

Unofficial Document



93-0664349

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When recorded return to:

Clare H. Abel, Esq.
Burch & Cracchiolo, P.A.
P. O. Box 16882
Phoenix, Arizona 85011

(5)

**SIXTH DECLARATION OF ANNEXATION
TO THE
THIRD AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR SAN MARCOS COUNTRY CLUB ESTATES**

This Sixth Declaration of Annexation of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for San Marcos Country Club Estates is made this 26TH day of JULY, 1995, by SAN MARCOS COUNTRY CLUB ESTATES HOMEOWNERS' ASSOCIATION, an Arizona non-profit corporation, hereinafter referred to as "Association."

WHEREAS, the Third Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for San Marcos Country Club Estates was recorded on September 30, 1993, at Instrument No. 93 0664349, Official Records of Maricopa County, Arizona; and,

WHEREAS, the Association is the owner of all of the real property described in Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter "Annexation Property"); and,

WHEREAS, the Association acquired the Annexation Property in an exchange of real property with the City of Chandler in order to adjust certain boundaries of the Common Area and the public right-of-way;

NOW, THEREFORE, the Sixth Declaration of Annexation is adopted as follows:

Pursuant to Article XIV, of the Declaration, the Association does submit the Annexation Property, including the improvements to be constructed thereon, and all easements, rights and appurtenances belonging thereto, all of which hereafter may be included in the "Property" or "Covered Property," to the Declaration and said Association does hereby further declare that all of such Property shall be held, conveyed, hypothecated,

encumbered, leased, rented, used, occupied and improved, subject to the covenants, conditions and restrictions of the Declaration, all of which are declared to be in furtherance of the plan for the improvement, development and sale of said Property and are established for the purpose of enhancing and perfecting the value and desirability of said Property and every part thereof. No property other than that brought within the Covered Property by the Declaration, subsequent Declarations of Annexation and this Declaration of Annexation is deemed subject to the Declaration unless and until specifically made subject thereto as provided in the Declaration. Upon recording of this document, the Annexation Property shall hereinafter be included within the Common Area of San Marcos Country Club Estates as such is defined in the Declaration and shall be subject to the rights and restrictions contained in said Declarations, as it may be amended from time to time.

All other provisions of the Third Amended and Restated Declaration of Covenants, Conditions and Restrictions for San Marcos Country Club Estates shall remain and are the same and shall apply to the property described in this Declaration of Annexation as though fully set forth herein.

IN WITNESS WHEREOF, San Marcos Country Club Estates Homeowners' Association has caused its corporate name to be signed and its corporate seal to be affixed thereunto by the fully authorized undersigned officer this 26TH day of July, 1995.

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SAN MARCOS COUNTRY CLUB ESTATES
HOMEOWNERS ASSOCIATION, an Arizona
non-profit corporation

By:  _____

Its: PRESIDENT _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

THIS INSTRUMENT WAS ACKNOWLEDGED before me this 26th
day of July, 1995, by JOEL COOK, as
President of SAN MARCOS COUNTRY CLUB ESTATES
HOMEOWNERS' ASSOCIATION, an Arizona non-profit corporation.

Debbie Zavec
NOTARY PUBLIC

My Commission Expires:
Sept. 1, 1998

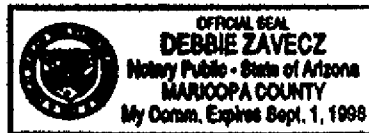


EXHIBIT "A"

That part of Lot 76 of San Marcos Fairways, a subdivision recorded in Book 20, Page 33, Maricopa County, Arizona Records and reference is made herein to Lot 13 and Half Moon Way (a private street) as shown and delineated on the plat of San Marcos Fairways Replat, a subdivision recorded in Book 122, Page 37, M.C.R.

Beginning at the Southwest corner of the said Lot 13; thence S. $88^{\circ} 55' 30''$ E. along the common lot line between the said Lot 76 and Lot 13, a distance of 6.91 feet to a point on a curve concentric with the Southeasterly right-of-way line fo the said Half Moon Way, said curve having a radius point bearing N. $59^{\circ} 42' 17''$ W. 219.41 feet; thence Southwesterly along the arc of this curve which is parallel to and 6.00 feet from the said right-of-way line a distance of 31.15 feet through $08^{\circ} 08' 03''$ of central angle to a point on the Northwesterly line of the said Lot 76, this point being on the turning radius of the private street as shown and delineated on the said San Marcos Fairways and said point having a radius point bearing S. $87^{\circ} 04' 31''$ W. 40.00 feet; thence Northerly along the arc of the said turning radius a distance of 29.37 feet through $42^{\circ} 04' 09''$ of central angle to the Northwesterly corner of the said Lot 76; thence S. $88^{\circ} 55' 30''$ E. along the North line of the said Lot 76 and along the South line of the said Lot 13 and the prolongation thereof, a distance of 15.40 feet to the point of beginning.

Note: The above described parcel contains 340 square feet or 0.0078 acres.