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WHEN RECORDED, RETURN TO:

MOD RSTR

DONALD E. DYKMAN
4110 N. Scottsdale Road
Suite 308
Scottsdale, AZ 85251

RECORDED IN OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA	
FEB 8 - '84 - 11 00	
BILL HENRY, COUNTY RECORDER	
FEE 85.00	PGS 7

AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
WESTGREEN TOWNHOUSES

This Amendment to Declaration of Covenants, Conditions and Restrictions for Westgreen Townhouses is made this 8th day of FEBRUARY, 1984, by Ironwood Homes, Inc., an Arizona corporation (the "DECLARANT").

R E C I T A L S

A. The DECLARANT and Advanced Title Agency, Inc., an Arizona corporation, as Trustee, caused to be recorded with the County Recorder of Maricopa County, Arizona, as Instrument No. 83 504991, a Declaration of Covenants, Conditions and Restrictions for Westgreen Townhouses (the "DECLARATION") subjecting the real property located in Maricopa County, Arizona, described on Exhibit A to the DECLARATION to the covenants, conditions and restrictions set forth in the DECLARATION.

B. The terms in all capital letters used in the Amendment to Declaration of Covenants, Conditions and Restrictions shall have the meanings specified for such terms in the DECLARATION.

C. Section 14.3 of the DECLARATION provides that the DECLARATION can be amended by an instrument signed by the OWNERS representing not less than ninety percent (90%) of the LOTS.

D. The DECLARANT is the OWNER of more than ninety percent (90%) of the LOTS.

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

NOW, THEREFORE, the DECLARANT hereby amends the DECLARATION as follows:

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1. Section 1.9 of the DECLARATION is deleted in its entirety and the following language substituted in its place:

Section 1.9 "COMMON AREA" shall mean all real property, and all IMPROVEMENTS located thereon, owned by the ASSOCIATION for the common use and enjoyment of the OWNERS. The COMMON AREA to be owned by the ASSOCIATION at the time of the conveyance of the first LOT to a PURCHASER is described as follows:

A tract of land being a portion of the recorded plat of WESTGREEN TOWN HOUSES-PHASE I as recorded in Book 260, page 12, records of Maricopa County, Arizona, being more fully described as follows:

Commencing at the intersection of the north right-of-way of Olive Avenue and the west boundary of said recorded plat;

Thence north $00^{\circ}25'43''$ east along said west boundary a distance of 163.83 feet to the center of a 24 foot wide easement, said point being the true point of beginning;

Thence north $00^{\circ}25'43''$ east along said west boundary a distance of 299.40 feet to the centerline of a 16 foot wide easement;

Thence south $89^{\circ}34'17''$ east along said easement centerline a distance of 353.80 feet to the centerline of 89th Drive;

Thence south $00^{\circ}25'43''$ west along said road centerline a distance of 299.40 feet to the centerline of a 24 foot wide easement;

Thence north $89^{\circ}34'17''$ west along said easement centerline a distance of 353.80 feet to the true point of beginning.

Together with and subject to that private access way recorded and designated as 89th Drive on the recorded plat of said WESTGREEN TOWN HOUSES-PHASE I.

EXCEPTING THEREFROM Lots 17 through 36, inclusive, WESTGREEN TOWN HOUSES-PHASE I, according to the plat recorded in Book 260 of Maps, page 12, records of Maricopa County, Arizona.

2. The legal description set forth on Exhibit A to the DECLARATION is deleted in its entirety and the following legal description is substituted in its place:

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Parcel One

Lots 17 through 36, inclusive, WESTGREEN TOWN HOUSES-PHASE I, according to the plat recorded with the County Recorder of Maricopa County, Arizona, in Book 260 of Maps, page 12.

Parcel Two

A tract of land being a portion of the recorded plat of WESTGREEN TOWN HOUSES-PHASE I as recorded in Book 260, page 12, records of Maricopa County, Arizona, being more fully described as follows:

Commencing at the intersection of the north right-of-way of Olive Avenue and the west boundary of said recorded plat;

Thence north $00^{\circ}25'43''$ east along said west boundary a distance of 163.83 feet to the center of a 24 foot wide easement, said point being the true point of beginning;

Thence north $00^{\circ}25'43''$ east along said west boundary a distance of 299.40 feet to the centerline of a 16 foot wide easement;

Thence south $89^{\circ}34'17''$ east along said easement centerline a distance of 353.80 feet to the centerline of 89th Drive;

Thence south $00^{\circ}25'43''$ west along said road centerline a distance of 299.40 feet to the centerline of a 24 foot wide easement;

Thence north $89^{\circ}34'17''$ west along said easement centerline a distance of 353.80 feet to the true point of beginning.

Together with and subject to that private access way recorded and designated as 89th Drive on the recorded plat of said WESTGREEN TOWN HOUSES-PHASE I.

EXCEPTING THEREFROM Lots 17 through 36, inclusive, WESTGREEN TOWN HOUSES-PHASE I, according to the plat recorded in Book 260, page 12, records of Maricopa County, Arizona.

