

PIMA COUNTY RECORDER
 RICHARD KENNEDY, RECORDER
 PIMA COUNTY, ARIZONA
 CERTIFICATE OF RECORDING

10/11/88
 08:00:00

NO. OF PAGES: 010
 SEQUENCE: 88134867 DOCKET: 88389 PAGE: 0284
 RECORDING TYPE: AMENDED RESTRICTION
 GRANTOR: VERTANT DE SABINO L 23-26
 GRANTEE: RESTRICTION

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8389 284

DO NOT DETACH CERTIFICATE FROM DOCUMENT

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When recorded, please return to:
 Robin Eden Rash, Esq.
 Decker Companies
 7670 E. Broadway, Suite 208
 Tucson, Arizona 85710

**THIRD AMENDMENT TO THE
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
 FOR
 VENTANA DE SABINO HOMES**

THIS THIRD AMENDMENT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR VENTANA DE SABINO HOMES is made effective this September 23, 1988 by VENTANA DE SABINO HOME ASSOCIATES, an Arizona general partnership and FIDELITY NATIONAL TITLE AGENCY, INC., as Trustee under Trust No. 10,213 (hereafter collectively, "Declarant").

R E C I T A L S:

A. On March 26, 1980, Stewart Title & Trust, as Trustee under Trust No. 1754 and predecessor to Declarant, established a Declaration of Covenants, Conditions and Restrictions for Ventana De Sabino Homes, which Declaration was recorded on May 13, 1980 at Book 6278, Pages 880-898, Official Records of Pima County, Arizona.

B. On September 26, 1980, Stewart Title & Trust, as Trustee under Trust No. 1754 and predecessor to Declarant, executed an Amendment to Declaration of Covenants, Conditions & Restrictions, which Amendment was recorded on September 29, 1980 at Book 6374, Pages 291-294, Official Records of Pima County, Arizona.

C. On December 8, 1986, legal title to the real property included in the Declaration and Amendment was transferred to Fidelity National Title Agency, Inc. as Trustee under Trust No. 10,213.

D. On February 11, 1988, legal title to the real property included in the Declaration and Amendment with the exception of Lots 39, 40, 41, was transferred to Ventana de Sabino Home Associates.

E. On February 25, 1988, Declarant executed a Second Amendment and Complete Restatement of the Declaration of Covenants, Conditions and Restrictions for Ventana de Sabino Homes (the "Declaration"), which was recorded on February 29, 1988, at Docket 8232, Page 308, Official Records of Pima County, Arizona, and re-recorded to correct a scrivener's error on March 11, 1988, at Docket 8241, Page 471, Official Records of Pima County, Arizona.

F. Declarant continues to own all of the property subject to the Declaration, except Lot 12 which was conveyed to Peter R. and Patricia A. Kollar ("Kollar") on September 14, 1988 and Lot 33, which was conveyed to David and Edith Troup ("Troup") on September 1, 1988. Kollar and Troup have executed "Consents to Adoption of Third Amendment," which are annexed to this Third Amendment as Exhibit 1.

G. Declarant wishes to amend the Declaration as set forth below.

W I T N E S S E T H:

1. Exhibit C to the Declaration, which sets forth the legal descriptions of certain "Restricted Use Easements" appurtenant to certain lots, is amended to include those lots and legal descriptions according to the attached Exhibit 2.

2. Section 8.4 is amended in its entirety to read as follows:

"Section 8.4. Parking. It is the intent of this Declaration to prohibit parking of vehicles on the streets. All vehicles will be parked in garages, drives or in designated parking areas. For this reason, conversion of the garages to living quarters or any other use which would prevent the parking of vehicles will not be approved.

IN WITNESS WHEREOF, the undersigned being the Declarant herein, has hereunto set his hand this 23rd day of September, 1988.

VENTANA DE SABINO HOME ASSOCIATES,
an Arizona general partnership
BY: DECKER LAND DEVELOPERS, INC.,
an Arizona corporation, its
General Partner

By: *Randall K. Decker*
Randall K. Decker, President

FIDELITY NATIONAL TITLE AGENCY,
INC., an Arizona corporation, as
Trustee under Trust No. 10,213, and
not otherwise

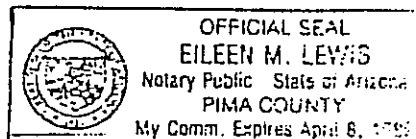
By: *Marijo Santoro*
Marijo Santoro
Assistant Trust Officer

STATE OF ARIZONA)
) ss.
County of Pima)

SUBSCRIBED AND SWORN to before me this 23rd day of September, 1988 by Randall K. Decker, President of Decker Land Developers, Inc., General Partner of Ventana de Sabino Home Associates.

