

LAZY DS RANCH

CC&R BUYER OVERVIEW

8.2± Acre Homesite • Huachuca City, Cochise County, Arizona • APN 106-43-011B

Prepared as a convenience for prospective auction bidders • August 2026

Key Takeaway

Manufactured housing is prohibited. The Second Amendment expressly states that no mobile homes, manufactured homes, or trailers are allowed on any parcel. The Third Amendment later restates the restriction more broadly to prohibit mobile homes, trailers, modular homes, "A" frame homes, geodesic dome homes, and other "non-traditional" homes.

Building & Architectural Controls

- **Residence type:** The property is intended for a first-class detached single-family dwelling, together with customary accessory structures such as garages, carports, guest houses and ranching facilities, subject to the recorded restrictions and required approvals.
- **Minimum home size:** The Third Amendment requires at least 2,000 square feet of living space and at least a two-car garage.
- **Architectural character:** The original declaration calls for designs compatible with the character of the property, including Southwest styles such as Territorial, Spanish Colonial, Mexican Colonial, Santa Fe and Pueblo.
- **Plan approval:** Before improvements are made, plans/specifications are to be submitted to the designated Approving Agent. The Third Amendment specifically calls for proposed improvements, exterior color schemes, plot plans, dwelling elevations, driveway/parking locations, tank locations, landscaping outside patio walls, and a building-site grading plan.
- **Utilities & equipment:** The Third Amendment requires future electrical extensions and hookups on private land to be installed underground. Facilities such as storage tanks, pressure tanks and propane tanks must be underground or enclosed and concealed from view.
- **Temporary RV/trailer use:** The original declaration contemplated only limited temporary use associated with construction; however, later amendments prohibit trailers generally. A buyer should obtain written confirmation before relying on any temporary RV/trailer use.

Property Use & Appearance

- **Native vegetation:** Native vegetation is generally to be preserved except where removal is reasonably necessary for orchards/gardens, pasture grazing, utilities/easements, construction, driveways, yards, garages and customary ranching facilities.
- **Maintenance / nuisance:** Owners are required to maintain parcels and improvements so as to avoid health or fire hazards, rubbish, unsightly conditions, offensive odors, or other conditions that unreasonably disturb neighboring owners.
- **Lighting & noise:** Exterior lighting is not to shine onto other residences, and amplified sound is to be limited so it does not create a nuisance.
- **Motor vehicles:** Motorbikes, motorcycles and all-terrain vehicles are not to be operated on the property except as otherwise permitted; on roads they are limited to transporting the vehicle to a public highway.
- **Aircraft:** Use of a parcel for helicopters or hot-air balloons is prohibited.

Association, Roads, Easements & Assessments

- **Association framework:** The original CC&Rs establish a framework for a property owners' association to manage common areas, private streets, gates, easements, maintenance and architectural control. The documents should not be characterized simply as having "no HOA" without further verification.
- **Assessments:** The original declaration provided for owner assessments and liens. The Second Amendment deleted Section 2.8, and the Third Amendment replaced Section 2.8 with language stating that the Declarant has no obligation to pay the Association's pro-rata costs/expenses and that parcels owned by Declarant could be credited for certain expenses. Prospective buyers should verify whether an association is currently active and whether any current dues, road-maintenance charges or assessments apply.

- **Road/common-area maintenance:** The original declaration contemplates association responsibility for maintenance and repair of common areas and certain private roads, with costs potentially allocated among parcel owners under the assessment provisions.
- **Utility/access easements:** The declaration contains easement provisions for ingress/egress and utilities. The 2023 title commitment also identifies recorded ingress, egress and utility easements and matters shown on recorded surveys.

Subdivision / Lot Splitting

- **Lot splitting:** The Third Amendment states that a parcel of approximately 36 acres or more may be split into a maximum of three parcels, each containing at least 10 acres. Because the auction parcel is approximately 8.2 acres, this provision does not appear to provide a right to further divide it.

Title Matters Buyers Should Review

- **Recorded CC&Rs:** The sellers' 2023 Pioneer Title commitment specifically excepted the Lazy DS Ranch restrictions and amendments from title coverage, confirming that these recorded covenants were treated as matters affecting title.
- **Mineral rights:** The prior title commitment notes reserved rights to prospect for, mine and remove coal and other minerals affecting a portion of the land.
- **Military airspace:** The prior title commitment references a recorded document concerning Restricted Air Space and Military Airport matters.
- **Additional recorded document (2012-11340):** Document No. 2012-11340 is an Affidavit of Scrivener's Error recorded May 23, 2012. It does not add a new use restriction or substantive CC&R provision. Instead, Fidelity National Title Agency corrected the legal description attached to the original 1999 Lazy DS Ranch Declaration. The corrected Exhibit "A" describes LAZY DS RANCH ESTATES Lots 1 through 18, as recorded in Book 13 of Record of Survey, page 99, and thereafter amended in Book 14 of Record of Surveys, page 48. Buyers should therefore understand this document as a corrective instrument clarifying the land subject to the Declaration, rather than a separate additional restriction.
- **Current title report pending:** The reviewed title commitment is from the sellers' 2023 acquisition. A new preliminary title report has been requested from Pioneer Title Agency and should control the final title/exception review for the auction sale.

Important Buyer Notice

This overview is a marketing convenience only and is not a legal opinion, title report, or substitute for review of the complete recorded documents. The original Declaration and all amendments should be read together because later amendments delete, replace, or supersede portions of the original language. Prospective buyers should independently verify current zoning, building requirements, association status, road-maintenance obligations, easements, utilities, and all title matters during their due diligence. In the event of any conflict, the recorded documents and the current title report control.

Documents Reviewed

- Declaration of Covenants, Conditions and Restrictions for Lazy D S Ranch — recorded as Document No. 9904-11967.
- First Amendment — Document No. 9909-27568 (subsequently deleted in its entirety by the Second Amendment).
- Second Amendment — Document No. 0007-20181.
- Third Amendment — Document No. 0210-32863.
- Pioneer Title Agency / First American 2023 ALTA Commitment, File No. 90205185-902-ELC.
- Affidavit of Scrivener's Error — Document No. 2012-11340, recorded May 23, 2012, correcting the legal description attached to the original Lazy DS Ranch Declaration.