



WHEN RECORDED RETURN TO:  
Paul L. Roberts, Esq.  
Roberts & Carver, PLLC - FOLDER

**TRACT DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR  
GRANITE DELLS ESTATES PHASE 2A & 2B**

This Tract Declaration of Covenants, Conditions, and Restrictions ("Tract Declaration") is made this 2<sup>ND</sup> day of MAY, 2018, by Granite Dells Estates Properties, Inc., an Arizona corporation, ("Declarant"). Declarant is the owner of Granite Dells Estates Phase 2A & 2B ("Phase 2A & 2B"), a development in Yavapai County, Arizona, as set forth in the Final Plat for Granite Dells Estates - Phase 2A & 2B, recorded at Instrument No. 2018-0009805-1, Official Records of Yavapai County, Arizona. Declarant is the developer of Phase 2A & 2B.

WITNESSETH:

WHEREAS, the Declarant desires to develop Phase 2A & 2B and additional properties which may be acquired or annexed hereafter by it into a planned residential subdivision; and

WHEREAS, for the development of the lands now owned or hereafter acquired, the Declarant intends, without obligation, to develop a subdivision upon Phase 2A & 2B, which, as of the date of recordation of this Tract Declaration, is owned by the Declarant; and

WHEREAS, an Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Granite Dells Estates was recorded at Instrument No. 2015-0014870, Official Records of Yavapai County, Arizona, as may be amended from time to time ("Declaration"); and

WHEREAS pursuant to Article 16, subsection 16.01 of the Declaration, Declarant, who is the Declarant herein and under the Declaration, desires, by way of recording this Tract Declaration, to annex Phase 2A & 2B, making Phase 2A & 2B and the owners and occupants thereof subject to the Declaration and the jurisdiction of the Association described therein.

NOW, THEREFORE, the Declarant hereby declares, covenants, and agrees as follows:

**1. ANNEXATION.**

By way of recordation of this Tract Declaration, Declarant hereby subjects all of the lots, common property, common area and open space as set forth in the Final Plat of Granite Dells Estates Phase 2A & 2B, as the same may be amended from time to time, to the Declaration and the owners and occupants thereof to the jurisdiction of the Association described therein. The Land Use Classification for Phase 2A & 2B shall be Single Family Residential Use. A Subsidiary Association shall not be established for the purpose of administering and enforcing the provisions of this Tract Declaration. The Association as described in the Declaration hereby accepts the annexation and ownership of the common elements and common area of Phase 2A & 2B.

2. **ADDITIONS TO AND MODIFICATIONS OF THE DECLARATION.**

Pursuant to Article 16, subsection 16.3, of the Declaration, a Tract Declaration may contain such complementary additions to and modifications of the Declaration as may be necessary to reflect the different character of the annexed property. Phase 2A & 2B has a different character because a clubhouse and a recreation area are being constructed at the time of construction of the infrastructure for Phase 2A & 2B which will be available for use by Phase 2A & 2B. At the time of initial construction, the clubhouse and recreation area will include, i) a meeting area, ii) un-manned bar area, iii) catering kitchen (no range or oven), iv) exercise area, v) bathrooms with showers, and vi) swimming pool. On completion, use of the clubhouse and recreation area will be available for Phase 2A & 2B, Granite Dells Estates Phase 1A, P.A.D. ("Phase 1A") and Granite Dells Estates Phase 1D ("Phase 1D"). The clubhouse and recreation area have not been previously available for use by Phase 1A or Phase 1D. Due to the different character of Phase 2A & 2B, which arises from construction of the clubhouse and recreation area at the time of construction of the infrastructure improvements for Phase 2A & 2B, the following additions or modifications are made to the Declaration as it relates to Phase 2A & 2B:

**Annual Assessments.** Annual Assessments, as set forth in Article 8, subsection 8.2 of the Declaration, for each owner, other than the Declarant, of a lot in Phase 2A & 2B shall include an Annual Assessment which is greater than the annual assessment levied pursuant to the Declaration for Phase 1A and Phase 1D, for purposes of, among other things, maintenance and repair of the common property within Phase 2A & 2B, including, but not limited to, the clubhouse and recreation area. The Board shall set forth separately the amount of the Annual Assessment which relates to Phase 2A & 2B.

3. **BINDING EFFECT.**

Except as specifically added to or modified herein, all other terms, conditions and provisions of the Declaration shall be binding on all owners and occupants of Phase 2A & 2B lots.

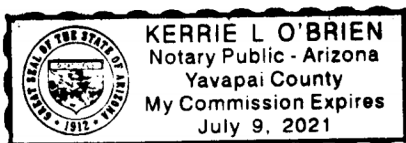
IN WITNESS WHEREOF, Declarant/Developer has executed this Declaration as of the 2<sup>nd</sup> day of MAY, 2018.

GRANITE DELLS ESTATES PROPERTIES, INC.

By: [Signature]  
Michael Fann, President

STATE OF ARIZONA       )  
  ) ss.  
County of Yavapai       )

On this 2<sup>nd</sup> day of May, 2018, before me personally appeared **Michael Fann**, who acknowledged himself to be the President of Granite Dells Estates Properties, Inc., an Arizona corporation, and that he, as such officer, being authorized so to do, executed the foregoing Declaration for the purpose therein contained.



[Signature]  
Notary Public

WHEN RECORDED RETURN TO:  
Paul L. Roberts, Esq.  
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**RATIFICATION OF TRACT DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS,  
FOR GRANITE DELLS ESTATES PHASE 2A & 2B AND  
FINAL PLAT OF GRANITE DELLS ESTATES PHASE 2A & 2B**

Western Alliance Bank, an Arizona corporation, as secured party and beneficiary pursuant to that certain UCC Financing Statement recorded at Instrument No. 2018-0004905, Official Records of Yavapai County, Arizona, and that certain Construction Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing recorded at Instrument No. 2018-0004903, Official Records of Yavapai County, Arizona, hereby ratifies and consents to the following:

1. Tract Declaration of Covenants, Conditions and Restrictions for Granite Dells Estates Phase 2A & 2B, recorded at Instrument No. 2018-0022646, Official Records of Yavapai County, Arizona.

2. Final Plat of Granite Dells Estates Phase 2A & 2B recorded at Instrument No. 2018-0009805, Official Records of Yavapai County, Arizona.

DATED this 24 day of July, 2018.

WESTERN ALLIANCE BANK, an Arizona corporation

By: Debbie R. Niles  
Printed Name: Debbie R. Niles  
Title: Vice President

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

On this 24<sup>th</sup> day of July, 2018, before me personally appeared Debbie Niles, who acknowledged her self to be VP of Western Alliance Bank, an Arizona corporation, and that she, being authorized so to do, executed the foregoing Ratification of Tract Declaration of Covenants, Conditions, Restrictions for Granite Dells Estates Phase 2A & 2B and Final Plat of Granite Dells Estates Phase 2A & 2B.



Michelle Foster  
Notary Public