

FIRST AMERICAN TITLE

When recorded, return to:

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Biskind Hunt, PLC  
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Phoenix, Arizona 85028

773.212464.FAX3

2/7

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
20061639744 12/15/2006 02:11  
212464-7-B-2--  
ELECTRONIC RECORDING

**SECOND AMENDMENT TO  
COMMUNITY CHARTER FOR MARLEY PARK**  
(Commercial Parcel – Litchfield & Waddell)

This Second Amendment to Community Charter for Marley Park (this “**Second Amendment**”) is made effective this 15 day of December, 2006, by MARLEY PARK LLC, an Arizona limited liability company (the “**Founder**”).

A. The Founder executed the Community Charter for Marley Park (the “**Charter**”) and recorded said document in the official records of Maricopa County, Arizona on April 23, 2004, as Document No. 04-0440662; and

B. The Charter was amended pursuant to that certain First Amendment to Community Charter for Marley Park recorded in the official records of Maricopa County, Arizona on July 28, 2006, as Document No. 20051065776; and

C. The real property that is subject to the Charter is being developed as a master planned community located in the City of Surprise, Maricopa County, Arizona, commonly known as Marley Park; and

D. Section 19.1 of the Charter contemplates that the Founder may amend the Charter to remove any unimproved portion of Marley Park from the coverage of the Charter, including without limitation any portion of Marley Park intended to be utilized for commercial uses, and the Founder intends to utilize for commercial purposes the real property described in Exhibit “A-1” and “A-2”, attached hereto (collectively the “**Commercial Parcel**”); and

E. The Founder now wishes to amend the Charter as set forth herein.

NOW, THEREFORE, the Founder declares that the Commercial Parcel is hereby removed from the coverage of the Charter. Consequently, the Commercial Parcel is no longer subject to the restrictions, covenants, conditions, terms and provisions contained in the Charter.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Founder has executed the foregoing instrument as of the date first set forth above.

FOUNDER: MARLEY PARK, LLC, an Arizona limited liability company

By: DMB COMMUNITIES LLC, an Arizona limited liability company, its Manager

By: DMB Associates, Inc., an Arizona corporation, its Manager

By: [Signature]  
Its: Vice President

STATE OF ARIZONA )  
 )  
County of Maricopa ) ss.

The foregoing instrument was acknowledged before me this 12 day of December, 2006 by Frene Carroll, the Vice President of DMB Associates, Inc., an Arizona corporation, in its capacity as Manager of DMB Communities LLC, an Arizona limited liability company, in its capacity as Manager of MARLEY PARK LLC, an Arizona limited liability company, on behalf of the latter limited liability company.

[Signature]  
Notary Public

My Commission Expires:

Sept 18<sup>th</sup> 2010



**CONSENT OF MARLEY PARK PHASE II LLC**

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Marley Park Phase II LLC, as the Owner of the Commercial Parcel (as defined in the foregoing Second Amendment), hereby consents to, ratifies and approves the foregoing Second Amendment.

MARLEY PARK PHASE II LLC, an Arizona limited liability company

By: MARLEY PARK LLC, an Arizona limited liability company, its Manager

By: DMB Communities LLC, an Arizona limited liability company, its Manager

By: DMB Associates, Inc., an Arizona corporation, its Manager

By: *Jim Parr*

Its: *Vice President*

STATE OF ARIZONA        )  
  )        ss.  
County of Maricopa        )

The foregoing instrument was acknowledged before me this 12 day of December, 2006, by *Erene Carroll*, the *Vice President* of DMB Associates, Inc., an Arizona corporation, in its capacity as Manager of DMB Communities LLC, an Arizona limited liability company, in its capacity as Manager of Marley Park LLC, an Arizona limited liability company, in its capacity as Manager of MARLEY PARK PHASE II LLC, an Arizona limited liability company, on behalf of the latter limited liability company.

