

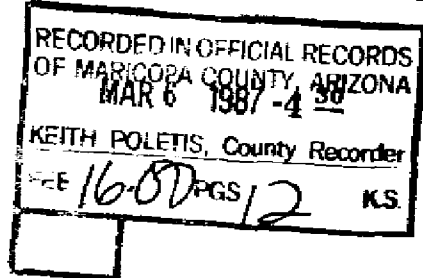
1239-04405

87 137050

When recorded, return to:

Phyllis H. Parise, Esq.  
Storey & Ross, P.C.  
Court One - Fourth Floor  
4742 North 24th Street  
Phoenix, Arizona 85016

MOD RSTR (DF)



FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS AND EXERCISE OF  
DECLARANT'S DEVELOPMENT RIGHT TO ADD PHASES  
TO  
CLUB SCOTTSDALE CONDOMINIUM  
MARICOPA COUNTY, ARIZONA

THIS FIRST AMENDMENT is made and entered into this 5<sup>th</sup>  
day of March, 1987 by A-M/BURNS LIMITED PARTNERSHIP, an  
Arizona limited partnership (the "Declarant"), and is as follows:

W I T N E S S E T H:

WHEREAS, Declarant executed that certain Declaration of  
Covenants, Conditions and Restrictions in the Official Records of  
the Maricopa County, Arizona Recorder (the "Declaration") which  
affects certain real property described on the attached Exhibit  
"A" incorporated herein by this reference (the "Property") and  
more fully described in the Map of the Property recorded on  
February 12, 1987 in Book 307 of Maps, page 40 in the Official  
Records of the Maricopa County, Arizona Recorder; and

WHEREAS, Declarant desires to conditionally annex a  
portion of the Property described as Phases two (2) through six  
(6) as more fully described on the attached Exhibit "B" incor-  
porated herein by this reference, and to exercise its Development  
Right to add additional Phases to the Project as provided under  
Subarticle 3.3.2 of the Declaration and the Arizona Condominium  
Act;

WHEREAS, Declarant, being the sole Owner of the Property  
and holder of all of the Association voting power, and pursuant  
to the Declarant's reserved Development Right to add Phases to  
the Property from time to time under Subarticle 3.1.1 of the  
Declaration and, with the consent of the only First Mortgagee  
attached hereto, now desires to amend the Declaration as is more  
specifically set forth herein.

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NOW, THEREFORE, the undersigned Declarant hereby amends the Declaration as follows:

1. Declarant hereby exercises its Development Right to add Phases two (2) through six (6), described in Subarticle 3.3.2 of the Declaration, and on Exhibits "A-1" and "C" thereto, which are incorporated herein by this reference, and has recorded this First Amendment to Declaration conditionally annexing said Phases in accordance with Subarticle 3.3.2 and the Arizona Condominium Act. Notwithstanding the foregoing, as provided in Subarticle 3.3.2, no Phase other than the first Phase consisting of the twelve (12) Condominium Units shall be subject to this Declaration and this First Amendment shall not be effective to annex any Phase described in this First Amendment to the Declaration unless and until Declarant conveys a Unit in such Phase to an Owner other than Declarant, whereupon any Phase described in this First Amendment in which a Unit has been so conveyed shall be fully and automatically subject to this Declaration without any further amendment thereto being required.

2. The Condominium Units in the annexed Phases shall have the Identifying Numbers set forth in Exhibit "C" to the Declaration and shall have the following Allocated Interests:

Common Interests: A fraction in which the numerator is one and the denominator is the total number of Units subjected to the Declaration pursuant to the annexation procedures set forth in the Declaration and this First Amendment. Exhibit "C" to the Declaration sets forth the Common Interests of each Unit in any annexed Phase and in all prior Phases in accordance with the Declarant's intended development plan for the Property.

Voting: One vote is allocated to each Unit in a Phase subjected to this Declaration and for each Unit in all prior Phases which Units have been conveyed by Declarant to an Owner other than Declarant.

Common Expenses: Each Unit (including those owned by Declarant) in all future Phases subjected to this Declaration and in the first Phase of the Project (currently subject to the Declaration) shall pay an equal share of the Common Expenses, except as otherwise provided in the Declaration to the contrary.

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3. The Common Elements described in Exhibit "C" (Phases two (2) through six (6)) to the Declaration and on the Map, exclusive of the Units, are added to the Project, and each Unit added to the Project pursuant to the annexation procedures established in the Declaration and this First Amendment shall have a patio, balcony, storage room, garage, stairway and flume, if any such areas are shown on the Map as being for the benefit of a particular Unit. The Units shall have other Limited Common Elements identified in Subarticle 2.2.3 of the Declaration.

