

**CITY CLERK
ORIGINAL**

**C-8184-2
10/12/2012**



Fidelity National Title
INSURANCE COMPANY

AMENDMENT

Date: October 12, 2012

Escrow No: FTA12015050 -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.
4. There will be no Proration charged on this transaction.

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.

See attached for signatures

Signatures for Amendment

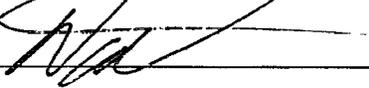
BUYER:

City of Glendale

By: 

SELLER:

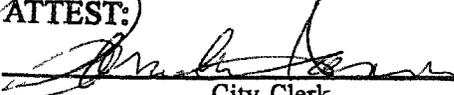
Mandalay Communities, Inc.

By: 

Approved as to form:



Craig Tindall
City Attorney

ATTEST:

City Clerk

FIDELITY NATIONAL TITLE AGENCY, INC.
60 E Rio Salado Pkwy, Ste 1102, Tempe, AZ 85281
Phone: (480)214-4548 Fax: (480)214-1752

ESTIMATED MASTER SETTLEMENT STATEMENT

Date: October 15, 2012

Time: 04:59 PM

Settlement Date:

Escrow No.: FTA12015050

Borrower: City of Glendale

Escrow Officer: Christine Hughes, AVP

Seller: Mandalay Communities, Inc

Property: Sidewalk Parcel
, AZ

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

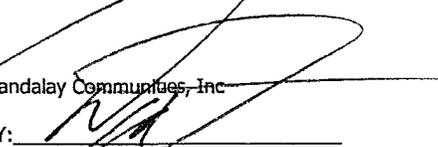
Borrower

City of Glendale

BY: 

Seller

Mandalay Communities, Inc

BY: 

Approved as to form:


Craig Tindall
City Attorney

Fidelity National Title Agency, Inc.
Settlement Agent

ATTEST:


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, Mandalay Communities, Inc., an Arizona corporation, does hereby convey to the City of Glendale, an Arizona municipal 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 17 day of October, 2012.

Mandalay Communities, Inc.,
an Arizona corporation

By [Signature]
David D. Everson, President

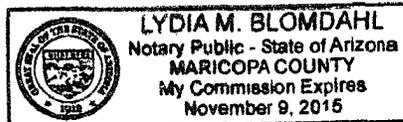
STATE OF ARIZONA)
)ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me this 17 day of October, 2012, by DAVID D. EVERSON, the President of Mandalay Communities, Inc., an Arizona corporation.

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

[Signature]
NOTARY PUBLIC

My commission expires:
11-9-2015



54th Avenue/Topeka Dr.



**EXHIBIT "A"
LEGAL DESCRIPTION
SIDEWALK PARCEL
CARMEL ESTATES**

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 A PORTION OF MARICOPA COUNTY ASSESSOR'S PARCEL NUMBER 200-25-162A, AS DESCRIBED IN TRUSTEE'S DEED RECORDED JUNE 25, 2010 IN RECORDING NUMBER 20100541509 OF RECORDS OF MARICOPA COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT OF WAY OF 54TH AVENUE FOR THE SOUTHEAST CORNER THIS TRACT, FROM WHICH A CITY OF GLENDALE BRASS CAP FLUSH FOUND AT THE INTERSECTION OF TOPEKA DRIVE AND 54TH AVENUE BEARS THE FOLLOWING TWO COURSES AND DISTANCES; NORTH 88°27'39" EAST, 25.00 FEET TO THE CENTERLINE OF 54TH AVENUE, THENCE NORTH 01°32'21" WEST, 475.02 FEET;

THENCE LEAVING THE WEST RIGHT OF WAY OF 54TH AVENUE, AND ALONG THE NORTH LINE OF SAID CITY OF GLENDALE PARCEL, SOUTH 88°25'30" WEST, 55.93 FEET TO THE SOUTHWEST CORNER OF THIS TRACT, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 56.40 FEET;

THENCE LEAVING THE NORTH LINE OF SAID CITY OF GLENDALE PARCEL, NORTHEASTERLY, 67.00 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 68°04'17", AND WHOSE LONG CHORD BEARS NORTH 25°02'23" EAST, 63.13 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 49.30 FEET;

THENCE CONTINUING NORTHEASTERLY, 33.07 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 38°25'53", AND WHOSE LONG CHORD BEARS NORTH 13°19'41" EAST, 32.45 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 59.60 FEET;

THENCE CONTINUING NORTHEASTERLY, 22.41 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 21°32'51", AND WHOSE LONG CHORD BEARS NORTH 58°45'31" EAST, 22.28 FEET TO A POINT ON THE WEST RIGHT OF WAY OF SAID 54TH AVENUE FOR THE NORTHEAST CORNER OF THIS TRACT;



