

When recorded mail to:

9049

MESA  
RECORDER'S OFFICE



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

Recording Number  
92-0196560

04/14/92 01:49

27 of 27 BECKY

**CAPTION HEADING:** \_\_\_\_\_

**DO NOT REMOVE**

**This is part of the official document.**

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED OWNERS OF LOTS INCLUDED IN PARCEL #13 IN FOUNTAIN OF THE SUN AS RECORDED IN THE PLAT OF RECORD IN BOOK 168 OF MAPS, PAGE 34 THEREOF HEREBY AMEND THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS DATED DECEMBER 7, 1973 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY IN DOCKET 10431 PAGES 546-553 IN THE FOLLOWING RESPECTS: THE FOLLOWING CHANGES WILL BE MADE TO EACH PARAGRAPH AS NOTED BELOW:

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; AIRCONDITIONERS - DELETE THIS PARAGRAPH AND SUBSTITUTE THE FOLLOWING NEW PARAGRAPH:

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 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

AMENDMENTS TO CC&Rs  
PARCEL 13

92 196560

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.
- (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 THEY  
MEET THE FOLLOWING CRITERIA:

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. 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."

CHANGE PARAGRAPH 10. VEHICLES TO READ AS FOLLOWS:

10. VEHICLES

PRIVATE PASSENGER AUTOMOBILES, PASSENGER VANS AND PICKUP  
TRUCKS, INCLUDING 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 THE  
DRIVEWAY, OR IN A GARAGE OR CARPORT AT NIGHT. TRUCKS LARGER  
THAN PICKUP CLASS AND VEHICLES OTHER THAN DESCRIBED SHALL NOT

AMENDMENTS TO CC&R<sub>s</sub>  
PARCEL 13

92 196560

BE KEPT ON ANY LOT OR STREET EXCEPT IN AREAS DESIGNATED THEREFOR BY THE ASSOCIATION, UNLESS THEY ARE HOUSED ENTIRELY WITHIN AN ENCLOSED GARAGE. 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 ON THE LOT 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.

ADD TO PARAGRAPH 11. COMMERCIAL USE THE FOLLOWING THREE PARAGRAPHS:

"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 SERVICES FOR COMPENSATION LIMITED TO SWIMMING AND FINE ARTS INSTRUCTION, SEWING, TELEPHONE SOLICITATION, AND ARTS AND CRAFTS. DOOR TO DOOR SOLICITATION IS NOT ALLOWED."

"THE ABOVE TWO PARAGRAPHS ALLOW USE FOR RECREATION AND PROFIT

AMENDMENTS TO CC&Rs  
PARCEL 13

92 196560

THOSE PART-TIME HOBBIES AND SKILLS WHICH ARE USEFUL TO THE RESIDENTS PROVIDED THE CONDITIONS OF THE MESA ZONING CODE AND THESE CC&Rs ARE MET."

ADD THE FOLLOWING SENTENCE TO THE BEGINNING OF PARAGRAPH

15. OBSTRUCTIONS AND INTERFERENCES:

"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."

PARAGRAPH 20. SETBACKS ADD THE FOLLOWING AT THE END OF THE PARAGRAPH:

".AND SHALL CONFORM TO ZONING RESTRICTIONS OF MARICOPA COUNTY AND THE CITY OF MESA."

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

"22. AGE RESTRICTIONS

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 UNIT MAY CONTINUE TO OCCUPY THE LIVING UNIT EVEN THOUGH NONE OF SUCH PERSONS ARE 55 YEARS OF AGE OR OLDER. NO PERSON UNDER EIGHTEEN (18) YEARS OF AGE SHALL OCCUPY OR RESIDE IN A

AMENDMENTS TO CC&R:  
PARCEL 13

92 196560

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 23. DURATION OF COVENANTS. RENUMBER TO BE PARAGRAPH 24, AND ADD THE FOLLOWING AT THE END OF THE PARAGRAPH:

"(WITH THE OWNERS OF A LOT HAVING MORE THAN ONE OWNER TO BE AFFORDED COLLECTIVELY ONE VOTE.)"

PARAGRAPH 29. ENFORCEMENT: MORTGAGE SAVINGS - RENUMBER AND RENAME AND REVISE AS BELOW:

"30. ENFORCEMENT  
VIOLATION OF ANY ONE OR MORE OF THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED HEREIN MAY BE ENJOINED BY ANY COURT OF COMPETENT JURISDICTION AND/OR DAMAGES AWARDED AGAINST ANY VIOLATOR."

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.

AMENDMENTS TO CC&Rs  
PARCEL 13

92 196560

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. 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.

-----E-----