

F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: CDG  
DEPUTY RECORDER  
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TFATI  
FENNEMORE CRAIG  
3003 N CENTRAL AVE STE 2600  
PHOENIX AZ 85012

MAIL

AMOUNT PAID \$ 14.00

PHOENIX, ARIZONA 85012-2713

Attention: Jay Kramer

231-4355221-9

(SPACE ABOVE FOR RECORDER'S USE) 9

**SUPPLEMENTAL DECLARATION**  
**FOR**  
**VISTA MONTAÑA ESTATES**  
**PHASE TWO**

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## SUPPLEMENTAL DECLARATION

This SUPPLEMENTAL DECLARATION FOR VISTA MONTAÑA ESTATES PHASE TWO ("Supplemental Declaration") is made as of December 15, 2004, by Talaco Development, Inc., an Arizona corporation ("Declarant") and consented to by First American Title Insurance Company, a California corporation, as Trustee (the "Assurance Trustee") under Trust No. 9065 (the "Assurance Trust").

### RECITALS

A. Declarant is the beneficial owner, under the Assurance Trust, of certain real property located in Pima County, Arizona (the "Property"), which Declarant has subjected to that certain Declaration of Covenants, Conditions, and Restrictions, dated September 2, 2004, and recorded on October 15, 2004, as Fee No. 20042000309 in the official records of Pima County, Arizona, as the same may be amended from time to time (the "Master Declaration").

B. Declarant is the beneficial owner, under the Assurance Trust, of that certain real property more specifically described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Parcel").

C. Pursuant to Section 15 of the Master Declaration, Declarant has reserved the right to annex certain real property and improvements to the Master Declaration, thereby subjecting such real property and improvements to the Master Declaration.

D. Declarant now desires to annex the Parcel to the Master Declaration as set forth below. The annexation of real property as set forth herein constitutes Phase Two of the Project commonly known as "Vista Montaña Estates."

E. Upon recordation of this Supplemental Declaration, the Master Declaration shall be deemed amended to include the real property described in this Supplemental Declaration.

### DECLARATIONS

NOW, THEREFORE, Declarant hereby amends the Master Declaration as follows:

1. Unless otherwise expressly defined herein, all capitalized terms herein shall have the same meaning given to them in the Master Declaration.

2. As supplemented by this Supplemental Declaration, the Master Declaration shall remain in full force and effect.

3. The Parcel is hereby annexed to the Property and subjected to the Master Declaration in all respects. The Parcel shall hereafter be held, transferred, sold, conveyed, leased, occupied and used subject to the covenants, conditions, restrictions, assessments, charges, servitudes, liens, reservations, easements, privileges and rights set forth in the Master Declaration, all of which shall run with the land and be binding upon the Parcel and all parties having or acquiring any right, title or interest in or to the Parcel, or any part thereof, and shall inure to the benefit of the Parcel and the Owners of all interests therein.

IN WITNESS WHEREOF, Declarant has caused this Supplemental Declaration to be executed as of the day and year first above-written.

“DECLARANT”

TALACO DEVELOPMENT, INC., an Arizona corporation

By: Ross M. Cooper  
Name: Ross M. Cooper  
Title: Secretary

**Consented to by:**

FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation under Trust No. 9065, as Trustee and not otherwise

By: Rachel L. Turbiseed  
Name: RACHEL L. TURBISEED  
Title: Trust officer

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

The foregoing instrument was acknowledged before me this 9th day of December 2004 by Ross M. Cooper, the Secretary of Talaco Development, Inc., an Arizona corporation, on behalf thereof.

Heather Barr  
Notary Public

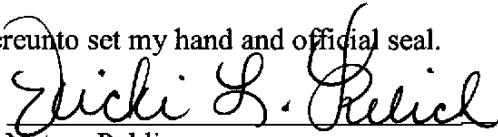
My Seal and Commission Expiration Date: 4-25-08



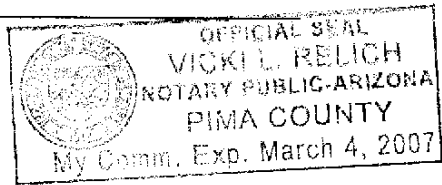
1244907516

STATE OF ARIZONA        )  
                                  ) ss.  
County of Pima            )

Before me this 15<sup>th</sup> day of December, 2004, personally appeared RACHEL L. TURNIPSEED, who acknowledged himself or herself to be a Trust Officer of First American Title Insurance Company, a California corporation, and that as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation as Trustee, by himself or herself as such officer and not otherwise.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.  
  
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Notary Public

My commission expires:



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**EXHIBIT "A"**

**Legal Description of the Parcel**

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**Phase 2 Parcel ( East of El Paso Natural Gas Parcel )**

All that portion of the southwest one-quarter of Section 19, Township 15 South, Range 15 East, Gila and Salt River Meridian, Pima County, Arizona and being more particularly described as follows:

Commencing at the southwest corner of said Section 19, thence South 88° 00' 00" East along the southerly line of said Section 19 a distance of 1058.46 feet measured ( 1058.45 feet record ) to the southeasterly corner of a parcel of land conveyed to El Paso Natural Gas according to Docket 687 at page 562 , records of Pima County, Arizona designated as Parcel "E";

Thence leaving said southerly line , North 00° 04' 14" East along the easterly line of said parcel of land a distance of 75.05 feet to here-in-after described Point " B " on the northerly right-of-way of Herman's Road according to Docket 11114 at page 930, records of Pima County, Arizona and True Point of Beginning;

Thence continuing North 00° 04' 14" East along the easterly line of said El Paso Natural Gas parcel, 812.07 feet;

Thence South 89° 55' 46" East, 45.20 feet;

Thence North 36° 53' 04" East, 78.77 feet;

