

F. ANN RODRIGUEZ, RECORDER  
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MICHAEL D BOTWIN

2195 E RIVER RD STE 201  
TUCSON AZ 85718

MAIL  
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Please Record and Return To:

Michael D. Botwin, Esq.  
2195 E. River Road, Suite 201  
Tucson, Arizona 85718

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**FIRST AMENDMENT TO THE  
AMENDED AND RESTATED DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

#95902021

FOR

**VOYAGER HOMES, PHASE "A"  
LOTS 1 - 85 AND COMMON AREAS "A" AND "B"**

This First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Voyager Homes, Phase "A", Lots 1 - 85 and Common areas "A" and "B" (the "Declaration") is made this 16<sup>th</sup> day of August, 1995, by Stewart Title & Trust of Tucson, an Arizona corporation, as Trustee under Trust No. 3516 (the "Declarant").

**BACKGROUND**

A. The Declarant is the sole owner of Voyager Homes, Phase "A" Lots 1 - 85 and Commons Areas A and B as shown on the plat recorded in Book 42 of Maps and Plats at page 30, Pima County Records (the Property).

B. Declarant caused an Amended and Restated Declaration of Covenants, Conditions and Restrictions covering the Property to be recorded in the office of the Pima County Recorder in Docket 10077 at page 1717 on July 3, 1995 (the Declaration).

C. As the sole owner of all of the Lots described in the Declaration, Declarant desires to further amend the Declaration on the terms and conditions set forth herein.

1. Section 5.7.2 is amended to read as follows:

"Class B. The Class B member shall be the Declarant. The Class B member shall be entitled to three (3) votes for each Lot owned by a Class A member. The Class B membership shall cease and be converted to Class A membership on the earlier of (i) the date on which the Declarant no longer owns any Lots within the Project and any portion of the Annexation Property; or (ii) the date on which the Declarant notifies the Association in writing that it relinquishes its Class B membership. The Declarant shall have the right to assign its voting rights to third parties by documents in writing. The

have the right to terminate its Class B voting rights by written notification to the Association."

2. Section 7.1.2.1 is hereby declared to be null and void and of no further force and effect. Each Owner shall be responsible for the maintenance of all landscaping on such Owner's Lot in accordance with the provisions of Section 7.2 of the Declaration. In addition to, and not in limitation of, the requirements of Section 7.2 of the Declaration, each Owner shall keep such Owner's Lot in a weed free condition and shall maintain all landscape irrigation systems which may be constructed on the Lot in good working order.

3. The first sentence of Section 10.1 is amended to read as follows:

" The Declarant shall have the right to annex all or any portion of the Annexation Property into the Project and subject all or any portion of the Annexation Property to the terms of this Declaration at any time or from time to time without the consent of any other Owner or Person."

4. The Declaration, as amended by this First Amendment shall remain in full force and effect.

**DECLARANT:**

STEWART TITLE & TRUST OF TUCSON, an Arizona corporation as Trustee under Trust No. 3516, as ~~Trustee only and not in its corporate capacity and not personally~~

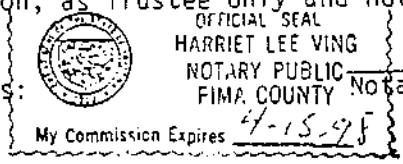
By Pat Spaulding  
Assistant Trust Officer  
Pat Spaulding

STATE OF ARIZONA )  
                          )ss:  
COUNTY OF PIMA )

This instrument was acknowledged before me this 16th day of August, 1995, by Pat Spaulding, as Assistant Trust Officer for Stewart Title & Trust of Tucson, an Arizona corporation, as Trustee only and not in its corporate capacity and not personally.

My Commission Expires:

4-15-98



Harriet Lee Ving  
Notary Public

F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: CML  
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TSTTI  
MICHAEL BOTWIN  
2195 E RIVR RD STE 201

TUCSON AZ 85718

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Michael D. Botwin, Esq.  
2195 E. River Road, Suite 201  
Tucson, Arizona 85718

ACCOMMODATION RECORDING  
WITHOUT TITLE LIABILITY

**SECOND AMENDMENT TO THE  
AMENDED AND RESTATED DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

For

**VOYAGER HOMES, PHASE "A"  
LOTS 1 - 85 AND COMMON AREAS "A" AND "B"**

This Second Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Voyager Homes, Phase "A", Lots 1 - 85 and Common areas "A" and "B" (the "Declaration") is made this 24th day of August, 1995, by Stewart Title & Trust of Tucson, an Arizona corporation, as Trustee under Trust No. 3516 (the "Declarant").

