



FEE # 021032863
OFFICIAL RECORDS
COCHISE COUNTY
DATE 10/17/02 HOUR 4

REQUEST OF
FIDELITY NATIONAL TITLE
CHRISTINE RHODES-RECORDER
FEE : 10.00 PAGES : 5

COURTESY RECORD
NO TITLE LIABILITY

When recorded, return to:
Fidelity National Title Agency, Inc.
7750 East Broadway Blvd., Suite A-200
Tucson, Arizona 85710

THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LAZY D S RANCH
COCHISE COUNTY, ARIZONA

This Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Lazy D S Ranch is made this 15th day of October, 2002, and amends that Declaration of Covenants, Conditions and Restrictions for Lazy D S Ranch recorded April 15, 1999, in the records of the Cochise County Recorder at Document 990411967 (the "Declaration"), that First Amendment to the Declaration of Covenants, Conditions and Restrictions for Lazy D S Ranch, recorded September 8, 1999, in the records of the Cochise County Recorder at Document 990927568 and that Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Lazy D S Ranch, recorded November 16, 2001, in the records of the Cochise County Recorder at Document 000720181. This Third Amendment affects that property described on Exhibit "A" attached hereto, amends the Declaration as set forth herein and supersedes the First Amendment and the Second Amendment in their entirety. All other terms and conditions of the Declaration shall remain in full force and effect.

1. Article I of the Declaration is hereby amended by deleting Section 1.3 in its entirety and replacing it with the following:

1.3 Prior to making any Improvements, including subdividing, an Owner shall be required to obtain the approval of the Approving Agent. Owner shall submit to the Approving Agent two complete sets of plans for:

- (a) Proposed Improvements
- (b) Specifications which include exterior color schemes

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- (c) Plot plans which include:
- (i) Location and floor elevations of dwellings
 - (ii) Location of all driveways and parking areas
 - (iv) Location of storage tanks, pressure tanks, propane tanks, etc.
 - (v) Landscape plan for all areas outside of the patio walls, if any, which include riprap, back-planting or other acceptable treatment for all cut and fill areas on the Lot

(d) Building site grading plan

Approval of the plans and specifications shall be evidenced by the written endorsement of the Approving Agent made on the plans and specifications. A copy of the endorsed plans shall be obtained by the Owner of the Lot proposed to be improved prior to the beginning of construction. An Owner shall not proceed with Improvements without a copy of his approved plans in his possession. One set of plans and specifications shall be retained by the Approving Agent. No changes or deviations in or from the plans and specifications, insofar as the exterior of the proposed Improvements is concerned, shall be made without written approval of the Approving Agent. After construction is completed, no changes shall be made, including changes of exterior color, without the written permission of the Approving Agent. Approval of plans shall be in the Approving Agent's sole discretion.

2. Article I of the Declaration is hereby amended by deleting Section 1.5(b)(i) in its entirety and replacing it with the following:

- (i) The single-family dwelling shall contain total minimal square footage of 2,000 square feet of living space and have at least a two-car garage.

3. Article I of the Declaration is hereby amended by adding Section 1.5(b)(v) with the following:

- (v) All facilities not inside or attached to the dwelling structure, such as storage tanks, pressure tanks, propane tanks, etc., must be placed underground or enclosed and concealed from view.

4. Article I of the Declaration is hereby amended by deleting Section 1.5(g) in its entirety and replacing it with the following:

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(g) No mobile homes, trailers, modular homes, "A" frame homes, geodesic dome homes and other "non-traditional" homes shall be permitted on any Parcel.

5. Article I of the Declaration is hereby amended by the addition of Sections 1.5(k) and 1.5(l) as follows:

(k) All future electrical extensions and hookups on private land shall be installed underground.

(l) A Parcel, consisting of approximately thirty-six (36) acres or more, may be split into a maximum of three (3) parcels with a minimum of ten (10) acres each.

6. Article II of the Declaration is hereby amended by deleting Section 2.8 in its entirety and replacing it with the following:

2.8 Anything contained in this Declaration to the contrary notwithstanding, Declarant shall have no obligation to pay to the Association its pro rata share of any costs and expenses incurred during the years 1999 and 2000. Any Parcels owned by Declarant shall be subject to assessment commencing with the year 2001. Expenses paid by Declarant may be credited against assessments owed by Declarant on unsold Parcels.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed the day and year first above written.

FIDELITY NATIONAL TITLE AGENCY, INC.
an Arizona corporation
as Trustee under Trust #10,710 only
and not in its corporate capacity

By: *Martha L. Allen*

Its: Trust Officer

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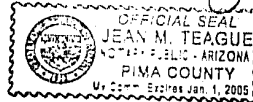
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STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The foregoing was acknowledged before me this 15th day of
October, 2002, by MARTHA L. HILL,
Trust Officer for Fidelity National Title Agency, Inc., as Trustee under
Trust No. 10,710, as Trustee only, and not in its corporate capacity.

Jean M. Teague
Notary Public

My commission expires:



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EXHIBIT "A"

Lots 1, 3 thru 8, 10, 13, 14, 16 and 17 of LAZY D S RANCH
ESTATES, a subdivision of Cochise County, Arizona as
recorded in Book 13 of Surveys, pages 99 and 99A, and
thereafter re-recorded in Book 14 of Surveys, Pages 48,
48A and 48B, records of Cochise County, Arizona.

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