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Eric Gruber
Cheney-Hope Partnership
9830 N. 32nd St., Suite B 200
Phoenix, Az. 85028

RECORDED IN OFFICIAL RECORDS
OF MARICOPA COUNTY, ARIZONA
JUN 03 1987 -4 00
KEITH POLETIS, County Recorder
FEE 16.00 PGS 11 C.W.

THE THIRD
SUPPLEMENTAL DECLARATION

TO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
ESTABLISHING AND GOVERNING
THE CENTER COURT, SCOTTSDALE

THIS SUPPLEMENTAL DECLARATION is made and entered into pursuant to that certain Declaration of Horizontal Property Regime and Declaration of Covenants and Restrictions establishing and governing The Center Court, Scottsdale, which Declaration was recorded on the 16th day of January, 1984, in Official Record No. 84-019865 in the Office of the County Recorder of Maricopa County, Arizona, by The Center Court, Scottsdale, an Arizona Joint Venture, by the Successor Declarant, CHENEY-HOPE PARTNERSHIP, an Arizona general partnership.

R E C I T A L S :

Declarant, CHENEY-HOPE PARTNERSHIP, an Arizona partnership, is the successor declarant to The Center Court, Scottsdale, an Arizona Joint Venture, and is the fee title owner of that certain real property situated in the City of Scottsdale, County of Maricopa, State of Arizona, which real property is more particularly described in Exhibit "A" attached hereto, and by this reference incorporated herein as though fully set forth (hereinafter referred to as the "Annexed Parcel"); and

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The above referenced Declaration of Horizontal Property Regime and Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as the "Declaration") provides in Article XIV thereof that the declarant may, at any time, within seven (7) years from the latter of (1) the date the Declaration was originally recorded or (2) the date of the recordation of the Supplement Declaration annexing the most recent phase of the property, if recorded within seven (7) years from the date the Declaration was originally recorded, annex all or any portion of the real property described in Exhibit "B" to the Declaration by recording a legal description of such additional parcel or portion thereof (hereinafter referred to as the "Additional Parcel") within a Supplemental Declaration incorporating by reference all of the restrictions and other provisions of the Declaration and reallocating by a complete restatement the percentage interest in the Common Elements for the then total number of condominium units within the property based upon proportionate floor space; and

The Declaration was originally recorded on the 16th day of January, 1984; a supplemental Declaration has earlier been recorded on February 28, 1984 in Recorder's No. 84 079376; an Amendment to the Declaration has earlier been recorded on October 10, 1984 in Recorder's No. 84-440830; a second Supplemental Declaration has earlier been recorded on June 16, 1986 in Recorder's No. 86 301084, an amended plat has earlier been recorded on June 1, 1987 in Book 311 of Maps, page 17, records of the Maricopa County Recorder; that the Declarant desires and intends to annex the annexed parcel to the Declaration as Amended and to the Supplemental Declarations to the property, as that latter term is defined and set forth in the Declaration of Horizontal Property Regime established pursuant thereto and the annexed parcel as part

the annexed parcel as part of the additional parcel as that term is defined and set forth herein and in the Declaration and Supplemental Declaration;

NOW, THEREFORE, Declarant as present owner of all of the annexed parcel, for the purposes above set forth, and pursuant to the terms, conditions, and provisions of Article XIV of the Declaration, declares as follows:

1. Effective upon the date of recordation of this Supplemental Declaration with the office of the Maricopa County Recorder, the annexed parcel as described as set forth in Exhibit "A" attached hereto and incorporated herein, is hereby submitted to the Declaration as Phases V, VI and VII of the property, and shall be subject to all of the terms, conditions and provisions of the Declaration, as amended, as more particularly set forth and described therein and as amended thereafter, subject to the following stipulations and conditions as hereinafter set forth. Accordingly, the owners, occupants, mortgagees, beneficiaries and trustees under the mortgages or deeds of trust, as the case may be, and all other persons hereafter acquiring any interest in the annexed parcel shall at all times enjoy the benefits of, and shall hold their interests subject to, the Declaration and the rights, easements, privileges and restrictions set forth therein.

