

STATE OF ARIZONA  
DEPARTMENT OF REAL ESTATE

**SUBDIVISION PUBLIC REPORT**

FOR  
**CATALINA VISTA CONDOMINIUMS**

Registration No. DM06-051737

**SUBDIVIDER**

BAY AREA INVESTORS COLUMBUS PARK, LLC  
1847 FILBERT STREET  
SAN FRANCISCO, CA 94123

April 5, 2006

Effective Date

**PROPERTY REPORT DISCLAIMER**

This report is NOT A RECOMMENDATION NOR AN ENDORSEMENT by the State of Arizona of this land but is provided for informational purposes ONLY. The report reflects information provided by the subdivider and obtained by the Department in its review process in accordance with the provisions of Title 32, Chapter 20, Article 4, of the Arizona Revised Statutes, as amended. **NOTE** that not all of the information in this report has been verified by the Department; certain information has been accepted by the Department as true and accurate based on attestation of the subdivider and/or the subdivider's agents. You should verify all facts before signing any documents. The Department has not passed upon the quality or quantity of any improvement or structure and does not assume responsibility in either event.

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Tucson, Arizona 85701  
(520) 628-6940

**THE ARIZONA DEPARTMENT OF REAL ESTATE**

**REQUIRES THAT:**

1. You BE GIVEN this public report;
2. YOU SIGN A RECEIPT indicating that you received this report;

**RECOMMENDS:**

1. You DO NOT SIGN ANY AGREEMENT before you have read this report;
2. You see the EXACT PROPERTY you are interested in BEFORE SIGNING any document for lease or purchase.

**ARIZONA LAW STATES:**

1. THE SALE OR LEASE OF SUBDIVIDED LANDS PRIOR TO ISSUANCE OF THIS REPORT OR FAILURE TO DELIVER THIS REPORT TO YOU SHALL RENDER THE SALE OR LEASE RESCINDABLE BY YOU. ACTION TO RESCIND MUST BE BROUGHT WITHIN 3 YEARS FROM DATE OF EXECUTION OF PURCHASE AGREEMENT.
2. CONTRACTS OR AGREEMENTS FOR THE PURCHASE OF AN UNIMPROVED LOT (WITHOUT A BUILDING)\* MAY BE RESCINDED BY YOU WITHOUT CAUSE BY SENDING OR DELIVERING WRITTEN NOTICE OF RESCISSION BY MIDNIGHT OF THE SEVENTH CALENDAR DAY FOLLOWING THE SIGNING.
3. IF YOU HAVE SIGNED A PURCHASE AGREEMENT FOR THE PURCHASE OF AN UNIMPROVED LOT (WITHOUT A BUILDING)\* PRIOR TO INSPECTING THE LOT, YOU HAVE SIX MONTHS TO INSPECT AND UPON INSPECTION MAY RESCIND THE PURCHASE AGREEMENT.

\*A contract or agreement for purchase of a lot which includes a building or obligates the seller to complete construction of a building within two years from the contract date does not constitute the purchase of an unimproved lot. Therefore, if your purchase includes a lot and a building or a building to be built, you are not entitled to the rescission rights described in paragraphs 2 and 3.

**GENERAL**

**This report includes: Units 1 through 60**

**The map of this subdivision** is recorded in Book 61, Page 4, records of Pima County, Arizona.

The subdivision is approximately 4.31 acres in size. It has been divided into 60 units.

**YOU ARE ADVISED TO OBTAIN A COPY OF THE RECORDED MAP AND CORRECTION DOCUMENTS, IF ANY, AND NOTE ALL EASEMENTS, RESTRICTIONS AND STATEMENTS CONTAINED THEREIN.**

**SUBDIVISION LOCATION**

**Location:** 2801 N. Columbus Blvd., Tucson, Pima County, Arizona.

**SUBDIVISION CHARACTERISTICS**

**Topography:** Level

**Flooding and Drainage:** In a letter dated March 23, 2006, by Stantec Consulting, Inc., it states: “The site is located within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area for the Columbus Wash per the currently effective Flood Insurance Rate Map for Pima County (Panel 1644, revised to reflect LOMR dated May 31, 2000, attached). Comparison of the finished floor elevations with the adjacent FEMA base flood elevation (100-year water surface elevation), indicates that the finished floor elevations (FFE) for 2801 N. Columbus Apartments 1-7 and 2821 N. Columbus, Apartments 1-8 and 11-17 are below the associated base flood elevations. A Letter of Map Amendment (LOMA) dated August 02, 1999 (attached) determined non-removal for Apartments 1-10 of 2841 N. Columbus and Apartments 1-10 and 11-17 of 2861 N. Columbus Blvd. based on lowest adjacent grade elevations (approximately 0.5 ft below FFE). However, this same LOMA removed Apartments 11-17 of 2841 Columbus from the Special Flood Hazard Zone.

