

24-R. AGR.

149114

REQUEST, CONSENT AND COVENANTS
RUNNING WITH LAND

DRT 8814 PAGE 545

STATE OF ARIZONA
County of Maricopa
I, Clerk of the Superior Court, do hereby certify that the
within instrument was filed and
recorded at request of
Transamerica Title Insurance
Company
JUL 13 1971 8:00 AM

8814
575-553

County Recorder
C. W. Miller
Clerk of Recorder
30

The parties hereto, being all of the owners of the lands described in Exhibit "A" hereto attached and by this reference made a part hereof, for the benefit of all of said lands and for the mutual and reciprocal benefit of all of the parties hereto and of each and all of their respective successors in interest, do hereby amend the conveyances by which Four Peaks Cattle Co., Page Land and Cattle Co., and Santa Lucia Corporation conveyed all or the greater part of said lands to Transamerica Title Insurance Company of Arizona, as Trustee under the Trust Agreement by which the greater part of said lands are held in trust, and all other conveyances by which other undersigned acquired title to any of said lands, to provide that said grantors and grantees and their and each of their successors in interest:

1. Request and consent that said lands be formed into a flood control district, pursuant to Article 1 of Chapter 10 of Title 45, Arizona Revised Statutes;

2. Waive the right to claim that any or all of the lands within said proposed flood control district are not improved lands as that clause is used in said law;

3. Request and consent that said lands be established as a general improvement district, pursuant to Article 2, Chapter 5, Title 11, Arizona Revised Statutes.

4. Waive the right to claim that the petition for the establishment of said general improvement district is not signed by all of the owners of all of the fee of the lands within the boundaries of the proposed general improvement district.

5. In the event that the City Council of the City of Scottsdale refuses to consent to the formation of said lands into a general improvement district, or denies a request for such consent within 120 days next following the filing of such request with its Clerk, request and consent that any one or more existing special district or districts of said lands be converted into a general improvement district, pursuant to said Article 2, Chapter 5, Title 11, Arizona Revised Statutes.

6. Waive the right to claim that the petition for the conversion of any such special district or districts is not signed by all of the owners of the fee of the lands within the boundaries of the proposed general improvement district.

7. Appoint each respective legislative body of each irrigation and drainage district, sanitary district, flood control district, special road district and each other special district that may now or hereafter be formed of said lands or any part thereof, as their and our successors' sole and exclusive attorney in fact, with full power to petition for and to take all proceedings necessary or useful in causing any or all of said special districts to become converted into a general improvement district, and to cause all properties, rights, privileges and moneys of such special district to become those of said general improvement district and the powers, duties, responsibilities, indebtednesses and other liabilities and obligations of such special district to become those of such general improvement district, whether at the time of the formation of such general improvement

district or at any time subsequent thereto, and whether or not pursuant to any law enlarging upon the procedures and proceedings therefor,

8. Request and consent that the Board of Supervisors of Maricopa County, in any resolution by it for the establishment of a general improvement district or by the conversion thereto of a then existing special district, and in each resolution by it for the subsequent conversion into it of a then existing special district pursuant to section 7 of this request, reserve to each such special district the right to exercise each and all of the duties and powers vested in it by the law pursuant to which it was created, until such time as the state community council has approved, without any qualification or limitation thereof, an enterprise or project of the general improvement district and such conversion has become fully completed and effective;

9. Waive the right to claim that any of us has not or will not receive adequate notice of any hearing on the formation or conversion of any such district;

10. Waive the right to claim that the act pursuant to which said flood control district is or will be formed, or such general improvement district established, or such district will be converted into a general improvement district, does not provide adequate notice or hearing on boundaries or areas benefited before any tribunal authorized to grant relief in full conformity with the due process clause of the Federal Constitution;

11. Waive all right to protest that any of said lands will not be benefited by being within said flood control district or in such general improvement district or by being converted thereto at the time of the formation of such general improvement district or subsequent thereto;

12. Waive the right to claim that said flood control district or such general improvement district and the functions authorized to be performed by each is not municipal in nature so that such notice and hearing must be provided by law and in fact;

13. Convenants that none of us will ever sue to question the validity of any of said districts, the right of any of its or their officers to hold the offices to which they shall have been elected or appointed or to perform any of the duties or powers now or hereafter enacted for its creation and operation or any law in pari materia therewith, or the validity of any bonds authorized or issued or any tax levied or collected by it, or any contract made in carrying out any duties, including any joint powers agreement between any district and any other agency or government; and

14. Declare that the burdens and benefits arising from these convenants are mutually adequate therefor and that they and each of them shall run with said lands and each lot, piece, parcel or tract thereof, forever.

