

## AFFIDAVIT

Comes now, your affiant, ERIC STEPHAN, and upon his oath, states and alleges as follows:

1. Your affiant is licensed through the Arizona State Board of Technical Registration, Registered Land Surveyor License No. 29274. Your affiant has continuously held this licensure status since 1995 through the present.

2. During the month of July 2019, your affiant reviewed the attached aerial views of each lot (see Exhibit A attached) in Desert Lakes Golf Course & Estates Tract 4076-B, Desert Lakes Golf Course & Estates Tract 4076-D, Desert Lakes Golf Course & Estates, Unit E, Tract 4163. Tract 4163 is a resubdivision of a portion of Planning Area VV and a part of KK depicted in Tract 4076-B. Subdivision Tract 4163 has no CC&Rs of any type attributable to that subdivision. Desert Lakes Golf Course & Estates subdivision Tract 4076-D is also a derivative subdivision of subdivision Tract 4076-B. It consists of 11 golf course lots and 1 non golf course frontage lot. This derivative subdivision was recorded on October 17, 1990 and the CC&Rs attributable thereto were recorded on October 19, 1990 in Book 1808, Page 509 in the Official Records of Mohave County at Fee No. 90-73717. See **Exhibit A** attached to this Affidavit. The tract 4076-D CC&Rs are substantially identical to the CC&Rs utilized in subdivision Tract 4076-B.

3. The objective of your affiant's review was to determine the distance between the closest rear projection of each constructed residence to the rear property line (the rear yard setback) in Desert Lakes Golf Course & Estates Tract 4076-B, Desert Lakes Golf Course & Estates Tract 4076-D, and Desert Lakes Golf Course & Estates, Unit E, Tract 4163. Each of these three are separate individually recorded subdivisions.

4. The original Desert Lakes Golf Course & Estates Tract 4076-B consisted of 225 single family lots and several parcels. Several lots have been "combined" for the use of a single residence; hence, the exact number of actual lots include those upon which a single family residence has been built are fewer than the originally platted lots. In its current configuration, there are fewer than 225 available residential lots as a result of owners combining two lots into a single home site.

5. The number of original single family platted lots in Desert Lakes Golf Course & Estates, Unit E, Tract 4163 as platted was 32. All lots within this subdivision have been fully built out with single family residences with the exception of Lot 5 which is undeveloped. Seven of the 32 original lots in this Tract 4163 have been combined and used for a single residence, thereby reducing the number of residences available for construction from 32 to 25.

6. The number of lots in Tract 4076-D is 12 upon which there are located 10 homes. Two lots in this subdivision are unimproved.

7. The purpose of this study was to determine whether any construction such as a covered patio protruded into the rear yard setback of 20 feet and if so, the extent of the encroachment into the rear yard for each residence and then determine the number of homes in Desert Lakes Golf Course & Estates Tract 4076-B, Desert Lakes Golf Course & Estates Tract 4076-D, and Desert Lakes Golf Course & Estates, Unit E, Tract 4163 where projections of the homes into the setback have occurred.

8. Exhibit B reflects the result of my study on a lot-by-lot basis of every residence constructed in these three subdivisions as of the date of the GIS map.

**Affidavit of Eric Stephan (Continued)**

9. Your affiant determined that of the 181 single family residences in the three combined separate subdivision tracts as of the date of this study, 116 homes include construction of the actual home or covered patio over portions of the 20 foot rear setback ranging as close as six feet to the rear property line and averaging 12 feet of the rear property line.

10. Your affiant determined in regard to subdivision Tract 4163 that 100% of the residences constructed therein have projections into the rear yard averaging 10 feet. All lots in this subdivision have been built upon excepting only Lot 5. The rear yard encroachments vary in this subdivision from as close as six feet of the rear property line to as far from the rear line as 13 feet.