We understand that when the City of Tucson completes construction of the upstream portion (Grant Rd. to Speedway) of the Columbus Wash storm drain, the Columbus Park apartments may be removed from the 100-year floodplain for the Columbus Wash. In the interim, flood proofing and/or floodwalls may be implemented to remove the units from the 100-year floodplain. No additional onsite drainage issues were noted during the recent dry weather site investigation.”

**Soils:** No subsidence or expansive soils.

**Adjacent Lands and Vicinity:** Zoned R-1 and R-2 (Residential) with O-3 (Office Zoned) to the Northwest

**AIRPORTS**

**Military Airport:** Davis Monthan AirForce Base, approximately 8 miles away

**Airport:** Tucson International Airport 7250 S. Tucson Blvd., approximately 11.49 miles away

### UTILITIES

**Electricity:** Tucson Electric Power 520.623-7711, [www.tucsonelectric.com](http://www.tucsonelectric.com) \$14.45 hook-up fee plus tax

**Street Lights:** Street Lights within subdivision maintained by City of Tucson, cost included in property taxes

**Telephone:** Qwest Communications 800.244-1111, [www.qwest.com](http://www.qwest.com) minimum hook-up fee is \$46.50

**Cable:** Cox Communications, 877.795-4544, [www.cox.com](http://www.cox.com), installations charges ranging from \$9.95 to \$19.95

**Natural Gas:** Southwest Gas, 520.889-1888, [www.swgas.com](http://www.swgas.com), for common area hot water heater. Cost included in Condominium Owners' Association Assessments.

**Water:** City of Tucson Water, 520.791-3242, \$25.00 hook-up fee, costs included in Condominium Owners' Association Assessments

**Sewage Disposal:** Pima County Wastewater Management, 520.740-6609, \$15 connection fee, costs included in City of Tucson Water bill.

**THE ABOVE COSTS ARE SUBJECT TO CHANGE BY SERVICE PROVIDERS. YOU SHOULD CONTACT THE ABOVE PROVIDERS REGARDING EXTENSION RULES AND REGULATIONS, SERVICE CONNECTIONS AND COSTS INVOLVED.**

### STREETS, ROADS AND DRAINAGE

**Access to the Subdivision:** Asphalt-paved public streets maintained by the City of Tucson

**Access within the Subdivision:** Asphalt-paved private streets maintained by the Condominium Owners' Association

**Arizona State Trust Land:** The Arizona State Land Department administers over 9.3 million acres of State Trust Land. This is not public land. Trust land may be subject to future development and may not be preserved or saved for openspace without compensation.

A person must have prior approval to use State Trust Land. Temporary recreational use is allowed with certain restrictions and conditions through purchase of a recreational permit. Use of State Trust Land without proper approval is a trespass.

**MANY ROADS ON RURAL TRUST LANDS ARE NOT LEGAL TRAVEL ROUTES, EXCEPT FOR STATE LESSEES AND HUNTERS, AND DO NOT PROVIDE LEGAL ACCESS TO PRIVATE LAND. STATE TRUST LAND MAY BE SOLD OR LEASED FOR**

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USES WHICH MAY EXCLUDE RECREATION. RECREATION IS A TEMPORARY USE THAT MAY BE TERMINATED AT ANY TIME.

For additional information, visit the State Land Department web page at [www.land.state.az.us](http://www.land.state.az.us), or call (602) 542-4631.

**Flood and Drainage:** None

**COMMON, COMMUNITY AND RECREATIONAL FACILITIES**

**Within the Subdivision:** Private Parking Spaces, and General Parking Spaces, Recreation and Landscape Areas

**ASSURANCES FOR COMPLETION**

**Assurances for Completion of Subdivision Facilities:** All Facilities Complete

**Assurances for Maintenance of Subdivision Facilities:** Recorded CC&Rs, Condominium Owners Association, the City of Tucson, and the Utility Providers

**LOCAL SERVICES AND FACILITIES**

**Schools:** Davidson Elementary School, 3915 E. For Lowell, 520.232-6800, approximately 1 mile away; Doolen Middle School, 2400 N. County Club, 520.232-6900, approximately 2 miles away; Catalina High School, 3645 E. Pima, 520.232-8400, approximately 2 miles away.

