

OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER HELEN PURCELL 94-0662108 09/06/94 05:00

When recorded return to: BURCH & CRACCHIOLO, P.A. (MD) 702 E. Osborn, suite 200 Phoenix, Arizona 85014

FIRST AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF CHANDLER CROSSING ESTATES (formerly known as CHANDLER CROSSING)

DECLARATION DATE: February 8, 1994

AMENDMENT DATE: August 26, 1994

DECLARANT: ELLIOTT HOMES, INC., an Arizona corporation, referred to herein as "Declarant."

AMENDMENT OF: That certain Declaration of Covenants, conditions and Restrictions of Chandler crossing dated February 8, 1994 and placed of record on July 12, 1994 at InstrUI11ent No.94-0536026 in the Office of the Maricopa County Recorder (the "original Declaration").

SUBJECT PROPERTY: All of Chandler crossing Estates, formerly known as Chandler Crossing, a subdivision, of part of section 28, Township 1 South, Range 4 East, Gila and Salt River Base and Meridian, according to a plat recorded July 7, 1994 in Book 379 of Maps, page 44, in the Office of the Maricopa County Recorder.

TOGETHER with such further real property as may be made subject to the original Declaration, as amended, as Annexed Property.

All of which "Property." Is referred to herein as the "property."

STATEMENT OF PURPOSE: Declarant has heretofore caused the original Declaration to be placed of record, thereby imposing its terms and conditions upon the Property as a covenant running with the land. By this instrument, Declarant desires to amend the original Declaration in the manner and upon the terms specified herein. Declarant nevertheless desires that the previously existing covenants, conditions and restrictions in the original Declaration shall be deemed to be in continuous and undiminished force and effect from the effective date thereof, except as the same may be amended hereby.

STATEMENT OF AMENDMENT: For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all persons signatory to this instrument, and pursuant to the power granted Declarant by law and in the original Declaration, the same is hereby amended as follows:

1. Terms. Unless the context requires otherwise, terms used in this First Amended Declaration shall have the meaning stated in the original Declaration.

2. section 1.09 of the original Declaration is hereby deleted in its entirety and the following is substituted therefor.

10.9 "Association" means Chandler crossing Estates Homeowners Association, its agents, successors and assigns, which Declarant, at its option, shall cause to be incorporated under the laws of the State of Arizona as a non-profit corporation.

3. Interpretation. This First Amended Declaration shall be considered an integral part of the original Declaration and shall be construed with said documents as if the provisions hereof were set forth therein as an article thereof. This First Amended Declaration shall therefore run with title to the Property and be enforceable in accordance with and as a part.- of the original Declaration.

4. Reaffirmation. The original Declaration is hereby ratified and approved. All provisions of said original Declaration are hereby reaffirmed in their entirety and declared to be continuously in effect from and after their effective date, except as a provisions is amended or deleted by this instrument

5. Approval. In accordance with section 9.08 of the Declaration, this First Amended Declaration is hereby promulgated, ratified and approved by the Declarant, as evidenced by the acknowledged signature attached hereto.

6. Effective Date. Except as is otherwise provided this First Amended Declaration shall be effective on the later of the date first stated on page one hereof, or the date this instrument is placed of record in the Office of the Maricopa County

Recorder. IN WITNESS WHEREOF, Declarant has caused its name to be signed by the duly authorized undersigned officer.

DECLARANT:

STATE OF CALIFORNIA

ELLIOTT HOMES, INC., an Arizona Corporation

By:

Harry C. Elliott, III- President/ County of Sacramento

On this day, personally appeared before me Harry C. Elliott, III, who is known to me to be the person whose name is above subscribed, and after being first duly sworn, acknowledged himself to be the President of Elliott Homes, Inc., an Arizona corporation, and upon his oath acknowledged that he executed the foregoing instrument for and on behalf of that corporation for the purpose therein contained, being authorized so to do.