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When recorded return to:  
Mark A. Heiser, Secretary  
Mesa Vista Property Owners Association  
1829 Boulder Creek Way  
Fort Mohave, Arizona 86424

## SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("First Amendment") is made effective this 2nd day of August, 2005, by THE ROSSBERG FAMILY TRUST, UAD July 22, 1992 (the "Trust").

### I. Recitals

- 1.1 The Trust is the owner of certain real property located in Mohave County, Arizona, more particularly described on Exhibit "1" attached hereto and by this reference incorporated herein ("Parcel A").
- 1.2 Parcel A is subject to that Declaration of Easements, Covenants, Conditions and Restrictions, dated April 8, 2004, as recorded April 26 2004, in Document 2005043532, Bk 5563, Pg 758, records of Mohave County, Arizona, as amended (the "Declaration").
- 1.3 For purposes of marketing the Property within the Subdivision, and because no other person or entity owns any of the Property within the Subdivision, the Trust has conveyed all Lots within the Subdivision to a California corporation known as BELL TOWER DEVELOPMENT CORPORATION (the "Corporation") by Quit Claim Deed of even date herewith and which was recorded August 2, 2005, in Document 2005084180, Bk 5752, Pg 740, records of Mohave County, Arizona.
- 1.4 The Trust further desires to assign all rights, duties and obligations of the Trust as the Declarants under the Declaration to the Corporation.
- 1.5 Because the Association has now been created, the Trust will convey to the Association by Quit Claim Deed the Common Areas as described in the Declarations and as depicted on the Subdivision Plat.

### II. Terms and Conditions

NOW, THEREFORE, the Trust declares as follows:

- 2.1 Assignment of Declarant. All references to the Declarants in the Declaration and Amendments thereto shall hereinafter mean the Corporation as set forth in the Assignment and Acceptance more particularly described on Exhibit "2" attached hereto and by this reference incorporated herein.

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2.2 **Conflict.** In the event of any conflict between the terms and provisions of this Second Amendment and the Declaration or the First Amendment, the terms and provisions of this Second Amendment shall govern and control. Except as otherwise provided in this Second Amendment to the contrary, the terms and provisions of the Declaration and the First Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment on the day and year first set forth above.

DECLARANTE

THE ROSSBERG FAMILY TRUST, UAD  
July 21, 1992

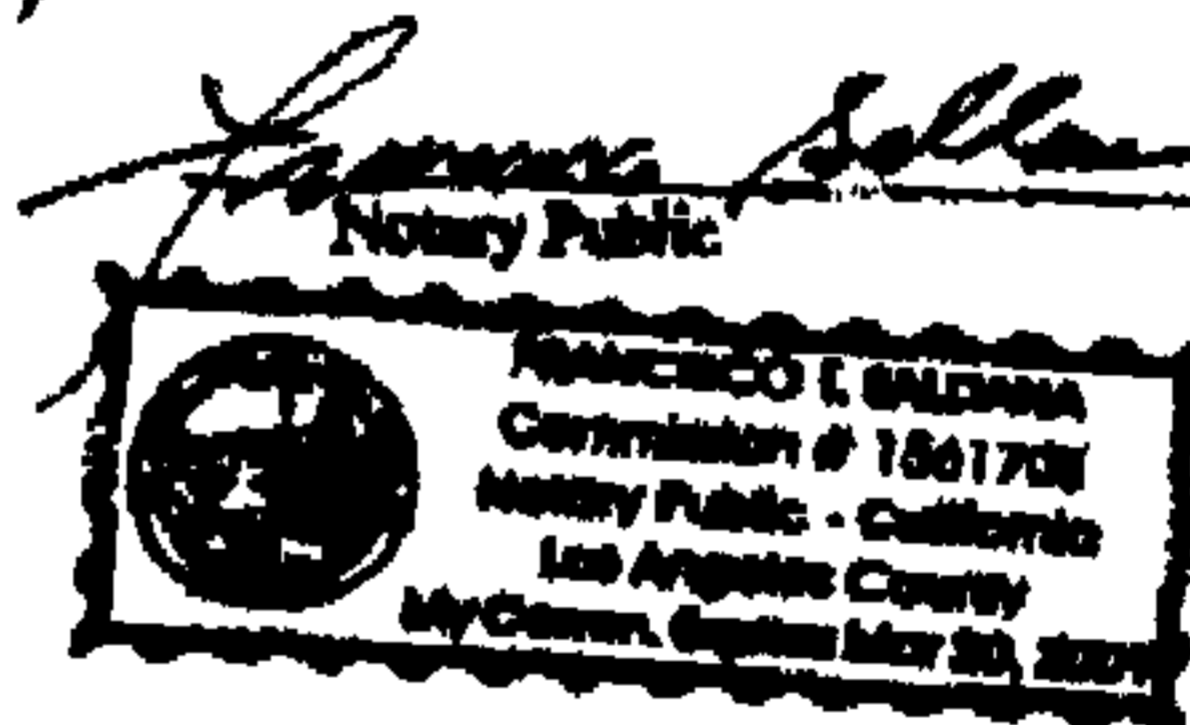
By: [Signature]  
In: Rossberg Family Trust  
Date: 7/21/92

