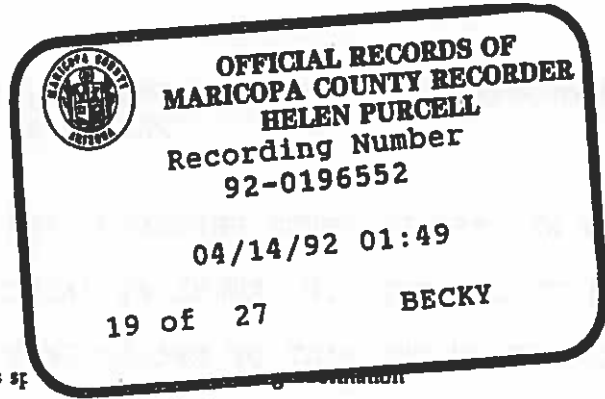


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PROPOSED AMENDMENT TO COVENANTS, CONDITIONS & RESTRICTIONS
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KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED OWNERS OF LOTS INCLUDED IN PARCEL #1 IN FOUNTAIN OF THE SUN AS RECORDED IN THE PLAT OF RECORD IN BOOK 135 OF MAPS, PAGE 30 THEREOF HEREBY AMEND THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS DATED FEBRUARY 1, 1971 RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY IN DOCKET 8513, PAGES 523 THROUGH 530 INCLUSIVE IN THE FOLLOWING RESPECTS: THE FOLLOWING CHANGES WILL BE MADE TO EACH PARAGRAPH AS NOTED BELOW:

CHANGE TITLE OF SECTION D TO READ AS FOLLOWS: "COVENANTS, CONDITIONS AND RESTRICTIONS"

PARAGRAPH 3. GARAGE AND CARPORTS ADD THE FOLLOWING AT THE END OF THE PARAGRAPH: "ALL DRIVEWAYS SHALL BE OF CONCRETE CONSTRUCTION."

PARAGRAPH 4. TEMPORARY STRUCTURES - ADD THE FOLLOWING AT THE END OF THE PARAGRAPH: "NO RETAIL/COMMERCIAL OR DETACHED STORAGE SHEDS ARE ALLOWED."

SECTION D, PARAGRAPH 8, ANTENNAS; DELETE THIS PARAGRAPH AND SUBSTITUTE THE FOLLOWING:

8. HEATING, VENTILATING, AND AIR CONDITIONING (H.V.A.C.)
SOLAR PANELS, ANTENNAS AND TOWERS; EVAPORATIVE COOLERS
(a) EQUIPMENT FOR HEATING, VENTILATION, AND AIR CONDITIONING

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MUST BE PLACED WITHIN THE HOME OR LIVING QUARTERS, EXCEPT HEAT EXCHANGERS SUCH AS HEAT PUMPS, OR COMPRESSOR CONDENSER UNITS MAY BE PLACED OUTSIDE THE EXTERIOR WALLS OF THE HOME OR LIVING QUARTERS, BUT NO NEARER TO ANY SIDE LOT LINE THAN IS PERMISSIBLE OR APPROVED BY THE ASSOCIATION OR EASEMENT REQUIREMENTS. IN OTHER WORDS, AIR HANDLING UNITS THAT DISTRIBUTE CONTROLLED TEMPERATURE AIR THE YEAR AROUND, BOTH HEATING AND COOLING, ARE TO BE INSTALLED INDOORS.

(b) EVAPORATIVE COOLERS MUST BE INSTALLED AT GRADE LEVEL AS A THRU-WALL SIDE MOUNTED TYPE, ON A PLATFORM THAT IS CONSTRUCTED BELOW THE ROOF PEAK AND MADE ATTRACTIVE TO ADJACENT PROPERTIES, OR ON THE ROOF (USING A LOW PROFILE TYPE UNIT) PROPERLY SCREENED FROM VIEW OF THE NEIGHBORHOOD OR STREET.

