

3120453 BK 3639 PG 624
Yavapai County
Patsy Jenney-Colon, Recorder
02/16/1999 04:34P PAGE 1 OF 13
CAPITAL TITLE AGENCY
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when recorded mail to

56990071 ABB

CAPTION: Declaration of Restrictions

DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT



DECLARATION OF RESTRICTIONS

THIS DECLARATION made and dated 3 day of FEBRUARY, 1999
by Timothy J. Emberlin, a single man, being the owner of all the following
described premises situated in the County of Yavapai, State of Arizona, to-wit:

*and Elise Townsend, a married woman as her sole and separate property

FOR LEGAL DESCRIPTION SEE ATTACHED EXHIBIT "A"

WHEREAS, said declarant is about to convey parcels of said real property
shown on said Map and desires to subject the same to certain restrictions,
conditions, covenants and agreements as hereinafter set forth in furtherance of
a general plan for the improvement of said tract;

NOW THEREFORE, the undersigned owner of the hereinabove described property
hereby declares that said property is held and shall be conveyed subject to
restrictions, conditions, covenants, charges and agreements set forth in this
Declaration, to-wit;

1. LAND USE AND BUILDING TYPE; No lot shall be used except for residential
purposes. No building shall be erected, altered, placed or permitted to remain on
any lot other than one detached single-family dwelling not to exceed two and one-
half (2 1/2) stories in height, nor 35 feet in height, one guest house and a
private garage. No manufacturing of any nature or description shall be carried
on or transacted in any portion of said property nor shall any part of said
premises be used as a hospital or sanitarium or other place for hire for the care
or entertainment of persons suffering from any disease or disability whatsoever.
Horse privilege lots can build a barn and corral subject to architectural
approval.

2. ARCHITECTURAL CONTROL; No building shall be erected, placed or altered
on any lot until the construction plans and specifications and a plan showing the
location of the structure have been approved by the Architectural Control
Committee as to quality of workmanship and materials, harmony of external design
with existing structure and as to location with respect to topography and finish
grade elevation.

3. SIZE; The floor area of the dwelling, exclusive of porches, garages, carport
and patios, shall be not less than 1800 square feet unless otherwise approved by
the Committee. No prefabricated building or other structure of any nature
whatsoever, permanent or temporary shall be moved or placed upon, or

Continued...

assembled or otherwise maintained on any lot (provided, however that a trailer office, tool shed, lumber may be maintained upon any) lot or lots by any building contractor for the purpose of erecting and selling dwellings on any lot or lots, but such temporary structures shall be removed at completion of construction or selling of dwelling, whichever is later. In some instances a conditional use permit may be required by Yavapai County.

4. BUILDING LOCATION; As per County Requirement, buildings, detached garages and other permitted accessory buildings must meet the Yavapai County requirements. In the event an owner acquires a portion of any adjoining lot or lots, the foregoing measurements shall be made from each owner's side property lines rather than from the side lot lines indicated on said recorded map or plat. None of said lots shall be further divided into lots smaller than 175,000 square feet. Nothing herein contained shall prevent the dedication or conveyance of portions of lots for public utilities, in which event the remaining portion of any lot shall, for the purpose of this provision, be treated as a whole lot.

5. FENCES; No fence or wall higher than six (6) feet shall be constructed across the property line of any lot, nor shall any fence or wall be constructed upon any lot unless its design and style are first approved by said Committee.

6. EASEMENTS; Easements, as indicated upon the recorded Map of this tract, are reserved for the installation and maintenance of public service utilities and other uses for public or quasi-public good. No buildings shall be placed upon such easements or interference be made with the free use of the same for the purpose intended.

7. NUISANCES; No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

8. TEMPORARY STRUCTURES; No structure of a temporary character, trailer, basement, tent, shack, garage, bar or other outbuilding shall be used on any lot at any time as a residence permanently. Permanently is defined as in excess of 30 days.

9. SIGNS; No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six (6) square feet, advertising the property for sale or rent, or as approved by the Architectural Committee, or as placed by the developer during the period of development of this subdivision.

Continued...

10. LIVESTOCK AND POULTRY; No poultry or fowl of any kind shall be raised, bred or kept on any lot for commercial or resale purposes, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. Horses or 4-H animal projects may be kept on all lots. Fences, barns and stables must be approved by the Architectural Committee.

