

Indexed	Filed	Blotted

IDA MAE SMITH  
County Recorder

Date: MAR 25 1975 - 9 00 AM  
Request of: Haven Management Corporation  
Fees: \$391.00

Reference in the Villas West CCRs at these locations:

- CCR 1.2 L\*
- CCR 1.2 P
- CCR 2.3
- CCR 2.4

DECLARATION OF SUBMISSION TO HORIZONTAL PROPERTY REGIME  
OF

HAVEN GREEN VALLEY WEST  
A CONDOMINIUM  
GREEN VALLEY, PIMA COUNTY, ARIZONA

\*The aforesaid Declaration is incorporated herein

KNOW ALL MEN BY THESE PRESENTS:

That STEWART TITLE & TRUST OF TUCSON, an Arizona Corporation, as Trustee under Trust No. 1394 (the "Declarant"), being the sole owner of certain real property in the County of Pima, State of Arizona, more particularly described in schedule "A" attached and made a part hereof, does hereby make this Declaration, pursuant to Arizona Revised Statutes, Sections 33-551 through 33-561 inclusive, submitting said real property to the Horizontal Property Regime established by said Statutes, stating:

by this reference.

1. Submission. That it is the sole owner of the real property described in Schedule "A" attached and made a part hereof, and that it does hereby submit said property to a Horizontal Property Regime pursuant to the terms of Arizona Revised Statutes, Sections 33-551 through 33-561, inclusive.

2. Cubic Space of Buildings. That the cubic content space of the buildings located on said real property, with reference to their location on the land, is as described in Schedule "B" attached and made a part hereof.

3. Cubic Space of Apartments. That the cubic content space of each apartment, patio, and carport located within the buildings described in Paragraph 2 above and the parking space, if any, appurtenant to an apartment, subject to individual ownership and the number given to each as a description, is as described in Schedule

"C" attached and made a part hereof.

4. Common Elements. That the common elements of the Horizontal Property Regime established hereby shall be the description set forth in Schedule "A", less the descriptions set forth in paragraph 3 above, together with as common elements all water lines and drainage plumbing within walls, house connection sewers, all sewer laterals on the property except those dedicated to Pima County, all water distribution lines and mains and other utility lines on the property except those lines and mains owned by public utilities, and any other pipes, vents, water heaters, heating and cooling systems, structural members, wires or conduits running through or encroaching upon said apartments, patios, carports, or parking spaces. The Council of Co-Owners shall be responsible for all necessary maintenance, repairs and replacement of the common elements and shall provide for the cost thereof through assessments levied in accordance with the applicable sections of Arizona Revised Statutes, Sections 33-551 through 33-561 inclusive.

5. Percentage Interest. That the percentage interest which each apartment bears to the entire Horizontal Property Regime is as described in Schedule "D" attached and made a part hereof.

6. Inner Surfaces. That the undecorated and/or unfinished inner surfaces of the perimeter walls, floors, ceilings, and any interior bearing walls and/or bearing partitions, except the inner decorated and/or finished surfaces thereof, of each apartment, patio, and carport shall constitute a part of the common elements described in Paragraph 4 above.

7. Encroachments. That if any part or portion of any apartment, patio, carport, parking space or the common elements encroaches

upon any apartment, patio, carport, parking space or the common elements, a valid easement for the maintenance of such encroachment, so long as it exists, shall and does exist.

8. Name. That the Horizontal Property Regime established hereby shall be known as Haven Green Valley West, to be recorded in Book 27 at Page 75 of Maps and plats, and that the administration thereof, including, but not limited to the matters set forth in Arizona Revised Statutes, Section 33-561, shall be in accordance with the provisions of this Declaration and with the provisions of the By-laws, rules and regulations established by the Council of Co-Owners established pursuant to Arizona Revised Statutes, Section 33-561.

9. Conveyances. That this Declaration submitting the above described property to a Horizontal Property Regime is made so that the apartments, patios, carports and parking spaces described in Schedule "C" may be conveyed and recorded as individual properties and capable of independent use, each having its own exit to the common elements above described; the owner of each having the exclusive and particular ownership over his respective apartment, patio, carport and parking space and, in addition, the specified undivided interest in the common elements and facilities as tenant in common.

