

**CITY CLERK  
ORIGINAL**

C-8184-1  
10/12/2012



**Fidelity National Title**  
INSURANCE COMPANY

**AMENDMENT**

Date: October 12, 2012

Escrow No: FTA12015049 -CJH

The previous instructions in the above numbered Escrow are hereby modified and/or amended in the following particulars only:

1. The City of Glendale has requested to do the recording of the two deeds and release for this escrow instead of the title company. Escrow Agent is authorized and directed to release original conveyance documents and release to the City of Glendale to record.
2. It is further understood that the City of Glendale will need to notify Escrow Agent prior to recording to allow the title company to do a final date down of the properties to confirm nothing has recorded since the last date of the commitment. Fidelity National Title is released of liability and/or responsibility for any intervening matters that may come up on title should the City record the documents prior to receiving Escrow Agent's authorization. The City understands they need to record the same day they receive authorization to record from the Escrow Agent.
3. The parties understand that we will order the final policies upon receipt of recorded copies of the documents.

This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, and all such counterparts together shall constitute one and the same instrument. A fully-executed facsimile copy of this Amendment shall be treated as an original.

ALL OTHER TERMS AND CONDITIONS SHALL REMAIN THE SAME.

BUYER:

Mandalay Communities, Inc.

By: \_\_\_\_\_

Approved as to form:

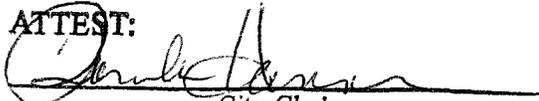
  
Craig Tindall  
City Attorney

SELLER:

City of Glendale

By: \_\_\_\_\_

ATTEST:

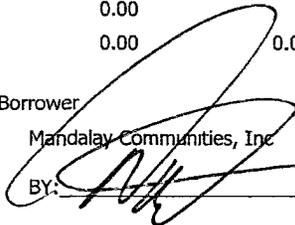
  
City Clerk

**ESTIMATED MASTER SETTLEMENT STATEMENT**

**Date:** October 12, 2012  
**Settlement Date:**  
**Borrower:** Mandalay Communities, Inc  
**Seller:** City of Glendale  
**Property:** Tract "G"  
 , AZ

**Time:** 04:33 PM  
**Escrow No.:** FTA12015049  
**Escrow Officer:** Christine Hughes, AVP

SELLER		BORROWER	
Debit	Credit	Debit	Credit
<b>Financial Consideration</b>			
<b>Escrow Charges</b>			
	Settlement or Closing Fee	540.00	
	Fidelity National Title Agency, Inc.		
<b>Title Charges</b>			
	Title Insurance	360.00	
	Fidelity National Title Insurance Company		
	ALTA Owner's Policy (6/17/2006) Standard Coverage		
	Recording Service Fee	60.00	
	Fidelity National Title Agency, Inc.		
	<b>Subtotals</b>	960.00	
	0.00 <b>Balance Due FROM</b>		960.00
0.00	<b>Balance Due TO</b>	0.00	
0.00	<b>TOTALS</b>	960.00	960.00

Borrower  
 Mandalay Communities, Inc  
 BY: 

Seller  
 City of Glendale  
 BY: 

Fidelity National Title Agency, Inc.  
 Settlement Agent

Approved as to form:

  
 Craig Tindali  
 City Attorney

**ATTEST:**  
  
 Sarah Hance  
 City Clerk

When recorded, mail to:

City Clerk, City of Glendale  
5850 W. Glendale Avenue  
Glendale, Arizona 85301

Exempt Pursuant to A.R.S. 11-1134(A)(3)

**SPECIAL WARRANTY DEED**

For the consideration of Ten Dollars and other valuable consideration, the City of Glendale, an Arizona municipal corporation, does hereby convey to Mandalay Communities, Inc., an Arizona corporation, the Grantee, that certain parcel of real property situated in Maricopa County, Arizona, and described in Exhibit "A" attached hereto (the "Property"), together with any improvements, buildings, structures and fixtures located thereon; all easements, if any, benefiting the Property; all rights, benefits, privileges, and appurtenances pertaining to the Property, to the extent Grantor has any interest in the same, if any, including the right, title and interest of Grantor in and to any property lying in or under the bed of any street, alley, road or right of way, open or proposed, abutting or adjacent to the Property and the strips, gaps or gores, if any, between the Property and abutting property.