11. GARBAGE AND REFUSE DISPOSAL; No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

12. OIL AND MINING OPERATIONS; No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

13. COMPLETION OF CONSTRUCTION; Any building in this tract, the construction of which has been started, shall be completed without delay, except when such delay is caused by act of God, strikes, actual inability of the owner to procure delivery of necessary materials, or by interference by other persons or forces beyond the control of the owner to prevent. Financial inability of the owner or his contractor to secure labor or materials or discharge liens or attachments shall not be deemed a cause beyond his control. Houses are to be finished in not more than 8 months from construction start.

14. CARE OF PROPERTIES; All vacant lots in this tract shall be at all times kept free of rubbish and litter. The yards and grounds in connection with all improved properties shall be at all times kept in a neat and sightly condition and shall be cultivated and planted to any extent sufficient to maintain an appearance not out of keeping with that of typical improved properties of this subdivision. During prolonged absence, owner of said lot agrees he/she will arrange for the care of the property, during such absence. In the event a lot owner does not maintain his lot in a neat, proper manner, the architectural committee, may have said lot cleaned up and upon refusal to pay within thirty (30) days from date upon filing an affidavit that said owner refuses to maintain said lot in a neat and proper manner, may file said affidavit in the

Continued...

office of the County Recorder of Yavapai County, State of Arizona, stating the amount therein and to whom it was paid and the date and such amount shall constitute a lien against the lot. No overnight parking for any trucks, pickup trucks, or trailers will be permitted in the street, and further no vehicles other than passenger cars and pickup trucks will be parked in open carports.

15. DRAINAGE EASEMENT; Purchaser shall not at any time hereafter fill, block, or obstruct any drainage easements and drainage structures on the demised premises, nor shall purchaser cause or suffer to be erected on the demised premises any building or obstruction for the purpose, directly or indirectly, of obstructing, blocking or filling any such drainage easement or drainage structure, and purchaser agrees to make and forever to repair and maintain all such drainage easements and drainage structures on the demised premises, making good nevertheless at his own expense, all damage which may be caused to the said drainage easements and structures on the demised land, and purchaser agrees to repair at his own expense, all damage to any structure on any lot which may be caused directly or indirectly, by his obstructing, blocking or filling any such drainage easements.

16. ARCHITECTURAL CONTROL COMMITTEE; The Architectural Control Committee shall be composed of Robert Cole Johnson, Leanna Johnson, Tim Emberlin. The committee may designate a representative to act for it in the event of death or resignation of any member of the committee. The remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative, shall be entitled to any compensation for services performed pursuant to this covenant. The Architectural Review Committee are empowered to enforce all provision of this document.

17. APPROVAL PROCEDURE; The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, approval will not be required and the related covenants shall be deemed to have been complied with. On occasion, the committee may deem it necessary to extend the thirty (30) day period to a period not more than forty-five (45) days. This they may do provided they notify in writing, the lot owner. The lot owner must then wait for this period to expire before his plans are deemed approved or disapproved.

18. ABANDONED OR INOPERABLE VEHICLES; No vehicle of any type which is abandoned or inoperable shall be stored or kept on any lot or street.

Continued...

19. REPAIR, MAINTENANCE AND STORAGE OF VEHICLES; No repair or maintenance work shall be performed on any motor vehicle or other piece of equipment except wholly inside a garage. R.V. Recreational Vehicles, boats, bikes, etc. shall be parked at rear or rear line of house.

20. NATURAL ENVIRONMENT; The natural trees are one of the development's major attractions. Every lot owner should do everything possible to preserve them. In the event trees must be cut, lot owners are encouraged to replace them.

21. DOMINANT TENEMENT; Each of the lots in said tract shall constitute the dominant tenement and be entitled to the benefit of the covenants herein contained as against all of the other lots in said tract which shall constitute the servient tenements.

22. TERMS; These covenants are to run with the land and shall be binding on the undersigned and all of its successor in title, interest or possession in all and every part of said premises for 25 years, and thereafter said covenants shall be automatically extended for successive periods of ten (10) years, unless and until the owners of a majority of the lots affected hereby amend or revoke the same by written instrument, duly acknowledged, and recorded.