(c) SOLAR PANELS, FOR HOT WATER HEATING PURPOSES, MAY BE INSTALLED UPON THE ROOF OF A BUILDING CONTAINING A LIVING UNIT, PROVIDED SUCH PANELS AND ACCESSORIES RELATED THERETO, ARE FULLY SCREENED OR CONCEALED FROM VIEW WITH ADJACENT PROPERTIES. PARAPET WALLS, WHICH ARE AN INTEGRAL PART OF A STRUCTURE OR ATTRACTIVE SCREENING TO HIDE THE INSTALLATION ARE EXAMPLES OF CONCEALMENT. LOW PROFILE SYSTEMS, NOT HIGHLY VISIBLE OR UNATTRACTIVE WOULD ALSO BE CONSIDERED FOR APPROVAL.

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(d) NO TELEVISION, RADIO, SHORT WAVE, OR ANY OTHER TYPE OF ANTENNAS, POLES, OR TOWERS SHALL BE PLACED, CONSTRUCTED OR MAINTAINED UPON ANY PROPERTY.

(e) NO LIGHTPOSTS OF ANY KIND THAT EXCEED THE HEIGHT OF EIGHT (8) FEET AS MEASURED FROM GRADE LEVEL TO THE TOP, SHALL BE INSTALLED OR MAINTAINED ON ANY HOME PROPERTY.

(f) SATELLITE TV SCANNING DISHES ARE ALLOWED PROVIDED THE FOLLOWING PROVISIONS ARE MET:

1. A PLOT PLAN OF THE PROPOSED LOCATION OF THE INSTALLATION OF THE DISH IN THE REAR QUARTER OF THE PROPERTY, CLEAR OF ANY EASEMENTS (SHOULD THEY APPLY), MUST BE SUBMITTED WITH THE REQUEST.
2. THE MAXIMUM HEIGHT ABOVE GROUND SHALL BE EIGHT (8) FEET.
3. THE DISH SHOULD BE COMPLETELY SCREENED FROM VIEW ON ALL SIDES BY VEGETATION (TREES AND/OR SHRUBS).
4. ALL ADJACENT NEIGHBOR APPROVAL, IN THE FORM OF SIGNED STATEMENTS SHOULD ACCOMPANY THE REQUEST.

ALL OF THE ABOVE WOULD BE SUBJECT TO THE APPROVAL OF THE ASSOCIATION.

ANY EXISTING STRUCTURES THAT WERE IN PLACE BEFORE THE ADOPTION OF THESE AMENDMENTS SHALL NOT BE AFFECTED.

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CHANGE SECTION D, PARAGRAPH 10. VEHICLES TO READ AS
FOLLOWS:

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PRIVATE PASSENGER AUTOMOBILES, PASSENGER VANS AND PICKUP TRUCKS WITH CAMPER SHELLS NO HIGHER THAN THE PASSENGER CAB COMPARTMENT MAY BE PARKED ON THE STREET ONLY DURING THE DAY AND MUST BE PARKED ON DRIVEWAYS OR IN GARAGE OR CARPORT AT NIGHT. PICKUP CAMPERS OR TRUCKS LARGER THAN PICKUP CLASS SHALL NOT BE KEPT ON ANY LOT OR STREET EXCEPT IN AREAS DESIGNATED THEREFOR BY THE ASSOCIATION. NO MOTOR VEHICLE OR PART THEREOF WHICH IS UNDER REPAIR, NOT IN OPERATING CONDITION OR UNREGISTERED SHALL BE PLACED OR PERMITTED TO REMAIN ON THE STREET OR STREETS OR ANY PORTION OF ANY LOT OR LOTS UNLESS IT IS WITHIN A CLOSED GARAGE OR STRUCTURE. NO VEHICLE MAY BE PARKED ANYPLACE EXCEPT ON THE CONCRETE DRIVEWAY. DRIVEWAYS SHALL BE ESTABLISHED ON THE PROPERTY ONLY WHERE THE CONCRETE IS CUT FOR SUCH PURPOSE. NO BOATS OR BOAT TRAILERS SHALL BE CONSTRUCTED, KEPT OR MAINTAINED UPON ANY LOT.

