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AMENDED DECLARATION OF

COVENANCE, CONDITIONS, AND RESTRICTIONS

This Amended Declaration of Covenance, Conditions, and Restrictions is made on the date hereinafter set forth by the undersigned property owners to be hereinafter referred to as the Declarants.

WITNESSETH:

WHEREAS, the Declarants are the owners of certain property in Maricopa County, Arizona, which is more particularly described as Lots 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 214, 215, 216, 218, 223, 224, 225, 226, 227, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 241, 242, 243, 246, 247, 248, 249, 253, 254, 256, 257, 260, 263, 264, 267, 268, 269, 270, 271, and 344 inclusive in Sunburst Farms East Four according to the plat thereof recorded in the Office of the County Recorder of Maricopa County, Arizona, in Book 133 of Maps, Page 16 thereof, and,

WHEREAS, all of the lots in Sunburst Farms East Four including the ones owned by the Declarants herein are subject to a previous declaration of covenance, conditions and restrictions which is recorded in the records of Maricopa County in the Office of the County Recorder in Docket No. 8388, Pages 902 through 906, and,

WHEREAS, said previous declaration in Article IV, Section 3 thereof gives to the majority of owners of lots in Sunburst Farms East Four the power to change said previous declaration, and,

WHEREAS, the undersigned Declarants, constituting a majority of the owners of lots in Sunburst Farms East Four, have held a meeting in Maricopa County, Arizona, on December 19, 1974, and have by majority vote at said meeting voted to change by amendment said previous declaration,

STATE OF ARIZONA } ss
County of Maricopa }

I hereby certify that the within instrument was filed and recorded at request of

DEC 20 1974 11 05

in Docket 10960
on page 629 - 638

Witness my hand and official seal the day and year aforesaid.

John Collins
County Recorder

By K Sorenson
Deputy Recorder

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NOW, THEREFORE, the undersigned Declarants, a majority of the lot owners in Sunburst Farms East Four, declare that said previous declaration of covenance, conditions and restrictions is repealed by this vote and is now legally null and void. The undersigned Declarants declare that all of the lots in Sunburst Farms East Four shall be held, sold and conveyed subject to the easements, restrictions, covenance, and conditions set forth in this Amended Declaration, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the real property and all of which are hereby declared to be for the benefit of all of the property in Sunburst Farms East Four and the owners thereof, their heirs, successors, grantees and assigns.

ARTICLE I

DEFINITIONS

Section 1. "Association" shall mean and refer to Sunburst Farms East Mutual Water and Agricultural Company, the same being an Arizona corporation, its successors and assigns.

Section 2. "Properties" or "premises" shall mean and refer to that certain irrigated real property hereinbefore described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Lot", "unit" or "parcel" shall be synonomous and shall mean and refer to a separately designated and legally described freehold estate consisting of any plot of land and the improvements thereon shown upon any recorded subdivision map of the properties.

Section 4. "Member" shall mean and refer to every person or entity who holds membership in the Association.

Section 5. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of equitable title (or legal title if equitable title has merged) of any lot which is part of the properties.

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Section 6. "Declarant" shall mean and refer to Arizona Title Insurance and Trust Company, Trustee, its successors and assigns if such successors or assigns should acquire more than one undeveloped lot from the Declarant for the purpose of development.

ARTICLE II

BUILDING TYPE AND LAND USE

Section 1. The lots subject to these restrictions as enumerated above shall be known, described and limited to single family residential lots.

Section 2. No building except one single family residence, a private garage or carport, and a structure to serve as a stable, livestock shelter, and/or tack room, shall be erected, maintained, placed or permitted on any residential lot or portion of said residential lots in Sunburst Farms East Four. Such stable, livestock shelter, and/or tack room shall be of a design harmonious with the other structure or structures upon said lot, and no use of used or inferior materials shall be permitted. Any quarters for servants or guests must be in an integral part of said residence.

Section 3. No garage or any other building whatsoever shall be erected on any of said residential building lots until a dwelling house shall have been erected or until a contract with a reliable and responsible contractor shall have been entered into for the construction of a dwelling which shall comply with the restrictions herein permitted on any such premises. No garage or stable and/or tack room shall be used for residential purposes.

Section 4. No dwelling house having a ground floor area of less than eleven hundred (1,100) square feet, exclusive of open porches, pergolas, or attached garage, if any, shall be erected, permitted or maintained on any of said residential lots in Sunburst Farms East Four.

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Section 5. No building shall be erected on any of said residential lots in Sunburst Farms East Four the front walls of which are closer than thirty (30) feet from the front property line, except that a front porch, an attached garage or carport, may project into the front yard not more than five (5) feet, nor shall the side walls of any such building be nearer than ten (10) feet from the property line on each side of said lot; provided, further, that this restriction shall apply to the stable, livestock shelter, and/or tack room, which structure may not be located closer than twenty-five (25) feet from the main structure or residence, nor closer than twenty (20) feet to any side property line.

Section 6. No solid wall or fence over three (3) feet in height shall be maintained or erected nearer to the front street line of any of the said residential lots in Sunburst Farms East Four than the front walls of the building erected on such lot; and in case of a lot on which no residence has been erected, no solid wall or solid fence over three (3) feet high shall be constructed or maintained closer than thirty (30) feet to the front line of such lot. No side or rear fence, and no side or rear wall, other than the wall of the building constructed on any of said lots shall be more than six (6) feet in height. No hedge more than three (3) feet in height shall be permitted closer than twenty (20) feet to the front property line in any of said lots in said subdivision. Where a corner lot has its rear lot line in common with the side lot line of the adjacent lot, such common lot line shall be used to measure the set back to be observed with regard to the permitted height of solid walls, fences or hedges under this paragraph.