[Handwritten signature]
Roy F. McAfee

[Handwritten signature]
Ella Joanne McAfee

[Handwritten signature]
Robert H. Carlock

[Handwritten signature]
Myra H. Carlock

[Handwritten signature]
E. M. Ray

[Handwritten signature]
Lois Ray

[Handwritten signature]
George Read Carlock

[Handwritten signature]
Wanda D. Carlock

[Handwritten signature]
D. C. Speer

[Handwritten signature]
Margery A. Speer

[Handwritten signature]
Lorne B. Pratt

[Handwritten signature]
Colleen C. Pratt

[Handwritten signature]
Raoul T. Jacques

[Handwritten signature]
Alice C. Jacques

[Handwritten signature]
Fritzi S. Ryley

[Handwritten signature]
Francis J. Ryley

[Handwritten signature]
James M. Patterson

[Handwritten signature]
Helen C. Patterson

[Handwritten signature]
Robert Hendrix

[Handwritten signature]
Carol Ann Hendrix

[Handwritten signature]
Mary Louise Price

[Handwritten signature]
Frederic V. Schumacher

[Handwritten signature]
Virginia Gilbert Schumacher

[Handwritten signature]
Alan D. Ewen

[Handwritten signature]
Margie Ewen

[Handwritten signature]
Jack Osborn

[Handwritten signature]
Norma Osborn

[Handwritten signature]
Arthur S. Hewitt

[Handwritten signature]
Lucille S. Hewitt

[Handwritten signature]
Larry Wetstein

[Handwritten signature]
Martha Wetstein

[Handwritten signature]
Roger Tulk

[Handwritten signature]
Marilyn Tulk

[Handwritten signature]
David Glass

[Handwritten signature]
Marsha Glass

[Handwritten signature]
Richard Kinsey

[Handwritten signature]
Barbara Kinsey

[Handwritten signature]
Harold Kramer

[Handwritten signature]
Sylvia Kramer

[Handwritten signature]
Susan Podany

Robert G. Krechter
Robert G. Krechter

Karen L. Krechter
Karen L. Krechter

William M. Fisher
William M. Fisher

Mary Grace Fisher
Mary Grace Fisher

Robert T. Lego
Robert T. Lego

Bernadette F. Lego
Bernadette F. Lego

Holf Roth
Holf Roth

Jud Roth
Jud Roth

Floyd R. Robbins
Floyd R. Robbins

Flaine Robbins
Flaine Robbins

Francis A. F. Duckworth
Francis A. F. Duckworth

Jane Duckworth
Jane Duckworth

PAGE LAND & CATTLE CO.,
an Arizona corporation,
Beneficiary
By Robert H. Carlock
Robert H. Carlock, President

FOUR PEAKS CATTLE CO.,
a Partnership, Beneficiary
By PAGE LAND & CATTLE CO.,
an Arizona corporation
By Robert H. Carlock
Robert H. Carlock, President
Attorney in Fact

STATE OF ARIZONA }
County of Maricopa } ss.

On this 17th day of June, 1971, before me, the undersigned Notary Public, personally appeared BENNY GONZALES, known to me to be the person whose name is subscribed to the within instrument, who acknowledged himself to be a Trust Officer of TRANSAMERICA TITLE INSURANCE CO. OF ARIZONA, an Arizona corporation, and stated that he, as such Trust Officer being authorized so to do, executed the foregoing instrument for the purpose therein contained.

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

Mary J. [Signature]
Notary Public

My Commission Expires: April 14 1974

B. W. O'Brien
B. W. O'Brien

Carol O'Brien
Carol O'Brien

Edward F. Olivier
Edward F. Olivier

Mary Olivier
Mary Olivier

Earl L. Shelton, Jr.
Earl L. Shelton, Jr.