SECTION D, PARAGRAPH 11, COMMERCIAL USE. ADD THE FOLLOWING PARAGRAPHS AFTER THE FIRST PARAGRAPH:

IN ACCORDANCE WITH CITY OF MESA ZONING ORDINANCE, CHAPTER 1, SECTION 11-1-6, ACCESSORY USE, THE FOLLOWING ACTIVITIES ARE ALLOWED: HOBBIES AND OTHER ACTIVITIES PROVIDED THERE IS NO NON-RESIDENT EMPLOYEE, EXTERIOR STORAGE, COMMERCIAL STORAGE OR OTHER EXTERIOR INDICATION OF A NON-RESIDENTIAL USE; AND SHALL NOT INCLUDE ANY COMMERCIAL USE EXCEPT THE FURNISHING OF

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SERVICES FOR COMPENSATION LIMITED TO SWIMMING AND FINE ARTS
INSTRUCTION, SEWING, TELEPHONE SOLICITATION AND ARTS AND
CRAFTS. NO DOOR-TO-DOOR SOLICITATION IS ALLOWED.

THE ABOVE TWO PARAGRAPHS ALLOW USE FOR RECREATION AND PROFIT
THOSE PART-TIME HOBBIES AND SKILLS WHICH ARE USEFUL TO THE
RESIDENTS PROVIDED THE CONDITIONS OF THE MESA ZONING CODE AND
THESE CC&R_s ARE MET.

ADD TO PARAGRAPH 15. OBSTRUCTIONS AND INTERFERENCES AT THE
BEGINNING OF THE PARAGRAPH:

NO FENCES IN FRONT YARDS THAT ARE WITHIN FIFTEEN (15) FEET OF
THE STREET ABUTTING THE FRONT YARD SHALL BE CONSTRUCTED OVER
SIX (6) INCHES IN HEIGHT. NO FENCES LOCATED OTHER THAN IN A
FRONT YARD SHALL BE CONSTRUCTED OVER FOUR (4) FEET IN HEIGHT
NOR SHALL ANY FENCES BE CONSTRUCTED OF CHAIN LINK. ALL
FENCES SHALL BE APPROVED IN WRITING AS TO CONDITION AND
APPEARANCE BY THE ASSOCIATION.

CHANGE SECTION D, PARAGRAPH 20 TO READ: "...ZONING
REQUIREMENTS OF MARICOPA COUNTY AND THE CITY OF MESA."

SECTION D, PARAGRAPH 21, SUB-PARAGRAPH A: DELETE THE WORDS
"OR TRAILER."

SECTION D, PARAGRAPH 21, DELETE SUB-PARAGRAPH D: "ALL MOBILE

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HOMES SHALL HAVE SKIRTS FROM THE MOBILE HOME BASE TO THE
GROUND ON ALL SIDES."

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DELETE SUB-PARAGRAPHS B AND C AND REPLACE WITH THE
FOLLOWING PARAGRAPHS B, C AND D:

"B. ALL MOBILE HOMES KEPT ON THE PROPERTY SHALL BE INSTALLED
AND MAINTAINED ON A LOT SO THAT THE UNDERSIDE OF THE MOBILE
HOME IS AT GROUND LEVEL AND NO WHEELS, AXLES OR OTHER
APPARATUS BELOW THE UNDERSIDE OF THE MOBILE HOME SHALL BE
ABOVE THE NORMAL GROUND LEVEL OF THE LOT."

"C. NO MOBILE HOME LESS THAN 24 FEET WIDE MAY BE PLACED ON
ANY LOT.

"D. THE DEFINITION OF MOBILE HOME AS USED IN THIS SECTION
SHALL NOT BE CONSTRUED TO MEAN VEHICLES WHICH ARE USED FOR
RECREATIONAL PURPOSES, SUCH AS MOTOR HOMES, VANS, TRAILERS,
FIFTH WHEELERS OR CAMPERS OF ANY KIND."