23. DEEDS; Deed of Conveyance of all or any of said lots shall incorporate by reference all of the provision contained in this document. "However, whether or not recited in the deeds of conveyance these restrictions, shall be binding on every owner of every lot in the tract."

24. ENFORCEMENT; If the owner or possessor of any lot subject to these restrictions shall violate, or attempt to violate, any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said tract and/or the Architectural committee to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages for such violation, or both.

25. SUBORDINATION; Nothing contained in this Declaration shall be held to invalidate the lien of any mortgage or deed of trust prior to foreclosure, provided, however, that any purchaser at any mortgage foreclosure sale or sale under deed of trust shall hold title subject to all the provisions hereof.

26. SEVERABILITY; Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

Continued...

Nothing contained in this declaration shall impair or defeat the lien of any mortgage or deed of trust made in good faith and for value, but titles to any property subject to this declaration obtained through sale in satisfaction of any such mortgage or deed of trust shall thereafter be held subject to all of the protective restrictions hereof.

IN WITNESS WHEREOF, the aforesaid owner has executed this Declaration of Restrictions this 3 day of FEBRUARY, 1999 by its proper and duly authorized officers.

Timothy J. Erhberlin
TIMOTHY J. ERHBERLIN
Elise Townsend
ELISE TOWNSEND

STATE OF Arizona
COUNTY OF Yavapai

On this the 3 day of February, 19 99, before me the undersigned officer, personally appeared Timothy J. Erhberlin.

In Witness whereof I have hereunto set my hand and official seal.

Darlene Barnes
Notary Public

4-12-2000

My commission expires:

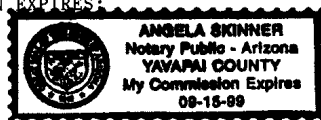
SEAL

STATE OF ARIZONA
COUNTY OF YAVAPAI

ON THIS 16th DAY OF FEBRUARY, 1999, BEFORE ME THE UNDERSIGNED, PERSONALLY APPEARED ELISE TOWNSEND.

Angela Skinner
NOTARY PUBLIC

MY COMMISSION EXPIRES:



That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows;

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 1337.56 feet, to a point;

Thence South 88°07'10" West, a distance of 1377.00 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence South 00°22'11" West, a distance of 1342.62 feet, to a point;

Thence South 87°51'12" West, a distance of 698.01 feet, to a point;

Thence North 00°46'42" East, a distance of 1346.20 feet, to a point;

Thence North 88°06'47" East, a distance of 688.27 feet, to the TRUE POINT OF BEGINNING;

Containing 21.37 acres, more or less.

Subject to an easement across the north 25 feet and the east 25 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 1
February 2, 1999
Page 1 of 1

That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows;

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 1337.56 feet, to a point;

Thence South 88°07'10" West, a distance of 461.14 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence continuing South 88°07'10" West, a distance of 457.86 feet, to a point;

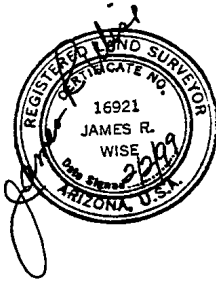
Thence North 00°22'56" East, a distance of 382.80 feet, to a point;

Thence North 88°07'10" East, a distance of 457.86 feet, to a point;

Thence South 00°22'56" West, a distance of 382.80 feet, to the TRUE POINT OF BEGINNING;

Containing 4.02 acres, more or less.

Subject to an easement across the south 25 feet and the west 50 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 2
February 2, 1999
Page 1 of 1

That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows;

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 585.24 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence continuing South 00°26'09" East, a distance of 369.70 feet, to a point;

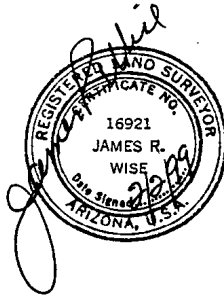
Thence South 88°07'10" West, a distance of 476.34 feet, to a point;

Thence North 00°22'56" East, a distance of 371.87 feet, to a point;

Thence North 88°21'45" East, a distance of 470.98 feet, to the TRUE POINT OF BEGINNING;

Containing 4.03 acres, more or less.