4. Declarant hereby reserves any and all Development Rights and Special Declarant Rights set forth in Subarticles 3.1 and 3.2 of the Declaration with regard to its development of the Phases added to the Project pursuant to the annexation procedures set forth in the Declaration and this First Amendment.

5. All other terms and provisions of the Declaration except as specifically provided in this First Amendment to the contrary shall remain in full force and effect. In the event of a conflict between the terms and provisions of the Declaration and this First Amendment, the terms and provisions of this First Amendment shall prevail, but in all other circumstances, the terms and provisions of the Declaration and this First Amendment shall be read together as one and the same document.

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IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this First Amendment to Declaration this 5<sup>th</sup> day of March, 1987.

DECLARANT:

A-M/BURNS LIMITED PARTNERSHIP,  
an Arizona limited partnership

By: A-M HOMES, a California  
limited partnership  
{previously known as A-M  
Company, a California  
limited partnership and  
previously doing business  
in Arizona as A-M  
Community Developers},  
doing business in  
Arizona as A-M Homes  
Limited Partnership  
Its sole General Partner

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By: A-M Homes, Inc., a  
Delaware corporation  
doing business in  
Arizona as A-M  
Community Developers,  
Inc.  
Its General Partner

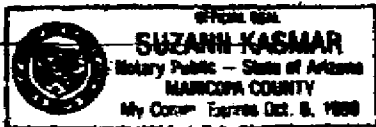
By *[Signature]*  
Its Vice President

STATE OF ARIZONA        )  
                                  ) ss.  
County of Maricopa     )

On March 5, 1987, before me, the undersigned notary public in and for said county and state, appeared *Jerry S. Kasner*, the Vice-President of A-M Homes, Inc., a Delaware corporation, doing business in Arizona as A-M Community Developers, Inc., the General Partner of A-M Homes, a California limited partnership, previously <sup>Unofficial Document</sup> known as A-M Company, a California limited partnership previously doing business in Arizona as A-M Community Developers, the sole General Partner of A-M/BURNS LIMITED PARTNERSHIP, an Arizona limited partnership.

*Suzann Kasnar*  
Notary Public

My Commission Expires:



# EXHIBIT A

## Collar, Williams & White Engineering 87 137050

DONALD H. COLLAR, PE., R.L.S.  
President  
ROBERT B. WAGONER, PE., R.L.S.  
Vice President

Consulting Engineers  
2702 N. 44th Street, Suite 205-B  
Phoenix, Arizona 85008  
(602) 957-3350

Description  
For

CWW No. 850802

A - M HOMES

February 23, 1987

CONSTRUCTION PHASE I

CLUB SCOTTSDALE CONDOMINIUMS

Being a portion of the North Half of the Northeast quarter of Section 14, Township 2 North, Range 4 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the North East Corner of said Section 14;

THENCE N89°17'40"W, along the north line of said Section 14, a distance of 1806.08 feet;

THENCE S00°42'20"W, 55.00 feet to the TRUE POINT OF BEGINNING;

THENCE S00°42'20"W, 32.83 feet;

THENCE S89°17'40"E, 10.67 feet;

THENCE S00°42'20"W, 36.00 feet;

THENCE S89°17'40"E, 17.50 feet;

THENCE S00°42'20"W, 72.76 feet;

THENCE S07°42'21"E, 77.85 feet;

THENCE S82°17'38"W, 17.50 feet;

THENCE S07°42'21"E, 91.00 feet;

THENCE S05°20'10"W, 36.25 feet;

THENCE S00°39'33"W, 24.50 feet;

THENCE N89°20'28"W, 228.97 feet;

THENCE N05°30'19"E, 86.44 feet;

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THENCE S87°51'49"E, 80.24 feet;

THENCE N02°08'11"E, 246.47 feet;

THENCE N87°51'49"W, 79.67 feet;

THENCE N02°08'11"E, 39.51 feet;

THENCE S89°17'40"E, 181.38 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom the following described parcel:

COMMENCING at the North East Corner of said Section 14;

THENCE N89°17'40"W, along the north line of said Section 14, a distance of 1890.39 feet;

THENCE S02°08'11"W, 94.22 feet;

THENCE S87°51'49"E, 16.00 feet to the TRUE POINT OF BEGINNING;

THENCE S87°51'49"E, 52.67 feet;