STATE OF ARIZONA )  
County of Mohave )

The foregoing instrument was acknowledged before me this 23 day of August, 2005, by Robert Rossberg, Co-Trustee of THE ROSSBERG FAMILY TRUST.

My Commission Expires:

3-20-09



**EXHIBIT "1"**

**Parcel A**

Lots 1 through 131, inclusive, of MESA VISTA, TRACT NO. 4169, according to the plat thereof recorded March 17, 2005, at Fee No. 2005-27033 in the office of the recorder of Mohave

County, Arizona, and Affidavit of Correction recorded in Book 5545, Page 62 of Official Records.

Except therefrom all mineral deposits, as reserved by instrument recorded in Book 52 of Deeds, Page 128.

EXHIBIT "2"

ASSIGNMENT AND ACCEPTANCE

THIS ASSIGNMENT AND ACCEPTANCE is dated this 2nd day of August, 2005, by and between THE ROSSBERG FAMILY TRUST, UAD July 22, 1992 ("Assignor"), and BELL TOWER DEVELOPMENT CORPORATION, a California corporation ("Assignee").

I. Recitals

1.1 Assignor is the Declarant and sole owner of the Property under the Declaration of Easements, Covenants, Conditions and Restrictions, dated April 8, 2004, as recorded April 26 2004, in Document 2005043532, Bk 5563, Pg 758, records of Mohave County, Arizona, as amended (the "Declaration").

1.2 Assignor desires to assign all of his right, title, interest, and responsibility in, to and under the Declaration to Assignee, and Assignee desires to accept all of Assignor's right, title, interest, and responsibility in, to and under Declaration on the terms and conditions set forth herein.

1.3 Assignor has previously conveyed to the Assignee all Lots within the Subdivision, which Lots are subject to the terms and conditions of the Declaration.

II. Terms and Conditions

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto, intending to be legally bound, agree as follows:

2.1.Assignment. Assignor assigns to Assignee all the right, title, interest, and responsibility of Assignor in, to and under the Declaration.

2.2.Acceptance. Assignee hereby accepts this Assignment and hereby assumes full responsibility for the performance of all obligations of Assignor as Declarants under the Declaration.

2.3.Successors and Assigns. This Assignment and the covenants and agreements herein shall be binding upon and inure to the benefit of Assignor and Assignee and their respective successors in interest and assigns.

2.4.Governing Law. This Assignment shall be construed and governed under the laws of the State of Arizona.

2.5.Defined Terms. All capitalized terms contained herein but not defined shall have the meanings assigned thereto in the Declaration.

2.6.Attorneys' Fees. In the event either party brings or commences any kind of action to enforce the terms and provisions of this Assignment, the prevailing party in such action shall be entitled to recover all costs and reasonable attorneys' fees incurred in connection herewith.

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2.7. Headings. The headings or captions of sections in this Assignment are for convenience or reference only, and in no way define, limit or describe the scope or intent of this Assignment or the provisions of such section.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment on the day and year first set forth above.

"ASSIGNOR"

THE ROSSBERG FAMILY TRUST, UAD  
July 22, 1992

By: [Signature]

Its: \_\_\_\_\_

By: [Signature]

Its: \_\_\_\_\_

"ASSIGNEE"

BILL TOWER DEVELOPMENT  
CORPORATION

By: [Signature]

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

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