

FIDELITY NATIONAL TITLE  
HOLD FOR PICK-UP

When recorded, return to:

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Biskind, Hunt & Taylor, P.L.C.  
11201 North Tatum Boulevard, Suite 330  
Phoenix, Arizona 85028

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OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2003-0308438 03/12/03 16:45  
1 OF 3

GUILLENI

**SUPPLEMENTAL DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR VERRADO PHASE 1 PARCEL 4.620**

This Supplemental Declaration of Covenants, Conditions and Restrictions for Verrado Parcel 4.620 ("**Supplemental Declaration**") is made effective this 28 day of February 2003, by DMB WHITE TANK, LLC, an Arizona limited liability company ("**Founder**") and FIDELITY NATIONAL TITLE INSURANCE COMPANY, a California corporation, acting not in its corporate capacity but solely as Trustee under its Trust No. B176 ("**Trustee**").

A. Founder is the developer of the master planned community located in the Town of Buckeye, Maricopa County, Arizona, commonly known as Verrado ("**Verrado**"); and

B. Founder executed the Covenant for Community for Verrado and caused said document to be recorded in the official records of Maricopa County, Arizona on September 30, 2002, as Document No. 2002-1008904 (the "**Covenant**"); and

C. Founder also executed the Declaration of Commercial Covenants, Conditions and Restrictions for Verrado and caused said document to be recorded in the official records of Maricopa County, Arizona on November 18, 2002, as Document No. 2002-1219909 (the "**Declaration**"). Each capitalized term used but not defined herein shall have the meaning for such term set forth in the Declaration; and

D. The Declaration contemplates that Supplements for all or any portion of the Additional Property may be executed and recorded by Founder periodically; and

E. Trustee is the owner that portion of the Additional Property described on Exhibit "A" attached hereto (the "**Unit**").

F. Founder, with the consent of Trustee, wishes to cause the Unit, which Unit already is subject to the Covenant, to become subject to the Declaration as well, and to be developed in accordance with those certain supplemental covenants, conditions and restrictions as set forth herein.

NOW, THEREFORE, Founder, with the consent of Trustee, hereby declares that the Unit shall be held, sold and conveyed subject to the following restrictions, covenants, conditions, terms and provisions, which shall apply to the Unit in addition to the provisions of the Covenant and the Declaration. This Supplemental Declaration shall be a Supplement for purposes of the Declaration.

11/21/03

1. **Annexation; Land Use Classification.** Pursuant to Section 5.11 of the Declaration, Founder hereby declares that the Unit is annexed and submitted and hereafter shall be subject to the terms and provisions of the Declaration. Trustee hereby consents and agrees to the foregoing annexation. The land use classification for the Unit is Commercial.

2. **Use Restriction.** Without the written consent of the Assembly, which consent may be withheld for any or no reason in the sole and absolute discretion of the Assembly, the Unit may only be developed and used for commercial purposes consistent with the existing uses allowed under the Verrado (formerly Caterpillar) Community Master Plan approved by the Town of Buckeye, as same may be modified from time to time, and the Town Code of the Town of Buckeye, as same may be modified from time to time, and for no other purposes.

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

4. **Effectiveness.** This Supplemental Declaration shall be effective commencing upon the date this Supplemental Declaration is recorded in the official records of Maricopa County, Arizona, and shall remain in full force and effect for so long as the Declaration remains in effect.

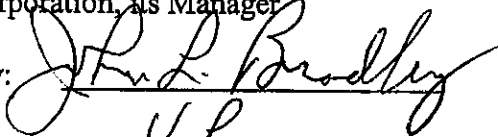
IN WITNESS WHEREOF, Founder and Trustee have executed the foregoing instrument as of the date first set forth above.

FOUNDER:

DMB WHITE TANK, LLC, an Arizona limited liability company

By: DMB REALCO LLC, an Arizona limited liability company, its Manager

By: DMB Associates, Inc., an Arizona corporation, its Manager

By:   
U.P.