**BACKGROUND**

A. The Declarant is the sole owner of Voyager Homes, Phase "A" Lots 1 - 85 and Common Areas A and B as shown on the plat recorded in Book 47 of Maps and Plans at page 30, Pima County Records (the Property).

B. Declarant caused an Amended and Restated Declaration of Covenants, Conditions and Restrictions covering the Property to be recorded in the office of the Pima County Recorder in Docket 10077 at page 1717 on July 3, 1995 (the Declaration) and also caused a First Amendment to the Declaration to be recorded in the office of the Pima County Recorder in Docket 10109 at page 327 on August 17, 1995 (the First Amendment).

C. As the sole owner of all of the Lots described in the Declaration, Declarant desires to further amend the Declaration and the First Amendment on the terms and conditions set forth herein.

1. Paragraph 2 of the First Amendment is hereby declared to be null and void and of no further force or effect. Accordingly Section 7.1.2.1 of the Declaration which declares that the landscaping of each Lot, other than landscaping within enclosed back or side yards, is an Area of Association Responsibility shall remain in full force and effect.

2. The Declaration and the First Amendment, as amended by this Second Amendment shall remain in full force and effect.

10115 386

**DECLARATION:**

STEWART TITLE & TRUST OF  
TUCSON, an Arizona  
corporation as Trustee  
under Trust No. 3516, as  
Trustee only and not in  
its corporate capacity  
and not personally

By Pat Spaulding  
Assistant Trust Officer

STATE OF ARIZONA )  
                          ) SS.  
COUNTY OF Pima )

Acknowledged before me this 24th day of August, 1995,  
1995, by Pat Spaulding, the Assistant Trust Officer  
of STEWART TITLE & TRUST OF TUCSON, as Trustee under Trust No.  
3516, as Trustee only and not personally.

Cindy A. Leiche  
Notary Public



E. Lots 86-157 and Common Areas "A" and "B" shown on Annexation Plat No. 1 are hereinafter referred to as Annexation Parcel No. 1. A metes and bounds legal description of Annexation Parcel No. 1 is attached hereto as Exhibit A.

F. Annexation Parcel No. 1 is a portion of the "Annexation Property" defined in the Declaration.

G. Paragraph 10.1 of the Declaration provides that "the Declarant shall have the right to annex all or any portion of the Annexation Property into the Project and subject all or any portion of the Annexation Property to the terms of this Declaration at any time or from time to time without the consent of any other Owner or Person."

H. Declarant intends to annex Annexation Parcel No. 1 into the Project defined in the Declaration and to subject Annexation Parcel No. 1 to the terms and conditions of the Declaration by recording this Declaration of Annexation in the office of the Pima County Arizona Recorder.

Now Therefore, Declarant takes the following actions:

1. Annexation Parcel No. 1 is hereby annexed into the Project and subjected to the terms of the Declaration.
2. Common Areas "A" and "B" shown on Annexation Plat No. 1 shall be Common Area, as defined in the Declaration.
3. In accordance with paragraph 10.2 of the Declaration, the voting rights of Owners of Lots within Annexation Parcel No. 1 and the Lot Owners' obligations to pay Assessments shall commence as of the date that the first Lot within Annexation Parcel No. 1 is transferred to a Purchaser.

Dated: October 23, 1996

FIDELITY NATIONAL TITLE  
AGENCY, INC., an Arizona  
corporation as Trustee  
under Trust No. 10,767 on  
behalf of Trust No.  
10,767 (and not in its  
individual capacity)

By:   
Trust Officer

F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: DDA  
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TUCSON AZ 85701

Please record and return to:

~~Michael D. Botwin, Esq.  
2195 E. River Road, Suite 201  
Tucson, Arizona 85718~~

DECLARATION OF ANNEXATION NO. 1  
FOR  
VOYAGER HOMES PHASE "B"  
LOTS 86-157 AND COMMON AREAS "A" AND "B"

This Declaration of Annexation No. 1 for Voyager Homes Phase "B" Lots 86-157 and Common Areas "A" and "B" is made as of the 2<sup>ND</sup> day of DECEMBER, 1996 by Fidelity National Title Agency, Inc., an Arizona corporation as Trustee under Trust No. 10,767 (the Declarant).

