

# BONITA CREEK RANCH NO. 2

A SUBDIVISION OF THE SE 1/4, SE 1/4, SEC. 31, T. 12 N., R. 11 E., G. & S. R., B. & M., GILA COUNTY, ARIZONA

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the Phoenix Title and Trust Company, an Arizona Corporation, Trustee, has subdivided under the name of BONITA CREEK RANCH NO. 2, the SE 1/4, SE 1/4, Sec. 31, T. 12 N., R. 11 E., G. & S. R., B. & M., Gila County, Arizona, and hereby publishes this plat as and for the plat of said BONITA CREEK RANCH NO. 2, and hereby dedicates that said plat and the lots thereon to the public, and that each lot, street and tract shall be known by the number, name or letter, given each respectively on said plat, and shall be dedicated to the public for use as such the street, and creek R/W as shown on said plat and included in the above described premises.

IN WITNESS WHEREOF the Phoenix Title and Trust Company, as Trustee, has hereunto caused its corporate name to be signed and its corporate seal to be affixed and the same to be attested by the signature of James P. Lammie, its Vice President, authorized, duly elected and acting Assistant Secretary, hereunto duly attested, this 22nd day of May, 1956.

PHOENIX TITLE AND TRUST COMPANY — TRUSTEE  
BY James P. Lammie VICE PRESIDENT ATTEST James P. Lammie ASSISTANT SECRETARY

### ACKNOWLEDGEMENT

STATE OF ARIZONA  
COUNTY OF MARICOPA  
On this the 22nd day of May, 1956, before me, the undersigned officer, personally appeared James P. Lammie, and James P. Lammie, Assistant Secretary, respectively, of the Phoenix Title and Trust Company, a corporation, and acknowledged that they are such officers, respectively, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation, as Trustee, by themselves, as such officers, respectively.

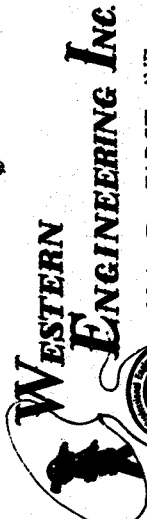
IN WITNESS WHEREOF I hereunto set my hand and official seal  
My commission expires January 8, 1960  
Harold J. Collins  
NOTARY PUBLIC

