

First Amendment 1998

WHEN RECORDED RETURN TO:

Storey & Pieroni PLC
3030 E. Camelback Road
Suite 265
Phoenix, Arizona 85016
Attention: Lesa J. Storey

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TRACT DECLARATION
COOPER COMMONS
Parcel 6

This Tract Declaration is made this 15 day of JUNE, 1999, by Cooper Commons L.L.C., an Arizona limited liability company (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, Declarant executed and caused to be Recorded that certain Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Cooper Commons, dated April 28, 1998, and Recorded on April 29, 1998 as Document No. 98-0346533, records of Maricopa County, Arizona (the "Declaration"), which covers property known as Cooper Commons; and

WHEREAS, the real property described in **Exhibit "A"** attached hereto is a part of Cooper Commons and subject to the Declaration (said real property being hereinafter referred to as the "Parcel" or "Parcel 6"); and

WHEREAS, the Declaration contemplates that Tract Declarations for Parcels located within Cooper Commons would be executed and Recorded periodically as the development of Cooper Commons proceeds and land use classifications for such Parcels are determined; and

WHEREAS, Declarant, as holder of legal title to all of the Parcel, now wishes to Record a Tract Declaration for the Parcel;

NOW, THEREFORE, Declarant hereby declares that all of the Parcel shall be held, sold and conveyed subject to the following covenants, conditions, restrictions and easements, all of which are declared to be in furtherance of the general plan for the use, enjoyment, development, and improvement of Cooper Commons as contemplated by the Declaration, and which are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the Parcel and of Cooper Commons as a

whole. All of the foregoing are hereby declared to be for the benefit of all of the Parcel and the Owner or Owners of all or any portion of the Parcel (including any Owner of any Lot into which the Parcel may be subdivided), their heirs, successors, grantees, and assigns. These covenants, conditions, restrictions and easements shall run with the Parcel and shall be binding upon all persons having or acquiring any right, title or interest in the Parcel, or any part thereof, and shall inure to the benefit of each owner thereof.

1. Definitions. Capitalized terms used in this Tract Declaration and not otherwise expressly defined herein shall have the same meanings as are set forth for such terms in the Declaration.

2. Land Use Classification. The Parcel shall be developed and used for Single Family Residential Use per applicable zoning, as defined in the Declaration in Article IV, Section 4.1 thereof.

3. Approval of Development Plan. No Improvements shall be made or placed on Parcel 6 without the prior written approval of the Design Review Committee. Any subdivision plat and/or additional CC&Rs which may be hereafter Recorded against the Parcel shall be subject to approval of the Board of Directors.

4. Association Membership. For the purpose of Annual and Special Assessments and Membership in the Association, the Parcel shall be designated to have one hundred four (104) Memberships.

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5. Sub-Association Formation. Any Sub-Association formed for the benefit of Parcel 6 must be approved in writing and in advance by the Board of Directors of the Cooper Commons Community Association. Any Sub-Association formed shall be subject to the Declaration, the Articles, the Bylaws, the Design Guidelines, the Association Rules, and the Cooper Commons Rules. All members of a Sub-Association shall also be Members of the Cooper Commons Community Association.

6. Integration. This Tract Declaration shall be considered and integral part of the Declaration and construed with the Declaration as if the provisions hereof were set forth therein. This Tract Declaration shall run with Parcel 6 and be enforceable in accordance with and as part of the Declaration.

7. Developer Designation. Kaufman and Broad of Arizona, Inc., an Arizona corporation, is hereby designated as a "Developer" under and for purposes of the Declaration.

EXHIBIT A

The real property described in the Final Plat of COOPER COMMONS II PARCEL 6, as recorded in the office of the County Recorder of Maricopa County, Arizona, in Book 504 of Maps, page 23.

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