11. Your affiant determined in regard to subdivision Tract 4076-D that the subdivision consists of 12 residential lots, 11 of which are golf course frontage lots. Ten lots of this subdivision have been built upon. Of these ten residences, eight have constructed projections (patios) into the 20 foot rear setback called out in both the Tract 4076-B and Tract 4076-D CC&Rs hereinabove referenced with encroachments varying as much as 12 feet to one foot into the rear yard.

12. Your affiant has reviewed the provisions of paragraph 6 of the CC&Rs for Desert Lakes Golf Course & Estates Tract 4076-B dated December 6, 1989, and recorded December 18, 1989 at in the Official Records of Mohave County, Arizona, at Fee No. 89-67670, and Desert Lakes Golf Course & Estates Tract 4076-D, recorded October 17, 1990. These documents restrict/prohibit construction of buildings and projections closer than 20 feet of the rear property line of each lot. There are currently 116 residential units that fail to comply with this provision set forth in the subject Declarations.

Further, your affiant sayeth not, this 12 day of November, 2019.

*Eric R. Stephan*

Eric Stephan, R.L.S., 29274

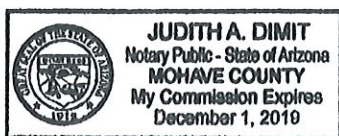
STATE OF ARIZONA            )  
  ) ss.  
COUNTY OF MOHAVE        )

SUBSCRIBED AND SWORN TO before me, the undersigned officer, this 12<sup>th</sup> day of November, 2019, by Eric Stephan, known or proved to me to be the person whose name is subscribed in the within instrument and acknowledged that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

*Judith A. Dimit*

Notary Public,  
My Commission Expires: 12-01-2019



**Knight v. Ludwig, et al.**  
**Mohave County Superior Court**  
**Docket No. CV-2018-04003**

**Affidavit of Eric Stephan**

**EXHIBIT A**

- Main A
- Collec
- Local
- Railroa
- Google
- Site Ac
- Parcel
- City Lir
- Townsl
- Sector
- Surface
- Bui
- Bui
- Co
- Ind
- Loc
- Mill
- Nat
- Oth
- Priv
- Stia
- Stia

1:2,644

**Notes:**



Exhibit A  
 Desert Lakes Golf Course & Estates  
 Subdivision Tract 4076-D  
 10 developed lots  
 2 undeveloped lots

This map is a user generated static output from the Mohave County Interactive Map Viewer and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION, AS A LEGAL DOCUMENT, FOR PROPERTY DESCRIPTIONS, OR DETERMINATION OF LEGAL TITLE, AND SHOULD NEVER BE SUBSTITUTED FOR SURVEY OR DEED INFORMATION. The user agrees to comply with the Limitation of Use, and Assumption of Risk as stated in the full disclaimer at <http://gis.mohavecounty.us>