Thence North 48° 38' 26" East, 71.25 feet

Thence North 66° 56' 27" East, 192.44 feet;

Thence South 49° 14' 23" East along a non-tangent bearing, 101.54 feet to a point of curvature;

Thence northeasterly along said curve concave to the northwest, having a central angle of 12° 14' 30", a radius of 205.09 feet and an arc length of 43.82 feet, the radial bearing from said point bears North 48° 37' 53" West;

Thence from a non-tangent bearing to said curve, South 48° 37' 53" East, 60.00 feet to a point of curvature;

Thence northeasterly along said curve concave to the northwest having a central angle of 04° 54' 52" a radius of 265.09 feet and an arc length of 22.74 feet to a point of tangency;

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Thence North  $36^{\circ} 27' 15''$  East, 65.29 feet;

Thence South  $53^{\circ} 36' 36''$  East, 160.13 feet;

Thence South  $00^{\circ} 02' 00''$  East, 375.54 feet to here-in-after described Point " A ";

Thence continuing South  $00^{\circ} 02' 00''$  East, 543.76 feet to the northerly right-of-way line of Herman's Road;

Thence North  $88^{\circ} 00' 17''$  West along said northerly line, 661.11 feet to the True Point of Beginning.

**EXCEPTING THEREFROM** the following described recreational center.

Commencing at above described Point " A ", thence South  $89^{\circ} 58' 51''$  West, 86.14 feet to a point of curvature;

Thence southwesterly along said curve concave to the southeast having a central angle of  $72^{\circ} 08' 31''$ , a radius of 18.00 feet and an arc length of 22.66 feet to a point of reverse curvature and from which point the radius point of said following curve bears North  $72^{\circ} 09' 40''$  West;

Thence southwesterly along said curve concave to the northwest having a central angle of  $16^{\circ} 56' 59''$  a radius of 447.00 feet and an arc length of 132.24 feet to a point of compound curvature and from which point the radius of said following curve bears North  $55^{\circ} 12' 41''$  West;

Thence southwesterly , westerly and northwesterly along said curve concave to the north having a central angle of  $115^{\circ} 32' 22''$ , a radius of 200.00 feet and an arc length of 403.31 feet to a point of compound curvature and from which point the radius point of said following curve bears North  $60^{\circ} 19' 40''$  East;

Thence northwesterly along said curve concave to the east , having a central angle of  $30^{\circ} 49' 52''$ , a radius of 615.00 feet and an arc length of 330.93 feet to a point of reverse curvature and from which point the radius point of said following curve bears North  $53^{\circ} 42' 09''$  West;

Thence northeasterly along said curve concave to the northwest, having a central angle of  $07^{\circ} 55' 34''$ , a radius of 160.00 feet and an arc length of 22.13 feet to a point of reverse curvature and from which point the radius point of said following curve bears South  $61^{\circ} 37' 43''$  East;

Thence northeasterly along said curve concave to the southeast having a central angle of  $53^{\circ} 08' 40''$  a radius of 297.00 feet and an arc length of 275.48 feet to a point of reverse curvature and from which point the radius point of said following curve bears North  $08^{\circ} 29' 04''$  West;

Thence northeasterly along said curve concave to the northwest having a central angle of  $40^{\circ} 08' 52''$  a radius of 205.09 feet and an arc length of 143.70 feet;

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Thence leaving said curve on a non-tangent bearing, South 48° 37' 53" East, 60.00 feet to a point of curvature from which point the radius point of said curve bears South 48° 37' 53" East;

Thence southeasterly along said curve concave to the southeast having a central angle of 87° 43' 13" a radius of 18.00 feet and an arc length of 27.56 feet to a point of tangency;

Thence South 46° 21' 06" East, 14.14 feet to a point of curvature;

Thence southeasterly along said curve concave to the southwest having a central angle of 30° 38' 41" a radius of 265.00 feet and an arc length of 141.74 feet to a point of compound curvature;

Thence southerly along said curve concave to the west having a central angle of 25° 10' 09" a radius of 447.00 feet and an arc length of 196.36 feet to a point of reverse curvature;

Thence southeasterly along said curve concave to the northeast having a central angle of 99° 28' 52" a radius of 18.00 feet and an arc length of 31.25 feet to a point of tangency;

Thence North 89° 58' 51" East, 70.08 feet;

Thence South 00° 02' 00" East, 30.00 feet to the True Point of Beginning.

Rec. Center area 5.585 acres of land more or less.

**Additional Portion of Phase 2 ( West of El Paso Natural Gas Parcel )**

Commencing at before described Point " B " , thence North 88° 00'00" West along the northerly right-of-way line of Herman's Road a distance of 65.99 feet to the westerly line of El Paso Natural Gas Parcel and True Point of Beginning of additional portion of Phase 2;

Thence continuing North 88° 00' 00" West along said northerly line, 917.54 feet to the easterly right-of-way line of Wilmot Road;

Thence North 00° 01' 11" West along said easterly right-of-way line, 874.44 feet;

Thence South 87° 59' 42" East, 145.05 feet;

Thence South 00° 02' 00" East, 190.94 feet;

Thence South 88° 00' 20" East, 110.07 feet;

Thence South 00° 02' 00" East, 11.14 feet to a point of curvature;

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Thence southeasterly along said curve concave to the northeast having a central angle of  $87^{\circ} 58' 20''$  a radius of 18.00 feet and an arc length of 27.64 feet to a point of tangency;

Thence South  $88^{\circ} 00' 20''$  East, 646.02 feet;

Thence South  $00^{\circ} 04' 13''$  West, 655.01 feet to the True Point of Beginning.

Total area for both parcels in phase 2 is 23.298 acres of land more or less.( Excludes Rec. Center Area ).

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