### CERTIFICATE

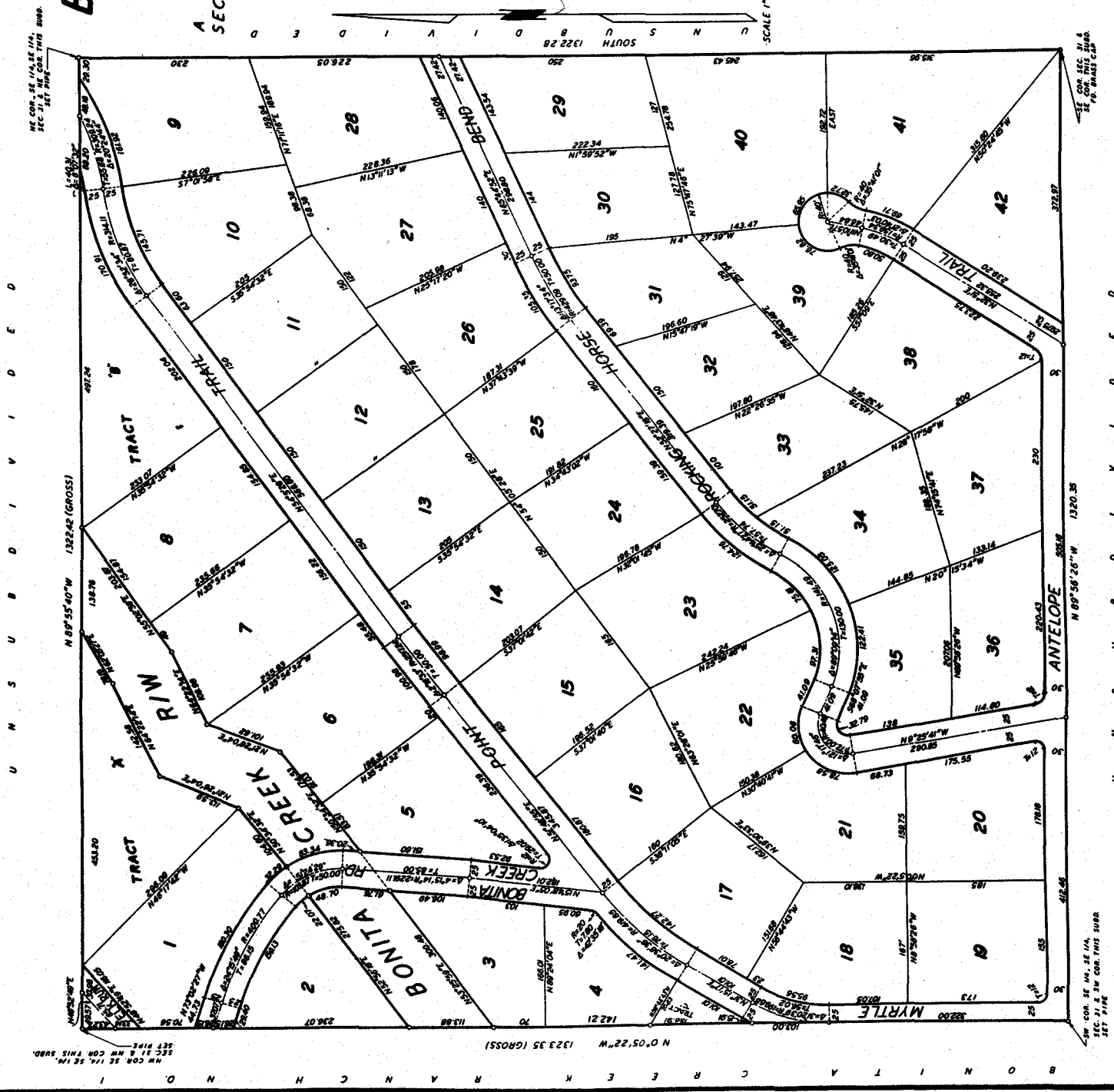
This is to certify that the survey and subdivision of the premises described and plotted hereon were made under my direction during the month of February 1956.

Donald H. Collins  
REGISTERED ENGINEER

Recorded 5/21/56  
May 21, 1956



29 A. E. FIRST AVE.  
SCOTTSDALE, ARIZ.  
JOB NO. 551027



SE COR. SE 1/4, SE 1/4, SEC. 31, T. 12 N., R. 11 E., G. & S. R., B. & M., GILA COUNTY, ARIZONA

SE COR. SEC. 31, T. 12 N., R. 11 E., G. & S. R., B. & M., GILA COUNTY, ARIZONA

NR COR. SE 1/4, SE 1/4, SEC. 31, T. 12 N., R. 11 E., G. & S. R., B. & M., GILA COUNTY, ARIZONA

SE COR. SE 1/4, SE 1/4, SEC. 31, T. 12 N., R. 11 E., G. & S. R., B. & M., GILA COUNTY, ARIZONA

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

That PHOENIX TITLE AND TRUST COMPANY, an Arizona corporation, as Trustee, being the owner of all of the following described premises, situate within the County of Gila, State of Arizona, to-wit:

Lots One (1) through Forty-two (42), inclusive, except Lots Eighteen (18), Nineteen (19), Twenty (20) and Twenty-one (21), BONITA CREEK RANCH NO. 2, according to the plat of record in the office of the County Recorder of Gila County, Arizona, recorded May 28, 1956 as Map No. 160;

and desiring to establish the nature of the use and enjoyment thereof, does hereby declare said premises subject to the following express covenants, stipulations and restrictive covenants running with the title to said premises and with each and every part and parcel thereof, to-wit:

