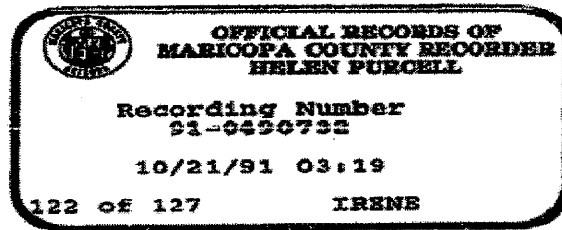


26-415

WHEN RECORDED, RETURN TO:  
SunCor Development Company  
Attention: Julie Elliott  
2828 N. Central Ave., Suite 600  
Phoenix, AZ 85004



FIRST AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
OF  
ANCALA CASITAS RESORT

91 490732

FIRST AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
OF  
ANCALA CASITAS RESORT

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF ANCALA CASITAS RESORT made on the date hereinafter set forth by SECURITY TITLE AGENCY, an Arizona corporation, as Trustee under that certain Second Revised Amended Trust Agreement dated March 8, 1991, Security Title Agency Trust No. 5919 (hereinafter referred to as "Declarant"), and SUNCOR DEVELOPMENT COMPANY, an Arizona corporation (hereinafter referred to as "SunCor").

W I T N E S S E T H :

WHEREAS, Declarant and SunCor are the fee title owners of all of the Lots contained within that certain property in the County of Maricopa, State of Arizona, which is more particularly described as Ancala Casitas Resort, according to the Plat thereof recorded in Book 344 of Maps, Page 13, records of the Maricopa County, Arizona Recorder (the "Property"); and

WHEREAS, Declarant recorded that certain Declaration of Covenants, Conditions and Restrictions of Ancala Casitas Resort dated June 27, 1991 in the records of the Maricopa County, Arizona Recorder as Instrument No. 91-296766 on June 27, 1991 (the "Declaration"); and

WHEREAS, Declarant and SunCor, as owners of all of the Lots within the Property, now desire to amend the Declaration in accordance with Article XIII, Section 5 of the Declaration.

NOW, THEREFORE, the parties hereby amend the Declaration as set forth below:

- 1. Article V, Section 13, titled "Payment of Declarant's Maintenance Expenses" shall be deleted in its entirety and replaced by the following:

Section 13. Payment of Declarant's Maintenance Expenses. The Declarant and/or Builder will, at its own expense, maintain the landscaping and the private streets (indicated as Tracts F and I on the Plat) within the Property for the Association until such time as the Association has an operating budget sufficient to pay for such services and other services necessary to provide proper management. The amount spent on such maintenance and other services shall be reimbursed to the Declarant and/or Builder as soon as the Association is capable of maintaining an operating budget and a reimbursement program. The reimbursement period shall not exceed five (5) years from the recordation of this Declaration.

91 490732

2. The Declaration is hereby ratified in all respects not otherwise amended herein.

IN WITNESS WHEREOF, the undersigned, have set their hand this 18th day of October, 1991.

SECURITY TITLE AGENCY,  
as Trustee under its Trust  
No. 5919 dated March 8, 1991

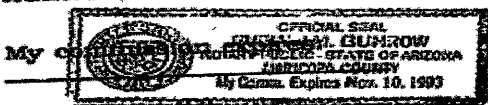
SUNCOR DEVELOPMENT COMPANY,  
an Arizona corporation

By *W. James ...*  
its Senior Trust Officer

By *[Signature]*  
its President and CEO

STATE OF ARIZONA }  
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this 21st day of October, 1991, by Marion A. Hakes Senior Trust Officer of SECURITY TITLE AGENCY, an Arizona corporation, on behalf of the corporation.



*Cullin M. Buhner*  
Notary Public

STATE OF ARIZONA }  
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this 18th day of October, 1991 by John C. Ozden President and CEO of SUNCOR DEVELOPMENT COMPANY, an Arizona corporation, for and on behalf of the corporation.

My commission expires:  
November 14, 1994

*[Signature]*  
Notary Public

SECURITY T RUCY  
 When Recorded, Return To:  
SECURITY TITLE  
TRUST #5919

RECORDED IN OFFICIAL RECORDS  
 OF MARICOPA COUNTY, ARIZONA  
 MAR 08 '91 -4 55  
 HELEN PURCELL, County Recorder  
 FEE 11 PGS 4 ML  
 91 097740