*Nicole Gibason*  
Notary Public

My Commission Expires:

*Sept 18<sup>th</sup> 2010*



Exhibit A-1

Wood, Patel & Associates, Inc.  
(602) 335-8500  
www.woodpatel.com

January 12, 2006  
WP # 052428.80  
Page 1 of 2

**PARCEL DESCRIPTION**  
**Marley Park**

A parcel of land lying within Section 16, Township 3 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northeast corner of said section, a Maricopa County Highway Department(MCHD) brass cap flush, from which the east quarter corner of said section, a brass cap flush, bears South 00°02'34" East(basis of bearing), a distance of 2633.62 feet;  
**THENCE** along the east line of said section, South 00°02'34" East, a distance of 110.34 feet;  
**THENCE** leaving said east line, South 89°57'26" West, a distance of 55.00 feet, to the **POINT OF BEGINNING**;  
**THENCE** South 00°02'34" East, a distance of 1209.73 feet;  
**THENCE** South 89°57'26" West, a distance of 990.14 feet;  
**THENCE** North 11°36'21" West, a distance of 1297.14 feet;  
**THENCE** South 89°21'05" East, a distance of 51.24 feet;  
**THENCE** South 83°38'27" East, a distance of 60.30 feet;  
**THENCE** South 89°21'05" East, a distance of 1099.06 feet;  
**THENCE** South 44°41'50" East, a distance of 56.91 feet, to the **POINT OF BEGINNING**.

Containing 32.2829 acres, or 1,406,243 square feet of land, more or less.

This parcel description is based on the unrecorded A.L.T.A. Survey of the Waddell property, prepared by Wood, Patel & Associates, Inc., dated July 30, 2001, job number 001113.81 and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of July, 2001 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

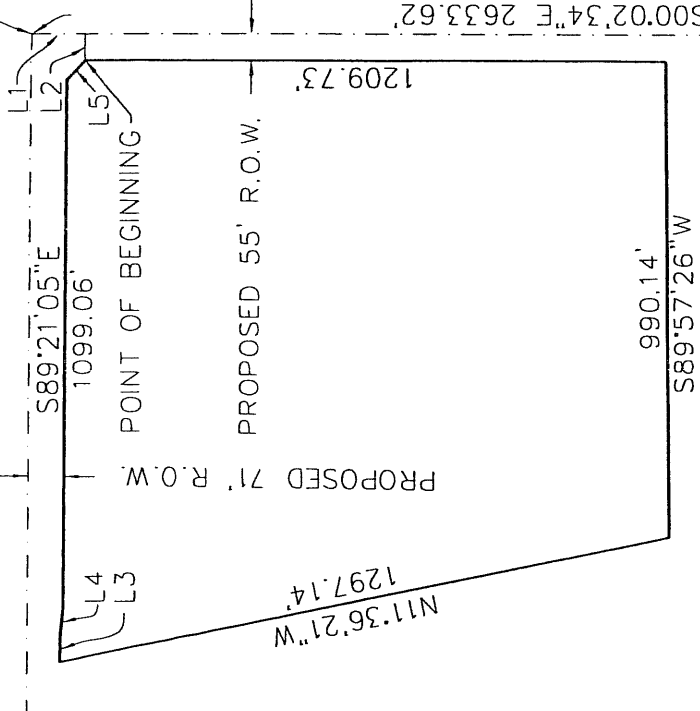


NE CORNER SECTION 16  
T.3N., R.1W.  
MCHD BRASS CAP FLUSH  
POINT OF COMMENCEMENT

WADDELL ROAD

LITCHFIELD ROAD

EAST 1/4 CORNER  
SECTION 16, T.3N., R.1W.  
BRASS CAP FLUSH



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°02'34"E	110.34'
L2	S89°57'26"W	55.00'
L3	S89°21'05"E	51.24'
L4	S83°38'27"E	60.30'
L5	S44°41'50"E	56.91'



**WOOD/PATEL**  
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Phoenix, AZ 85021  
Phone: (602) 335-8500  
Fax: (602) 335-8580  
PHOENIX • MESA • TUCSON

