



OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
Dana Lewis
Electronically Recorded

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FEE NUMBER: 2024-012047

AFTER RECORDING RETURN TO:
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WINSTEAD PC
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AUSTIN, TEXAS 78701
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**FIRST AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

WESTERN CROSSING

PINAL COUNTY, ARIZONA

Declarant: FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation

Cross-reference to Declaration of Covenants, Conditions and Restrictions for Western Crossing, recorded under Fee No. 2023-070200 in the Official Records of Pinal County, Arizona, as may be amended from time to time.

**FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
WESTERN CROSSING**

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Western Crossing (this "Amendment") is made by FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation ("Declarant"), and is as follows:

RECITALS:

A. Declarant previously executed and recorded that certain Declaration of Covenants, Conditions and Restrictions for Western Crossing under Fee No. 2023-070200 in the Official Records of Pinal County, Arizona, as may be amended from time to time (the "Declaration").

B. Pursuant to *Article 9.3* of the Declaration, the Declaration may be amended by Declarant acting alone.

C. Declarant desires to amend the Declaration as set forth hereinbelow.

NOW THEREFORE, Declarant hereby amends and modifies the Declaration as follows:

1. **Property Description – Exhibit "A"**. The description of the Property attached to the Declaration as *Exhibit "A"* is hereby deleted in its entirety and is replaced with the description of the property attached hereto as Attachment 1 (the "Encumbered Property"). After giving effect to this Amendment, the term "Property", as used in the Declaration, shall mean the Encumbered Property described in Attachment 1 attached hereto.

2. **Withdrawal of Property [Tract M]**. Pursuant to *Section 11.4* of the Declaration, Declarant served notice that Declarant may, at any time and from time to time, reduce or withdraw from the Property, and remove and exclude from the burden of the Declaration and the jurisdiction of the Association, any portion of the Property. Any property previously encumbered by the Declaration, but not described in Attachment 1 attached hereto, including without limitation, the property more particularly described in Attachment 2 attached hereto (the "Withdrawn Land"), is hereby withdrawn from the Property. In accordance with *Section 11.4* of the Declaration, the Withdrawn Land is hereby withdrawn from the terms and provisions of the Declaration; and the Declaration, and the covenants, conditions, restrictions and obligations set forth therein shall no longer apply to the Withdrawn Land.

3. **Miscellaneous**. Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration. Unless expressly amended by this Amendment, all other terms and provisions of the Declaration remain in full force and effect as written, and are hereby ratified and confirmed. To the extent necessary or required to give effect to the terms and provisions of this Amendment, this Amendment shall also be construed as a

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FIRST AMENDMENT TO DECLARATION

notice of withdrawal of land pursuant to *Section 11.4* of the Declaration as it relates to the Withdrawn Land.

Executed to be effective on the date this instrument is Recorded in the Official Records of Pinal County, Arizona.

DECLARANT:

FORESTAR (USA) REAL ESTATE GROUP INC.,
a Delaware corporation



By: _____

Printed Name: Brian Konderik

Title: Division President

STATE OF Arizona

§

COUNTY OF Maricopa

§

§

This instrument was acknowledged before me this 20th day of February, 2024, by Brian Konderik, Division President of FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation, on behalf of said entity.

(SEAL)


Notary Public Signature

ATTACHMENT 1

PROPERTY DESCRIPTION

LOTS 40 THROUGH 103, INCLUSIVE, LOTS 193 THROUGH 258, INCLUSIVE, AND TRACTS A THROUGH L, INCLUSIVE, OF WESTERN CROSSINGS ONE AMENDED, ACCORDING TO THAT CERTAIN AMENDED FINAL PLAT FOR WESTERN CROSSINGS ONE AMENDED OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA, RECORDED IN FEE NUMBER 2022-117645; AND AS CORRECTED BY THAT CERTAIN AFFIDAVIT OF CORRECTION, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA, RECORDED IN FEE NUMBER 2023-008697.

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ATTACHMENT 2

WITHDRAWN LAND

January 16, 2023
Job No. 031102

**Legal Description
For
Tract M, San Carlos Irrigation District Easement**

That part of the West half of the Southeast quarter of Section 2, Township 5 South, Range 9 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona described as follows:

Commencing at the South quarter corner of said Section 2;

Thence South 89 degrees 48 minutes 40 seconds East, along the South line of said Section 2, 1317.60 feet to a point on the East line of said West half of the Southeast quarter of Section 2;

Thence North 01 degrees 23 minutes 49 seconds West, along said East line, 697.97 feet to the Northerly Right of Way State Highway 287 and the **Point of Beginning**;

Thence South 70 degrees 58 minutes 21 seconds West, along said Northerly Right of Way 52.31 feet;

Thence North 01 degrees 56 minutes 05 seconds West, 1658.28 feet;

Thence North 06 degrees 34 minutes 36 seconds West, 71.42 feet;

Thence North 25 degrees 09 minutes 11 seconds West, 68.18 feet;

Thence North 28 degrees 10 minutes 11 seconds West, 183.40 feet to a point on the North line of said Southeast quarter of Section 2;

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Thence North 89 degrees 32 minutes 17 seconds East, along said North line,
181.97 feet to a point on said East line of the West half of the Southeast quarter of
Section 2;

Thence South 01 degrees 23 minutes 49 seconds East, along said East line,
1936.67 feet to said Northerly Right of Way of State Highway 287 and the **Point
of Beginning.**

Note: The above described parcel contains 128,489 square feet or 2.9497 acres



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