Martha O. Shelton
Martha O. Shelton

Vincent Pellerito
Vincent Pellerito

Carol Pellerito
Carol Pellerito

Charles Calder
Charles Calder

Patricia Calder
Patricia Calder

Timothy E. Haynie
Timothy E. Haynie

Gail Haynie
Gail Haynie

SANTA LUCIA CORPORATION,
an Arizona corporation,
Beneficiary
By Robert H. Carlock
Robert H. Carlock, President

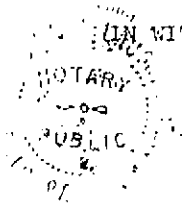
TRANSAMERICA TITLE INSURANCE
COMPANY OF ARIZONA, Trustee
By Benny Gonzales
Benny Gonzales
Assistant Vice President
Authorized Agent

McCULLOCH PROPERTIES, INC.,
a Delaware corporation
By Robert P. McCulloch Jr.
Robert P. McCulloch Jr.,
Executive Vice President

STATE OF ARIZONA }
County of Maricopa } ss.

On this 9th day of June, 1971, before me, the undersigned Notary Public, personally appeared ROY E. McAFEE, ELLA JOANNE McAFEE, ROBERT H. CARLOCK, MIRA H. CARLOCK, F. M. RAY, LOIS RAY, GEORGE READ CARLOCK, WANDA D. CARLOCK, D. C. SPEER, MARGERY A. SPEER, LORNE B. PRATT, COLLEEN C. PRATT, RAOUL T. JACQUES, ALICE C. JACQUES, FRITZI S. RYLEY, FRANCIS J. RYLEY, JAMES M. PATTERSON, HELEN C. PATTERSON, ROBERT HENDRIX, CAROL ANN HENDRIX, MARY LOUISE PRICE, FREDERIC V. SCHUMACHER, VIRGINIA GILBERT SCHUMACHER, ALAN D. EWEN, MARGIE EWEN, JACK OSBORN, NORMA OSBORN, ARTHUR S. HEWITT, LUCILLE S. HEWITT, LARRY WETSTEIN, MARTHA WETSTEIN, ROGER TULK, MARILYN TULK, DAVID GLASS, MARSHA GLASS, RICHARD KINSEY, BARBARA KINSEY, HAROLD KRAMER, SYLVIA KRAMER, SUSAN PODANY, VINCENT PELLERITO, CAROL PELLERITO, CHARLES CALDER, PATRICIA CALDER, TIMOTHY E. HAYNIE and GAIL HAYNIE, known to me to be the persons whose names are subscribed as individuals to the within instrument, and that each of them stated that he or she executed the same for the purpose therein contained.

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



Monica J. Thompson
Notary Public

My Commission Expires: April 14, 1974

STATE OF ARIZONA }
County of Maricopa } ss.

On this 9th day of June, 1971, before me, the undersigned Notary Public, personally appeared ROBERT H. CARLOCK, known to me to be the person who subscribed his name to the within instrument, who acknowledged himself to be the President of PACE LAND & CATTLE CO. and SANTA LUCIA CORPORATION, Arizona corporations, and stated that he, as such President being authorized so to do, executed the foregoing instrument for the purpose therein contained, and further stated that said PACE LAND & CATTLE CO. was the Attorney in Fact of FOUR PEAKS CATTLE CO., a partnership, and that said partnership also executed said instrument for the purpose therein stated.

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



Monica J. Thompson
Notary Public

My Commission Expires: April 14, 1974

STATE OF CALIFORNIA }
County of Los Angeles } ss.

On this 7th day of June, 1971, before me, the undersigned Notary Public, personally appeared ROBERT G. KRECHTER, KAREN L. KRECHTER, WILLIAM M. FISHER, MARY GRACE FISHER, ROBERT T. LEGO, BERNADETTE F. LEGO, ROLF ROTH, JUDY ROTH, FLOYD E. ROBBINS, ELAINE ROBBINS, FRANCIS A. F. DUCKWORTH, JANE DUCKWORTH, B. W. O'BRIEN, CAROL O'BRIEN, EDWARD P. OLIVIER, MARY OLIVIER, EARL L. SHELTON, JR., and MARTHA O. SHELTON, known to me to be the persons whose names are subscribed as individuals to the within instrument, and that each of them stated that he or she executed the same for the purpose therein contained.