Grantor hereby binds itself and its successors to warrant and defend the title to the Property against all acts of the Grantor herein and no other, SUBJECT, however to current taxes, assessments, reservations in patents, and all easements, rights-of-way, encumbrances, liens, covenants, conditions and restrictions as may appear of record.

Dated this 31 day of October, 2012.

City of Glendale,  
an Arizona municipal corporation

By Horatio Skeete  
Horatio Skeete, Acting City Manager

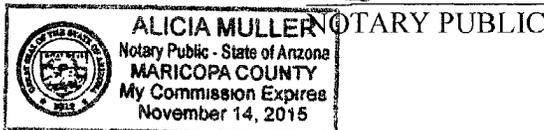
STATE OF ARIZONA     )  
  )ss.  
COUNTY OF MARICOPA )

This instrument was acknowledged before me this 31<sup>st</sup> day of October, 2012, by HORATIO SKEETE, Acting City Manager of the City of Glendale, Arizona.

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

Alicia Muller

My commission expires:  
NOV. 14, 2015





**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**TRACT "G"**  
**A REPLAT OF CARMEL COVE – UNIT II**

A TRACT OF LAND BEING SITUATED IN SECTION 29, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID TRACT BEING IDENTICAL TO TRACT "G" AS SHOWN ON "A REPLAT OF CARMEL COVE UNIT II – A PLANNED RESIDENTIAL DEVELOPMENT AS RECORDED IN PLAT BOOK 475, PAGE 25, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A POINT ON THE SOUTH RIGHT OF WAY OF TOPEKA DRIVE FOR THE NORTHEAST CORNER THIS TRACT, SAID POINT ALSO BEING IDENTICAL TO THE NORTHWEST CORNER OF LOT 66 OF SAID CARMEL COVE UNIT II, FROM WHICH A CITY OF GLENDALE BRASS CAP FLUSH FOUND AT THE INTERSECTION OF TOPEKA DRIVE AND 54<sup>TH</sup> LANE BEARS THE FOLLOWING TWO COURSES AND DISTANCES, NORTH 00°23'53" WEST, 25.00 FEET TO A CITY OF GLENDALE BRASS CAP FOUND FLUSH IN THE CENTERLINE OF TOPEKA DRIVE, THENCE SOUTH 89°36'07" WEST, 183.53 FEET;

**THENCE** LEAVING THE SOUTH RIGHT OF WAY OF TOPEKA DRIVE AND ALONG THE WEST LINE OF SAID LOT 66 OF CARMEL COVE UNIT II, SOUTH 01°33'00" EAST, 9.47 FEET TO THE SOUTHEAST CORNER OF THIS TRACT;

**THENCE** LEAVING THE WEST LINE OF SAID LOT 66 OF CARMEL COVE UNIT II, SOUTH 89°24'29" WEST, 159.01 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF TOPEKA DRIVE FOR THE SOUTHWEST CORNER OF THIS TRACT, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 50.00 FEET,

**THENCE** NORTHEASTERLY ALONG THE SOUTH RIGHT OF WAY OF TOPEKA DRIVE, 22.38 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 25°38'52", AND WHOSE LONG CHORD BEARS NORTH 76°34'54" EAST, 22.19 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING A RADIUS OF 50.00 FEET;

**THENCE** CONTINUING NORTHEASTERLY, ALONG THE SOUTH RIGHT OF WAY OF TOPEKA DRIVE, 22.55 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 25°50'09", AND WHOSE LONG CHORD BEARS NORTH 76°40'44" EAST, 22.36 FEET TO A POINT OF TANGENCY,



**THENCE** CONTINUING ALONG THE SOUTH RIGHT OF WAY OF TOPEKA DRIVE, NORTH 89°35'57" EAST, 115.40 FEET TO THE **POINT OF BEGINNING**

SAID TRACT CONTAINS 1,325 SQUARE FEET OR 0.03 ACRES OF LAND, MORE OR LESS.

**BASIS OF BEARINGS** NORTH 01°32'45" WEST, BEING THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

RANDALL R. HAGER  
ARIZONA REGISTERED PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 36561

CARDNO WRG  
9977 N 90<sup>TH</sup> STREET SUITE 350  
SCOTTSDALE, ARIZONA 85258  
PHONE: (602) 977-8000



54TH LANE

CARMEL COVE UNIT II  
BK. 475, PG. 25 M.C.R.