3. The legal description set forth on Exhibit B to the DECLARATION is deleted in its entirety and the following legal description is substituted in its place:

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Parcel One

Lots 1 through 16, inclusive, and Lots 37 through 132, inclusive, WESTGREEN TOWN HOUSES-PHASE I, according to the plat recorded with the County Recorder of Maricopa County, Arizona, in Book 260 of Maps, page 12.

Parcel Two

A tract of land lying within the southwest quarter of the southwest quarter of Section 27, Township 3 North, Range 1 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a portion of Lots 145, 146, and 152 of Altaloma as recorded in Book 5 of Maps, page 19, Maricopa County Records more fully described as follows:

Commencing at the southwest corner of said Section 27, a brass cap in a handhole at the intersection of 91st Avenue and Olive Avenue;

Thence North $00^{\circ}25'43''$ East along the West boundary line of said Section 27 and the centerline of 91st Avenue a distance of 980.58 feet to the true point of beginning;

Thence North $00^{\circ}25'43''$ East along said West boundary and centerline a distance of 207.36 feet;

Thence North $89^{\circ}29'27''$ East parallel to and 136.50 feet South of the North line of the Southwest quarter of the Southwest quarter of said Section 27 a distance of 1320.33 feet to the East line of said Southwest quarter of the southwest quarter and the centerline of 89th Avenue;

Thence South $00^{\circ}24'39''$ West along said East boundary and said centerline a distance of 1186.28 feet to the South boundary of said Section 27 and the centerline of Olive Avenue;

Thence South $89^{\circ}25'07''$ West along said South boundary and said centerline a distance of 318.70 feet;

Thence North $00^{\circ}25'43''$ East parallel with the West boundary of said Section 27 a distance of 979.33 feet;

Thence South $89^{\circ}29'27''$ West parallel with the North line of said Southwest quarter of the Southwest quarter a distance of 1002.01 feet to the true point of beginning.

EXCEPTING THEREFROM the West 55 feet, the South 55 feet and the East 30 feet for roadway purposes.

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Said tract of land contains 13.4435 gross acres and 11.9985 net acres.

Parcel Three

A tract of land lying within the southwest quarter of the southwest quarter of Section 27, Township 3 north, Range 1 east, Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a portion of Lots 145, 146, 151 and 152 of Altaloma as recorded in Book 5 of Maps, page 19, Maricopa County Records more fully described as follows:

Commencing at the southwest corner of said Section 27, a brass cap in a handhole at the intersection of Olive Street and 91st Avenue;

Thence north 00°25'43" east along the west boundary of said Section 27 and the centerline of 91st Avenue a distance of 681.96 feet to the true point of beginning;

Thence north 00°25'43" east along said west boundary and said centerline a distance of 298.64 feet;

Thence north 89°29'27" east parallel to the north line of the southwest quarter of the southwest quarter of said Section 27 a distance of 1002.01 feet; boundary of said Section 27 a distance of 979.33 feet to the south boundary of said Section 27 and the centerline of Olive Avenue;

Thence south 89°25'07" west along said south boundary and said centerline a distance of 353.80 feet;

Thence north 00°25'43" east parallel with the west boundary of said Section 27 a distance of 681.14 feet;

Thence south 89°29'27" west parallel with the north line of the southwest quarter of the southwest quarter of said Section 27 a distance of 648.22 feet to the true point of beginning.

EXCEPTING THEREFROM the westerly 55 feet and the southerly 55 feet for roadway purposes.

EXCEPTING THEREFROM a tract of land being a portion of the recorded plat of WESTGREEN TOWN HOUSES-PHASE I as recorded in Book 260, page 12, records of Maricopa County, Arizona, being more fully described as follows:

Commencing at the intersection of the north right-of-way of Olive Avenue and the west boundary of said recorded plat;

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Thence north $00^{\circ}25'43''$ east along said west boundary a distance of 163.83 feet to the center of a 24 foot wide easement, said point being the true point of beginning;
Thence north $00^{\circ}25'43''$ east along said west boundary a distance of 299.40 feet to the centerline of a 16 foot wide easement;
Thence south $89^{\circ}34'17''$ east along said easement centerline a distance of 353.80 feet to the centerline of 89th Drive;
Thence south $00^{\circ}25'43''$ west along said road centerline a distance of 299.40 feet to the centerline of a 24 foot wide easement;
Thence north $89^{\circ}34'17''$ west along said easement centerline a distance of 353.80 feet to the true point of beginning.

Together with and subject to that private access way recorded and designated as 89th Drive on the recorded plat of said WESTGREEN TOWN HOUSES-PHASE I.

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IN WITNESS WHEREOF, the DECLARANT has executed this Amendment to Declaration of Covenants, Conditions and Restrictions for Westgreen Townhouses on the year and day first above written.

IRONWOOD HOMES, INC., an Arizona corporation

By: [Signature]
Its President

State of Arizona)
County of Maricopa) ss.

The foregoing instrument was acknowledged before me this 8th day of February, 1984, by BARRY C. KADAN of Ironwood Homes, Inc., an Arizona corporation, on behalf of the corporation.

[Signature]
Notary Public

My Commission Expires:

October 22, 1984