No School Bus Available

**SCHOOL FACILITIES AND BUS SERVICE MAY CHANGE. YOU SHOULD CONTACT THE LOCAL SCHOOL BOARD REGARDING THE CURRENT LOCATION OF SCHOOLS AND BUS SERVICE.**

**Shopping Facilities:** Alvernon and Grant shopping Center, approximately ½ mile southwest, and Crossroads Festival, approximately 1 mile northeast.

**Public Transportation:** Sun Tran Bus-stop in front of property on Glenn at Columbus

**Medical Facilities:** Tucson Medical Center, 5301 E. Gran, approximately 3 miles away, University Medical Center, 1501 N. Campbell, approximately 5 miles away

**Fire Protection:** Tucson Fire Department, costs paid through property taxes

**Ambulance Service:** 911 Service available

**Police Services:** Tucson Police Department

**Garbage Services:** Wastemanagement of Arizona, 520.744-2600, cost included in Condominium Owners' Association Assessments

**LOCATIONS AND COSTS OF THE ABOVE SERVICES AND FACILITIES MAY CHANGE. YOU SHOULD VERIFY THEIR CURRENT LOCATIONS AND COSTS PRIOR TO PURCHASE.**

**SUBDIVISION USE AND RESTRICTIONS**

Use: This offering is for Condominium Unit  
Zoned: Single Family Residence

**Conditions, Reservations and Restrictions:** Amended CC&R's recorded March 27, 2006 in Docket 12769, page 1230

**Restrictions and Other Matters of Record:** Conditions, reservations and restrictions that may run with the land including City or County zoning restrictions should be investigated by you. Copies of those items which are recorded may be inspected at the Office of the Pima County Recorder. Information about zoning may be obtained at the Office of the Pima County Planning and Zoning Department. Restrictions are recorded as cited in the following title exceptions and per the subdivision plat.

**TITLE**

**Title to this subdivision** is vested in Bay Area Investors Columbus Park, LLC., an Arizona limited liability company

**Subdivider's interest in** this subdivision is evidenced by recorded Special Warranty Deed

**Title is subject**, among other things, to all taxes, assessments, covenants, conditions, restrictions, limitations, reservations, rights, obligations, powers, easements, rights of way, liens, and charges of record. **YOU SHOULD INVESTIGATE THE TITLE AND SATISFY YOURSELF AS TO WHAT EFFECT, IF ANY, THESE MATTERS MAY HAVE ON THE USE OF THE LAND.** Title exceptions affecting the condition of title are listed in the Preliminary Title Report dated March 9, 2006 issued by Fidelity National Title Agency, Inc. **You should obtain a title report and determine the effect of the listed exceptions.**

**SEE ATTACHED EXHIBIT "A"**

**METHOD OF SALE OR LEASE**

**Sales:** Sales by a licensed real estate agent/broker and conveyance by recorded Special Warranty Deed.

**Release of Liens and Encumbrances:** Purchasers will receive title free and clear of all liens, except those shown by the public records such as real estate taxes not yet due and payable.

**Use and Occupancy:** Purchaser will be able to use and occupy their unit upon close of escrow and recordation of deed. Original construction was completed in 1964.

**Leasehold Offering:** None

**THE PURCHASE CONTRACT IS A BINDING AGREEMENT. CONTRARY TO THE TERMS AND PROVISIONS OF THE CONTRACT, YOU MAY HAVE ADDITIONAL RIGHTS, REMEDIES AND WARRANTIES PROVIDED BY LAW. READ THOROUGHLY BEFORE SIGNING. IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE PRIOR TO COMMITMENT TO PURCHASE.**

**TAXES AND ASSESSMENTS**

**Real Property Taxes:** The combined primary and secondary property tax rate for this subdivision for the year 2005 is \$16.44760 per \$100.00 assessed valuation. The estimated property tax for an improved lot (lot with dwelling), based on the above tax rate and average sales price of \$120,000, is \$1,973.71.

**Special District Tax or Assessments:** None

**AMOUNT OF TAXES AND ASSESSMENTS SET FORTH ABOVE ARE APPROXIMATE ONLY AND SUBJECT TO CHANGE.**

**PROPERTY OWNERS ASSOCIATIONS**

**Name and Assessments:** Catalina Vista Condominium Association, \$160 per month assessments

**Control of Association:** After 90 days after the conveyance of 75% of the units which may be created in the condominium to unit owners other than the declarant; or 4 years after declarant has ceased to offer units for sale in the ordinary course of business.

**Title to Common Areas:** the undivided interest in the common elements of the association shall be allocated equally among the units.

