

When recorded, return to:

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Garcia

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

225 843446

**SIXTH AMENDMENT TO  
COMMUNITY CHARTER FOR MARLEY PARK**  
(Phase 4-5)

This Sixth Amendment to Community Charter for Marley Park (Phase 4-5) (this “**Sixth Amendment**”) is made effective this 2 day of October, 2017, 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; and

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 Charter was amended pursuant to that Fifth Amendment to Community Charter for Marley Park recorded in the official records of Maricopa County, Arizona on November 16, 2016, as Document No. 2016-0846951; and

G. 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

H. 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; and

I. The Founder now wishes to amend the Charter as set forth herein to remove the real property described in Exhibit "A" attached hereto and made a part hereof from the coverage of the Charter (the "Parcel").

NOW, THEREFORE, the Founder declares that the Parcel is hereby removed from the coverage of the Charter. Consequently, the 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 Sixth Amendment to Community Charter for Marley Park (Phase 4-5) 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: [Handwritten Signature]

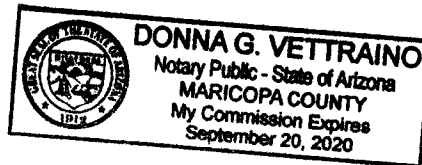
Its: Executive V.P.

STATE OF ARIZONA )  
 )  
County of Maricopa ) ss.

The foregoing Sixth Amendment to Community Charter for Marley Park (Phase 4-5) was acknowledged before me this 29<sup>th</sup> day of ~~October~~ <sup>Sept.</sup>, 2017, by SUSAN BANSAK, the Executive V.P. 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.

[Handwritten Signature]  
Notary Public

My Commission Expires:  
9.20.2020



CONSENT OF MARLEY PARK PHASE II LLC

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Marley Park Phase II LLC, as the Owner of the Parcel (as defined in the foregoing Sixth Amendment to Community Charter for Marley Park (Phase 4-5)), hereby consents to, ratifies and approves the foregoing Sixth Amendment to Community Charter for Marley Park (Phase 4-5).

MARLEY PARK PHASE II LLC, an Arizona limited liability company

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

By: [Signature]  
Its: SR. VICE PRESIDENT

STATE OF ARIZONA )  
                                  )     ss.  
County of Maricopa )

The foregoing Sixth Amendment to Community Charter for Marley Park (Phase 4-5) was acknowledged before me this 29 day of ~~October~~ <sup>September</sup>, 2017, by Daniel T. Kelly, the Senior 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.

[Signature]  
Notary Public

My Commission Expires:  
9.20.2020

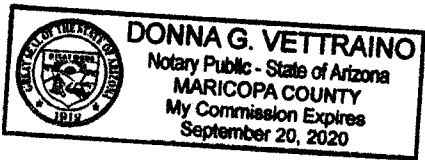


Exhibit "A"

Legal Description of Property

[see attached]

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

Revised September 22, 2017  
 Revised July 14, 2017  
 Revised June 29, 2017  
 Revised May 8, 2017  
 Revised September 9, 2016  
 August 17, 2016  
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### PARCEL DESCRIPTION

#### Marley Park

#### Phase 4/5

A portion of Lot 2B, Marley Park Legacy Charter School Expansion, recorded in Book 1298, page 16, Maricopa County Records (M.C.R.) and Certificate of Correction recorded May 8, 2017 as 2017-0333079 of official records and a portion of the northeast quarter of Section 16, all within Section 16, Township 3 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

**BEGINNING** at the most northerly northwest corner of said Lot 2B, said point also being on the south right-of-way line of Waddell Road;

**THENCE** along said right-of-way line and the north line of said Lot 2B, South 89°20'49" East, a distance of 2,531.43 feet, to an angle point in said right-of-way line;

**THENCE** continuing along said right-of-way line and said north line, and the prolongation thereof, South 89°21'05" East, a distance of 1,334.80 feet, to the northwest corner of Replat of Marley Park Square Amended, recorded in Book 1283, page 24, M.C.R.;

**THENCE** leaving said right-of-way line, along the west line of said Replat of Marley Park Square Amended and the west line of Minor Land Division Map For Marley Park Square, recorded in Book 926, page 3, M.C.R., South 11°36'21" East, a distance of 2,548.29 feet, to the southwest corner of said Minor Land Division Map For Marley Park Square and a point of intersection of a non-tangent curve;

**THENCE** leaving said west line, along the south line of said Minor Land Division Map For Marley Park Square, easterly along said non-tangent curve to the left, whose radius bears North 09°45'55" East, a distance of 1,947.00 feet, having a central angle of 09°02'45", a distance of 307.39 feet;

**THENCE** South 89°16'50" East, a distance of 393.63 feet;

**THENCE** North 45°20'18" East, a distance of 56.19 feet, to the most easterly southeast corner of said Minor Land Division Map For Marley Park Square and the west right-of-way line of Litchfield Road;

