

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

00-0382824 05/19/00 04:43

IRENE 1 OF 1

When recorded return to:

Ekmark & Ekmark, L.L.C.
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Scottsdale, Arizona 85253

**AMENDMENT TO
HILLCREST IMPROVEMENT ASSOCIATION
EIGHTH DECLARATION OF RESTRICTIONS**

HILLCREST IMPROVEMENT ASSOCIATION ("Association"), according to the plats of record in the office of the County Recorder for Maricopa County, Arizona, in Book 115 of Maps, page 28, Book 119 of Maps, page 26, Book 137 of Maps, page 26, and Book 149 of Maps, page 44, hereby amends the Eighth Declaration of Restrictions, recorded at Docket number 98-0490815, of the records of Maricopa County, Arizona Recorder ("Declaration"), along with any amendments that may exist thereto, as follows:

Paragraph 2 of the Declaration is amended in its entirety as follows:

2. Except as set forth below, at least eighty-five percent (85%) of all Lots shall be occupied by at least one (1) person fifty-five (55) years of age or older. The remaining fifteen percent (15%) of the Lots shall be occupied by at least one (1) person forty (40) years of age or older. No person who is less than eighteen (18) years of age shall occupy a residential unit.

a. The foregoing restrictions shall not prohibit the occupancy of a residential unit by the following persons:

- (1). A person who is less than eighteen (18) years of age who is a guest or an invitee of a residential unit owner for a period not to exceed thirty (30) days in any twelve month period;
- (2). Any person or persons who own or occupy a residential unit or have entered into a contract to buy a residential unit as of the effective date of this amendment;
- (3). Any other person permitted to occupy a residential unit pursuant to the rules and regulations adopted by the board in accordance with this section and the Housing for Older Persons Act of 1995; provided, however, that no occupancy shall be permitted if such would be violative of any law, including without limitation, the Housing for Older Persons Act of 1995, and the rules and regulations interpreting such act published by the Department of Housing and Urban Development under 24 CFR Part 100 et al.

- b. The Board shall publish, adhere to and enforce policies and procedures that demonstrate an intent to provide housing for persons fifty-five (55) years of age or older and as may be necessary from time to time to meet all requirements of the Housing for Older Persons Act of 1995, as it may be amended.
- c. The Board shall further adopt policies and procedures for regulating and ensuring that at least eighty-five percent (85%) of the Lots are occupied by at least one (1) person fifty-five (55) years of age and older at all times.
- d. The Board shall provide each Owner with an age verification form every other year beginning in the year 2000. Each Owner shall be responsible for completing, signing, dating, and returning the form in a timely manner to the Board. In the event of any change in the number or identity of persons occupying a Lot for any reason, including as a result of transfer, sale, gift, lease, sublease, assignment, death, birth, marriage, separation or divorce, the Owner of the Lot shall immediately notify the Board of Directors in writing and provide the Board of Directors with the names and ages of all occupants of the Lot.
- e. In addition to the other enforcement powers given the Association and the Board under this Declaration, and the Bylaws, the Association, through the Board, is hereby given an express right to enforce this paragraph 2 and any and all rules and regulations adopted by the Board and/or the Association in connection with the age restrictions set forth in this paragraph 2. The Association's remedies for violation of this section include, but are not limited to: seeking injunctions and other legal remedies; imposing fines; suspension of voting rights; suspension of use of the recreation facilities; and assessing for costs incurred in connection with such violation, including, but not limited to, administration costs and attorneys' fees and costs.

Paragraph 9 of the Declaration is amended as follows:

Paragraphs 9(c) and 9(d) are hereby deleted in their entirety.

The President of the Association hereby certifies that this amendment has been consented to by fifty-one percent (51%) of the lot owners, pursuant to Paragraph 17 of the Declaration.

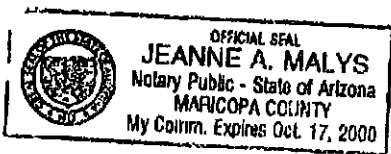
HILLCREST IMPROVEMENT ASSOCIATION

By: Tom Whitman
President

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STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 19th day of May, 2000, before me the undersigned Notary Public, personally appeared Tom Whitson, who acknowledged to me that he is the President of Hillcrest Improvement Association and that he executed the foregoing Amendment to the Eighth Declaration of Restrictions for the purposes expressed therein.



Jeanne A. Malys
Notary Public

My Commission expires: 10/17/2000