Subject to an easement across the north 25 feet and the west 25 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 3
February 2, 1999
Page 1 of 1

That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows;

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 954.94 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence continuing South 00°26'09" East, a distance of 382.62 feet, to a point;

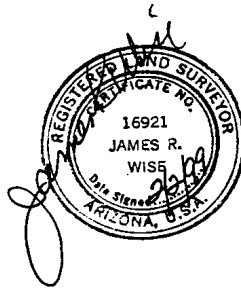
Thence South 88°07'10" West, a distance of 461.14 feet, to a point;

Thence North 00°22'56" East, a distance of 382.80 feet, to a point;

Thence North 88°07'10" East, a distance of 455.67 feet, to the TRUE POINT OF BEGINNING;

Containing 4.03 acres, more or less.

Subject to an easement across the south 25 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 4
February 2, 1999
Page 1 of 1

That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows;

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13, said point being the TRUE POINT OF BEGINNING;

Thence South 00°26'09" East, a distance of 585.24 feet, to a point;

Thence South 88°21'45" West, a distance of 470.98 feet, to a point;

Thence South 00°22'56" West, a distance of 371.87 feet, to a point;

Thence South 88°07'10" West, a distance of 437.19 feet, to a point;

Thence South 00°22'56" West, a distance of 382.80 feet, to a point;

Thence South 88°07'10" West, a distance of 458.01 feet, to a point;

Thence North 00°21'45" East, a distance of 1,342.88 feet, to a point on the north section line of said section 13;

Thence North 88°19'06" East, a distance of 1358.17 feet, to the TRUE POINT OF BEGINNING;

Containing 25.95 acres, more or less.

Subject to an easement for ingress, egress, and public utilities described as follows:

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 585.24 feet, to the TRUE POINT OF BEGINNING;

Thence South 88°21'45" West, a distance of 470.98 feet, to a point;

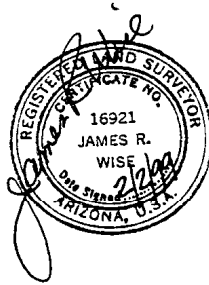
Thence South 00°22'56" West, a distance of 371.87 feet, to a point;

Thence South 88°07'10" West, a distance of 443.20 feet, to a point;

Thence North 00°22'56" East, a distance of 440.84 feet, to a point;

Emberlin Construction - Lot 5
February 2, 1999
Page 1 of 2

Thence North 88°07'10" East, a distance of 50.04 feet, to a point;
Thence South 00°22'56" West, a distance of 390.80 feet, to a point;
Thence North 88°07'10" East, a distance of 368.14 feet, to a point;
Thence North 00°22'56" East, a distance of 346.95 feet, to a point;
Thence North 88°21'45" East, a distance of 495.64 feet, to a point;
Thence South 00°26'09" West, a distance of 25.00 feet, to the TRUE
POINT OF BEGINNING



Emberlin Construction - Lot 5
February 2, 1999
Page 2 of 2

3120454 BK 3639 PG 625
Yavapai County
Patsy Jenney-Colon, Recorder
02/16/1999 04:34P PAGE 1 OF 9
CAPITAL TITLE AGENCY
RECORDING FEE 9.00
SURCHARGE 4.00
POSTAGE 0.00

Recorded at the request of Capital Title Agency Inc.
when recorded mail to

56990071 ABB

CAPTION: ROAD maintenance Agreement

DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT

WHEN RECORDED MAIL TO:

ROAD MAINTENANCE AGREEMENT

This agreement made and entered into this 3 day of FEB., 1999.

We the undersigned owners of land using ingress/egress known as Katie Lane are hereinafter referred to as "property owners".

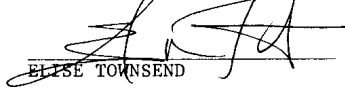
Whereas it is necessary and beneficial for property owners to enter into an agreement for the continued mutual use and maintenance for said road:

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The Property Owners will be obligated to maintain said road.
2. the Property Owners will determine the nature, type and amount of work which shall have to be done toward road maintenance and repair in order to have a safe and passable road.
3. It is agreed that the terms and conditions of this agreement shall be for the mutual and benefit all present and future property owners who will need to use said road to access their property.
4. Road Maintenance Fee-There shall be an annual fee of \$240 for maintenance. Cost of road repair caused by construction traffic shall be bourn by the specific construction project. The annual rate may be adjusted in accordance with the requirements of item 2 above.

In Witness whereof, we have hereto set our hands.


