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AMENDMENTS TO CC&Rs
PARCEL NO. 6

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KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED OWNERS OF LOTS INCLUDED IN PARCEL #6 IN FOUNTAIN OF THE SUN AS RECORDED IN THE PLAT OF RECORD IN BOOK 214 OF MAPS, PAGE 15, AND RE-PLAT OF RECORD IN BOOK 227 OF MAPS, PAGE 31 THEREOF HEREBY AMEND THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS DATED JUNE 29, 1979 AND OCTOBER 17, 1980 RESPECTIVELY, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY IN DOCKET/3803 PAGES 764-^{172 428} 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; AIR CONDITIONERS 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 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

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AIR THE YEAR AROUND, BOTH HEATING AND COOLING, ARE TO BE
INSTALLED INDOORS.

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- (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.

IN PARAGRAPH 10. VEHICLES, MODIFY 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 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

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WHICH IS UNDER REPAIR, NOT IN OPERATING CONDITION OR 92 196557
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
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."

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IN PARAGRAPH 20. SETBACKS ADD THE FOLLOWING WORDS AT THE END OF THE SENTENCE: "AND SHALL CONFORM TO MARICOPA COUNTY AND CITY OF MESA ZONING REQUIREMENTS."

DELETE THE PRESENT PARAGRAPH 22 AND REPLACE WITH THE FOLLOWING:

"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 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

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NECESSARY FROM TIME TO TIME IN ORDER FOR THE PROPERTY TO MEET
ALL OF THE REQUIREMENTS FOR THE AGE 55 OR OVER HOUSING
EXEMPTION.

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RENAME AND REWORD PARAGRAPH 30 ENFORCEMENT; MORTGAGE SAVINGS
TO BE:

"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."

DELETE THE SECTION E. SEVERABILITY

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. 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,

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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.

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If you are unable to come to the Recreation Hall or other designated places to sign the notarized form, please use this page for your properly signed and notarized votes on the acceptance of Amendments to the Covenants, Conditions and Restrictions and return to the FOSA office in the envelope provided.

THE UNDERSIGNED HEREBY APPOINTS THE PRESIDENT AND/OR SECRETARY OF THE FOUNTAIN OF THE SUN BOARD OF DIRECTORS AS HIS/HER ATTORNEY-IN-FACT FOR THE SOLE PURPOSE OF CAUSING DOCUMENTS TO BE RECORDED BY THE MARICOPA COUNTY RECORDER IN ORDER TO GIVE NOTICE OF THESE AMENDMENTS.

I VOTE FOR THE FOLLOWING AMENDMENTS: (Please initial each one that you accept) Please use this form ONLY if you cannot come to the Recreation Hall at the designated times).

No: 4 8 10 11 20 22 30

Lot # _____
(Signature) _____ Date _____

(Signature-Notary Public)