BACKGROUND

A. Declarant's predecessor in interest (Stewart Title & Trust of Tucson, an Arizona corporation, as Trustee under Trust No. 3516) caused a Declaration of Covenants, Conditions and Restrictions covering Voyager Homes, Phase "A" Lots 1 - 85 and Commons Areas A and B as shown on the plat recorded in Book 47 of Maps and Plats at page 30, Pima County Records (the Property) to be recorded in the office of the Pima County Recorder in Docket 10072 at page 1342 on June 26, 1995.

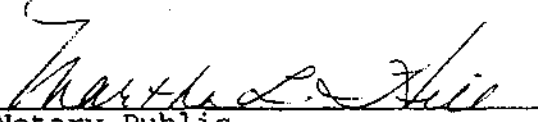
B. The foregoing Declaration of Covenants, Conditions and Restrictions was amended by an Amended and Restated Declaration of Covenants, Conditions and Restrictions dated July 3, 1995 which was recorded in Docket 10077 at page 1717, Pima County Records, on July 3, 1995; by a First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions which was recorded in Docket 10109 at page 327, Pima County Records, on August 15, 1995; and, by a Second Amendment to the Amended and Restated Declaration of Covenants Conditions and Restrictions which was recorded in Docket 10115 at page 386, Pima County Records, on August 25, 1995.

C. The documents referred to in paragraph A and B above are hereinafter collectively referred to as the Declaration.

D. Simultaneously with the recording of this Declaration of Annexation No. 1, Declarant has caused a plat of Voyager Homes Phase "B" Lots 86-157 and Common Areas "A" and "B" to be recorded in the office of the Pima County Arizona Recorder in Book 49 of Maps and Plats at page 06 (Annexation Plat No. 1).

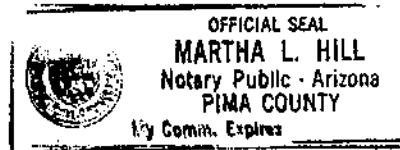
STATE OF ARIZONA        )  
                                  ) ss.  
COUNTY OF PIMA         )

Acknowledged before me this 23rd day of October, 1996, by Kevin French, a duly authorized Trust Officer of FIDELITY NATIONAL TITLE AGENCY, INC., an Arizona corporation as Trustee under Trust No. 10,767 on behalf of Trust No. 10,767 and not in its individual capacity.

  
Notary Public

My Commission Expires:

8-27-97



**BUCK LEWIS  
ENGINEERING  
INC.**



**PLANNERS • ENGINEERS • SURVEYORS**

**TUCSON**  
P.O. Box 86160, 85764  
Tel. (520) 924-4402

**SIERRA VISTA**  
4225 Avenida Cochise  
Suite #12, 85835  
P.O. Box 1890, 85836  
Tel. (520) 459-1122

**LEGAL DESCRIPTION - VOYAGER HOMES PHASE B,  
LOTS 86-157**

A subdivision located in a portion of Section 29, Township 15 South, Range 15 East, Gila & Salt River Meridian, Pima County, Arizona, more particularly described as follows;

Beginning at the northeast corner of Lot 15 of Voyager Homes Phase A, Lots 1 through 85, as recorded in Book 47, Pages 30-1 through 30-3 at the Pima County Recorders Office, said point being the True Point of Beginning;

Thence S 54°09'26" E, a distance of 856.00 feet to a point;

Thence S 35°50'34" W, a distance of 92.00 feet to a point;

Thence S 54°09'26" E, a distance of 37.81 feet to a point;

Thence S 35°50'34" W, a distance of 28.00 feet to a point on a non-tangent curve having a radius of 25.00 feet;

Thence 39.27 feet around the arc of said curve to the left, through a central angle of 90°00'00", having a chord bearing of S 80°50'34" W, a chord distance of 35.36 feet, to a point to a point of tangency;

Thence S 35°50'34" W, a distance of 43.59 feet to a point of tangency of a curve having a radius of 25.00 feet;

Thence 36.50 feet around the arc of said curve to the left, through a central angle of 83°39'27", a chord bearing of S 05°59'09" E, a chord distance of 33.35 feet to a point of non-tangency;

Thence S 26°47'28" W, a distance of 28.89 feet to a point of non-tangency of a curve having a radius of 25.00 feet;

EXHIBIT A

10432 2397

Thence 41.05 feet around the arc of said curve to the left, through a central angle of  $94^{\circ}05'20''$ , a chord bearing of  $S 82^{\circ}53'14'' W$ , a chord distance of 36.59 feet to a point of tangency;