**THENCE** leaving said south line, along said right-of-way line, South 00°02'34" East, a distance of 93.00 feet, to the south line of the northeast quarter of said section;

**THENCE** along said south line, North 89°16'50" West, a distance of 2,587.13 feet, to the center of said section and the southeast corner of said Lot 2B;

**THENCE** leaving said south line, along the southerly line of said Lot 2B, North 72°33'48" West, a distance of 101.16 feet;

**THENCE** North 75°21'28" West, a distance of 84.48 feet;

**THENCE** North 89°58'52" West, a distance of 240.00 feet;

**THENCE** North 00°01'08" East, a distance of 5.00 feet;

**THENCE** North 89°58'52" West, a distance of 240.00 feet;

**THENCE** South 00°01'08" West, a distance of 5.00 feet;

**THENCE** North 89°58'52" West, a distance of 255.14 feet;

**Parcel Description**  
**Marley Park**  
**Phase 4/5**

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**THENCE** South 46°56'43" West, a distance of 71.83 feet  
**THENCE** North 17°41'35" West, a distance of 166.28 feet, to the south right-of-way line of Sweetwater Avenue;  
**THENCE** along said right-of-way line, continuing along said southerly line, North 72°18'25" East, a distance of 210.68 feet, to the beginning of a tangent curve;  
**THENCE** easterly along said curve to the right, having a radius of 2,647.00 feet, a central angle of 02°22'25", a distance of 109.66 feet;  
**THENCE** leaving said right-of-way line, continuing along said southerly line, North 15°19'10" West, a distance of 106.00 feet, to the east right-of-way line of 144<sup>th</sup> Drive;  
**THENCE** along said east right-of-way line, continuing along said southerly line, North 62°19'19" West, a distance of 29.21 feet;  
**THENCE** North 19°06'12" West, a distance of 706.03 feet;  
**THENCE** leaving said right-of-way line, continuing along said southerly line, South 70°53'48" West, a distance of 83.00 feet, to the west right-of-way line of 144th Drive;  
**THENCE** leaving said right-of-way line, continuing along said southerly line, North 89°12'15" West, a distance of 78.89 feet;  
**THENCE** South 72°25'48" West, a distance of 113.98 feet;  
**THENCE** South 75°17'13" West, a distance of 209.53 feet;  
**THENCE** South 82°23'59" West, a distance of 156.62 feet;  
**THENCE** South 88°24'39" West, a distance of 68.26 feet;  
**THENCE** South 00°01'03" East, a distance of 309.66 feet, to the beginning of a tangent curve;  
**THENCE** southerly along said curve to the left, having a radius of 2,860.00 feet, a central angle of 02°49'50", a distance of 141.30 feet, to a point of intersection with a non-tangent line;  
**THENCE** South 84°48'58" West, a distance of 375.01 feet;  
**THENCE** South 00°01'03" East, a distance of 337.10 feet, to the north right-of-way line of Sweetwater Avenue and a point of intersection with a non-tangent curve;  
**THENCE** along said north right-of-way line, continuing along said southerly line, westerly along said non-tangent curve to the right, whose radius bears North 00°21'00" East, a distance of 2,727.00 feet, having a central angle of 00°57'38", a distance of 45.72 feet;  
**THENCE** North 88°41'21" West, a distance of 439.41 feet;  
**THENCE** North 44°21'12" West, a distance of 57.22 feet, to the most westerly southwest corner of said Lot 2B and the east right-of-way line of Bullard Avenue;  
**THENCE** leaving said north right-of-way line and said southerly line, along said east right-of-way line and the west line of said Lot 2B, North 00°01'03" West, a distance of 2,155.41 feet;  
**THENCE** North 06°44'20" East, a distance of 102.00 feet;  
**THENCE** North 00°01'03" West, a distance of 106.81 feet;  
**THENCE** leaving said east right-of-way line and said west line, North 89°58'57" East, a distance of 29.49 feet;  
**THENCE** North 00°01'03" West, a distance of 30.00 feet;  
**THENCE** South 89°58'57" West, a distance of 29.49 feet, to the west line of said Lot 2B and the east right-of-way line of Bullard Avenue;  
**THENCE** along said east right-of-way line and the west line of said Lot 2B, North 00°01'03" West, a distance of 28.24 feet;