EXISTING 20' INGRESS/  
EGRESS EASEMENT  
TOPEKA DRIVE

EXISTING 12'  
WATER EASEMENT

S89°36'07"W

183.53'

C2

N89°35'57"E

115.40'

N00°23'53"W  
25.00'

POINT OF  
BEGINNING

C1

S89°24'29"W

159.01'

S01°33'00"E  
9.47'

EXISTING 8'  
PUE

TRACT G - 1,325 SF  
(0.03 Ac.)  
BK. 475, PG. 25

CARMEL COVE UNIT II  
BK. 475, PG. 25 M.C.R.

38

39

LOT 66

PROPOSED CARMEL ESTATES  
(NOT YET RECORDED)

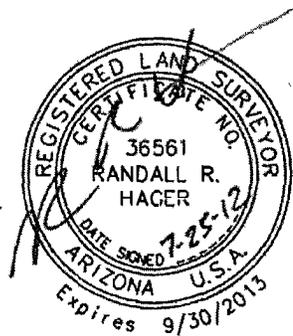
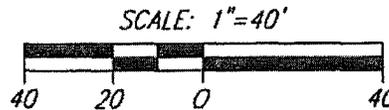
### CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	50.00	22.38'	25°38'52"	N 76°34'54" E	22.19'
C2	50.00	22.55'	25°50'09"	N 76°40'44" E	22.36'

### LEGEND

M.C.R. - MARICOPA COUNTY RECORDER

● - FOUND BRASS CAP FLUSH



PHOENIX  
9977 N 90TH ST, STE 350, SCOTTSDALE, AZ 85258  
TEL: (602) 977-8000 FAX: (602) 977-8099  
www.cardno.com  
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

## EXISTING TRACT "G" A REPLAT OF CARMEL COVE - UNIT II

MANDALAY HOMES  
GLENDALE, ARIZONA

PROJECT NO 4129988000  
DATE: 7-12-12  
BY: JBE  
SCALE: 1"=40'  
SHEET NO 2

**AFFIDAVIT OF NO OPEN DEED OF TRUST(S) OR MORTGAGE(S)**

State of Arizona )  
 )  
County of Maricopa )

The undersigned hereby states that he/she/they are the sole owner(s) of the subject property in the above referenced escrow number.

The undersigned herein certifies that there are no open or outstanding Deed of Trust(s) or Mortgage(s) that currently encumber the subject property.

That, in the event any previous Deed of Trust(s) or Mortgage(s) shall be found, the undersigned immediately shall settle said obligation from their own monies and hereby hold harmless Fidelity National Title Insurance Company of same.

FURTHER AFFIANTS SAYETH NOT.

City of Glendale  
By: Horatio Skeete

**NOTARY ACKNOWLEDGMENT(S) TO THE  
AFFIDAVIT OF NO OPEN DEED OF TRUST(S) OR MORTGAGE(S)**

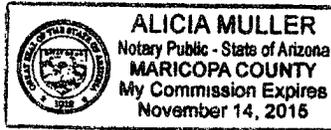
State of Arizona )  
 )  
County of Maricopa )

This instrument was acknowledged before me this 31st day of October, 2012 by Horatio Skeete as Acting City Mgr of City of Glendale

Alicia Muller

Notary Public

(seal)



My commission expires: 11-14-15

## NON-FOREIGN AFFIDAVIT

The undersigned, on behalf of City of Glendale, an Arizona municipal corporation, ("**Transferor**"), after being duly sworn upon his oath deposes and says that:

Section 1445 of the Internal Revenue Code of 1986, as amended (the "**Code**") provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. For U.S. tax purposes (including Code Section 1445), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform Mandalay Communities, Inc., an Arizona corporation ("**Transferee**") that withholding of tax is not required upon the disposition of Transferor's interest in the real property described on Exhibit One attached hereto and by this reference incorporated herein, the undersigned hereby declares the following on behalf of the Transferor:

1. The Transferor is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Code and Income Tax Regulations);
2. The Transferor is not a disregarded entity as defined in Income Tax Regulations §1.1445-2(b)(2)(iii);
3. The Transferor's U.S. employer identification/social security number is \_\_\_\_\_; and
4. The Transferor's address is  
5850 W Glendale Ave  
Glendale, AZ 85301

The Transferor understands that this certification may be disclosed to the Internal Revenue Service by the Transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of the Transferor.

City of Glendale

By: 