THENCE S02°08'11"W, 88.08 feet;

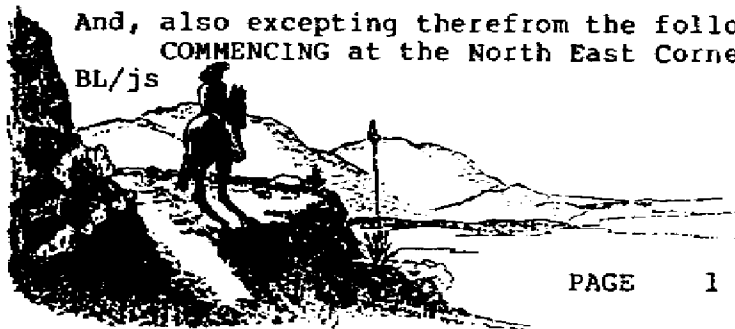
THENCE N87°51'49"W, 52.67 feet;

THENCE N02°08'11"E, 88.08 feet to the TRUE POINT OF BEGINNING.

And, also excepting therefrom the following described parcel:

COMMENCING at the North East Corner of said Section 14;

BL/js



Description For  
A - M HOMES  
CONSTRUCTION PHASE 1  
CLUB SCOTTSDALE CONDOMINIUMS  
CWW No. 850802  
February 23, 1987

**EXHIBIT A**

87 137050

THENCE N89°17'40"W, along the north line of said Section 14, a distance of 1890.39 feet;  
THENCE S02°08'11"W, 254.16 feet;  
THENCE S87°51'49"E, 19.79 feet to the TRUE POINT OF BEGINNING;  
THENCE S89°20'28"E, 76.08 feet;  
THENCE S00°39'32"W, 67.67 feet;  
THENCE N89°20'28"W, 76.08 feet;  
THENCE N00°39'32"E, 67.67 feet to the TRUE POINT OF BEGINNING.  
Subject parcel, less exceptions, comprising 1.14295 Acres, more or less, subject to all easements of record.

Phase I consists of Condominium Units 109-112, inclusive, and 217-224, inclusive.

Unofficial Document

# EXHIBIT B

## Collar, Williams & White Engineering

DONALD H. COLLAR, P.E., R.L.S.  
 President  
 ROBERT R. WAGONER, P.E., R.L.S.  
 Vice President

Consulting Engineers

2702 N. 44th Street, Suite 205-B  
 Phoenix, Arizona 85008  
 (602) 957-3350

87 137050

Description

For

CWW No. 850802

A - M HOMES

February 23, 1987

CONSTRUCTION PHASE II

CLUB SCOTTSDALE CONDOMINIUMS

Being a portion of the North Half of the Northeast Quarter of Section 14, Township 2 North, Range 4 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the North East Corner of said Section 14;

THENCE N89°17'40"W, along the north line of said Section 14, a distance of 1890.39 feet;

THENCE S02°08'11"W, 262.41 feet;

THENCE N87°51'49"W, 16.00 feet to the TRUE POINT OF BEGINNING;

THENCE S02°08'11"W, 80.97 feet;

THENCE N87°51'49"W, 80.24 feet;

THENCE N05°30'19"E, 9.68 feet;

THENCE N02°08'11"E, 71.30 feet;

THENCE S87°51'49"E, 79.67 feet to the TRUE POINT OF BEGINNING.

Comprising 6453.31 sq-ft, more or less, subject to all easements

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Phase II consists of Condominium Units 107-108, inclusive & 213-216, inclusive.

BL/js



# EXHIBIT B

## Collar, Williams & White Engineering 87 137050

DONALD H. COLLAR, P.E., R.L.S.  
President  
ROBERT R. WAGONER, P.E., R.L.S.  
Vice President

Consulting Engineers  
2702 N. 44th Street, Suite 205-B  
Phoenix, Arizona 85008  
(602) 957-3350

### Description For

CWW No. 850802

A - M HOMES

February 23, 1987

### CONSTRUCTION PHASE III

### CLUB SCOTTSDALE CONDOMINIUMS

Being a portion of the North Half of the Northeast Quarter of Section 14, Township 2 North, Range 4 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the North East Corner of said Section 14;

THENCE N89°17'40"W, along the north line of said Section 14, a distance of 1890.39 feet;

THENCE S02°08'11"W, 181.44 feet;

THENCE N87°51'49"W, 16.00 feet to the TRUE POINT OF BEGINNING;

THENCE S02°08'11"W, 80.97 feet;

THENCE N87°51'49"W, 79.67 feet;

THENCE N02°08'11"E, 80.97 feet;

THENCE S87°51'49"E, 79.67 feet to the TRUE POINT OF BEGINNING.