*Return  
 Secu*

20-3600 HOLD FOR SECURITY FILE A

**GENERAL WARRANTY DEED TO TRUSTEE**

For the consideration of Ten Dollars (\$10.00), and other valuable consideration, ADC DEVELOPMENT COMPANY, INC., an Arizona corporation ("Grantor"), does hereby convey to SECURITY TITLE AGENCY, an Arizona corporation, as Trustee under its Trust No. 5919 ("Grantee") to hold, sell, convey, mortgage or pledge the property hereby conveyed and hereinafter described, or otherwise to handle the property as permitted and/or required under said Trust, and to do all things necessary or incidental for the carrying out of the above purposes, that property situated in Maricopa County, Arizona, described on Exhibit A attached hereto and incorporated herein by this reference together with all improvements, easements and rights appurtenant thereto (the "Property") and including the grant herein of an irrevocable, perpetual and non-exclusive ingress, egress and access easement over, through, upon and across the property and any improvements constructed or to be constructed thereon described as follows:

Tract A of Ancala according to the Final Plat thereof recorded in Book 331 of Maps, at page 21, in the records of the Maricopa County, Arizona Recorder.

Said easement right shall run with and be appurtenant to the Property.

Beneficiaries  
 of  
 Trust:

\*\* (1) SUNCOR DEVELOPMENT COMPANY, an Arizona corporation, as First Beneficiary, \*\* (2) Resolution Trust Corporation as receiver for Bexar Savings Association, a Texas chartered savings and loan association in receivership, as Second Beneficiary under said Trust.

**SUBJECT ONLY TO:** Those matters listed on Exhibit B attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

And Grantor does hereby warrant the title against all persons whomsoever subject to the matters above set forth.

Dated, this 8<sup>th</sup> day of March, 1991.

- \*\* Addresses of beneficiaries
- (1) 2828 N. Central Avenue #900  
Phoenix, Arizona, 85004
  - (2) c/o SunBelt Savings  
Attn: Terry Little  
8961 Tesoro Drive  
San Antonio, Texas, 78219

ADC DEVELOPMENT COMPANY, INC.,  
 an Arizona corporation

By  
 Its

*[Signature]*  
 \_\_\_\_\_  
 PRESIDENT

STATE OF TEXAS }  
 County of Harris } ss.

This instrument was executed before me this 22<sup>nd</sup> day of February, 1991, by James T. Boston, Jr. the President of ADC Development Company, Inc. a(n) Corporation for and on behalf of the \_\_\_\_\_

My commission expires: 10/26/94



*[Signature]*  
 \_\_\_\_\_  
 Notary Public

**TICOR TITLE INSURANCE**

## DESCRIPTION

91 097740

That certain portion of Tract B-1 of "ANCALA" as shown on sheet 2 of 6 of the plat of said "ANCALA" recorded in Book 331, page 21 and Certificate of Correction recorded in Document No. 89267968, records of Maricopa County, Arizona, more particularly described as follows:

BEGINNING at a corner in the Westerly line of said Tract which is common with the Southernmost corner of Lot 246 of said "ANCALA";

THENCE North 49 degrees 51 minutes 42 seconds East following along the Northwesternly line of said Tract a distance of 229.39 feet to a non-tangent curve in the Northerly line of said Tract, said curve being concave to the North having a radius of 356.89 feet;

THENCE Easterly along said curved Northerly line through a central angle of 51 degrees 06 minutes 55 seconds an arc length of 318.39 feet;

THENCE continuing along said Northerly line North 81 degrees 46 minutes 04 seconds East a distance of 200.00 feet to a tangent curve therein concave to the Northwest having a radius of 716.01 feet;

THENCE Northeasterly along said last mentioned curve through a central angle of 25 degrees 00 minutes 00 seconds an arc length of 312.42 feet;

THENCE continuing along said Northerly line North 56 degrees 46 minutes 04 seconds East a distance of 50.27 feet to a tangent curve therein concave to the South having a radius of 21.00 feet;

THENCE Easterly along said last mentioned curve through a central angle of 86 degrees 27 minutes 12 seconds an arc length of 31.69 feet to a point of reverse curve with a curve in the Northeasterly line of said Tract, said last mentioned curve being concave to the Northeast having a radius of 641.77 feet;

THENCE Southeasterly along said curved Northeasterly line through a central angle of 04 degrees 17 minutes 10 seconds an arc length of 48.01 feet;

THENCE continuing along said Northeasterly line South 41 degrees 03 minutes 54 seconds East, a distance of 90.00 feet;

Description continued ...

EXHIBIT "A"

**TICOR TITLE INSURANCE**

91 097740

Page 2

Description continued

Parcel No. 1 Continued.....

