

Unofficial 20 Document

When recorded, return to:

Biskind, Hunt & Semro, PLC
8501 N. Scottsdale Rd., Suite 155
Scottsdale, Arizona 85253
Attention: Gordon E. Hunt, Esq.

NC5 805437

14
Es.

FIFTH AMENDMENT TO COMMUNITY CHARTER FOR MARLEY PARK (Commercial Parcel – Charter School Site #2)

This Fifth Amendment to Community Charter for Marley Park (this “**Fifth Amendment**”) is made effective this 16 day of November, 2016, 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. 2004-0440662; 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, 2005, as Document No. 2005-1065776; and

C. The Charter was amended pursuant to that Second Amendment to Community Charter for Marley Park recorded in the official records of Maricopa County, Arizona on December 15, 2006, as Document No. 2006-1639744; and

D. The Charter was amended pursuant to that Third Amendment to Community Charter for Marley Park recorded in the official records of Maricopa County, Arizona on February 2, 2007, as Document No. 2007-0138811;

E. The Charter was amended pursuant to that Fourth Amendment to Community Charter for Marley Park recorded in the official records of Maricopa County, Arizona on January 22, 2015, as Document No. 2015-0043956; and

F. 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

G. 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”, attached hereto and made a part hereof (the “**Commercial Parcel**”); and

H. 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.

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 Associates, Inc., an Arizona corporation, its Manager

By: Mary S. Alexander
Its: Executive VP

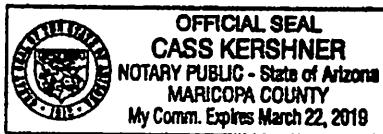
STATE OF ARIZONA)
)
County of Maricopa)

Unofficial Document
SS.

The foregoing Fifth Amendment to Community Charter was acknowledged before me this 16th day of November, 2016, by Mary S. Alexander, the Executive Vice President of DMB Associates, Inc., an Arizona corporation, in its capacity as Manager of MARLEY PARK LLC, an Arizona limited liability company, on behalf of the latter limited liability company.

Cass Kershner
Notary Public

My Commission Expires:



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 Fifth Amendment to Community Charter), hereby consents to, ratifies and approves the foregoing Fifth Amendment to Community Charter.

MARLEY PARK PHASE II LLC, an Arizona limited liability company

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

By: Mary S. Alexander
Its: Executive VP

STATE OF ARIZONA)
)
County of Maricopa)

ss.

Unofficial Document

The foregoing Fifth Amendment to Community Charter was acknowledged before me this 16th day of November, 2016, by Mary S. Alexander, the Executive Vice President of DMB Associates, Inc., an Arizona corporation, in its capacity as Manager of MARLEY PARK PHASE II LLC, an Arizona limited liability company, on behalf of the limited liability company.

Cass Kershner
Notary Public

My Commission Expires:

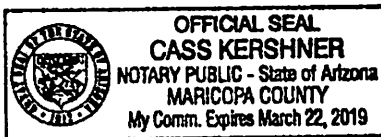


Exhibit "A"

Legal Description of Property

Real property in the City of Surprise, County of Maricopa, State of Arizona, described as follows:

A PORTION OF LOT 2, MARLEY PARK LEGACY CHARTER SCHOOL, RECORDED IN BOOK 1211, PAGE 27, MARICOPA COUNTY RECORDS (M.C.R.), LYING WITHIN THE NORTHWEST QUARTER OF 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 WEST QUARTER CORNER OF SAID SECTION 16, A 3-INCH BRASS CAP FLUSH IN CONCRETE STAMPED T3N R1W 1/4 S-16 RLS 27239, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION, A 3-INCH CITY OF SURPRISE BRASS CAP IN HANDHOLE STAMPED BM 31-10, BEARS NORTH 00°01'03" WEST (BASIS OF BEARING), A DISTANCE OF 2627.28 FEET; THENCE ALONG THE WEST LINE OF SAID SECTION, NORTH 00°01'03" WEST, A DISTANCE OF 8.00 FEET, TO A POINT OF INTERSECTION WITH THE MONUMENT LINE OF SWEETWATER AVENUE, AS RECORDED IN BOOK 1193, PAGE 41, M.C.R.;