MARLEY PARK  
01-12-06  
WP# 052428.80  
PAGE 2 OF 2  
NOT TO SCALE

**Exhibit A-2**

**Wood, Patel & Associates, Inc.**  
(602) 335-8500  
www.woodpatel.com

November 9, 2006  
WP# 052428.01  
Page 1 of 2

**PARCEL DESCRIPTION**  
**Marley Park**  
**Proposed Commercial Site – Lot 2**

A parcel of land lying within Section 16, Township 3 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northeast corner of said Section 16, a Maricopa County Highway Department (MCHD) brass cap flush, from which the east quarter corner of said section, a brass cap flush, bears South 00°02'34" East (basis of bearing), a distance of 2633.62 feet;

**THENCE** along the east line of said section, South 00°02'34" East, a distance of 110.34 feet;

**THENCE** leaving said east line, South 89°57'26" West, a distance of 55.00 feet, to the westerly right-of-way line of Litchfield Road as shown on Map of Dedication (M.O.D.) for Waddell Road, Litchfield Road and Cactus Road, recorded in Book 839, Page 39, Maricopa County Records (M.C.R.);

**THENCE** along said westerly right-of-way line, South 00°02'34" East, a distance of 1209.73 feet, to the **POINT OF BEGINNING**;

**THENCE** continuing, South 00°02'34" East, a distance of 1219.81 feet;

**THENCE** leaving said westerly right-of-way line, South 45°20'18" West, a distance of 56.19 feet;

**THENCE** North 89°16'50" West, a distance of 393.63 feet, to the beginning of a curve;

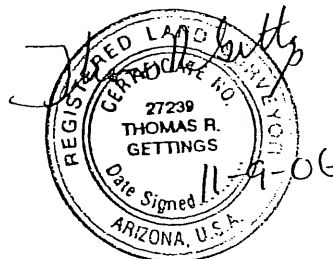
**THENCE** westerly along said curve, having a radius of 1947.00 feet, concave northerly, through a central angle of 09°02'45", a distance of 307.39 feet, to a point of intersection with a non-tangent line;