1. All of the said lots in said BONITA CREEK RANCH NO. 2 shall be known and described as single-family residential lots, except lots 18, 19, 20 and 21, and Tracts "A", "B", and "C".
2. None of said lots shall be resubdivided into smaller lots or conveyed or encumbered in less than the full original dimension of such lot as shown by the plat of BONITA CREEK RANCH NO. 2, except for public utilities, provided that this restriction shall not prevent the conveyance or encumbrance of, or resubdividing of lots or parts of lots by the subdivider, without reservation, when the conveyance, encumbrance or subdividing of lots or parts of lots will permit a better utilization of the land, stream frontage or terrain. Nothing herein contained shall prevent the dedication or conveyance of portions of lots for public utilities, in which event the remaining portion of any such lot shall, for the purpose of this provision, be treated as a whole lot. Nothing contained herein shall prevent the subdivider from resubdividing into smaller parcels any lot or parts thereof, when considered necessary to better utilize the land, terrain or stream frontage, to the extent of increasing the number of lots if necessary.
3. No structure shall be built on, over or across the easements as shown on the plat of BONITA CREEK RANCH NO. 2.
4. On none of said residential lots shall a hospital, sanitarium, hotel, lodging house, apartment house or other building of any kind or nature whatsoever used or occupied for the care, lodging or entertainment of persons suffering from disease, or for any purpose that will depreciate the value of the property for dwelling purposes, be maintained, kept or permitted on such premises, or any part thereof.
5. No billboards or advertising signs of any character shall be erected, placed, permitted or maintained on any lot or on any building erected thereon, other than one sign not larger than 12" by 18" indicating that the property is for sale or for rent, with wording limited to "For Sale" or "For Rent", and the name and address and telephone number of the owner or agent, and the words "Inquire Within"; provided, however, that the subdividers and their agents may erect and maintain signs advertising for the sale of lots in said subdivision.

6. Plans, including architectural designs, dimensions and class of materials to be used for the proposed structures must be submitted to, and have the approval of the subdividers before any construction is undertaken. On building sites which slope in one or more directions, a ground plan showing the foundation elevation in relation to the finished ground line may be necessary also. Following are minimum requirements.

- a. Architectural plans will include design and class of materials to be used. This will involve floor plans, a perspective sketch, or simple front and side elevations, and construction details for foundation, sills, size and spacing of floor joists, framing, roof pitch, size and spacing of rafters, electrical wiring, flue construction, etc.
- b. Simplicity of architectural design, good proportions, and an appearance of naturalness to the forest setting are desired in the completed structure. Ornate, elaborate, pretentious or showy structures, or parts thereof, will be unacceptable. Minimum square footage is to be 800, exclusive of carports, storage or other out buildings.
- c. Continuous foundations are required which may be of solid, native rock, masonry, solid concrete, or concrete with native rock veneer. Foundations will rest on good footings and extend not less than 12 inches below the ground, unless set on solid rock. Preferred height above ground is 12 inches, and the maximum allowable height is 20 inches. Care is necessary in the selection of building sites to keep grading to a minimum. Screened vents shall be provided in the foundation. 16 to 19 gauge galvanized wire cloth with 1/4" to 1/3" mesh in metal frames of 24 or 26 gauge galvanized sheet steel are ideal.
- d. No building will be built closer than 50 feet to bank of stream.
- e. Exterior walls and porches may be of peeled logs, either round, sawed or hewed; hand split shakes or burnt adobe; log siding; edged, peeled slabs; rough lumber; or native stone. The use of bright-colored mortar or stucco, corrugated iron or tar paper will not be approved. Stains are preferable to paints for outside wood surfaces. The natural wood color may be retained or stains may be colored to produce a neutral brown or weathered gray. Where paint is required, soft browns and grays are preferred. Window and door casings and other outside trim must harmonize with the background and should not present strong contrasts.
- f. Chimneys must extend to a solid ground foundation with adequate footing and must be of fireproof construction lined with flue tile or fire brick. All exposed surfaces must be in keeping with the exposed building foundations.
- g. Roofs of the car-roof or shed-type are prohibited. The following roof coverings are acceptable; shakes, shingles and prepared roofing shingles, preferable of fire-resistant material. Tin, corrugated iron, sheet metal, flat-roll roofing or tar paper will not be permitted. Bright color schemes are unacceptable; roof colors must harmonize with the walls.
- h. All plumbing to be modern inside-type, connected to inside connections below ground surface and to cesspool and septic tank. All ground water sources, such as wells and springs, should be adequately protected from sources of contamination. Septic Tanks, sewers, and sub-surface pits must be located at least 100 feet downgrade from water supplies and not less than 50 feet from live streams.