Its: \_\_\_\_\_



20030203

TRUSTEE:

FIDELITY NATIONAL TITLE INSURANCE COMPANY, a California corporation, acting not in its corporate capacity but solely as Trustee under its Trust No. B176

By: Debra Grossman

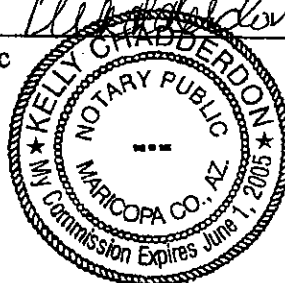
Name: Debra Grossman

Its: Trust Officer

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February, 2003, by John L. Bradley, the Vice President, of DMB Associates, Inc., an Arizona corporation, in its capacity as Manager of DMB REALCO LLC, an Arizona limited liability company, in its capacity as Manager of DMB WHITE TANK, LLC, an Arizona limited liability company, for and on behalf thereof.

Kelly Gradderton  
Notary Public



My Commission Expires:  
6.1.2005

STATE OF ARIZONA )  
 ) ss.  
County Of Maricopa )

The foregoing instrument was acknowledged before me this 12 day of ~~February~~ MARCH, 2003, by DEBRA GROSSMAN, the TRUST OFFICER, of FIDELITY NATIONAL TITLE INSURANCE COMPANY, a California corporation, acting not in its corporate capacity but solely as Trustee of its Trust No. B176, on behalf of the corporation.

Shirley J. Peterson  
Notary Public



My Commission Expires:  
\_\_\_\_\_

20020528

Exhibit "A"

Legal Description

Revised May 28, 2002  
May 20, 2002  
WP #011479.00.S2C  
Page 1 of 2  
See Exhibit "A"

**PARCEL DESCRIPTION**  
**Verrado**  
**Proposed Parcel 4.620**

A parcel of land lying within Section 19, Township 2 North, Range 2 West, 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, North 00°42'31" East, a distance of 12.64 feet, to the southeast corner of Section 24, Township 2 North, Range 3 West;  
**THENCE** continuing along said west line, North 00°05'25" West, a distance of 441.46 feet;  
**THENCE** leaving said west line, North 89°54'35" East, a distance of 348.98 feet, to the **POINT OF BEGINNING**;  
**THENCE** North 00°00'00" East, a distance of 232.33 feet;  
**THENCE** South 90°00'00" East, a distance of 9.57 feet;  
**THENCE** North 00°00'00" East, a distance of 19.21 feet;  
**THENCE** North 89°47'53" East, a distance of 198.87 feet;  
**THENCE** South 00°12'07" East, a distance of 176.50 feet;  
**THENCE** South 89°47'53" West, a distance of 130.00 feet;  
**THENCE** South 00°12'07" East, a distance of 75.00 feet;  
**THENCE** South 89°47'53" West, a distance of 79.33 feet, to the **POINT OF BEGINNING**.

