

WHEN RECORDED RETURN TO:
The Estes Company
5210 East Williams Circle
Suite 300
Tucson, Arizona 85711

RICHARD J. KIMMEL, JR., COUNTY CLERK RECORDED IN PIMA COUNTY, ARIZONA	
FEB 20 '87-8AM	
FEE \$	8-1/2 DKT 7976 PG 429-43
REQ. Fidelity National Title Agency, Inc.	
BY	37

SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
MACALESTER PARK

The Declaration of Covenants, Conditions and Restrictions for Macalester Park (the "Declaration"), previously recorded with the County Recorder of Pima County, Arizona, on August 7, 1986 in Docket #7843, Pages 988-1008 and amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions for Macalester Park recorded November 25, 1986 in Docket 7918, Pages 238-241, in the Pima County Recorder's Office, Pima County, Arizona, is hereby further amended by this Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Macalester Park made this 19th day of February, 1987, by Fidelity National Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 50,000, only and not in its corporate capacity, (sometimes referred to as "Declarant").

W I T N E S S E T H :

WHEREAS, in accordance with Article 12, Section 12.4 of the Declaration, the Declaration may be amended by the Owners of more than ninety percent (90%) of the votes of all Lots; and

WHEREAS, Declarant owns more than ninety percent (90%) of the votes of all Lots within Macalester Park;

NOW, THEREFORE, Declarant hereby wishes to amend the Declaration as follows:

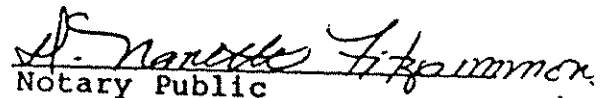
1. Article 6, Section 6.2 shall be amended to read as follows -

Section 6.2. Residential Use. All Lots are intended primarily for Single Family Residential Use. No gainful occupation, profession, trade or other nonresidential use shall be conducted on any Lot, with the exception of model homes which are constructed and maintained by Declarant. Notwithstanding anything herein to the contrary, any Lot owned by Declarant upon which a model home has been constructed shall be permitted for continued use as a model home for as long as Declarant owns the Lot. All Lots, other than Lots owned by Declarant and used as model homes, shall be used, improved and devoted exclusively to Single Family Residential Use. Nothing herein shall be deemed to

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE AGENCY,
INC., as Trustee, has hereunto caused its name to be signed by
the signature of its duly authorized official as of this 19th day
of February, 1987.

By: [Signature]
Its: Asst. Vice President and
Senior Trust Officer

The foregoing instrument was acknowledged before me this
19th day of February, 1987, by Kevin French as Asst.
Vice President & Senior Trust Officer of FIDELITY NATIONAL TITLE AGENCY,
INC., an Arizona corporation, being authorized so to do on behalf
of the corporation.



July 29, 1990

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

04
08

NO. OF PAGES: 005
SEQUENCE: 87065288 DOCKET: 08020 PAGE: 1020
RECORDING TYPE: EASEMENT
GRANTOR: FIDELITY NATIONAL TITLE 50000
GRANTEE: MACALESTER PARK HOMEOWNERS ASS N +

TFNTI
FIDELITY NATIONAL TITLE

4903 E BROADWAY
TUCSON AZ 85711
602-790-0033

5 PAGES AT
CONVERSION FEE
0 AFFIDAVIT AT 2.00 EACH
0 COPIES AT 1.00 EACH
0 POSTAGE AT 1.00 EACH
0 SEARCHES AT 10.00 EACH

TOTAL

JEB
DEPUTY RECORDER

2012 REC3 AMOUNT PAID \$
AMOUNT DUE \$

EASEMENT AGREEMENT

~~KNOWN-ALL-MEN-BY-THOSE-PRESENTS:~~ FIDELITY NATIONAL TITLE AGENCY, INC.

an ARIZONA CORPORATION, as TRUSTEE UNDER TRUST NO. 50,000, as TRUSTEE ONLY and

NOT IN ITS CORPORATE CAPACITY

hereinafter

called grantor, does by these presents hereby grant unto Macalester Park Homeowners Association an easement for the purpose of the installation and maintenance of a subdivision entrance wall and landscaping. The location of this easement shall be:

EXHIBIT "A"

October 23, 1986
W.O. No. 3322-09939
:L3.78

SUBDIVISION ENTRANCE WALL AND LANDSCAPE EASEMENT MACALESTER PARK LOT 1

An easement for the construction and maintenance of a subdivision entrance wall and landscaping over, under, across and upon a portion of Lot 1 in Macalester Park, Lots 1 thru 142 and Common Area "A", a subdivision of record on file in the office of the Pima County, Arizona Recorder in Book 39 of Maps and Plats at Page 97, more particularly described as follows:

Commencing at the northwesterly most corner of said Lot 1, run thence N.89°55'31"E., along the northerly line of said Lot 1, a distance of 39.05 feet to a point of curvature;

Thence Southeasterly, along said northerly line, around a curve to the right whose radius is 25.00 feet, through a central angle of 18°19'11" and an arc distance of 7.99 feet to THE TRUE POINT OF BEGINNING;

Thence continue Southeasterly, around said curve to the right, through a central angle of 63°57'41" and an arc distance of 27.91 feet;

Thence S.89°55'31"W. a distance of 2.77 feet;

Thence N.45°04'29"W. a distance of 20.00 feet;

Thence N.00°04'29"W. a distance of 6.23 feet to THE TRUE POINT OF BEGINNING.