**THENCE** North 11°36'21" West, a distance of 1251.15 feet;

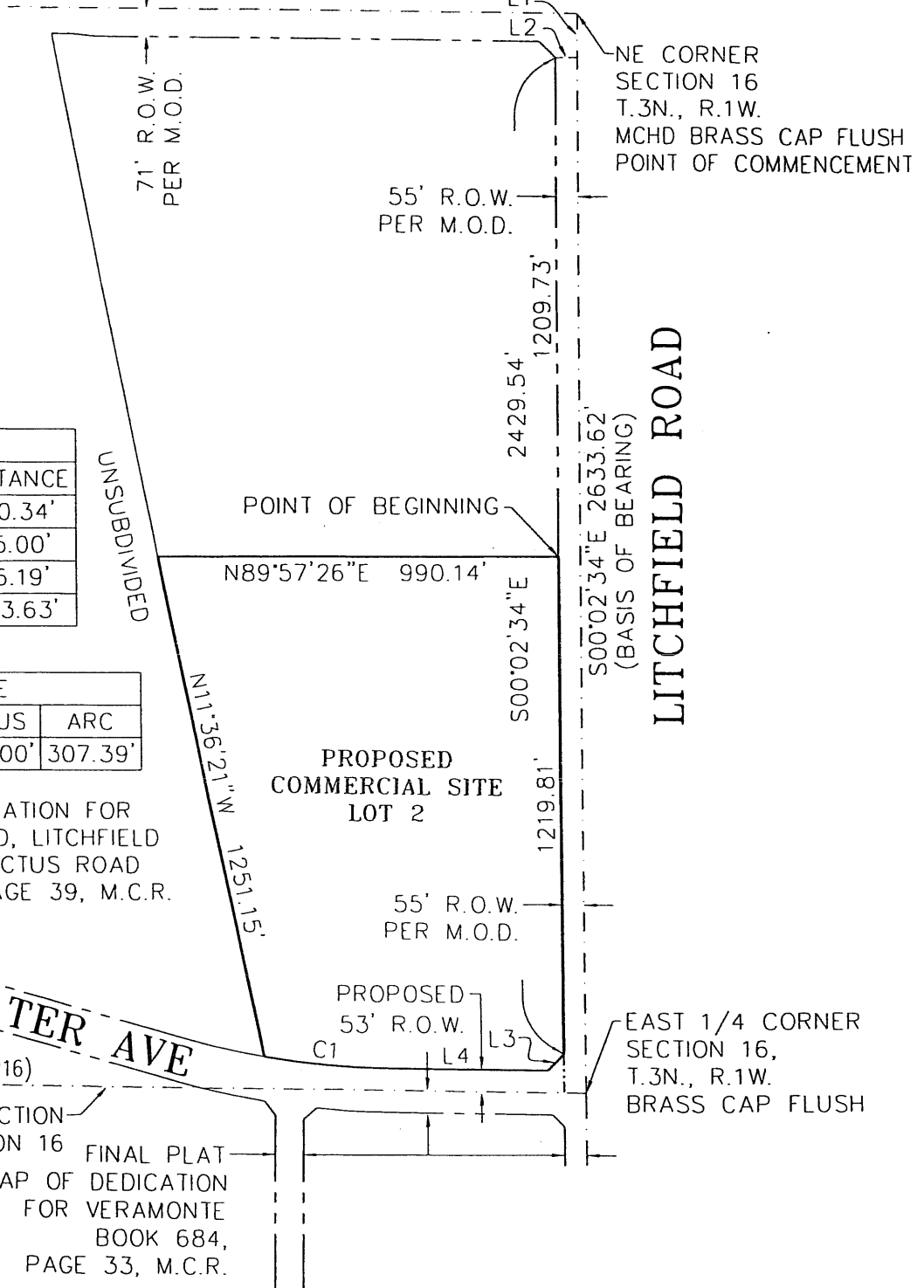
**THENCE** North 89°57'26" East, a distance of 990.14 feet, to the **POINT OF BEGINNING**.

Containing 24.7532 acres, or 1,078,249 square feet of land, more or less.

This parcel description is based on the Map of Dedication for Waddell Road, Litchfield Road and Cactus Road recorded in Book 839, page 39, M.C.R. and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of July, 2001 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.



WADDELL ROAD



NE CORNER SECTION 16  
T.3N., R.1W.  
MCHD BRASS CAP FLUSH  
POINT OF COMMENCEMENT

LITCHFIELD ROAD

UNSUBDIVIDED

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°02'34"E	110.34'
L2	S89°57'26"W	55.00'
L3	S45°20'18"W	56.19'
L4	N89°16'50"W	393.63'

CURVE TABLE			
CURVE	DELTA	RADIUS	ARC
C1	09°02'45"	1947.00'	307.39'

M.O.D. = MAP OF DEDICATION FOR  
WADDELL ROAD, LITCHFIELD  
ROAD AND CACTUS ROAD  
BOOK 839, PAGE 39, M.C.R.

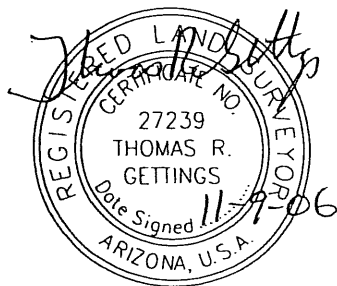
SWEETWATER AVE

N89°16'50"W 2642.13'  
(TO THE CENTER OF SECTION 16)

EAST-WEST MID-SECTION  
LINE OF SECTION 16  
FINAL PLAT  
MAP OF DEDICATION  
FOR VERAMONTE  
BOOK 684,  
PAGE 33, M.C.R.

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PHOENIX • MESA • TUCSON



MARLEY PARK  
PROPOSED COMMERCIAL SITE - LOT 2

11-09-06  
WP# 052428.01  
PAGE 2 OF 2  
NOT TO SCALE

T: \2005\052428\LEGAL\  
2428L03-DB\DWG\2428L03.DWG