ADD A NEW PARAGRAPH 22 AND RENUMBER ALL SUCCEEDING PARAGRAPHS
ACCORDINGLY:

"22. AGE RESTRICTION

AT LEAST ONE OCCUPANT OF EACH LIVING UNIT MUST BE 55 YEARS OF
AGE OR OLDER; PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT
APPLY TO CURRENT OCCUPANTS WHO FIRST OCCUPIED THE LIVING UNIT
PRIOR TO SEPTEMBER 13, 1988. IF AN OCCUPANT WHO IS 55 YEARS
OF AGE OR OLDER DIES, THE REMAINING OCCUPANTS OF THE LIVING

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UNIT MAY CONTINUE TO OCCUPY THE LIVING UNIT EVEN THOUGH NONE OF SUCH PERSONS ARE 55 YEARS OF AGE OR OLDER. NO PERSON UNDER 18 YEARS OF AGE SHALL OCCUPY OR RESIDE IN A LIVING UNIT FOR MORE THAN NINETY (90) DAYS DURING ANY TWELVE (12) MONTH PERIOD. THE PROVISIONS SET FORTH IN THIS SECTION ARE FOR THE PURPOSE OF ESTABLISHING THE POLICIES AND PROCEDURES NECESSARY FOR THE PROPERTY TO QUALIFY FOR THE AGE 55 OR OVER HOUSING EXEMPTION UNDER THE FAIR HOUSING AMENDMENTS ACT OF 1988. THE BOARD OF DIRECTORS IS AUTHORIZED TO ADOPT SUCH OTHER POLICIES AND PROCEDURES WHICH MAY BE NECESSARY FROM TIME TO TIME IN ORDER FOR THE PROPERTY TO MEET ALL OF THE REQUIREMENTS FOR THE AGE 55 OR OVER HOUSING EXEMPTION.

PARAGRAPH 24 OF SECTION D, WAIVER OF COVENANTS; DELETE THIS PARAGRAPH

SECTION D, PARAGRAPH 23, AMEND TO BE PARAGRAPH 24, DURATION OF COVENANTS AND ADD THE FOLLOWING AT THE END OF THE PARAGRAPH:

"EXCEPT AS THE SAME MAY BE AMENDED OR REVOKED BY THE AFFIRMATIVE VOTE OF 75% OF THE OWNERS OF THE LOTS SUBJECT TO THIS DECLARATION (WITH THE OWNERS OF A LOT HAVING MORE THAN ONE OWNER TO BE AFFORDED COLLECTIVELY ONE VOTE)."

ADD A PARAGRAPH 30 IN SECTION D TO READ AS FOLLOWS:

"30. ENFORCEMENT

"VIOLATION OF ANY ONE OR MORE OF THE COVENANTS, CONDITIONS

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AND RESTRICTIONS CONTAINED HEREIN MAY BE ENJOINED BY ANY
COURT OF COMPETENT JURISDICTION AND/OR DAMAGES AWARDED
AGAINST ANY VIOLATOR

NOTE:

ANY CONDITIONS PRE-EXISTING AT THE TIME OF ACCEPTANCE OF
THESE CHANGES WILL BE GRANDFATHERED, PROVIDED THOSE
CONDITIONS WERE NOT IN VIOLATION OF ANY COVENANT, CONDITION
OR RESTRICTION IN EFFECT AT THE TIME OF ACCEPTANCE OF THESE
CHANGES.

THESE AMENDMENTS ARE MADE PURSUANT TO THE TERMS OF THE ABOVE-
DESCRIBED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS AND SHALL BECOME EFFECTIVE ON SEPTEMBER 1, 1991
WITHOUT FURTHER ACT OF ANY PARTY AS TO EACH AMENDMENT WHICH
IS APPROVED BY THE OWNERS OF 75% OF THE LOTS, PROVIDED THAT
100% OF THE OWNERS OF LOTS IN PARCEL 1 ACCEPT THE CHANGES IN
PARAGRAPH 24 ABOVE. IN THE EVENT THAT THE OWNERS OF THE
REQUIRED NUMBER OF LOTS HAVE NOT SIGNED THIS DOCUMENT OR A
COUNTERPART HEREOF ON OR BEFORE SEPTEMBER 1, 1991, THIS
DOCUMENT SHALL BECOME NULL AND VOID. THIS DOCUMENT MAY BE
EXECUTED IN ANY NUMBER OF COUNTERPARTS, AND ALL OF SAID
COUNTERPARTS SHALL BE RECORDED IN THE OFFICE OF THE MARICOPA
COUNTY RECORDER ON OR BEFORE SEPTEMBER 1, 1991, PROVIDED IT
IS APPROVED BY THE REQUIRED NUMBER OF LOT OWNERS.