THENCE CONTINUING ALONG THE WEST RIGHT OF WAY OF 54TH AVENUE, SOUTH 01°32'21" EAST, 98.83 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2,721 SQUARE FEET OR 0.06 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 90TH STREET SUITE 350
SCOTTSDALE, ARIZONA 85258
PHONE: (602) 977-8000



CITY OF GLENDALE
BRASS CAP FLUSH
54TH AVENUE & TOPEKA DRIVE

TARO LANE

475.02'

PROPOSED CARMEL ESTATES
(NOT YET RECORDED)

28

29

30

EXISTING
SIDEWALK

C3

C2

98.83'

54TH AVENUE

AREA= 2,721 SF
0.06 AC

OPEN SPACE
TRACT
'D'

C1

S01°32'21"E

N01°32'21"W

19

888°25'30"W
55.93'

A.P.N.
200-25-162-B

POINT OF
BEGINNING

N88°27'39"E
25.00'

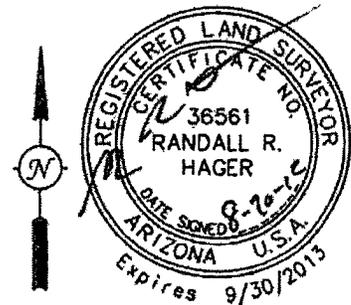
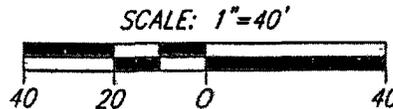
CITY OF GLENDALE
ZONED A-1

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	56.40	67.00'	68°04'17"	N 25°02'23" E	63.13'
C2	49.30	33.07'	38°25'53"	N 13°19'41" E	32.45'
C3	59.60'	22.41'	21°32'51"	N 58°45'31" E	22.28'

LEGEND

- M.C.R. - MARICOPA COUNTY RECORDER
- - FOUND BRASS CAP FLUSH



SIDEWALK PARCEL CARMEL ESTATES

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PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

MANDALAY HOMES
GLENDALE, ARIZONA

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

WHEN RECORDED MAIL TO:

Escrow No. FTA12015050

DEED OF PARTIAL RELEASE AND PARTIAL RECONVEYANCE

WHEREAS, the indebtedness secured by a Deed of Trust executed by Mandalay Communities, Inc., an Arizona corporation dated June 8, 2012 in Document No. 2012-0523253, of Official Records in the office of the County Recorder of Maricopa County Arizona.

Now THEREFORE, the undersigned, being the present BENEFICIARY under said Deed of Trust, does hereby RELEASE AND RECONVEY, without warranty or covenant, express or implied, unto the parties legally entitled thereto, all rights, title and interest heretofore acquired by said Beneficiary under said Deed of Trust, as to the following described property:

SEE ATTACHED EXHIBIT "ONE"

This Deed of Partial Release and Partial Reconveyance does not in any way affect the balance of the property described in said Deed of Trust, but releases and reconveys ONLY the above described property.

Dated this 16th day of October, 2012

BENEFICIARY

Mortgage Equities XII, LLC an Arizona limited liability company

By: [Signature]
MITCHELL S. MEDIGOVICH, PRESIDENT OF
MORTGAGE MANAGEMENT, INC. *MANAGER
OF MORTGAGE EQUITIES XII, LLC
(STATE OF ARIZONA)

COUNTY OF MARICOPA)

This instrument was acknowledged before me this 16th day of October, 2012 by Mitchell S. Medigovich as President of Mortgage Equities XII, LLC Mortgage Management, Inc *

[Signature]
Notary Public

My commission expires: 1-27-2014

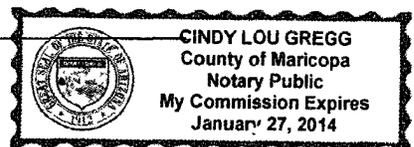




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AREA= 2,721 SF
0.06 AC
OPEN SPACE
TRACT
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54TH AVENUE

POINT OF BEGINNING
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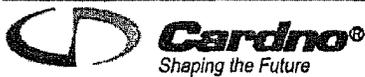
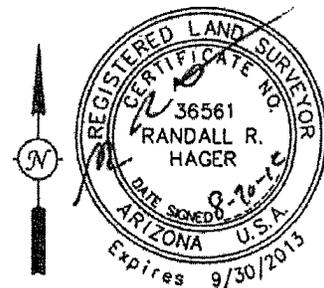
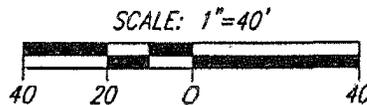
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