- i. Fly-tight metal containers will be required for the storage of garbage and refuse pending removal and disposal. Garbage and refuse will be disposed of in accordance with State Sanitary Regulations.
- j. Spark arrestors shall be installed on chimneys. The roofs of all buildings shall be kept clear of leaves and other inflammable material. All heating systems shall be so installed as to eliminate the danger of fire therefrom.
- k. Camp fires are prohibited except in prepared fireplaces which have been approved by the Forest Supervisor or his representatives.
- l. In landscaping, the desire is to preserve the natural forest conditions to the fullest extent possible. Tree pruning and clearnace will be held to the minimum. Walks should be gravel or native stone; and the use of painted or whitewashed rocks or trees and other types of "decorations" foreign to the natural environment avoided.
- m. No rental units permitted, each forest lot is limited to one single-family residence, guest house, barns, etc.
- n. No business will be permitted.
- o. No house trailers permitted. Horse trailers and utility trailers permitted.
- p. Stream frontage will be considered as an easement for the use and enjoyment of all property owners residing within Bonita Creek Ranch. Fencing off or obstructing the use of Bonita Creek, to deny the use of the waters or stream banks for lawful fishing or hunting is prohibited.

It is expressly understood and agreed that the said BONITA CREEK RANCH NO. 2 has been platted and laid out as a choice and attractive residential district, and that these covenants and restrictions are made for the benefit of the lots herein described, and are to run with the land and shall inure to the benefit of and be binding on all of said lots until January 1, 1976, at which time such covenants shall be automatically extended for successive periods of five years each, unless by a majority vote of the then individual property owners it is agreed to change the said covenants in whole or in part.

If any person shall violate or attempt to violate any of the covenants or restrictions herein before January 1, 1976, or such time later as may be set up by the provisions of the paragraph preceding this one, it shall be lawful for any person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Should any of the covenants or stipulations herein be held invalid or void, such invalidity or voidness of any of the covenants shall not affect the rest of the instrument or any valid covenants herein contained.

The foregoing is a copy of the restrictions, rights, reservations, limitations, agreements, conditions and covenants contained in instrument recorded in Docket 55, page 27, records of Gila County, Arizona.

DOCKET 61

PURSUANT TO SEC. 804 (c), TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968, 42 USC 3601, ET SEQ. RESTRICTIONS HEREIN, IF ANY, BASED ON RACE, COLOR, RELIGION OR NATIONAL ORIGIN, ARE HEREBY REVOKED.

X

PHOENIX TITLE AND TRUST COMPANY  
COUNTY OF MARICOPA, ARIZONA  
OFFICIAL RECORD PAGE 245

*Joseph J. Fleming*  
PHOENIX TITLE AND TRUST COMPANY

AMENDMENT TO RESTRICTIONS

WHEREAS, PHOENIX TITLE AND TRUST COMPANY, an Arizona corporation, as Trustee, is the owner of Lots One (1) through Forty-one (41), inclusive, except Lots Eighteen (18), Nineteen (19), Twenty (20) and Twenty-one (21), BONITA CREEK RANCH NO. 2, according to the plat of record in the office of the County Recorder of Gila County, Arizona, recorded May 26, 1956 as Map No. 140 thereof; and

WHEREAS, on May 11, 1956 a Declaration of Restrictions on all of the above property was recorded in Docket 55, page 27; and

WHEREAS, it is now desirable to amend said Declaration of Restrictions to eliminate the provision that the size of the lots will be limited in square footage;

NOW, THEREFORE, the aforementioned Declaration of Restrictions is hereby amended by deleting the third sentence of sub-paragraph "b." of paragraph "6" on Page 2 of said Declaration of Restrictions. The said sentence to be deleted, reads as follows: "Minimum square footage is to be 800, exclusive of carports, storage or other out buildings."