**Parcel Description**  
**Marley Park**  
**Phase 4/5**

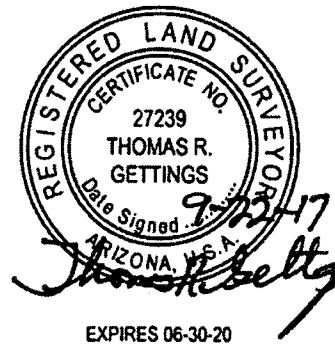
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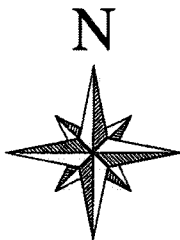
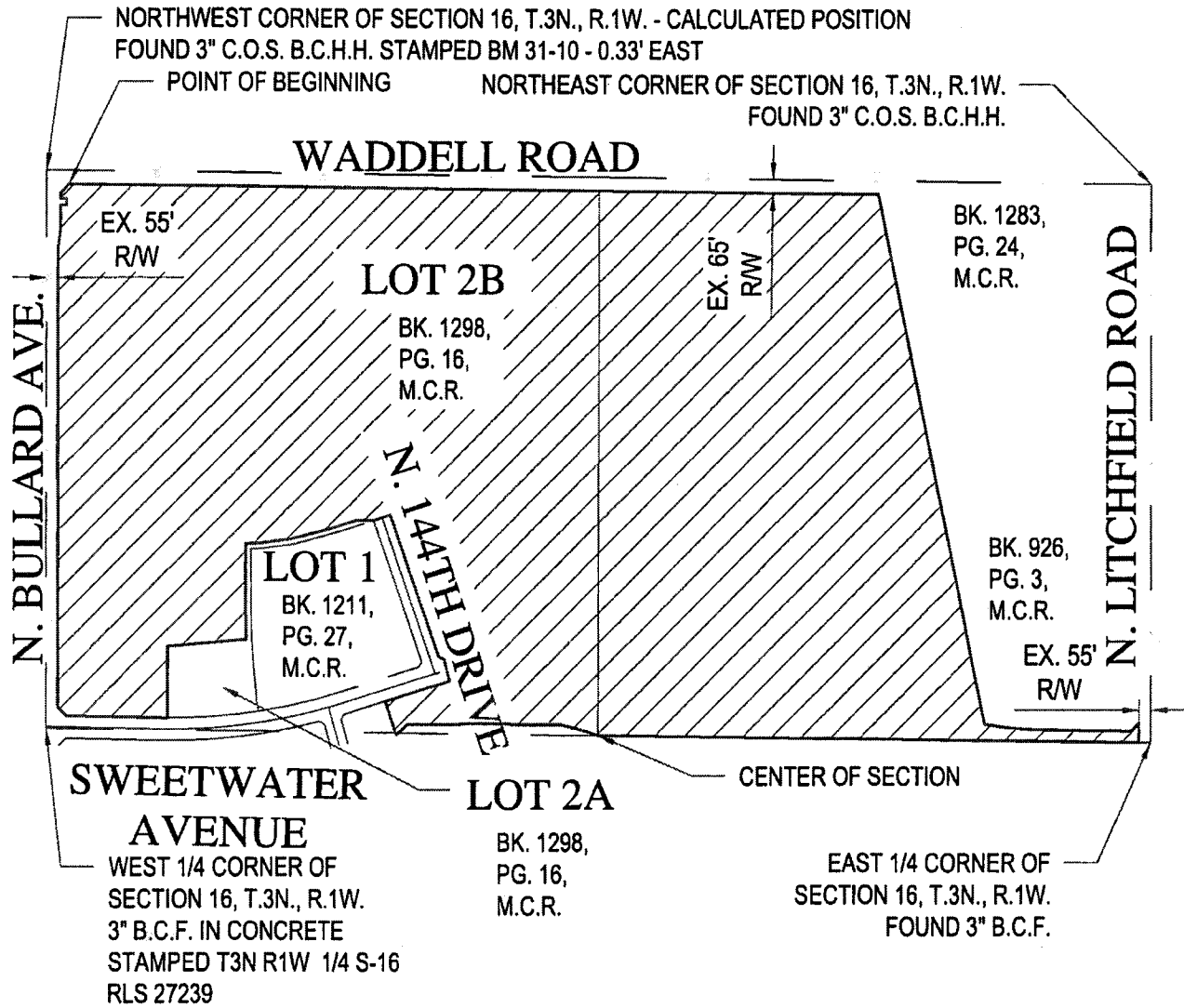
**THENCE** North 45°19'04" East, a distance of 56.24 feet, to the **POINT OF BEGINNING**.

Containing 9,765,301 square feet or 224.1805 acres, more or less.

This parcel description is based on the Final Plat for Marley Park Legacy Charter School, recorded in Book 1211, page 27, M.C.R., and other client provided information. This description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of December, 2012. 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.

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**WOOD/PATEL**  
 MISSION: CLIENT SERVICE®  
 (602) 335-8500  
 WWW.WOODPATEL.COM



**EXHIBIT "A"**

MARLEY PARK  
 PHASE 4/5  
 REVISED 09/22/2017  
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 NOT TO SCALE

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EXPIRES 06-30-20