2. The buildings, as that term is defined and set forth in the Declaration, which encompass a part of the property or condominium project, are hereby designated upon the plat recorded with the Declaration to contain the condominium units as shown below:

<u>BUILDING</u>	<u>CONDOMINIUM UNITS</u>
A	101, 201, 301, 102, 202, 302, 103, 203, 303, 104, 204, 304, 105, 205, 305, 106, 206, 306, 107, 207, 307

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B	108, 208, 308, 109, 209, 309 110, 210, 310, 111, 211, 311, 112, 212, 312, 113, 213, 313
C	114, 214, 314, 115, 215, 315, 116, 216, 316, 117, 217, 317
D	118, 218, 318, 119, 219, 319, 120, 220, 320, 121, 221, 321
E	126, 226, 326, 127, 227, 327, 128, 228, 328, 129, 229, 329, 130, 230, 330, 131, 231, 331
F	122, 222, 322, 123, 223, 323, 124, 224, 324, 125, 225, 325
G	132, 232, 332, 133, 233, 333, 134, 234, 334, 135, 235, 335, 136, 236, 336, 137, 237, 337
H	138, 238, 338, 139, 239, 339, 140, 240, 340, 141, 241, 341, 142, 242, 342
I	143, 243, 343, 144, 244, 344, 145, 245, 345, 146, 246, 346
J	147, 247, 347, 148, 248, 348, 149, 249, 349, 150, 250, 350, 151, 251, 351, 152, 252, 352, 153, 253, 353
K	154, 254, 354, 155, 255, 355, 156, 256, 356, 157, 257, 357, 158, 258, 358, 159, 259, 359
L	160, 260, 360, 161, 261, 361, 162, 262, 362, 163, 263, 363
M	164, 264, 364, 165, 265, 365, 166, 266, 366, 167, 267, 367

3. The amended plat evidencing the survey of the annexed parcel submitted to the Declaration by and pursuant to this Supplemental Declaration was recorded on June 1, 1987 in Book 311 of Maps, at Page 17 in the office of the Maricopa County Recorder, Arizona as The Center Court, Scottsdale Amended.

4. The designation of the percentage interest which each condominium unit bears to the Horizontal Property Regime, which percentage interest is based on proportionate floor space and which percentage interest shall constitute the percentage interest of each owner in the Common Elements is, as a result of the recordation of this Supplemental Declaration, restated and set forth in Exhibit "B" attached hereto, and by this reference incorporated herein as though fully set forth.

5. Pursuant to the recordation of this Supplemental Declaration, the property shall be comprised of a total of Two Hundred One (201) condominium units designated or intended to independent use as dwelling units.

6. The voting rights and assessment obligations of an owner shall, notwithstanding the recordation of this Supplemental Declaration, remain unchanged since the Declaration provides that there shall be one (1) vote for each owner of a condominium unit which is designated or intended for independent use as a dwelling unit, and since the Declaration further provides that assessments shall be uniform for condominium units designated or intended for independent use as dwelling units; to be determined by a fraction, the numerator of which is 1 and the denominator of which is the then aggregate number of such condominium units in the property.

7. In all other respects, except as amended hereto to facilitate the incorporation of the annexed parcel in the property and the Declaration as hereinabove set forth, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Supplemental Declaration to be executed in its behalf on this 2nd day of June, 1987.

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CHENEY-HOPE PARTNERSHIP, an Arizona
general partnership,

By *Roger N. Cheney*
Roger N. Cheney

By *Robert J. Hope*
Robert J. Hope

STATE OF ARIZONA)
) SS:
County of Maricopa)

On this the 2nd day of June, 1987, before me the undersigned Notary Public, personally appeared ROGER N. CHENEY and ROBERT J. HOPE, known to me to be the persons whose names are subscribed to the within instruction and acknowledged to me that they executed said document for the purposes therein contained.

