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AMENDMENTS TO CC&Rs
PARCEL 7B

92 196559

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED OWNERS OF LOTS INCLUDED IN PARCEL #7B IN FOUNTAIN OF THE SUN AS RECORDED IN THE PLAT OF RECORD IN BOOK 251 OF MAPS, PAGE 47 THEREOF HEREBY AMEND THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS DATED MARCH 3, 1983 AND AMENDED FEBRUARY 28, 1989, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY IN DOCKET *83-145713_{sub 7B}* 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."

PARAGRAPH 8. HVAC AND SOLAR PANELS; ANTENNAS AND TOWERS CHANGE TO READ AS FOLLOWS:

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

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.

PARAGRAPH 10. VEHICLES, REVISE 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 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. 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&Rs ARE MET."

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IN PARAGRAPH 20. SETBACKS. MODIFY THE PARAGRAPH AS SHOWN:

THIRD LINE: AFTER THE WORDS "ZONING ORDINANCES" ADD "OF THE CITY OF MESA AND MARICOPA COUNTY.."

MODIFY PARAGRAPH 22. AGE RESTRICTION (AS AMENDED FEBRUARY 28, 1989) AS FOLLOWS:

ITEM 1 PARAGRAPH 22 AT THE BOTTOM OF THE FIRST PAGE, DELETE FIVE (5) WORDS IN THE SIXTH LINE WHICH READ: "LIVING UNITS OCCUPIED BY PERSONS...." AND REPLACE WITH "CURRENT OCCUPANTS.."

PARAGRAPH 30. ENFORCEMENT; MORTGAGE SAVINGS RENAME THIS PARAGRAPH 30. ENFORCEMENT AND REVISE AS SHOWN:

"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."

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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, 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.
