

CHICAGO TITLE AGENCY OF ARIZONA

83 391403

WHEN RECORDED RETURN TO:

DONALD E. DYERMAN
4110 N. Scottsdale Rd.
Suite 308
Scottsdale, Arizona 85251

MOD. INSTR.

RECORDED IN OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA	
SEP 28 1983 -200	
BILL HENRY, COUNTY RECORDER	
FEE 6.00	PGS 6

ML

FIRST AMENDMENT TO DECLARATION OF
HORIZONTAL PROPERTY REGIME AND DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
WINDSOR GARDENS

This First Amendment to Declaration of Horizontal Property Regime and Declaration of Covenants, Conditions and Restrictions for Windsor Gardens is made this 9th day of SEPT, 1983 by George C. Knoll and Richard B. Jordan (hereinafter collectively referred to as the "DECLARANT").

R E C I T A L S:

A. On August 29, 1983, the DECLARANT caused to be recorded with the County Recorder of Maricopa County, Arizona, as Instrument Number 83 345554 a Declaration of Horizontal Property Regime and Declaration of Covenants, Conditions and Restrictions for Windsor Gardens (the "DECLARATION") submitting the real property described on Exhibit A attached to the DECLARATION to a Horizontal Property Regime and imposing certain covenants, conditions and restrictions upon said real property.

B. Under Section 15.3 of the DECLARATION, the DECLARATION may be amended by an instrument signed by the OWNERS representing not less than ninety percent (90%) of the UNITS.

C. The DECLARANT is the Owner of more than ninety percent (90%) of the UNITS.

D. The DECLARANT desires to amend the DECLARATION to modify certain of the covenants, conditions and restrictions set forth therein.

E. The terms in all capital letters used in this First Amendment shall have the meanings given to those terms in the DECLARATION.

NOW, THEREFORE, pursuant to Section 15.3 of the DECLARATION, the DECLARANT hereby makes the following amendments to the DECLARATION:

1. The first sentence of Section 2.0 of the DECLARATION is amended by deleting the number "14" and inserting in its place the number "24".

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2. Section 8.13 of the DECLARATION is deleted in its entirety and the following language substituted in its place:

Section 8.13. Assessments on Units Subsequently Annexed. If any Declaration of Annexation recorded pursuant to Article XII of this DECLARATION divides the ANNEXABLE PROPERTY being annexed into separate phases, then notwithstanding any other provision of this DECLARATION to the contrary, the annual assessments for UNITS annexed by the DECLARANT shall not commence until the first day of the first month following the month in which the phase of the ANNEXABLE PROPERTY within which such UNIT is located is irrevocably committed to the Horizontal Property Regime in accordance with the terms of the Declaration of Annexation, and no annual, special or supplemental assessment may be levied against any such UNIT until such time.

3. Section 12.0 of the DECLARATION is deleted in its entirety and the following language substituted in its place:

Section 12.0. Right of Annexation. DECLARANT hereby expressly reserves the right until seven (7) ^{Unofficial Document} years from the date of the recording of this DECLARATION to expand the Horizontal Property Regime created by this DECLARATION, without the consent of any other OWNER, by annexing all or any portion of the ANNEXABLE PROPERTY. In the event the DECLARANT annexes all or any part of the ANNEXABLE PROPERTY, the fractional interest of each UNIT in the GENERAL COMMON ELEMENTS shall be adjusted by the DECLARANT. Each UNIT'S undivided interest in the GENERAL COMMON ELEMENTS shall be the fraction the numerator of which shall be one (1) and the denominator of which shall be the total number of UNITS then in the Horizontal Property Regime. The annexation of any or all of the ANNEXABLE PROPERTY shall be accomplished by the DECLARANT recording with the County Recorder of Maricopa County, Arizona, a Declaration of Annexation stating the following:

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- (1) The legal description of the portion of the ANNEXABLE PROPERTY being annexed;
- (2) The number of UNITS being added by the annexation;
- (3) The fractional interest of each UNIT in the GENERAL COMMON ELEMENTS as computed in accordance with the provisions of this Section;
- (4) A description of any portion of the ANNEXABLE PROPERTY being added which will be RESTRICTED COMMON ELEMENTS or LIMITED COMMON ELEMENTS and the designation of the UNITS to which those RESTRICTED COMMON ELEMENTS or LIMITED COMMON ELEMENTS will be reserved.

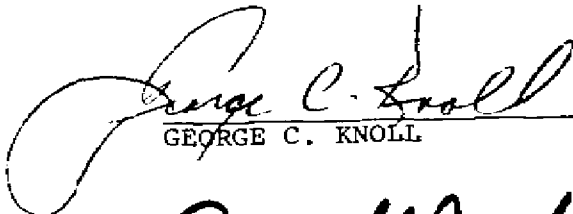
The voting rights of the UNIT OWNERS in the ASSOCIATION shall be effective as of the date the Declaration of Annexation is recorded. In accordance with Section 8.13 of this DECLARATION, the UNIT OWNERS' obligation to pay assessments shall not commence until the first day of the first month following the month in which the portion of the ANNEXABLE PROPERTY in which the UNIT is located becomes irrevocably committed to the Horizontal Property Regime in accordance with the terms of the Declaration of Annexation. The DECLARANT is hereby irrevocably appointed as agent and attorney-in-fact for the OWNERS and each of them to adjust each UNIT's fractional interest in the GENERAL COMMON ELEMENTS and to do all other acts required by this Section in order to annex any or all of the ANNEXABLE PROPERTY.

5. The fourth sentence of Section 12.1 of the DECLARATION is hereby deleted in its entirety and the following language substituted in its place:

All improvements to be constructed on any portion of the ANNEXABLE PROPERTY annexed into the Horizontal Property Regime shall be substantially completed prior to the time at which such portion of the ANNEXABLE PROPERTY is irrevocably committed to the Horizontal Property Regime in accordance with the terms of the Declaration of Annexation.

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IN WITNESS WHEREOF, the undersigned being the DECLARANT herein, have executed this First Amendment on the day and year first above written.



GEORGE C. KNOLL



RICHARD B. JORDAN

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STATE OF ARIZONA)
) ss.
County of Maricopa)

SUBSCRIBED AND SWORN to before me this 9th day of Sept., 1983 by George C. Keel.

Bonnie Small
Notary Public

My Commission Expires:
6-19-86

STATE OF ARIZONA)
) ss.
County of Maricopa)

SUBSCRIBED AND SWORN to before me this 9th day of Sept., 1983 by Richard B. Jordan.

Bonnie Small
Unofficial Document
Notary Public

My Commission Expires:
6-19-86

LIENHOLDER CONSENT

United Bank of Arizona, an Arizona corporation, hereby consents to and approves to the foregoing First Amendment to Horizontal Property Regime and Declaration of Covenants, Conditions and Restrictions for Windsor Gardens.

UNITED BANK OF ARIZONA, an
Arizona corporation

By: Larry E. G.
Its: V.P.O.

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STATE OF ARIZONA)
) ss.
 County of Maricopa)

The foregoing instrument was acknowledged before me
 this 21st day of September, 1983 by Larry E. Cox,
 the Vice President, of UNITED BANK OF ARIZONA, an Arizona cor-
 poration, on behalf of the corporation.

Douglas D. Miller
 Notary Public

My Commission Expires:

My Commission Expires July 14, 1987

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