Marilyn Predmore
Notary Public

My Commission Expires:

Jan. 14, 1989

LEGAL DESCRIPTION FOR CENTER COURT, PHASE V

BEGINNING at the South quarter corner of Section 26, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

thence North $89^{\circ}41'50''$ West, along the South line of said Section 26, also being the monument line of Thomas Road a distance of 1,312.74 feet to the intersection of said South section line with the monument line of 74th Street;

thence North, along the monument line of 74th Street, a distance of 562.53 feet;

thence North $89^{\circ}46'30''$ East, a distance of 40.00 feet to the East right of way line of 74th Street;

thence North $00^{\circ}00'00''$ West, a distance of 430.16 feet;

thence North $89^{\circ}48'51''$ East, a distance of 126.50 feet;

thence South $00^{\circ}00'30''$ West, a distance of 6.00 feet;

thence North $89^{\circ}48'51''$ East, a distance of 15.50 feet;

thence South $00^{\circ}11'09''$ East, a distance of 0.31 feet;

thence South $59^{\circ}06'30''$ East, a distance of 111.08 feet;

thence North $89^{\circ}46'30''$ East, a distance of 11.17 feet to the

TRUE POINT OF BEGINNING;

thence North $00^{\circ}00'30''$ East, a distance of 97.23 feet;

thence North $89^{\circ}46'30''$ East, a distance of 137.59 feet;

thence South $00^{\circ}13'30''$ East, a distance of 14.00 feet;

thence North $89^{\circ}46'30''$ East, a distance of 224.36 feet;

thence South $00^{\circ}00'30''$ West, a distance of 73.46 feet;

thence South $89^{\circ}46'30''$ West, a distance of 30.03 feet;

thence South $89^{\circ}46'30''$ West, a distance of 8.49 feet to the

beginning of a curve concave to the Northwest and having a radius

of 2.06 feet;

thence Southwesterly along the arc of said curve, a distance

of 3.23 feet through a central angle of $90^{\circ}00'00''$;

thence South $89^{\circ}46'30''$ West, a distance of 283.59 feet;

thence North $60^{\circ}13'30''$ West, a distance of 35.32 feet;

thence South $29^{\circ}46'30''$ West, a distance of 12.00 feet;

thence South $60^{\circ}13'30''$ East, a distance of 8.00 feet to the

beginning of a curve concave to the West and having a radius of 1.34

feet;

thence Southerly along the arc of said curve, a distance of

3.51 feet through a central angle of $150^{\circ}00'00''$;

thence South $89^{\circ}46'30''$ West, a distance of 16.04 feet to the

TRUE POINT OF BEGINNING.

Said parcel contains 31,697.46 square feet or 0.7277 acres more or less..

Exhibit A (cont.)

LEGAL DESCRIPTION FOR CENTER COURT, PHASE VI 87 351772

BEGINNING at the South quarter corner of Section 26, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

thence North 89°41'50" West, along the South line of said Section 26, also being the monument line of Thomas Road a distance of 1,312.74 feet to the intersection of said South section line with the monument line of 74th Street;

thence North, along the monument line of 74th Street, a distance of 562.53 feet;

thence North 89°46'30" East, a distance of 40.00 feet to the East right of way line of 74th Street;

thence North 00°00'00" West, a distance of 430.16 feet;

thence North 89°48'51" East, a distance of 126.50 feet to the

TRUE POINT OF BEGINNING;

thence North 00°00'30" East, a distance of 60.02 feet;

thence South 89°59'30" East, a distance of 22.00 feet;

thence North 00°00'30" East, a distance of 8.89 feet;

thence South 89°59'30" East, a distance of 60.00 feet;

thence North 00°00'30" East, a distance of 5.81 feet;

thence South 89°59'30" East, a distance of 40.00 feet;

thence North 00°00'30" East, a distance of 137.28 feet;

thence North 89°46'30" East, a distance of 158.00 feet;

thence South 00°00'30" West, a distance of 33.06 feet;

thence South 89°51'05" West, a distance of 21.00 feet;

thence South 00°13'30" East, a distance of 144.97 feet;

thence South 89°46'30" West, a distance of 137.59 feet;

thence South 00°00'30" West, a distance of 97.23 feet;

thence South 89°46'30" West, a distance of 11.17 feet;

thence North 59°06'30" West, a distance of 111.08 feet;

thence North 00°11'09" West, a distance of 0.31 feet;

thence South 89°48'51" West, a distance of 15.50 feet;

thence North 00°00'30" East, a distance of 6.00 feet to the

TRUE POINT OF BEGINNING.