Comprising 6450.56 sq-ft, more or less, subject to all easements

Phase III consists of Condominium Units 105-106, inclusive & 209-212, inclusive.

Unofficial Document



# EXHIBIT B

## Collar, Williams & White Engineering 87 137050

DONALD H. COLLAR, P.E., R.L.S.  
President  
ROBERT R. WAGONER, P.E., R.L.S.  
Vice President

Consulting Engineers  
2702 N. 44th Street, Suite 205-B  
Phoenix, Arizona 85008  
(602) 957-3350

### Description For

CWW No. 850802

A - M HOMES

February 23, 1987

### CONSTRUCTION PHASE IV CLUB SCOTTSDALE CONDOMINIUMS

Being a portion of the North Half of the Northeast Quarter of Section 14, Township 2 North, Range 4 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the North East Corner of said Section 14;

THENCE N89°17'40"W, along the north line of said Section 14, a distance of 1890.39 feet;

THENCE S02°08'11"W, 96.91 feet;

THENCE N87°51'49"W, 16.00 feet to the TRUE POINT OF BEGINNING;

THENCE S02°08'11"W, 84.53 feet;

THENCE N87°51'49"W, 79.67 feet;

THENCE N02°08'11"E, 84.53 feet;

THENCE S87°51'49"E, 79.67 feet to the TRUE POINT OF BEGINNING.

Comprising 6733.93 sq-ft, more or less, subject to all easements

Unofficial Document

Phase IV consists of Condominium Units 101-102, inclusive & 201-204, inclusive.



# EXHIBIT B

## Collar, Williams & White Engineering

87 137050

DONALD H. COLLAR, P.E., R.L.S.  
President  
ROBERT E. WAGONER, P.E., R.L.S.  
Vice President

Consulting Engineers  
2702 N. 44th Street, Suite 205-B  
Phoenix, Arizona 85008  
(602) 957-3350

### Description For

CWW No. 850802

A - M HOMES

February 23, 1987

### CONSTRUCTION PHASE V CLUB SCOTTSDALE CONDOMINIUMS

Being a portion of the North Half of the Northeast Quarter of Section 14, Township 2 North, Range 4 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the North East Corner of said Section 14;

THENCE N89°17'40"W, along the north line of said Section 14, a distance of 1890.39 feet;

THENCE S02°08'11"W, 94.22 feet;

THENCE S87°51'49"E, 16.00 feet to the TRUE POINT OF BEGINNING;

THENCE S87°51'49"E, 52.67 feet;

THENCE S02°08'11"W, 88.08 feet;

THENCE N87°51'49"W, 52.67 feet;

THENCE N02°08'11"E, 88.08 feet to the TRUE POINT OF BEGINNING.

Comprising 4639.05 sq-ft, more or less, subject to all easements

Unofficial Document

Phase V consists of Condominium Units 103-104, inclusive & 205-208, inclusive



# EXHIBIT B

## Collar, Williams & White Engineering

DONALD M. COLLAR, P.E., R.I.S.  
President  
ROBERT R. WAGONER, P.E., R.I.S.  
Vice President

Consulting Engineers  
2702 N. 44th Street, Suite 205-B  
Phoenix, Arizona 85008  
(602) 957-3350

87 137050

### Description For

CWW No. 850802

A - M HOMES

February 23, 1987

### CONSTRUCTION PHASE VI CLUB SCOTTSDALE CONDOMINIUMS

Being a portion of the North Half of the Northeast Quarter of Section 14, Township 2 North, Range 4 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the North East Corner of said Section 14;

THENCE N89°17'40"W, along the north line of said Section 14, a distance of 1890.39 feet;

THENCE S02°08'11"W, 254.16 feet;

THENCE S87°51'49"E, 19.79 feet to the TRUE POINT OF BEGINNING;

THENCE S89°20'28"E, 76.08 feet;

THENCE S00°39'32"W, 67.67 feet;

THENCE N89°20'28"W, 76.08 feet;

THENCE N00°39'32"E, 67.67 feet to the TRUE POINT OF BEGINNING.

Comprising 5148.30 sq-ft, more or less, subject to all easements

Unofficial Document

Phase VI consists of Condominium Units 113-114, inclusive & 225-228, inclusive.

BL/js