In all other respects the original restrictions as recorded in Docket 55, page 27, are reaffirmed and ratified.

IN WITNESS WHEREOF, the PHOENIX TITLE AND TRUST COMPANY, as Trustee, has caused its corporate name to be signed and its corporate seal to be affixed and the same to be attested by the signatures of its duly authorized officers this 5th day of September, 1956.



PHOENIX TITLE AND TRUST COMPANY, TRUSTEE  
By Charles S. Feigt  
Vice President

Attest Willard S. Fleming  
Assistant Secretary

STATE OF ARIZONA  
County of Maricopa

On this, the 6th day of September, 1956, before me, the undersigned officer, personally appeared Charles S. Feigt and Willard S. Fleming, who acknowledged themselves to be the Vice President and Assistant Secretary, respectively, of Phoenix Title and Trust Company, a corporation duly organized under the laws of the State of Arizona, and that they as such officers, respectively, being authorized to do so, executed and signed the instrument for the purposes therein contained, by signing the name of the Phoenix Title and Trust Company, as Trustee, by themselves as such officers respectively.

IN WITNESS WHEREOF, I have set my hand and official seal.

*Willard S. Fleming*

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6:45  
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BOOK 418 PAGE 12

STATE OF ARIZONA, County of Gila, ss:  
I do hereby certify that the within instrument was filed and recorded at request of Transamerica Title Company

Date Dec. 28, 1976 Time 2:45 P. M., District 418 Official Records Page 12  
Records of Gila County, Arizona.

WITNESS my hand and official seal the day and year first above written.

INDEXED  
PAGES

MARY V. DE PAOLI, County Recorder  
By Kathryn B. Eldridge Deputy

DECLARATION OF RESTRICTIONS  
AMENDMENT

THE OWNERS OF LOTS IN BONITA CREEK UNIT II MAY USE TENTS OR RECREATIONAL VEHICLES ON THEIR LOTS FOR RECREATIONAL PURPOSES FOR A PERIOD NOT TO EXCEED SIX CONSECUTIVE WEEKS EXCEPT THAT A TENT, RECREATIONAL VEHICLE OR MOBILE HOME MAY BE PLACED ON THE LOT FOR UP TO ONE YEAR DURING THE COURSE OF CONSTRUCTION OF A DWELLING.

IN WITNESS WHEREOF, CONTINENTAL SERVICE CORPORATION AN ARIZONA CORPORATION, HAS CAUSED ITS CORPORATE NAME AND SEAL TO BE HEREUNTO AFFIXED BY ITS OFFICERS HEREUNTO DULY AUTHORIZED THIS 21st DAY OF December, 1976.

GERALD L. GRAHAM AND FREONA D. GRAHAM  
AS SECOND BENEFICIARY UNDER TRUST  
NO. 95582 & 99826, DULY AUTHORIZED

By: Gerald L. Graham

RATIFIED AND APPROVED:  
CONTINENTAL SERVICE CORPORATION  
AS TRUSTEE, SOLELY AS BARE LEGAL TITLE HOLDER,  
AND NOT PERSONALLY.

By: [Signature]  
TRUST OFFICER

STATE OF ARIZONA )  
COUNTY OF MARICOPA ) SS

ON THIS 21st DAY OF December, 1976, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED DAN ROBLEDO, WHO ACKNOWLEDGED HIMSELF TO BE THE TRUST OFFICER OF CONTINENTAL SERVICE CORP., AS TRUSTEE, AND THAT HE AS SUCH OFFICER, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION AS TRUSTEE, BY HIMSELF AS SUCH OFFICER.

[Signature]  
NOTARY PUBLIC

MY COMMISSION WILL EXPIRE: 10-29-78

