

August 8, 1990

Mr. Fred Osman  
P.O. Box 1454  
Carefree, Az.

RE: Commercial (C-2) Lots & Parking Tracts in Tonto Hills.

Dear Fred,

The purpose of this letter is to strengthen our conversation last week. I'm really not sure this information will be of any help to you, it is basically just common knowledge.

Located at the entrance to Tonto Hills there are twenty-three commercial lots. They are approximately the same size, 9000 sq.ft. each. These properties are split by Old Mine Road and Kachina-La Plata Rds. Making four areas. Each of these areas have a Tract of land contiguous to and fronting the roads. These Tracts, as per Maricopa County Records, are also Zoned C-2 like the small commercial lots, however they are Deed Restricted to be used only for parking for the smaller specified lots.

Ownership of these Tracts has always been the Developer of the subdivision, and in fact remains the property of the last individual involved with the Development, Mr. Thomas Chumlea. These Tracts are Horseshoe Shaped and completely land lock all but four of the commercial lots. The only protection the lot owners have for access is in the Tonto Hills Deed Restrictions. The strength of the Deed Restrictions are not recognized by Maricopa County, but the Title Co.'s do, and will issue Title Insurance, accepting the access.

*Now  
George  
Young.*

I'm saying, "Mr. Chumlea has to allow the owners access", this doesn't mean he can't charge for this easement, and that is his intentions. The County, on the other hand not recognizing CC&R's, may not allow building permits because they want the parking on commercial property to be it's own Fee Simple ownership. This doesn't mean the Board of Supervisors can't grant an exception, however it doesn't mean they will either. Incidentally, THIA is really in a CC&R abuse by having the little park and mail boxes located on the "For Commercial Lot Parking Only Tracts".

In short, these properties are a problem for all concerned. The lots are owned by people holding for Investment, I can see the potential of lawsuits. As you're aware of, I had a part ownership of seven of them at one time. I was willing, and did take a real beating just to wash my hands of them.

August 8, 1990

Mr. Fred Osman  
P.O. Box 1454  
Carefree, Az.

RE: Commercial (C-2) Lots & Parking Tracts in Tonto Hills.

Dear Fred,

The purpose of this letter is to strengthen our conversation last week. I'm really not sure this information will be of any help to you, it is basically just common knowledge.

Located at the entrance to Tonto Hills there are twenty-three commercial lots. They are approximately the same size, 9000 sq.ft. each. These properties are split by Old Mine Road and Kachina-La Plata Rds. Making four areas. Each of these areas have a Tract of land contiguous to and fronting the roads. These Tracts, as per Maricopa County Records, are also Zoned C-2 like the small commercial lots, however they are Deed Restricted to be used only for parking for the smaller specified lots.

Ownership of these Tracts has always been the Developer of the subdivision, and in fact remains the property of the last individual involved with the Development, Mr. Thomas Chumlea. These Tracts are Horseshoe Shaped and completely land lock all but four of the commercial lots. The only protection the lot owners have for access is in the Tonto Hills Deed Restrictions. The strength of the Deed Restrictions are not recognized by Maricopa County, but the Title Co.'s do, and will issue Title Insurance, accepting the access.

*Now  
George  
Young.*

I'm saying, "Mr. Chumlea has to allow the owners access", this doesn't mean he can't charge for this easement, and that is his intentions. The County, on the other hand not recognizing CC&R's, may not allow building permits because they want the parking on commercial property to be it's own Fee Simple ownership. This doesn't mean the Board of Supervisors can't grant an exception, however it doesn't mean they will either. Incidentally, THIA is really in a CC&R abuse by having the little park and mail boxes located on the "For Commercial Lot Parking Only Tracts".

In short, these properties are a problem for all concerned. The lots are owned by people holding for investment, I can see the potential of lawsuits. As you're aware of, I had a part ownership of seven of them at one time. I was willing, and did take a real beating just to wash my hands of them.

Commercial Lots, Page two

In reference to the Board of Directors, or the Architect Control Board getting involved or having any part of further hindering appreciation or creating additional problems for these properties, I would strongly urge the use of tact and good judgement.

These recommendations are my own feelings, the information I've shared came from research and conversations with various people and office's, ie. Maricopa County Planning & Zoning, Security Title Co. etc.. If I've created any questions, or I can help in any other way, please don't hesitate in contacting me.

Sincerely,

A handwritten signature in cursive script that reads "Glen S. Todd".

Glen S Todd