F. ANN RODRIGUEZ, RECORDER RECORDED BY: J_V

DEPUTY RECORDER
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FENNEMORE CRAIG
3003 N CENTRAL AVE STE 2600
PHOENIX AZ 85012



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Attention: Jay Kramer

I HOVINA, PRIMANIA OSOTA ASTS

THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VISTA MONTAÑA ESTATES

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THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Amendment") is made as of this 4 day of August, 2005 by Talaco Development, Inc., an Arizona corporation ("Declarant") and consented to by First American Title Insurance Company, a California corporation, as Trustee (the "Consenting Party") under Trust No. 9065 (the "Trust").

RECITALS

- A. Declarant is the beneficial owner, under the Trust, of certain real property located in Pima County, Arizona, more specifically described on <u>Exhibit "A"</u> attached hereto (the "<u>Property</u>"), 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 beneficial owner, under the Trust, of certain real property located in Pima County, Arizona, and more specifically described on Exhibit "B" attached hereto (the "Phase II Parcel"), which Declarant has subjected to the Master Declaration by that certain Supplemental Declaration for Vista Montaña Estates Phase II dated December 15, 2004 and recorded at Docket 12449, Page 7514, in the official records of Pima County, Arizona.
- C. The Phase II Parcel is serviced by an existing private sewer line (the "Private Sewer Line"), which carries sewage flows from the Phase II Parcel to the public sewer line.
- D. The Arizona Department of Environmental Quality ("ADEQ") requires that the Private Sewer Line be flushed out once every quarter in accordance with industry standards and practices (the "Quarterly Sewer Maintenance").
- E. Declarant desires to amend the CC&Rs to impose upon the Association certain obligations related to performance of the Quarterly Sewer Maintenance.

DECLARATIONS

NOW, THEREFORE, Declarant hereby declares as follows:

- 1. <u>Definitions</u>. All capitalized terms used but not defined when first used herein, shall have the meanings ascribed to such terms in the Master Declaration.
- 2. Maintenance of the Private Sewer Line.
 - 2.1. <u>Maintenance Obligations of the Association</u>. The Association shall be responsible for causing the Quarterly Sewer Maintenance to be performed.
 - 2.2. Reporting Obligations of the Association. As soon as reasonably possible after entering any service agreement relating to the Quarterly Sewer Maintenance, the Association shall provide ADEQ with a current copy of such service agreement. In addition, the Association shall provide ADEQ with a copy of any report received by the Association in connection with the performance of the Quarterly Sewer Maintenance, as soon as reasonably possible after receipt of such report by the Association.
 - 2.3. <u>Future Amendments</u>. In no event shall the Master Declaration be amended to eliminate or diminish the Association's responsibilities described herein, without the prior express written consent of ADEQ.
- 3. <u>Effect of Amendment</u>. Except as amended by this Amendment, the Master Declaration shall remain in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Declarant has caused its name to be signed by the signature of its duly authorized representatives as of the day and year first above written.

	TALACO DEVELOPMENT, INC., an Arizona
	corporation
	V a) (
	By: Com M. Comple
	Name: Koss M. Cooper
	Title: Secretary
	/
Consented to by:	
"CONSENTING PARTY"	
FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation under Trust No. 9065, as Trustee only and no otherwise	er
By: Rachel L. Turnipseed Title: Trust Officer	<u>/</u> -
STATE OF ARIZONA)) ss. County of Maricopa)	
•	\sim 0 /
The foregoing instrument was acknown the Secretary corporation, on behalf thereof.	
•	Notary Public Notary
	, - ,
My Seal and Commission Expiration Date:	LINDA TELLES
	Notary Public - Arizona Adaricope County Inty Cummission Expires June 6, 2009

STATE OF ARIZONA)			
) ss.			
County of Pima)			
The foregoing instrum 2005 by Turnipseed, the a California corporation under thereof.	ent was ackno e <u>Trust Off</u> r Trust No. 90	wledged before me icer of First Ame 65, as Trustee only Way Notary Public	y and not otherw A. Rüche	of August nce Company, ise, on behalf
3 5 6 1 16 1 1 1				

My Seal and Commission Expiration Date:

12609 03589

EXHIBIT 'A'

LEGAL DESCRIPTION: ALL THAT PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 15 SOUTH, RANGE 15 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19:

THENCE, S 88°00'00" E ALONG THE SOUTHERLY LINE OF SAID SECTION 19, A DISTANCE OF 1058.46 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO EL PASO NATURAL GAS COMPANY ACCORDING TO DOCKET 687 AT PAGE 562, RECORDS OF PIMA COUNTY, ARIZONA DESIGNATED TO PARCEL "E";