Thence  $S 35^{\circ}50'34'' W$ , a distance of 67.56 feet to a point;

Thence  $N 54^{\circ}09'26'' W$ , a distance of 63.44 feet to a point of tangency of a curve having a radius of 250.00 feet;

Thence 158.32 feet around the arc of said curve to the left, through a central angle of  $36^{\circ}17'03''$ , a chord bearing of  $N 72^{\circ}17'54'' W$ , a chord distance of 155.69 feet to a point of tangency;

Thence  $S 89^{\circ}33'34'' W$ , a distance of 1011.20 feet to a point on the eastern right-of-way of Navigator Place of said Voyager Homes Phase A, Lots 1-85, said point being a point of non-tangency of a curve having a radius of 302.00 feet;

Thence 26.35 feet around the arc of said a curve to the right coincident with the eastern right-of-way of said Navigator Place, through a central angle of  $04^{\circ}59'59''$ , a chord bearing of  $N 03^{\circ}08'22'' W$ , a chord distance of 26.34 feet to a point to a point of tangency;

Thence  $N 00^{\circ}38'22'' W$  coincident with the eastern right-of-way of said Navigator Place, a distance of 50.60 feet to a point of tangency of a curve having a radius of 25.00 feet;

Thence 39.36 feet around the arc of said curve to the right coincident with the eastern right-of-way of said Navigator Place, through a central angle of  $90^{\circ}11'56''$ , a chord bearing of  $N 44^{\circ}27'36'' E$ , a chord distance of 35.42 feet to a point of tangency, said point being on the southern right-of-way of Navigator Lane of said Voyager Homes Phase A, Lots 1-85;

Thence  $N 89^{\circ}33'34'' E$  coincident with the southern right-of-way of said Navigator Lane, a distance of 513.23 feet to a point;

Thence  $N 00^{\circ}26'26'' W$ , across the right-of-way of said Navigator Lane and coincident with the eastern boundary of Lots 28 through 22 of said Voyager Homes Phase a, Lots 1-85, distance of 326.00 feet to a point on the southern boundary of Lot 21 of Said Voyager Homes Phase A, Lots 1-85;

Thence  $N 89^{\circ}33'34'' E$  coincident with the southern boundary of said Lot 21, a distance of 94.00 feet to the southeastern corner of said Lot 21, said point being of the western right-of-way of Compass Drive of said Voyager Homes Phase A, Lots 1-85;

Thence continuing N 89°33'34" E, a distance of 28.00 feet to a point on the eastern right-of-way of said Compass Drive;

Thence N 00°26'26" W coincident with the eastern right-of-way of said Compass Drive, a distance of 6.92 feet to a point of tangency of a curve having a radius of 195.00 feet;

Thence 65.36 feet around the arc of said curve to the left coincident with the eastern right-of-way of said Compass Drive, through a central angle of 19°12'16" a chord bearing of N 10°02'53" W, a chord distance of 65.05 feet to a point of tangency of a curve having a radius of 25.00 feet;

Thence 28.86 feet around the arc of said curve to the right coincident with the eastern right-of-way of said Compass Drive, through a central angle of 70°31'11", a chord bearing of N 15°36'34" E, a chord distance of 28.86 feet to a point of tangency of a curve having a radius of 195.00 feet, said point being on the southern right-of-way explorer Boulevard of said Voyager Homes Phase A, Lots 1-85;

Thence 16.39 feet around the arc of said curve to the left coincident with the southern right-of-way of Said Explorer Boulevard, through a central angle of 04°48'57", a chord bearing of N 48°27'41" E, a chord distance of 16.39 feet to a point of tangency of a curve having a radius of 25.00 feet;

Thence 34.81 feet around the arc of said curve to the right coincident with the southern right-of-way of said Explorer Boulevard, through a central angle of 79°47'21", a chord bearing of N 85°56'54" E, a chord distance of 32.07 feet to a point on the southern right-of-way of Maritime Drive of said Voyager Homes Phase A, Lots 1-85;

Thence N 35°50'34" E, a distance of 28.00 feet to a point on the northern right-of-way of said Maritime Drive;

Thence N 54°09'26" W coincident with the northern right-of-way of said Maritime Drive, a distance of 87.48 feet to the southeastern corner of Lot 15 of said Voyager Homes Phase A, Lots 1-85;

Thence N 35°50'34" E coincident with the eastern boundary of said Lot 15, a distance of 103.96 feet to the True Point of Beginning.

Containing 10.21 acres more or less