

AMENDMENT TO DECLARATION OF RESTRICTIONS

5-6-74

KNOW ALL MEN BY THESE PRESENTS:

That Clyde L. Staggs Development Corporation, an Arizona corporation, being the owner of the majority of the following described premises, situate in the County of Maricopa, State of Arizona, to-wit:

Lots 1 thru 34, inclusive; LUNAR VISTA ESTATES, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 167 of Maps, page 7, thereof;

and desiring to establish the nature of the use and enjoyment thereof, did record or cause to be recorded on April 3, 1974, in Docket 10588, pages 115-118, in the Office of the County Recorder, Maricopa County, Arizona a Declaration of Restrictions declaring said lots in LUNAR VISTA ESTATES subject to the express conditions and stipulations as to the use and enjoyment thereof, contained within the aforesaid Declaration of Restrictions.

NOW, THEREFORE, the said Clyde L. Staggs Development Corporation does hereby amend Paragraph 1, 14, and 19 of the aforesaid Declarations, to read as follows:

1. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed one story in height and a private garage. Each private garage shall be completely enclosed and affixed with a garage door. Carports may be constructed only with the approval of the Architectural Control Committee. One and one-half (1 1/2) and two (2) story single-family dwellings may be constructed only with the approval of the Architectural Committee; no business, trade, or manufacturing of any nature or description shall be carried on or transacted on any portion of said property nor shall any part of said premises be used as a hospital or sanitarium or other place for hire for the care of entertainment of persons suffering from any disease or disability whatsoever.

14. CARE OF PROPERTIES: All vacant lots in this subdivision shall be at all times kept free of rubbish and litter; weeds and grass shall be cleared out or kept well mown so as to present a tidy appearance. The yards and grounds in connection with all improved properties shall be at all times kept in a neat and sightly condition and shall be cultivated and planted to any extent sufficient to maintain an appearance not out of keeping with that of typical improved properties in this subdivision. During prolonged absence, owner of said lot agrees he will arrange for the care of the property, during such absence. In the event a lot owner does not maintain his lot in a neat, proper manner, any six record owners acting in concert, may have said lot cleaned up and upon refusal to pay within thirty (30) days from date upon filing an affidavit that said owner refuses to maintain said lot in a neat and proper manner, may file said affidavit with the County Recorder of Maricopa County, State of Arizona, stating the amount therein and to whom it was paid and the date and such amount shall constitute a lien against said lot. No over-night parking any trucks, pickup trucks, or trailers will be permitted in the street, and furthermore, no vehicles other than passenger cars and pick-up trucks will be parked in open carports. No gravel, rock or any other form of lawn may be cultivated other than a natural grass lawn, without the approval of the Architectural Control Committee.

AMENDMENT TO DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

That Clyde L. Stagg Development Corporation, an Arizona corporation, being the owner of the majority of the following described premises, situate in the County of Maricopa, State of Arizona:

Lots 1 thru 15, including LUNA VISTA ESTATES, according to the plat of records in the office of the County Recorder of Maricopa County, Arizona in Book 151 of the 2200's Series;

and desiring to establish the nature of the use and enjoyment thereof, did record or cause to be recorded on April 3, 1974, in Book 10368, pages 115-118, in the Office of the County Recorder, Maricopa County, Arizona a Declaration of Restrictions declaring said lots in LUNA VISTA ESTATES subject to the express conditions and stipulations as to the use and enjoyment thereof contained within the aforesaid Declaration of Restrictions.

NOW, THEREFORE, the said Clyde L. Stagg Development Corporation does hereby amend Paragraph 1, 1a, and 1b of the aforesaid Declaration, to read as follows:

1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed one story in height and a private garage. Each private garage shall be completely enclosed and finished with a garage door. Carports may be constructed only with the approval of the Architectural Control Committee. One and one-half (1 1/2) and two (2) story single-family dwellings may be constructed only with the approval of the Architectural Committee; no business, shops, or manufacturing of any nature or description shall be carried on or conducted on any portion of said property nor shall any part of said premises be used as a hospital or sanitarium or other place for hire for the care of entertainment of persons suffering from any disease or disability whatsoever.

1a. CARE OF PROPERTIES. All vacant lots in this subdivision shall be at all times kept free of rubbish and litter; weeds and grass shall be cleared out or kept well mown so as to present a tidy appearance. The yards and grounds in connection with all improved properties shall be at all times kept in a neat and tidy condition and shall be cultivated and planted to any extent sufficient to maintain an appearance not out of keeping with that of typical improved properties in this subdivision. During prolonged absence, owner of said lot agrees he will arrange for the care of the property, during such absence. In the event a lot owner does not maintain his lot in a neat, proper manner, any six record owners acting in concert, may have said lot cleaned up and upon refusal to pay within thirty (30) days from date upon filing an affidavit that said owner refuses to maintain said lot in a neat and proper manner, may file said affidavit with the office of the County Recorder of Maricopa County, State of Arizona, stating the amount therein and to whom it was paid and the date and such amount shall constitute a lien against said lot. No overnight parking any trucks, pickup trucks, or trailers will be permitted in the street, and furthermore, no vehicles other than passenger cars and pick-up trucks will be parked in open carports. No gravel, rock or any other form of lawn may be cultivated other than a natural grass lawn, without the approval of the Architectural Control Committee.

19. ARCHITECTURAL CONTROL COMMITTEE: The Architectural Control Committee shall be composed of CLYDE L. STAGGS and DOUG SANDAHL. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representatives, shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the 34 lots shall have the power through a duly recorded written instrument to change the membership of the Committee or to withdraw from the Committee or restore to it any of its powers and duties.

IN WITNESS WHEREOF, Clyde L. Stagg Development Corporation, an Arizona corporation, has hereunto caused its corporate seal to be affixed and the name to be attested by the signature of its duly authorized officer, this 4th day of May, 1976.

CLYDE L. STAGGS DEVELOPMENT CORPORATION,
an Arizona corporation

Clyde L. Stagg
Clyde L. Stagg, President

STATE OF ARIZONA }
County of Maricopa }

Before me this 4 day of May, 1976, personally appeared Clyde L. Stagg, who acknowledged himself to be President of CLYDE L. STAGGS DEVELOPMENT CORPORATION, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the same of the corporation, by himself as such officer.

David Wilson
Notary Public

My commission expires: 6-15-78

STATE OF ARIZONA }
County of Maricopa }
I hereby certify that...
in last...
course...
TRANSAMERICA TITLE

MAY 6 - 1976 - 9 10
in Doc # 11663
on page 106-186
Witness my hand and official seal this day and year aforesaid.
Tam...
County Recorder
By David Wilson
Deputy Recorder