Eileen M. Lewis
Notary Public

My Commission Expires:
4/8/89



STATE OF ARIZONA)
) ss:
County of Pima)

SUBSCRIBED AND SWORN TO before me this 23rd day of September, 1988
by Marijo Santoro, Asst. Trust Officer of Fidelity National Title
Agency, Inc.

Eileen M. Lewis

Notary Public

My commission expires:

4/8/89

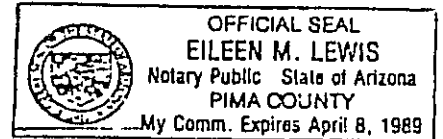


EXHIBIT 1

CONSENT TO THIRD AMENDMENT TO
DECLARATION OF CONDITIONS, COVENANTS & RESTRICTIONS
FOR VENTANA DE SABINO HOMES

We acknowledge that we have read the Third Amendment to Declaration of Conditions, Covenants & Restrictions for Ventana de Sabino Homes, dated September 23, 1988 and consent to its adoption.

Date: October 5, 1988

David Troup
David Troup

Edith Troup
Edith Troup

STATE OF ARIZONA)
) ss:
County of Pima)

SUBSCRIBED AND SWORN TO before me this 5 day of October, 1988 by David Troup and Edith Troup.

Eileen M. Lewis
Notary Public

My commission expires:
4/8/89

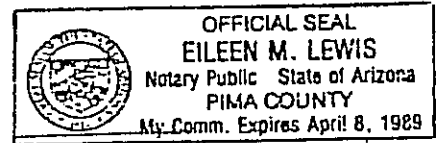


EXHIBIT 1

CONSENT TO THIRD AMENDMENT TO
DECLARATION OF CONDITIONS, COVENANTS & RESTRICTIONS
FOR VENTANA DE SABINO HOMES

We acknowledge that we have read the Third Amendment to Declaration of Conditions, Covenants & Restrictions for Ventana de Sabino Homes, dated September 23, 1988 and consent to its adoption.

Date: 10-1-88

Peter R. Kollar
Peter R. Kollar

Patricia A. Kollar
Patricia A. Kollar

STATE OF ILLINOIS)
) ss:
County of DuPage)

SUBSCRIBED AND SWORN TO before me this 1st day of October, 1988 by Peter R. Kollar and Patricia A. Kollar.

Debbie L. Salois
Notary Public

My commission expires:

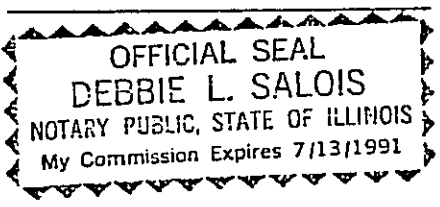


EXHIBIT 2
RESTRICTED USE EASEMENTS OVER COMMON AREA

LOT 23

ALL THAT CERTAIN PARCEL OF LAND BEING A PORTION OF COMMON AREA "A" AS SHOWN ON THE AMENDED PLAT OF VENTANA DE SABINO LOTS 1 - 86, COMMON AREAS "A", "B" (PRIVATE STREETS) AND COMMON AREA "C" (RECREATION AREA) RECORDED IN THE RECORDERS OFFICE OF PIMA COUNTY, ARIZONA IN BOOK 33 OF MAPS AND PLATS, PAGE 53. SAID PARCEL BEING PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 23 AS SHOWN ON SAID PLAT; THENCE ALONG THE EASTERLY LINE OF SAID LOT 23, SOUTH 13° 00' 00" WEST 35.33 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89° 27' 04" EAST 30.34 FEET TO THE EASTERLY LINE OF A 15 FOOT WATER EASEMENT, NOW ABANDONED AS RECORDED IN DOCKET 8311, PAGE 1570; THENCE ALONG SAID EASTERLY LINE, NORTH 16° 30' 00" EAST 28.28 FEET; THENCE NORTH 77° 00' 00" WEST 31.22 FEET TO THE POINT OF BEGINNING.

LOT 24

ALL THAT CERTAIN PARCEL OF LAND BEING A PORTION OF COMMON AREA "A" AS SHOWN ON THE AMENDED PLAT OF VENTANA DE SABINO LOTS 1 - 86, COMMON AREAS "A", "B" (PRIVATE STREETS) AND COMMON AREA "C" (RECREATION AREA) RECORDED IN THE RECORDERS OFFICE OF PIMA COUNTY, ARIZONA IN BOOK 33 OF MAPS AND PLATS, PAGE 53. SAID PARCEL BEING PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 24 AS SHOWN ON SAID PLAT; THENCE ALONG THE EASTERLY LINE OF SAID LOT 24, SOUTH 13° 00' 00" WEST 2.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 13° 00' 00" WEST 32.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24; THENCE ALONG THE PROJECTION OF THE SOUTHERLY LINE OF SAID LOT 24, SOUTH 77° 00' 00" EAST 16.22 FEET TO THE EASTERLY LINE OF A 15 FOOT WATER EASEMENT, NOW ABANDONED AS RECORDED IN DOCKET 8311, PAGE 1570; THENCE ALONG SAID EASTERLY LINE, NORTH 16° 30' 00" EAST 32.51 FEET; THENCE NORTH 77° 00' 00" WEST 18.20 FEET TO THE POINT OF BEGINNING.