Map Created: 6/27/2019

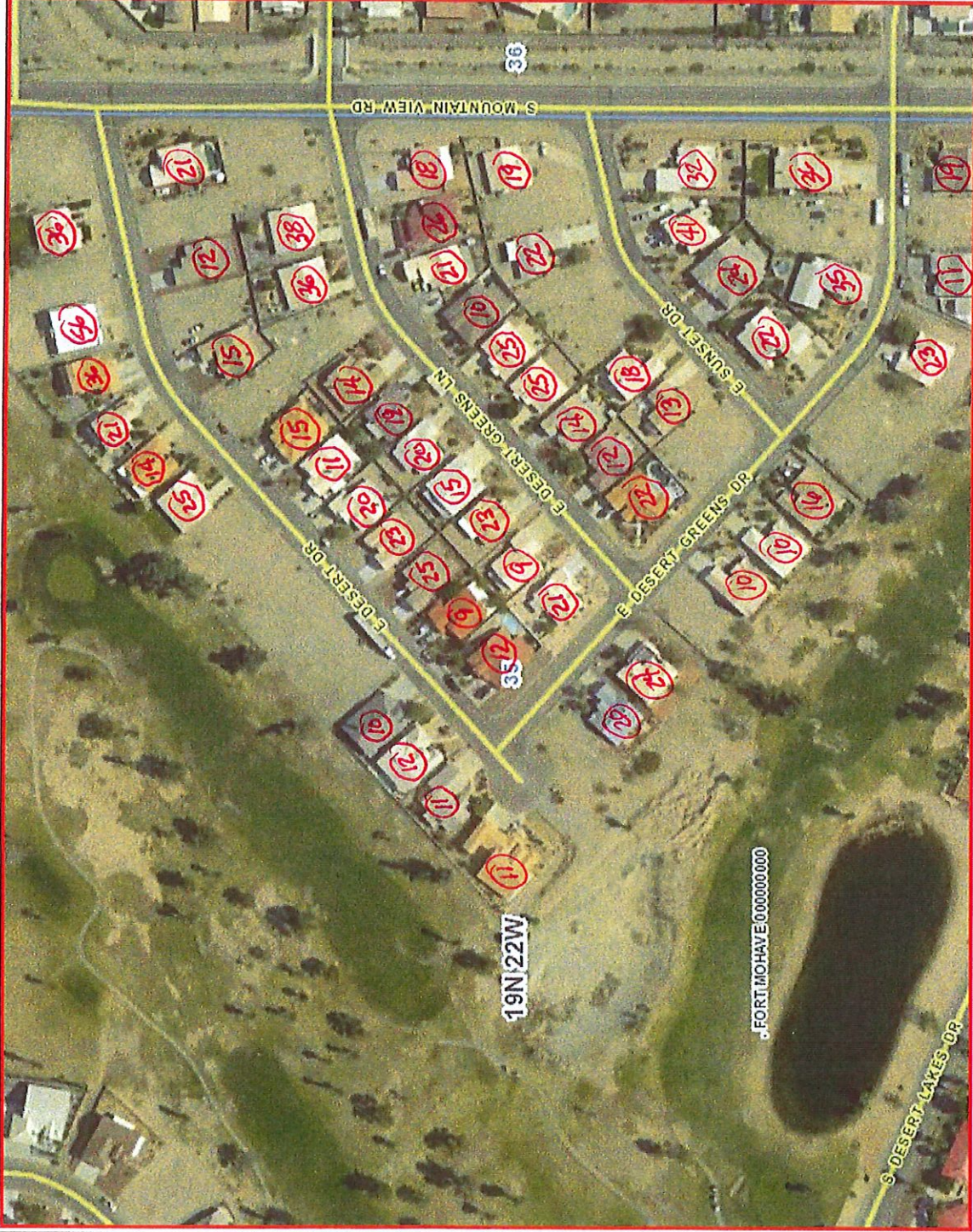
440.7 Feet  
 Technology

**Knight v. Ludwig, et al.**  
**Mohave County Superior Court**  
**Docket No. CV-2018-04003**

**Affidavit of Eric Stephen**

**EXHIBIT B**

# Interactive Map Viewer



**Legend**

- ADOT Mileposts
- COUNTY Mileposts
- Sign Post Exists
- Calculated Measure
- Highways
- Main Arterials
- Collectors
- Local
- Railroad
- Google Street View
- Site Address
- Parcel Query
- City Limits (large scale)
- Township/Range
- Section
- Surface Management
  - Bureau of Land Management
  - Bureau of Reclamation
  - County
  - Indian Lands
  - Local or State Parks
  - Military
  - National Parks Service
  - Other
  - Private
  - State
  - State Wildlife Area