Said parcel contains 37,680.29 square feet or 0.8650 acres more or less.

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LEGAL DESCRIPTION FOR CENTER COURT, PHASE VII 87 351772

BEGINNING at the South quarter corner of Section 26, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

thence North 89°41'50" West, along the South line of said Section 26, also being the monument line of Thomas Road a distance of 1,312.74 feet to the intersection of said South section line with the monument line of 74th Street;

thence North, along the monument line of 74th Street, a distance of 562.53 feet;

thence North 89°46'30" East, a distance of 40.00 feet to the East right of way line of 74th Street;

thence North 00°00'00" West, a distance of 430.16 feet;

thence North 89°48'51" East, a distance of 126.50 feet;

thence North 00°00'30" East, a distance of 60.02 feet to the

TRUE POINT OF BEGINNING;

thence North 00°00'30" East, a distance of 230.80 feet;

thence North 89°51'05" East, a distance of 280.00 feet;

thence South 00°00'30" West, a distance of 78.94 feet;

thence South 89°46'30" West, a distance of 158.00 feet;

thence South 00°00'30" West, a distance of 137.28 feet;

thence North 89°59'30" West, a distance of 40.00 feet;

thence South 00°00'30" West, a distance of 5.81 feet;

thence North 89°59'30" West, a distance of 60.00 feet;

thence South 00°00'30" West, a distance of 8.89 feet;

thence North 89°59'30" West, a distance of 22.00 feet to the

TRUE POINT OF BEGINNING.

Said parcel contains 39,545.68 square feet or 0.9078 acres more or less.

EXHIBIT B

<u>UNITS</u>	<u>PERCENTAGE INTEREST IN COMMON ELEMENTS</u>
106, 206, 306, 107, 207, 307, 122, 222, 322, 123, 223, 323, 124, 224, 324, 125, 225, 325, 132, 232, 332, 133, 233, 333, 134, 234, 334, 135, 235, 335	.37395 % each
101, 201, 301, 102, 202, 302, 103, 203, 303, 104, 204, 304, 108, 208, 308, 109, 209, 309, 110, 210, 310, 111, 211, 311, 112, 212, 312, 113, 213, 313, 114, 214, 314, 115, 215, 315, 116, 216, 316, 117, 217, 317, 118, 218, 318, 119, 219, 319, 120, 220, 320, 121, 221, 321, 126, 226, 326, 127, 227, 327, 128, 228, 328, 129, 229, 329, 130, 230, 330, 131, 231, 331, 136, 236, 336, 137, 237, 337, 139, 239, 339, 140, 240, 340, 141, 241, 341, 142, 242, 342, 143, 243, 343, 144, 244, 344, 145, 245, 345, 146, 246, 346, 148, 248, 348, 149, 249, 349, 150, 250, 350, 151, 251, 351, 152, 252, 352, 153, 253, 353, 154, 254, 354, 155, 255, 355, 156, 256, 356, 157, 257, 357, 158, 258, 358, 159, 259, 359, 160, 260, 360, 161, 261, 361,	.51755 % each

EXHIBIT B (Cont.)

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PERCENTAGE INTEREST
IN COMMON ELEMENTS (Cont.)

UNITS (Cont.)
162, 262, 362, 163, 263, 363,
164, 264, 364, 165, 265, 365,
166, 266, 366, 167, 267, 367,

.51755 % each

105, 205, 305, 138, 238, 338,
147, 247, 347

.54871 % each