THENCE LEAVING SAID WEST LINE, ^{Unofficial Document} ALONG SAID MONUMENT LINE, SOUTH 88°41'21" EAST, A DISTANCE OF 533.20 FEET, TO THE BEGINNING OF A CURVE;

THENCE EASTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2,780.00 FEET, A CENTRAL ANGLE OF 10°02'28", A DISTANCE OF 487.19 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;

THENCE LEAVING SAID MONUMENT LINE, NORTH 08°43'49" WEST, A DISTANCE OF 53.00 FEET, TO THE SOUTHWEST CORNER OF LOT 1 OF SAID MARLEY PARK LEGACY CHARTER SCHOOL, SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 2 OF SAID MARLEY PARK LEGACY CHARTER SCHOOL, AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, WESTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, WHOSE RADIUS BEARS NORTH 08°43'49" WEST A DISTANCE OF 2,727.00 FEET, THROUGH A CENTRAL ANGLE OF 09°04'49", A DISTANCE OF 432.18 FEET, TO THE EAST LINE OF THE WEST 580 FEET OF SAID SECTION;

THENCE LEAVING SAID SOUTH LINE, ALONG SAID EAST LINE, NORTH 00°01'03" WEST, A DISTANCE OF 337.10 FEET;

THENCE LEAVING SAID EAST LINE, NORTH 84°48'58" EAST, A DISTANCE OF 375.01 FEET, TO A LINE THAT IS PARALLEL WITH AND 26 FEET WESTERLY OF THE WEST LINE OF SAID LOT 1;

THENCE ALONG SAID PARALLEL LINE, NORTHERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, WHOSE RADIUS BEARS NORTH 87°09'07"

EAST A DISTANCE OF 2,860.00 FEET, HAVING A CENTRAL ANGLE OF 02°49'50", A DISTANCE OF 141.30 FEET;
 THENCE NORTH 00°01'03" WEST, A DISTANCE OF 309.66 FEET, TO A LINE THAT IS PARALLEL WITH AND 26 FEET NORTHERLY OF THE NORTH LINE OF SAID LOT 1;
 THENCE LEAVING FIRST SAID PARALLEL LINE, ALONG SECOND SAID PARALLEL LINE, NORTH 88°24'39" EAST, A DISTANCE OF 68.26 FEET;
 THENCE NORTH 82°23'59" EAST, A DISTANCE OF 156.62 FEET;
 THENCE NORTH 75°17'13" EAST, A DISTANCE OF 209.53 FEET;
 THENCE NORTH 72°25'48" EAST, A DISTANCE OF 113.98 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1;
 THENCE SOUTH 89°12'15" EAST, A DISTANCE OF 78.89 FEET;
 THENCE ALONG THE NORTH LINE OF SAID LOT 1, SOUTH 70°53'48" WEST, A DISTANCE OF 42.74 FEET;
 THENCE SOUTH 72°25'48" WEST, A DISTANCE OF 146.77 FEET;
 THENCE SOUTH 75°17'13" WEST, A DISTANCE OF 211.79 FEET;
 THENCE SOUTH 82°23'59" WEST, A DISTANCE OF 159.60 FEET;
 THENCE SOUTH 88°24'39" WEST, A DISTANCE OF 44.33 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1;
 THENCE LEAVING SAID NORTH LINE, ALONG THE WEST LINE OF SAID LOT 1, SOUTH 00°01'03" EAST, A DISTANCE OF 284.37 FEET;
 THENCE SOUTHERLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2,834.00 FEET, A CENTRAL ANGLE OF 05°10'00", A DISTANCE OF 255.56 FEET;
 THENCE SOUTH 05°11'03" EAST, A DISTANCE OF 183.56 FEET;
 THENCE SOUTH 08°43'49" EAST, A DISTANCE OF 43.17 FEET TO THE POINT OF BEGINNING

Unofficial Document