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



Norma M. Matulewicz
Notary Public

My Commission Expires: 9-28-74

STATE OF CALIFORNIA }
County of Los Angeles } ss.

On this 7th day of June, 1971, before me, the undersigned Notary Public, personally appeared ROBERT P. McCULLOCH, JR., known to me to be the person whose name is subscribed to the within instrument, who acknowledged himself to be the Executive Vice President of McCULLOCH PROPERTIES, INC., a Delaware corporation, and stated that he, as such Executive Vice President being authorized so to do, executed the foregoing instrument for the purpose therein contained.

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



Norma M. Matulewicz
Notary Public

My Commission Expires: 9-28-74

DKT 8814 PAGE 551

STATE OF ARIZONA)
) ss.
County of Maricopa)

BENNY GONZALES, being first duly sworn, deposes and says that he is a Trust Officer of TRANSAMERICA TITLE INSURANCE CO. OF ARIZONA, Phoenix, Arizona, and as such knows the names of each of the owners of all of the fee of the lands within Exhibit "A" attached to the foregoing petition, and that the foregoing signatures are all of the owners and officers of corporation owners of the fee of all of the lands within the boundaries of the proposed General Improvement District.

Benny Gonzales
Benny Gonzales

Subscribed and sworn to before me
this 9th day of June, 1971.

Notary Public in and for the State of Arizona
My Commission Expires April 14, 1974

PERIMETER DESCRIPTION

That portion of Sections 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28 and 29, Township 3 North, Range 6 East, Gila & Salt River Base and Meridian, more particularly described as follows:

Beginning at the Southwest corner of Section 29, said point of beginning lies also on the Northerly Boundary line of the Salt River Indian Reservation; thence Northerly along the West line of said Section 29 to the Southwest corner of Section 20; thence continuing Northerly along the West line of said Section 20 to the West 1/4 corner of Section 20; thence Easterly along the North line of the South 1/2 of said Section 20 to the center of said Section; thence Northerly along the West line of the East 1/2 of said Section 20 to the South line of Section 17; thence Westerly along the South line of Section 17 to the Southwest corner of said Section 17; thence Northerly along the West line of said Section 17 to the Southeast corner of Section 7; thence Westerly along the South line of said Section 7 to the Southwest corner of said Section 7; thence Northerly along the West line of said Section 7 to the Southwest corner of Section 6; thence continuing Northerly along the West line of said Section 6 to the Northwest corner of said Section 6; thence Easterly along the North line of said Section 6 to the Northwest corner of Section 5; thence continuing Easterly along the North line of said Section 5 to the Northwest corner of Section 4; thence continuing Easterly along the North line of said Section 4 to the Northeast corner of said Section 4; thence Southerly along the East line of said Section 4 to the Northwest corner of Section 10; thence Easterly along the North line of said Section 10 to the Northwest corner of Section 11; thence continuing Easterly along the North line of said Section 11 to the Northeast corner of said Section; thence Southerly along the Easterly line of Section 11 to the intersection with the Westerly Boundary line of the Fort McDowell Indian Reservation; thence Southwesterly along said Fort McDowell Indian Reservation Boundary Line through Sections 11, 14, 23 and 26 to the intersection of the South line of Section 26; said point of intersection also lies on the Northerly Boundary line of the Salt River Indian Reservation; thence Westerly along said South line of said Section 26 to the Southeast corner of Section 27; thence continuing Westerly along the South line of said Section 27 to the Southeast corner of Section 28; thence continuing Westerly along the South line of said Section 28 to the Southeast corner of Section 29; thence continuing Westerly along the South line of said Section 29 to the Southwest corner of said Section 29; said point also being the point of beginning.

A total of 12,000 Acres.

EXHIBIT "A"

DEMINGS
DISTRICT BOUNDARY
COUNTY DIVISIONS STATE AND COUNTY
HIGHWAYS

EXHIBIT 180

LEGEND