TIMOTHY J. ZIMBERLIN


ELISE TOWNSEND

See attached for Notary Acknowledgments

Continued...

State of Arizona
County of Yavapai

SEAL

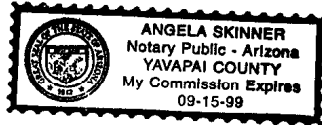
This instrument was acknowledged before me this 3 day of
February, 1999 by Timothy J. Emberton
Naileh Barnes
Notary Public

My Commission expires: 4-12-2000

State of Arizona
County of Yavapai

This instrument was acknowledged before me this 16th day of
February, 1999 by Elise Townsend
Angela Skinner
Notary Public

My Commission expires:



That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 1337.56 feet, to a point;

Thence South 88°07'10" West, a distance of 1377.00 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence South 00°22'11" West, a distance of 1342.62 feet, to a point;

Thence South 87°51'12" West, a distance of 698.01 feet, to a point;

Thence North 00°46'42" East, a distance of 1346.20 feet, to a point;

Thence North 88°06'47" East, a distance of 688.27 feet, to the TRUE POINT OF BEGINNING;

Containing 21.37 acres, more or less.

Subject to an easement across the north 25 feet and the east 25 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 1
February 2, 1999
Page 1 of 1

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Thence continuing South 88°07'10" West, a distance of 457.86 feet, to a point;

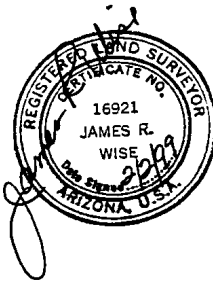
Thence North 00°22'56" East, a distance of 382.80 feet, to a point;

Thence North 88°07'10" East, a distance of 457.86 feet, to a point;

Thence South 00°22'56" West, a distance of 382.80 feet, to the TRUE POINT OF BEGINNING;

Containing 4.02 acres, more or less.

Subject to an easement across the south 25 feet and the west 50 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 2
February 2, 1999
Page 1 of 1

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Thence South 00°26'09" East, a distance of 585.24 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence continuing South 00°26'09" East, a distance of 369.70 feet, to a point;

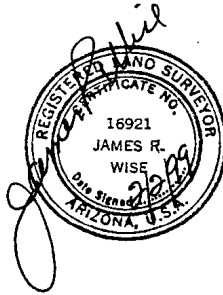
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Thence North 00°22'56" East, a distance of 371.87 feet, to a point;

Thence North 88°21'45" East, a distance of 470.98 feet, to the TRUE POINT OF BEGINNING;

Containing 4.03 acres, more or less.

Subject to an easement across the north 25 feet and the west 25 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 3
February 2, 1999
Page 1 of 1

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Thence South 00°26'09" East, a distance of 954.94 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence continuing South 00°26'09" East, a distance of 382.62 feet, to a point;

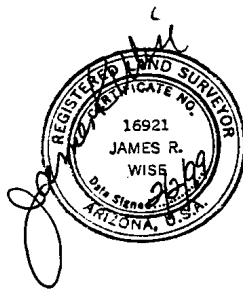
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Thence North 00°22'56" East, a distance of 382.80 feet, to a point;

Thence North 88°07'10" East, a distance of 455.67 feet, to the TRUE POINT OF BEGINNING;

Containing 4.03 acres, more or less.

Subject to an easement across the south 25 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 4
February 2, 1999
Page 1 of 1

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Thence South 88°07'10" West, a distance of 437.19 feet, to a point;

Thence South 00°22'56" West, a distance of 382.80 feet, to a point;

Thence South 88°07'10" West, a distance of 458.01 feet, to a point;

Thence North 00°21'45" East, a distance of 1,342.88 feet, to a point on the north section line of said section 13;

Thence North 88°19'06" East, a distance of 1358.17 feet, to the TRUE POINT OF BEGINNING;

Containing 25.95 acres, more or less.