1:2,644

**Notes:**

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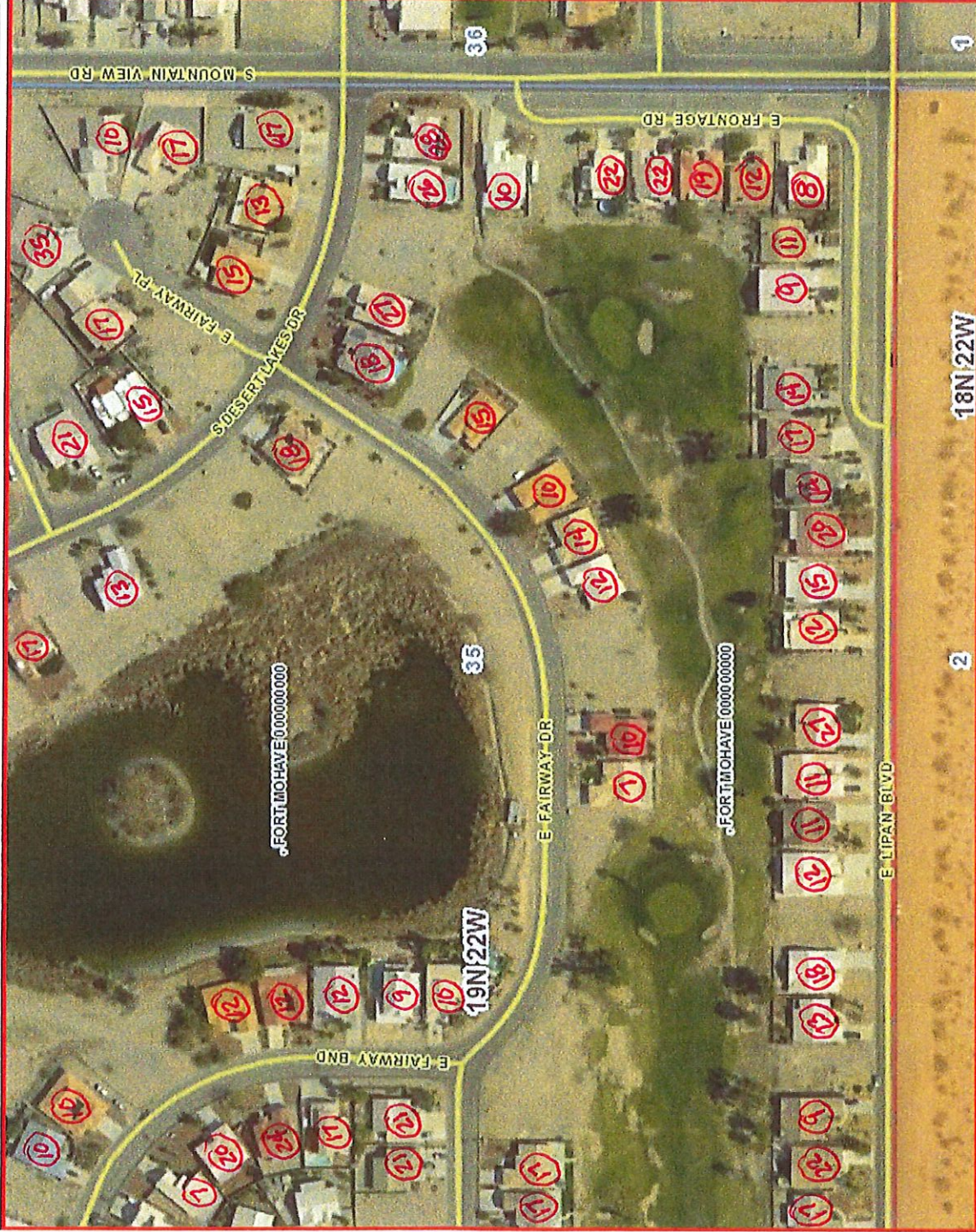
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- Parcel Query
- City Limits (large scale)
- Township/Range
- Section
- Surface Management
  - Bureau of Land Management
  - Bureau of Reclamation
  - County
  - Indian Lands
  - Local or State Parks
  - Military
  - National Parks Service
  - Other
  - Private
  - State
  - State Wildlife Area
  - US Forest Service

Scale: 1:2,644

**Notes:**

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0 220.4 440.7 Feet  
 (approximate scale)

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(approximate scale)

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