Prepared by Greiner Engineering Sciences, Inc.

8020 1021

Greiner

Greiner Engineering Sciences, Inc.
555 East River Road, Suite 100
Tucson, Arizona 85704
(602) 887-1800

A Greiner Engineering, Inc. Company

EXHIBIT "C"

October 13, 1986
W.O. No. 3322-09939
:L3.78/3
Revision March 25, 1987

SIGN AND LANDSCAPE EASEMENT MACALESTER PARK LOT 104

An easement for the construction and maintenance of a subdivision name sign and landscaping over, under, across and upon a portion of Lot 104 in Macalester Park, Lots 1 thru 142 and Common Area "A", a subdivision of record on file in the office of the Pima County, Arizona Recorder in Book 39 of Maps and Plats at Page 97, more particularly described as follows:

Commencing at the northeasterly most corner of said Lot 104, run thence S.00°04'29"E., along the easterly line of said Lot 104, a distance of 35.00 feet to a point of curvature and THE TRUE POINT OF BEGINNING;

Thence Southwesterly, along said easterly line, around a curve to the right whose radius is 25.00 feet, through a central angle of 90°00'00" and an arc distance of 39.27 feet;

Thence N.00°04'29"W. distance of 7.58 feet;

Thence S.88°33'45"E. a distance of 7.90 feet;

Thence N.42°43'02"E. a distance of 20.62 feet;

Thence N.00°11'00"W. a distance of 2.50 feet;

Thence N.89°55'31"E. a distance of 3.10 feet to THE TRUE POINT OF BEGINNING.

Prepared by Greiner Engineering Sciences, Inc.

8020 1022

EXHIBIT "D"

October 14, 1986
W.O. No. 3322-09939
:L3.78/4
Revised March 25, 1987

SIGN AND LANDSCAPE EASEMENT
MACALESTER PARK
LOT 129

An easement for the construction and maintenance of a subdivision name sign and landscaping over, under, across and upon a portion of Lot 129 in Macalester Park, Lots 1 thru 142 and Common Area "A", a subdivision of record on file in the office of the Pima County, Arizona Recorder in Book 39 of Maps and Plats at Page 97, more particularly described as follows:

Commencing at the southeasterly most corner of said Lot 129, run thence N.00°04'29"W., along the easterly line of said Lot 129, a distance of 35.00 feet to a point of curvature and THE TRUE POINT OF BEGINNING;

Thence Northwesterly, along said easterly line, around a curve to the left whose radius is 25.00 feet, through a central angle of 90°00'00" and an arc distance of 39.27 feet to a point of tangency;

Thence S.89°55'31"W., along the northerly line of said Lot 129, a distance of 3.51 feet;

Thence S.00°04'29"E. distance of 9.66 feet;

Thence N.89°26'06"E. a distance of 12.53 feet;

Thence S.39°58'11"E. a distance of 20.13 feet;

Thence N.89°55'31"E. a distance of 3.08 feet to THE TRUE POINT OF BEGINNING.

Prepared by Greiner Engineering Sciences, Inc.

8020 1023

Greiner

Greiner Engineering Sciences, Inc.
555 East River Road, Suite 100
Tucson, Arizona 85704
(602) 887-1800

A Greiner Engineering, Inc. Company

EXHIBIT "B"

October 14, 1986
W.O. No. 3322-09939
:L3.78/2
Revision March 25, 1987

SIGN AND LANDSCAPE EASEMENT MACALESTER PARK LOT 142

An easement for the construction and maintenance of a subdivision name sign and landscaping over, under, across and upon a portion of Lot 142 in Macalester Park, Lots 1 thru 142 and Common Area "A", a subdivision of record on file in the office of the Pima County, Arizona Recorder in Book 39 of Maps and Plats at Page 97, more particularly described as follows:

Commencing at the northeasterly most corner of said Lot 142, run thence S.00°04'29"E., along the easterly line of said Lot 142, a distance of 34.65 feet to THE TRUE POINT OF BEGINNING;

Thence continue S.00°04'29"E., along said easterly line, a distance of 0.35 feet to a point of curvature;

Thence Southwesterly, along said easterly line, around a curve to the right whose radius is 25.00 feet, through a central angle of 70°41'39" and an arc distance of 30.85 feet;

Thence N.00°04'29"W. distance of 9.46 feet;

Thence N.43°18'20"E. a distance of 19.93 feet;

Thence N.89°55'31"E. a distance of 3.05 feet to THE TRUE POINT OF BEGINNING.