THENCE continuing along said Northeasterly line South 36 degrees 29 minutes 28 seconds East, a distance of 124.40 feet;

THENCE leaving said Northeasterly line and traversing through said Tract South 48 degrees 56 minutes 06 seconds West, a distance of 229.33 feet;

THENCE North 86 degrees 55 minutes 33 seconds West, a distance of 52.03 feet;

THENCE South 77 degrees 08 minutes 38 seconds West, a distance of 160.68 feet;

THENCE South 83 degrees 23 minutes 10 seconds West, a distance of 472.17 feet;

THENCE South 77 degrees 25 minutes 44 seconds West, a distance of 53.45 feet;

THENCE South 67 degrees 27 minutes 50 seconds West, a distance of 113.33 feet;

THENCE South 64 degrees 42 minutes 50 seconds West, a distance of 103.96 feet to a point in the Westerly line of said Tract;

THENCE North 25 degrees 17 minutes 10 seconds West along said Westerly line a distance of 221.98 feet;

THENCE continuing along said Westerly line North 02 degrees 29 minutes 12 seconds East, a distance of 125.00 feet to the POINT OF BEGINNING.

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**EXHIBIT "B"**

**TO GENERAL WARRANTY DEED TO TRUSTEE  
PERMITTED TITLE EXCEPTIONS**

1. Reservations contained in the Patent to said land as follows:  
 "Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States of America."
2. Water rights, claims or title to water, whether or not shown by the public records.
3. 1991 taxes, a lien, but not yet due and payable.
4. Improvement Lien in the principal sum of \$203,164.00, payable in ten annual installments commencing December 1, 1988, plus interest payable semiannually, Assessment No. 15, Improvement District No. 90, as shown by the records in the office of the Superintendent of Streets of Scottsdale Improvement District of Maricopa County, Arizona.
5. Improvement Lien in the principal sum of \$187,532.00, payable in ten annual installments commencing December 1, 1988, plus interest payable semiannually, Assessment No. 17, Improvement District No. 90, as shown by the records in the office of the Superintendent of Streets of Scottsdale Improvement District of Maricopa County, Arizona.
6. Easements, covenants, conditions and restrictions as shown on the plat recorded in Book 331 of Maps, page 21 which are located on the Property described in Exhibit "A", but omitting, if any, restrictions based on race, color, religion or national origin.
7. Easement for electric lines as more particularly described in Document No. 90218476 affecting only Parcel 1 described on Exhibit "A".
8. Deed of Trust to secure an indebtedness in the amount stated therein,  
 Trustor: ADC Development Company, Inc., an Arizona corporation  
 Trustee: Fidelity National Title Company, a California corporation  
 Beneficiary: Bexar Savings Association  
 Amount: \$25,250,000.00  
 Dated: May 4, 1989  
 Recorded: May 5, 1989 in Document No. 89208554; and thereafter a Notice of Substitution of Trustee, substituting Fidelity National Title Agency of Maricopa County, Inc., an Arizona corporation as successor Trustee was recorded in Document No. 90117423.

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
20120275897 04/03/2012 10:28  
ELECTRONIC RECORDING

04513-2-1-1--  
sarabiam

When recorded return to:

Ekmark & Ekmark, L.L.C.  
6720 N. Scottsdale Road, Suite 261  
Scottsdale, Arizona 85253

**AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF ANCALA CASITAS RESORT  
(The Villas at Ancala Homeowners Association)**

The Declaration of Covenants, Conditions and Restrictions of Ancala Casitas Resort, recorded on June 27, 1991, at recording number 91-296768, records of Maricopa County, Arizona (the "Declaration"), along with any amendments thereto, is hereby amended as follows:

Article X, Section 1(k), Restriction on Further Subdivision, is hereby amended in its entirety to read as follows:

"k. Restriction on Further Subdivision. Except for any lock-off units specifically constructed with separate access from the main entrance of any residence constructed on the Lots, no portion of a Lot, but for the entire Lot, together with the improvements thereon, may be rented or leased, and then only to a single family; provided, however, that no Lot may be leased or subleased without the prior written notice to the Board of the names of the lessee and their family members and the term of the lease, and without compliance with such other rules and regulations as may be established by the Board. Notwithstanding the foregoing, any Owner who acquires ownership of their Lot after the date this amendment is recorded shall only be allowed to rent their Lot for a period of at least one (1) year per lease."

The President of the Association hereby certifies that the above amendment has been adopted by the required percentage of the members.

DATED this 30 day of March, 2012

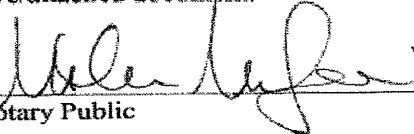
THE VILLAS AT ANCALA HOMEOWNERS  
ASSOCIATION

By: Will P. Bern  
President



STATE OF ARIZONA       )  
  ) ss.  
COUNTY OF MARICOPA   )

On this 30<sup>th</sup> day of March, 2012, before me personally appeared William Permon whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and who acknowledged that he/she signed the above/attached document.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
9/28/2012