**Membership:** All unit owners

**PAYMENTS TO PROPERTY OWNERS ASSOCIATIONS ARE SUBJECT TO CHANGE IN ACCORDANCE WITH RECORDED RESTRICTIONS. SAID ASSOCIATION MAY ALSO IMPOSE SPECIAL ASSESSMENTS.**

**YOU ARE ADVISED TO READ THE RECORDED DECLARATION OF (COVENANTS, CONDITIONS AND RESTRICTIONS, ARTICLES OF INCORPORATION, DECLARATION OF CONDOMINIUM, BYLAWS) FOR THIS SUBDIVISION TO DETERMINE THE RIGHTS OF LOT/UNIT OWNERS TO PARTICIPATE IN THE CONTROL OF THE PROPERTY OWNERS' ASSOCIATION AND TO DETERMINE THE RIGHTS, DUTIES AND LIMITATIONS OF OWNERS IN AND TO USE OF THEIR LOT/UNITS. FURTHER, YOU SHOULD DETERMINE FOR YOURSELF IF SUBDIVIDER'S ARRANGEMENTS AND PLANS FOR THE PAYMENT OF ASSESSMENTS ON UNSOLD LOTS/UNITS WILL BE SUFFICIENT TO FULFILL THE NEEDS, DEMANDS AND FINANCIAL OBLIGATIONS OF THE ASSOCIATION, AS SET FORTH IN THE DECLARATION AND BYLAWS.**

## EXHIBIT "A"

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company. Rights are reserved to include additional exceptions and/or requirements with respect to any matters arising subsequent to the effective date hereof and prior to the recordation date of the transaction to be insured herein, but any such matters shall be dealt with prior to recordation hereunder.

1. **Regulations, conditions and** restrictions governing use of ground water pursuant to Arizona Revised Statutes 45-101 et. Seq.
2. **Property taxes**, which are a lien not yet due and payable, including any personal property taxes and any assessments collected with taxes to be levied for the year 2006.
3. Taxes for the second half 2005 are now due and payable in the amount of \$11,234.50. Tax code 110-06-159B.
4. **Any taxes** which are not shown as existing liens by the records of the County Treasurer or by the public record, as of the date hereof.
5. **Easements, restrictions, and matters** shown on the recorded map of said subdivision.
6. Reservations, exceptions and provisions contained in the patent from the United States of America, or in the acts authorizing the issuance thereof, as follows:

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized by local customs, laws and decisions of courts.

And also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

Recorded: March 20, 1911 in Book 48 of Deeds, Page 344.

7. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Tucson Gas, Electric Light and Power Company  
Purpose: electric lines, poles and appurtenances  
Recorded: May 6, 1963, Docket 2096, Page 394  
Affects: 4 ten foot strips more fully described therein.

8. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Mountain States Telephone and Telegraph Company  
Purpose: communication and other facilities  
Recorded: September 20, 1978, Docket 5865, Page 778  
Affects: the area shown on the drawing attached thereto.

9. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Tucson  
Purpose: water lines, fire hydrants and appurtenant facilities  
Recorded: July 16, 1981, Docket 6573, Page 515  
Affects: the Easterly 15 feet of said land.

10. Cable Television Service Agreement and Easement

Recorded: September 22, 1992, , in Docket 9381, Page 896

11. **An unrecorded lease** with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease  
Lessor: Columbus Square Apartments  
Lessee: Web Service Co., Inc.  
Recorded: April 14, 1995, in Docket 10022, Page 1770

12. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Tucson  
Purpose: utilities  
Recorded: August 15, 1996, Docket 10359, Page 1690  
Affects: a 5 foot and a 15 foot strip, more fully described therein.

13. **A deed of trust** to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$4,000,000.00  
Dated: June 27, 2005  
Trustor: Bay Area Investors Columbus Park, LLC, an Arizona limited liability company  
Trustee: BNC National Bank  
Beneficiary: BNC National Bank  
Recorded: July 12, 2005, in Docket 12592, Page 1186

14. **The matters set forth** in the document shown below which, among other things, contains or provides for: certain easements; liens and the subordination thereof; provisions relating to partition; restrictions on severability of component parts; and covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin).

Entitled: Amended Declaration of Condominium and of Covenants, Conditions and Restrictions for Columbus Park Condominium (known and marketed as Catalina Vista Condominium)

Recorded: \_\_/\_\_/\_\_, in Docket 12769, Page 1230

Notice of Condominium recorded in Docket 12770, page 6966.

**Liens and charges** for upkeep and maintenance as set forth in the above mentioned declaration.

15. Terms and conditions as set forth in Notice of Disclosure and Release recorded in Docket 12270, page 6967.

16. There are no other recorded matters affecting the title to the land described in this report.

END OF EXCEPTIONS