LOT 25

ALL THAT CERTAIN PARCEL OF LAND BEING A PORTION OF COMMON AREA "A" AS SHOWN ON THE AMENDED PLAT OF VENTANA DE SABINO LOTS 1 - 86, COMMON AREAS "A", "B" (PRIVATE STREETS) AND COMMON AREA "C" (RECREATION AREA) RECORDED IN THE RECORDERS OFFICE OF PIMA COUNTY, ARIZONA IN BOOK 33 OF MAPS AND PLATS, PAGE 53. SAID PARCEL BEING PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 25 AS SHOWN ON SAID PLAT; THENCE ALONG THE EASTERLY LINE OF SAID LOT, SOUTH 13° 00' 00" WEST 4.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE AND THE EASTERLY LINE OF LOT 24, SOUTH 13° 00' 00" WEST 33.78 FEET; THENCE SOUTH 77° 00' 00" EAST 18.20 FEET TO THE EASTERLY LINE OF A 15 FOOT WATER EASEMENT, NOW ABANDONED AS RECORDED IN DOCKET 8311, PAGE 1570; THENCE ALONG SAID EASTERLY LINE NORTH 16° 30' 00" EAST 33.84 FEET; THENCE NORTH 77° 00' 00" WEST 20.27 FEET TO THE POINT OF BEGINNING.

LOT 26

ALL THAT CERTAIN PARCEL OF LAND BEING A PORTION OF COMMON AREA "A" AS SHOWN ON THE AMENDED PLAT OF VENTANA DE SABINO LOTS 1 -86, COMMON AREAS "A", "B"(PRIVATE STREETS) AND COMMON AREA "C" (RECREATION AREA) RECORDED IN THE RECORDERS OFFICE OF PIMA COUNTY, ARIZONA IN BOOK 33 OF MAPS AND PLATS, PAGE 53. SAID PARCEL BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 26 AS SHOWN ON SAID PLAT; THENCE ALONG THE EASTERLY LINE THEREOF SOUTH 13° 00' 00" WEST, 40.54 FEET TO THE SOUTHEAST CORNER OF SAID LOT 26; THENCE SOUTH 77° 00' 00" EAST 8.00 FEET TO THE NORTHEAST CORNER OF LOT 25; THENCE ALONG THE EAST LINE OF SAID LOT 25 SOUTH 13° 00' 00" WEST 4.43 FEET; THENCE SOUTH 77° 00' 00" EAST 20.27 FEET TO THE EASTERLY LINE OF A 15 FOOT WATER EASEMENT, NOW ABANDONED AS RECORDED IN DOCKET 8311, PAGE 1570; THENCE ALONG SAID EASTERLY LINE NORTH 16° 30' 00" EAST 40.18 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ENTRADA DE VENTANA, SAID POINT BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH, A RADIAL LINE THROUGH SAID POINT HAVING A RADIAL BEARING OF NORTH 25° 29' 34" EAST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 287.09 FEET AND A CENTRAL ANGLE OF 05° 48' 57" FOR AN ARC DISTANCE OF 29.14 FEET TO THE POINT OF BEGINNING.

THE RESTRICTED USE EASEMENT FOR LOT 26 IS SUBJECT TO THE UTILITY EASEMENT DESCRIBED BELOW. NO PERMANENT IMPROVEMENTS, EXCEPT A PATIO WALL, MAY BE BUILT OVER THE UTILITY EASEMENT PORTION:

EXCEPTING THEREFROM A 4 FOOT WIDE UTILITY EASEMENT AS SHOWN ON SAID PLAT, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 26 AS SHOWN ON SAID PLAT; THENCE ALONG THE EASTERLY LINE THEREOF SOUTH 13° 00' 00" WEST 4.03 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF NORTH 19° 48' 18" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 283.09 FEET AND A CENTRAL ANGLE OF 05° 50' 57" FOR AN ARC DISTANCE OF 28.90 FEET TO THE EASTERLY LINE OF A 15 FOOT WATER EASEMENT, NOW ABANDONED AS RECORDED IN DOCKET 8311, PAGE 1570; THENCE ALONG SAID EASTERLY LINE NORTH 16° 30' 00" EAST 4.02 FEET TO THE SOUTHERLY LINE OF ENTRADA DE VENTANA, SAID POINT BEING ON THE ARC OF A NON TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF NORTH 25° 29' 34" EAST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 287.09 FEET AND A CENTRAL ANGLE OF 05° 48' 57" FOR AN ARC LENGTH OF 29.14 FEET TO THE POINT OF BEGINNING.

EXHIBIT 2
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