Subject to an easement for ingress, egress, and public utilities described as follows:

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 585.24 feet, to the TRUE POINT OF BEGINNING;

Thence South 88°21'45" West, a distance of 470.98 feet, to a point;

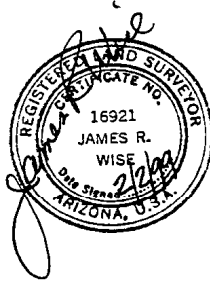
Thence South 00°22'56" West, a distance of 371.87 feet, to a point;

Thence South 88°07'10" West, a distance of 443.20 feet, to a point;

Thence North 00°22'56" East, a distance of 440.84 feet, to a point;

Emberlin Construction - Lot 5
February 2, 1999
Page 1 of 2

Thence North 88°07'10" East, a distance of 50.04 feet, to a point;
Thence South 00°22'56" West, a distance of 390.80 feet, to a point;
Thence North 88°07'10" East, a distance of 368.14 feet, to a point;
Thence North 00°22'56" East, a distance of 346.95 feet, to a point;
Thence North 88°21'45" East, a distance of 495.64 feet, to a point;
Thence South 00°26'09" West, a distance of 25.00 feet, to the TRUE
POINT OF BEGINNING



Emberlin Construction - Lot 5
February 2, 1999
Page 2 of 2

Robert Cole Johnson
HC 30 Box 1033
Prescott, Az 86305

3210053 BK 3714 PG 031
Yavapai County
Patsy Jenney-Colon, Recorder
12/02/1999 10:38A PAGE 1 OF 12
ROBERT COLE JOHNSON
RECORDING FEE 12.00
SURCHARGE 4.00
POSTAGE 1.00

TERMINATION OF DECLARATION OF RESTRICTIONS

THIS TERMINATION OF DECLARATION OF RESTRICTIONS is executed this 23 day of November, 1999, by the undersigned being all the owners of the real property which is subject to that Declaration of Restrictions dated February 3, 1999 and recorded February 16, 1999 at Book 3639, Page 624, Official Records of Yavapai County, Arizona.

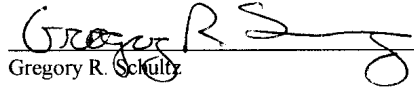
RECITALS:

1. On February 16, 1999, a Declaration of Restructions dated February 3, 1999 was recorded at Book 3639, Page 624, Official Records of Yavapai County, Arizona.
2. The Declaration of Restrictions affected all of the real property described in Exhibit "A" attached hereto.
3. The undersigned are the owners of all of the real property described in Exhibit "A" attached hereto.
4. The undersigned desire to terminate the Declaration of Restrictions recorded at Book 3639, Page 624, Official Records of Yavapai County, Arizona.

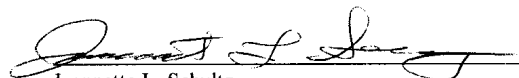
AMENDMENT:

1. The foregoing RECITALS are incorporated herein.
2. The Declaration of Restrictions recorded at Book 3639, Page 624, Official Records of Yavapai County, Arizona, is hereby terminated.
3. The real property described in Exhibit "A" attached hereto shall in no way be

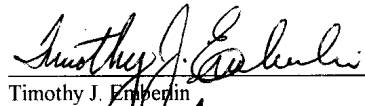
encumbered by the Declaration of Restrictions recorded at Book 3639, Page 624, Official Records
of Yavapai County, Arizona.



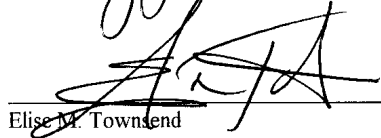
Gregory R. Schultz



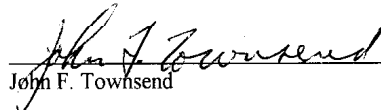
Jeannette L. Schultz



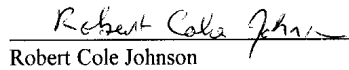
Timothy J. Erberlin



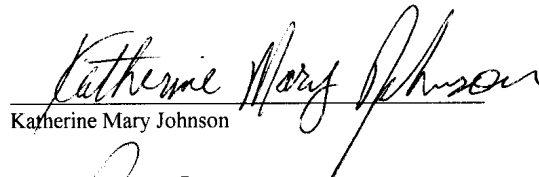
Elise M. Townsend



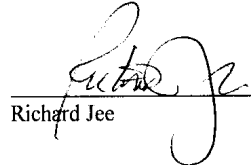
John F. Townsend



Robert Cole Johnson



Katherine Mary Johnson



Richard Jee

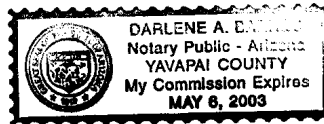
STATE OF Arizona)
) ss.
County of Yavapai)

On this 30 day of November, 1999, before me, the undersigned Notary Public, personally appeared GREGORY R. SCHULTZ, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purpose therein contained.