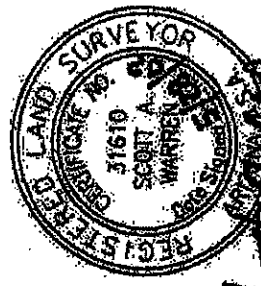
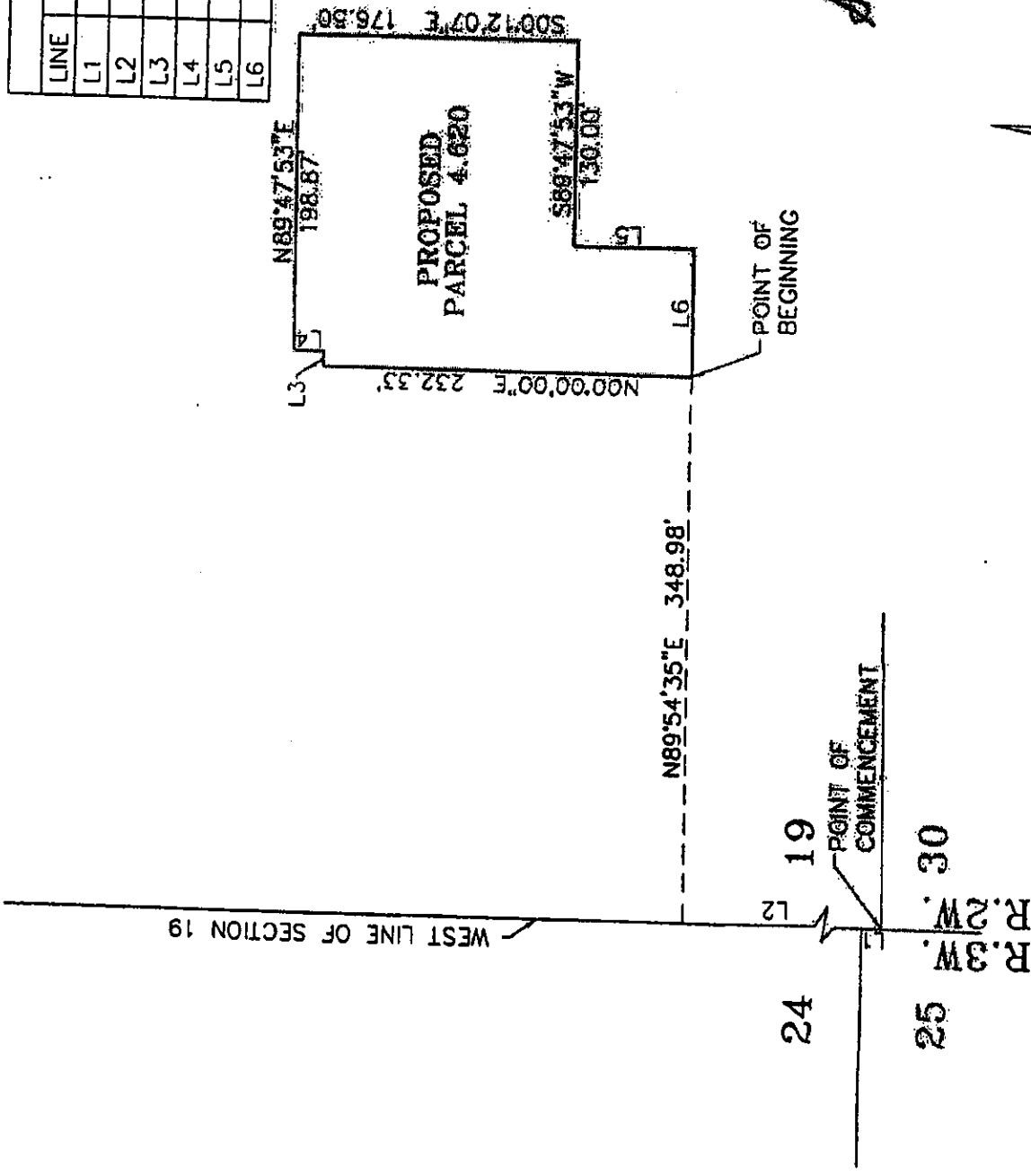
Containing 0.9780 acres, or 42,601 square feet of land, more or less.

Subject to existing rights-of-way and easements.

Y:\WP\Parcel Description\011479.S2C Verrado Parcel 4.620.doc



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°42'31"E	12.64'
L2	N00°05'25"W	441.46'
L3	S90°00'00"E	9.57'
L4	N00°00'00"E	19.21'
L5	S00°12'07"E	75.00'
L6	S89°47'53"W	79.33'



*Scott A. Wanner*

**EXHIBIT "A"**

VERRADO  
 PROPOSED PARCEL 4.620  
 05-28-02  
 WP #011479.00.S2C  
 PAGE 2 OF 2  
 NOT TO SCALE

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**WOOD/PATEL**  
 2051 West Northern  
 Phoenix, AZ 85021  
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05/28/02