THENCE, LEAVING SAID SOUTHERLY LINE, N 00°04'14" E ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 75.05 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF HERMAN'S ROAD ACCORDING TO DOCKET 11114 AT PAGE 930, RECORDS OF PIMA COUNTY, ARIZONA;

THENCE, S 88°00'17" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF HERMAN'S ROAD, A DISTANCE OF 661.11 FEET TO THE TRUE POINT OF BEGINNING;

THENCE, LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE OF HERMAN'S ROAD, N 00°02'00" W, A DISTANCE OF 919.30 FEET:

THENCE, N 53°36'36" W, A DISTANCE OF 160.13 FEET;

THENCE, S 36°27'15" W, A DISTANCE OF 65.29 FEET TO A POINT OF CURVATURE FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS N 53°32'45" W;

THENCE, SOUTHWESTERLY 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;

THENCE LEAVING SAID CURVE ON A NON-TANGENT BEARING, N 48°37'53" W, A DISTANCE OF 60.00 FEET TO A POINT OF CURVATURE FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS N 48°37'53" W;

THENCE SOUTHWESTERLY 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 TO THE END OF SAID NONTANGENT CURVE:

THENCE, N 49°14'23" W, A DISTANCE OF 101.54 FEET;

THENCE, S 66°56'27" W, A DISTANCE OF 192.44 FEET:

THENCE, S 48°38'26" W, A DISTANCE OF 71.25 FEET:

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THENCE ALONG SAID EASTERLY LINE, N 00°04'14" E, A DISTANCE OF 878.57 FEET;

THENCE LEAVING SAID EASTERLY LINE, \$ 53°36'36" E. A DISTANCE OF 365.26 FEET;

THENCE, N 36°38'34" E, A DISTANCE OF 569.93 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF TUCSON-BENSON HIGHWAY:

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, S 53°36'29" E, A DISTANCE OF 1135.53 FEET TO A FOUND ACP MARKED PE 2368 AND BEING ON THE EASTERLY LINE OF THE SOUTHWEST ONE-OUARTER OF SAID SECTION 19;

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY AND ALONG SAID EASTERLY LINE, S 00°01'09" E, A DISTANCE OF 1206.57 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN DOCKET 11114 AT PAGE 933;

THENCE, N 88°00'00" W, A DISTANCE OF 42.14 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS N 32°01'51" W:

THENCE WESTERLY ALONG SAID CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 58°57'41", A RADIUS OF 58.00 FEET AND AN ARC LENGTH OF 59.69 FEET TO A POINT OF REVERSE CURVATURE OF A NON-TANGENT CURVE FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS S 20°00'30" W:

THENCE WESTERLY ALONG SAID CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 01°02'24", A RADIUS OF 50.00 FEET AND AN ARC LENGTH OF 0.91 FEET;

THENCE LEAVING SAID CURVE ON A NON-TANGENT BEARING, S 00°01'13° E, A DISTANCE OF 100.73 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HERMAN'S ROAD ACCORDING TO DOCKET 11114 PAGE 930, RECORDS OF PIMA COUNTY, ARIZONA;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N 88°00'17" W, A DISTANCE OF 790.54 FEET TO THE TRUE POINT OF BEGINNING.

ABOVE DESCRIBED PARCEL OF LAND CONTAINS 43.92 ACRES OF LAND, MORE OR LESS.

Exhibit "A"

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Legal Description

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;

Exhibit "B"

Thence North 36° 27' 15" East, 65.29 feet;

Thence South 53° 36' 36" East, 160.13 feet;

Thence South 00° 02' 00" East, 375.54 feet to here-in-after described Point "A";

Thence continuing South 00° 02' 00" East, 543.76 feet to the northerly right-of-way line of Herman's Road;

Thence North 88° 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° 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° 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° 09' 40" West;

Thence southwesterly along said curve concave to the northwest having a central angle of 16° 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° 12′ 41″ West;

Thence southwesterly, westerly and northwesterly along said curve concave to the north having a central angle of 115° 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° 19' 40" East;

Thence northwesterly along said curve concave to the east, having a central angle of 30° 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° 42' 09" West;

Thence northeasterly along said curve concave to the northwest, having a central angle of 07° 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° 37′ 43″ East;

Thence northeasterly along said curve concave to the southeast having a central angle of 53° 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° 29' 04" West;

Exhibit "B"

Thence northeasterly along said curve concave to the northwest having a central angle of 40° 08′ 52″ a radius of 205.09 feet and an arc length of 143.70 feet;

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;

Exhibit "B"

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;

Thence southeasterly along said curve concave to the northeast having a central angle of 87° 58' 20" a radius of 18.00 feet and an arc length of 27.64 feet to a point of tangency;

Thence South 88° 00' 20" East, 646.02 feet;

Thence South 00° 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).