Darlene Barnes
Notary Public

My Commission Expires:

May 6, 2003



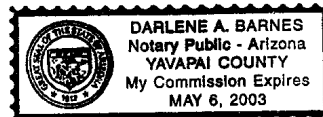
STATE OF Arizona)
) ss.
County of Yavapai)

On this 30 day of November, 1999, before me, the undersigned Notary Public, personally appeared JEANNETTE L. SCHULTZ, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same for the purpose therein contained.

Darlene Barnes
Notary Public

My Commission Expires:

May 6 2003



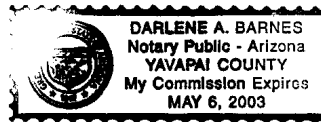
STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 23 day of November, 1999, before me, the undersigned Notary Public, personally appeared TIMOTHY J. EMBERLIN, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purpose therein contained.

Darlene Barnes
Notary Public

My Commission Expires:

May 6, 2003



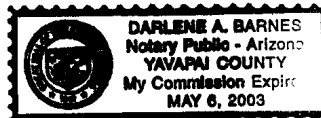
STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 2 day of December, 1999, before me, the undersigned Notary Public, personally appeared ELISE M. TOWNSEND, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same for the purpose therein contained.

Darlene Barnes
Notary Public

My Commission Expires:

May 6, 2003



STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 26 day of November, 1999, before me, the undersigned Notary Public, personally appeared JOHN F. TOWNSEND, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purpose therein contained.

Darlene Barnes
Notary Public

My Commission Expires:

May 6, 2003

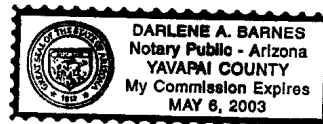
STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 24 day of November, 1999, before me, the undersigned Notary Public, personally appeared ROBERT COLE JOHNSON, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purpose therein contained.

Darlene Barnes
Notary Public

My Commission Expires:

May 6, 2003



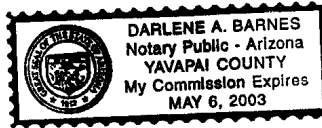
STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 23 day of November, 1999, before me, the undersigned Notary Public, personally appeared KATHERINE MARY JOHNSON, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same for the purpose therein contained.

Darlene Barnes
Notary Public

My Commission Expires:

May 6, 2003



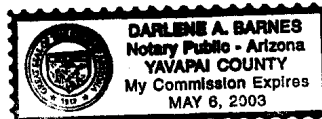
STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 1 day of December, 1999, before me, the undersigned Notary Public, personally appeared RICHARD JEE, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purpose therein contained.

Darlene Barnes
Notary Public

My Commission Expires:

May 6, 2003



That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows;

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 1337.56 feet, to a point,

Thence South 88°07'10" West, a distance of 1377.00 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence South 00°22'11" West, a distance of 1342.62 feet, to a point;

Thence South 87°51'12" West, a distance of 698.01 feet, to a point;

Thence North 00°46'42" East, a distance of 1346.20 feet, to a point;

Thence North 88°06'47" East, a distance of 688.27 feet, to the TRUE POINT OF BEGINNING;

Containing 21.37 acres, more or less.

Subject to an easement across the north 25 feet and the east 25 feet of said parcel for ingress, egress, and public utilities.



EXHIBIT A

Emberlin Construction - Lot 1
February 2, 1999
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That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 1337.56 feet, to a point;

Thence South 88°07'10" West, a distance of 461.14 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence continuing South 88°07'10" West, a distance of 457.86 feet, to a point;

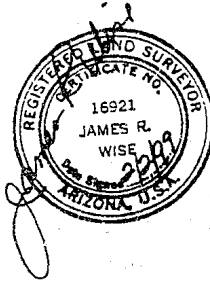
Thence North 00°22'56" East, a distance of 382.80 feet, to a point;

Thence North 88°07'10" East, a distance of 457.86 feet, to a point;

Thence South 00°22'56" West, a distance of 382.80 feet, to the TRUE POINT OF BEGINNING;

Containing 4.02 acres, more or less.

