on behalf thereof.

Carolynn Sneddon
Notary Public

My Commission Expires:
7-14-02



Jarrel E. Wood, P.E., R.L.S.
 Ashok C. Patel, P.E., R.L.S.
 James S. Campbell, P.E.
 Gordon W. R. Wark, P.E.
 Thomas R. Gerrings, R.L.S.
 Bruce Friedhoff, P.E.
 Scott A. Nelson, R.L.S.
 Richard L. Hiner, P.E.
 Timothy A. Haval, P.E.
 Michael J. Season, R.L.S.
 Jack K. Moody, P.E.
 Leslie J. Kland, P.E.
 Curtis L. Brown, P.E.
 R. Scott Rasmussen, P.E.
 Paul M. Haas, P.E.
 Shimin Zou, Ph.D., P.E.
 David T. Phelps, P.E.
 Michael T. Young, P.E.
 Shawn D. Gustafson, P.E.

Exhibit A

January 19, 1999

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PARCEL DESCRIPTION**DC Ranch****Proposed Parcel 2.7**

A parcel of land lying within Section 19, Township 4 North, Range 5 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southwest corner of said Section 19;

THENCE along the west line of said Section 19, North $00^{\circ}00'43''$ East, a distance of 2162.11 feet;

THENCE leaving said west line, South $89^{\circ}59'17''$ East, a distance of 1784.25 feet, to the southerly right-of-way line of Thompson Peak Parkway as shown on the DC Ranch Phase 1 Map of Dedication, recorded in Book 430, page 4, M.C.R., the beginning of a non-tangent curve and the **POINT OF BEGINNING**;

THENCE along said southerly right-of-way line, southeasterly along said curve, having a radius of 2732.00 feet, concave northerly, whose radius bears North $22^{\circ}55'23''$ East, through a central angle of $12^{\circ}36'08''$, a distance of 600.90 feet, to a point of intersection with a non-tangent line;

THENCE leaving said southerly right-of-way line, South $20^{\circ}34'19''$ West, a distance of 67.53 feet;

THENCE South $17^{\circ}20'55''$ West, a distance of 102.14 feet;

THENCE South $07^{\circ}58'32''$ West, a distance of 98.49 feet;

THENCE South $13^{\circ}09'29''$ West, a distance of 123.54 feet;

THENCE South $12^{\circ}08'39''$ West, a distance of 89.53 feet;

THENCE South $14^{\circ}29'24''$ West, a distance of 84.00 feet;

THENCE South $12^{\circ}47'16''$ West, a distance of 96.92 feet;

THENCE South $10^{\circ}00'51''$ West, a distance of 31.93 feet, to the northerly right-of-way line of Desert Camp Drive as shown on said Map of Dedication;

THENCE along said northerly right-of-way line, North $88^{\circ}47'46''$ West, a distance of 52.29 feet, to the beginning of a curve;

THENCE westerly along said curve, having a radius of 582.00 feet, concave southeasterly through a central angle of $53^{\circ}32'03''$, a distance of 543.79 feet, to a point of reverse curvature;

THENCE leaving said northerly line, southwesterly along said curve, having a radius of 13.50 feet, concave northerly through a central angle of $87^{\circ}04'21''$, a distance of 20.52 feet, to a point of compound curvature;

THENCE northwesterly along said curve, having a radius of 325.00 feet, concave northeasterly through a central angle of $63^{\circ}09'08''$, a distance of 358.22 feet, to the curve's end;

THENCE North $07^{\circ}53'39''$ East, a distance of 264.57 feet, to the beginning of a curve;

THENCE northerly along said curve, having a radius of 375.00 feet, concave westerly through a central angle of $25^{\circ}25'33''$, a distance of 166.41 feet, to a point of reverse curvature;

PARCEL DESCRIPTION
DC Ranch - Proposed Parcel 2.7

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THENCE northerly along said curve, having a radius of 588.00 feet, concave easterly through a central angle of 02°08'43", a distance of 22.02 feet, to a point of reverse curvature;
THENCE northerly along said curve, having a radius of 312.00 feet, concave westerly through a central angle of 00°27'19", a distance of 2.48 feet, to a point of intersection with a non-tangent line;
THENCE North 43°28'12" East, a distance of 131.74 feet;
THENCE South 90°00'00" East, a distance of 156.15 feet;
THENCE North 06°08'42" East, a distance of 61.32 feet;
THENCE North 03°23'52" East, a distance of 77.90 feet;
THENCE North 05°01'01" West, a distance of 70.86 feet;
THENCE North 10°27'50" East, a distance of 6.30 feet, to the **POINT OF BEGINNING**.

Containing 13.2907 acres, or 578,944 square feet of land, more or less.

Subject to existing rights-of-way and easements.

LEGALS/98724.J19



DC RANCH PHASE 1, MAP OF DEDICATION
 BOOK 430, PAGE 4, M.C.R.
THOMPSON PEAK PARKWAY

S89°59'17"E 1784.25'

POINT OF BEGINNING

WEST LINE OF SECTION 19

N00°00'43"E 2182.11



CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	2732.00	12°36'08"	600.90
C2	582.00	53°32'03"	543.79
C3	13.50	87°04'21"	20.52
C4	325.00	63°09'08"	358.22
C5	375.00	25°25'33"	166.41
C6	588.00	02°08'43"	22.02
C7	312.00	0°27'19"	2.48

LINE TABLE		
LINE	BEARING	LENGTH
L1	S20°34'19"W	67.53
L2	S17°20'55"W	102.14
L3	S07°58'32"W	98.49
L4	S13°09'29"W	123.54
L5	S12°08'39"W	89.53
L6	S14°29'24"W	84.00
L7	S12°47'16"W	96.92
L8	S10°00'51"W	31.93
L9	N88°47'46"W	52.29
L10	N07°53'39"E	264.57
L11	N43°28'12"E	131.74
L12	S90°00'00"E	156.15
L13	N06°08'42"E	61.32
L14	N03°23'52"E	77.90
L15	N05°01'01"W	70.86
L16	N10°27'50"E	6.30

DC RANCH PHASE 1, MAP OF DEDICATION
 BOOK 430, PAGE 4, M.C.R.
DESERT CAMP DRIVE

POINT OF COMMENCEMENT
 SOUTHWEST CORNER OF
 SEC.19, T.4N., R.5E.

WOOD/PATEL
 1550 East Missouri
 Phoenix, AZ 85014
 Phone: (602) 234-1344
 Fax: (602) 234-1322

EXHIBIT "A"

DC RANCH
 PROPOSED PARCEL 2.7
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 NOT TO SCALE
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