Prepared by Greiner Engineering Sciences, Inc.

8020 1024

MIKE BOYD, RECORDER
PIMA COUNTY, ARIZONA
CERTIFICATE OF RECORDING

12/28/89
12:36:00

W
MACALESTER PARK HOMEOWNERS
PO BOX 18065

TUCSON

AZ 85731

34 PAGES	AT		\$ 33.00
CONVERSION FEE			3.00
0 AFFIDAVIT	AT	2.00 EACH	.00
0 COPIES	AT	1.00 EACH	.00
0 POSTAGE	AT	1.00 EACH	.00
0 SEARCHES	AT	10.00 EACH	.00

NO. OF PAGES: 034
SEQUENCE: 89160577
DOCKET: 08693 PAGE: 2042

RECORDING TYPE: AMENDED RESTRICTION
GRANTOR: MACALESTER PARK 1-142
GRANTEE: RESTRICTION

TOTAL 36.00

CEO
DEPUTY RECORDER

2005 APC2 AMOUNT PAID \$ 36.00
AMOUNT DUE \$.00

ENVELOPE

THE ABOVE SPACE FOR RECORDERS USE ONLY
TO BE RECORDED AS PART OF DOCUMENT

DO NOT DETACH CERTIFICATE FROM DOCUMENT

8693 2042

AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF MACALESTER PARK

WHEREAS, a Declaration of Covenants, Conditions and Restrictions of Macalester Park was recorded by FIDELITY NATIONAL TITLE AGENCY, INC., an Arizona Corporation as Trustee under Trust No. 50,000, referred to in the Declaration as "Declarant"; and

WHEREAS, such Declaration was recorded in the office of the County Recorder of Pima County, Tucson, Arizona, in Docket 7843, at pages 988 through 1008; and

WHEREAS, pursuant to Article XII, Section 12.4 at least ninety percent (90%) of the Lot owners have indicated in writing, their desire to amend such Declaration.

NOW, THEREFORE, such Declaration shall be amended as follows:

1. Article VI, Section 6.14, "Signs," shall be deleted and the following amendment shall be substituted:

Section 6.14. Signs.

No advertising signs, commercial and/or political signs or billboards shall be erected, placed or permitted to remain on the property except signs which are required to be posted pursuant to legal proceedings or as approved by the Association. However, each Owner shall be entitled to place, in his/her front yard of the property, one (1) post mounted real estate sign, standard size used in the real estate industry, approximately 18" X 24" inches, which sign states the property is being offered for sale or lease. All signs must be professionally designed and constructed.

WHEN RECORDED RETURN TO:
MACALESTER PARK HOMEOWNERS ASSOCIATION
P. O. BOX 18065
TUCSON, AZ 85731

8693 2043

MIKE BOYD, RECORDER
PIMA COUNTY, ARIZONA
CERTIFICATE OF RECORDING

10/17/90
14:14:00

W
MACALESTER PARK HOMEOWNERS
PO BOX 18065

TUCSON

AZ 85731

37 PAGES	AT		\$ 36.00
CONVERSION FEE			3.00
0 AFFIDAVIT	AT	2.00 EACH	.00
0 COPIES	AT	1.00 EACH	.00
0 POSTAGE	AT	1.00 EACH	.00
0 SEARCHES	AT	10.00 EACH	.00

NO. OF PAGES: 037
SEQUENCE: 90126794
DOCKET: 08895 PAGE: 0982

RECORDING TYPE: AMENDED RESTRICTION
GRANTOR: MACALESTER PARK
GRANTEE: RESTRICTION

TOTAL 39.00

OKG
DEPUTY RECORDER

2077 RD13 AMOUNT PAID \$ 39.00
AMOUNT DUE \$.00

ENVELOPE

THE ABOVE SPACE FOR RECORDERS USE ONLY
TO BE RECORDED AS PART OF DOCUMENT

DO NOT DETACH CERTIFICATE FROM DOCUMENT.

8895

982

AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF MACALESTER PARK

WHEREAS, a Declaration of Covenants, Conditions and Restrictions of Macalester Park was recorded by FIDELITY NATIONAL TITLE AGENCY, INC., an Arizona Corporation as Trustee under Trust No. 50,000, referred to in the Declaration as "Declarant"; and

WHEREAS, such Declaration was recorded in the office of the County Recorder of Pima County, Tucson, Arizona, in Docket 7843, at pages 988 through 1008; and

WHEREAS, pursuant to Article XII, Section 12.4 at least ninety percent (90%) of the Lot owners have indicated in writing, their desire to amend such Declaration.

NOW, THEREFORE, such Declaration shall be amended as follows:

1. Article XII, Section 12.4, "Amendment by Owners", shall be deleted and the following amendment shall be substituted.

Section 12.4. Amendment by Owners.

This Declaration may be amended by the vote or written consent of seventy-five percent (75%) of the Members. Any Amendment shall be effective upon the recordation in the Office of Pima County Recorder of a written instrument executed by the President and Secretary of the Association which sets for the the terms of such amendment.