Subject to an easement across the south 25 feet and the west 50 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 2
February 2, 1999
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That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South $00^{\circ}26'09''$ East, a distance of 585.24 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence continuing South $00^{\circ}26'09''$ East, a distance of 369.70 feet, to a point;

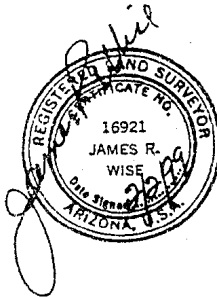
Thence South $88^{\circ}07'10''$ West, a distance of 476.34 feet, to a point;

Thence North $00^{\circ}22'56''$ East, a distance of 371.87 feet, to a point;

Thence North $88^{\circ}21'45''$ East, a distance of 470.98 feet, to the TRUE POINT OF BEGINNING;

Containing 4.03 acres, more or less.

Subject to an easement across the north 25 feet and the west 25 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 3
February 2, 1999
Page 1 of 1

That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows;

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 954.94 feet, to a point, said point being the TRUE POINT OF BEGINNING;

Thence continuing South 00°26'09" East, a distance of 362.62 feet, to a point;

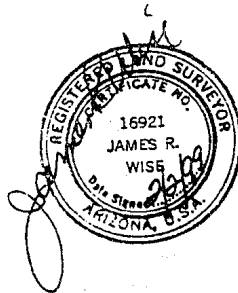
Thence South 88°07'10" West, a distance of 461.14 feet, to a point;

Thence North 00°22'56" East, a distance of 382.80 feet, to a point;

Thence North 88°07'10" East, a distance of 455.67 feet, to the TRUE POINT OF BEGINNING;

Containing 4.03 acres, more or less.

Subject to an easement across the south 25 feet of said parcel for ingress, egress, and public utilities.



Emberlin Construction - Lot 4
February 2, 1999
Page 1 of 1

That portion of land located in the Northwest quarter of Section 13, Township 15 North, Range 3 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13, said point being the TRUE POINT OF BEGINNING;

Thence South 00°26'09" East, a distance of 585.24 feet, to a point;

Thence South 88°21'45" West, a distance of 470.98 feet, to a point;

Thence South 00°22'56" West, a distance of 371.87 feet, to a point;

Thence South 88°07'10" West, a distance of 437.19 feet, to a point;

Thence South 00°22'56" West, a distance of 382.80 feet, to a point;

Thence South 88°07'10" West, a distance of 458.01 feet, to a point;

Thence North 00°21'45" East, a distance of 1,342.88 feet, to a point on the north section line of said section 13;

Thence North 88°19'06" East, a distance of 1358.17 feet, to the TRUE POINT OF BEGINNING;

Containing 25.95 acres, more or less.

Subject to an easement for ingress, egress, and public utilities described as follows:

Commencing at a found 2" brass cap stamped "Famas LS 12005 1/4 corner sec 12/13, T15N, R3W" marking the north quarter corner of said section 13;

Thence South 00°26'09" East, a distance of 585.24 feet, to the TRUE POINT OF BEGINNING;

Thence South 88°21'45" West, a distance of 470.98 feet, to a point;

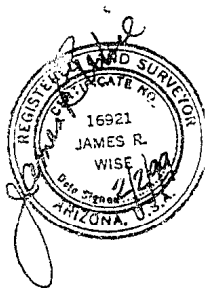
Thence South 00°22'56" West, a distance of 371.87 feet, to a point;

Thence South 88°07'10" West, a distance of 443.20 feet, to a point;

Thence North 00°22'56" East, a distance of 440.84 feet, to a point;

Emberlin Construction - Lot 5
February 2, 1999
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Thence North 88°07'10" East, a distance of 50.04 feet, to a point;
Thence South 00°22'56" West, a distance of 390.80 feet, to a point;
Thence North 88°07'10" East, a distance of 368.14 feet, to a point;
Thence North 00°22'56" East, a distance of 346.95 feet, to a point;
Thence North 88°21'45" East, a distance of 495.64 feet, to a point;
Thence South 00°26'09" West, a distance of 25.00 feet, to the TRUE
POINT OF BEGINNING



Emberlin Construction - Lot 5
February 2, 1999
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