10. Appurtenances and Utility Easements. Every patio, carport and parking space described in Schedule "C" shall be appurtenant to the apartment of like number described in said Schedule, and shall not be severed. Any conveyance or mortgage, or attempted conveyance or mortgage, of an apartment described in Schedule "C" shall be a conveyance of a like interest in the patio, carport, or parking space of the same number as aforesaid. The Declarant,



or its successors, or the Council of Co-Owners, subject to Arizona Revised Statutes, sections 33-551 through 33-561, inclusive, may at any time grant easements for public utility service of any kind or nature, upon the common elements subject to the approval, if required, of Pima County and any governmental authority having jurisdiction over such utility.

IN WITNESS WHEREOF, said STEWART TITLE & TRUST OF TUCSON, an Arizona Corporation, as Trustee under Trust No. 1394 has caused these presents to be signed and its corporate seal affixed hereto, this 1 day of MARCH, 1976.

STEWART TITLE & TRUST OF TUCSON,  
an Arizona Corporation, as Trustee  
under Trust No. 1394, and not  
individually, as Trustee only and not in its  
Corporate Capacity.

BY:  \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

We, the undersigned, hereby certify that we are the successor holders of that certain deed of trust, recorded in Dkt. 4490 at page 356 and subsequent amendments recorded in Dkt. 4703 at page 743 and Dkt. 4733 at page 106, Pima County, Arizona, and we do hereby join in consent to this Declaration of submission to Horizontal Property Regime.

STEWART TITLE & TRUST OF TUCSON,  
a corporation

BY:  \_\_\_\_\_  
Vice President

-4-

BOOK 5234 PAGE 4

beneficial holder of that certain deed of trust recorded in Docket  
4490, page 856, in the office of the County Recorder of Pima County,  
as amended,  
Arizona, and does hereby agree and consent to this Declaration of  
Submission to Horizontal Property Regime.

HEITMAN MORTGAGE INVESTORS,  
a Massachusetts Business Trust

BY: [Signature]  
Its Trustee

ATTEST:

\_\_\_\_\_  
Its

STATE OF ARIZONA )  
                          ) ss.  
County of Pima     )

On this 1st day of March, 1976, before me, the under-  
signed officer, personally appeared Frank C. McElwain and  
\_\_\_\_\_, who acknowledged <sup>him</sup> ~~themselves~~ to be  
<sup>VICE</sup> the ~~President and Secretary~~ of STEWART TITLE & TRUST OF TUCSON, an  
Arizona Corporation, and that <sup>HE</sup> ~~they~~, as such officers, being author-  
ized to do so, executed the foregoing instrument for the purposes  
therein contained, by signing the name of the corporation by <sup>him</sup> ~~them-~~  
selves as such officer.

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

[Signature]  
Notary Public in and for the County  
of Pima, State of Arizona

My Commission Expires:  
7/18/79

STATE OF ILLINOIS )  
 ) ss.  
County of Cook )

On this 27<sup>th</sup> day of February, 197~~8~~<sup>6</sup> before me, the under-  
signed officer, personally appeared H(W) Kuehler,  
who acknowledged himself to be the trustee of Heitman Mortgage In-  
vestors, a Massachusetts Business Trust, and that he, as such offi-  
cer, being authorized so to do, executed the foregoing instrument  
for the purposes therein contained, by signing the name of the busi-  
ness trust by himself as such officer.

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

Mary Ke O'Connell  
Notary Public in and for the County  
of Cook, State of Illinois

My Commission Expires:

7-8-78

STATE OF ARIZONA )  
 ) ss.  
County of Pima )

On this 1<sup>st</sup> day of March, 197~~8~~<sup>6</sup>, before me, the under-  
signed officer, personally appeared Jim Davis, who  
acknowledged himself to be the Trust Officer of an Arizona Corpor-  
ation, and that he, as such officer, being authorized so to do, exe-  
cuted the foregoing instrument for the purposes therein contained,  
by signing the name of the corporation by himself as officer.

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

Mary Babington  
Notary Public

My Commission Expires:

7-11-78