Section 7. Subject to the applicable laws, ordinances, health codes and rules and regulations of the State of Arizona, and counties and municipalities thereof, horses, poultry and/or livestock may be kept or maintained on any of said lots, which horses, poultry and/or livestock shall be for the sole and

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exclusive use and enjoyment of the owners or said lot and their invited guests. The maintenance of such horses, poultry, and/or livestock and the physical facilities for the same shall be maintained by lot owner in a clean, neat, orderly fashion in accordance with the prevailing custom and usage, so that such facilities shall not become a nuisance to the remaining lot owners in said Sunburst Farms East Four. Any such physical facilities for the maintenance of poultry, livestock or horses must be maintained at a minimum distance of eighty (80) feet from the front property line of any of said lots. None of said lots or any portion thereof shall ever be used for commercial animal husbandry.

Section 8. Easements for installation and maintenance of utilities and drainage facilities providing irrigation water and ingress and egress are reserved as shown on the recorded plat. In addition, all eight (8) foot easements shown on the plat are hereby reserved for use as a bridle path. Within all these easements, no structure, planting or other materials shall be placed or permitted to remain which may interfere with the purpose for which these easements have been reserved.

Section 9. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

ARTICLE III

ASSOCIATION MEMBERSHIP

The record owner of equitable title (or legal title if equitable title has merged) of any parcel or parcels of real property located in any irrigated Sunburst Farms East development shall automatically become a member of the Association, and shall remain a member of the Association until such time as his ownership ceases for any reason, at which time his membership in said Association shall automatically cease. Ownership of a parcel shall be the sole qualification and

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criteria for membership. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation.

A membership in the Association shall not be transferred, pledged or alienated in any way. Any attempt to make a prohibited transfer is void and will not be reflected upon the books and records of the Association.

ARTICLE IV

MISCELLANEOUS

Section 1. Deeds of conveyance for said property, or any portion thereof, may contain the above covenants, conditions, stipulations and restrictions by reference to this document, but whether or not such reference is made in such deeds, each and all of these covenants, conditions, stipulations and restrictions shall be binding upon the respective grantees.

Section 2. Notwithstanding any provisions herein contained to the contrary, it shall be expressly permissible for the major builder and developer of the "properties" to maintain during the period of construction and sale of said "premises", upon such portion of the premises as such builder may choose, such facilities as in the sole opinion of said builder may be reasonably required, convenient or incidental to the construction and sale of said premises, including, but without limitations, a business office, storage area, construction yards, signs, model units and sales office.

Section 3. The foregoing restrictions and covenants run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 1998, unless otherwise amended or revoked by vote of a majority of the then owners of lots in Sunburst Farms East Four. As long as the developer owns a majority of the lots in this subdivision, these covenants, conditions and restrictions may not be amended without the approval of FHA and VA. Subsequent

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to January 1, 1998, these covenants and restrictions then in effect shall automatically be extended for successive periods of ten (10) years each, unless by vote of the majority of the then owners of lots in Sunburst Farms East Four it is agreed to change the said covenants and restrictions in whole or in part.

Section 4. If there shall be a violation or threatened or attempted violation of any of said covenants, conditions, stipulations or restrictions, it shall be lawful for the Association or any person or persons owning real property situated in Sunburst Farms East Four to prosecute proceedings at law or in equity against all persons violating or attempting to violate or threatening to violate any such restrictions, covenants, conditions or stipulations and such violators shall reimburse the Association or any person or persons owning real property situated in Sunburst Farms East Four for attorneys' fees and expenses incurred in prosecution of such proceedings. However, a violation of these restrictive covenants, or any one or more of them, shall not affect the lien of any mortgage now on record, or which may hereafter by placed of record upon said lots or any part thereof.

Section 5. Invalidation of any one or more of these covenants, conditions, restrictions and stipulations shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Declarants have signed their names this 19th day of December, 1974.

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LESTER W. & GRACE E. OLTERSDORS, Owners of Lot 201

NEAL D. & MARY E. NICHOLS, Owners of Lot 202

WILLIAM R. & BONNIE L. HARRIS, Owners of Lot 203

LEE & CALLIE L. ENGLE, Owners of Lot 204

ROBERT A. & LeANN G. GARTRELL, Owners of Lot 205

ARTHUR R. & LINDA K. PORTER, Owners of Lot 206

ANTHONY T. & MADELINE A. MELE, Owners of Lot 207

WILLIAM A. & MARILYN WILEY, Owners of Lot 208

LAURANCE D. & ROSALINO KAY WIENER, Owners of Lot 209

DONALD E. & E. LOUISE OLSEN, Owners of Lot 210

ROBERT J. & BERNICE J. MacKENZIE, Owners of Lot 211

ORVILLE W. & FLORENCE JOAN MERRILL, JR., Owners of Lot 214

JOHN W. & ANITA K. ROSE, Owners of Lot 215

JOHN A. & BARBARA S. OSWALD, Owners of Lot 216

DAVID K. & CAROL A. BARNETT, Owners of Lot 218

JOHN L. & H. SUE TURCOTTE, Owners of Lot 223

GEORGE E. & DARLENE M. MILLER, Owners of Lot 224

ROBERT D. & MARGARET A. SLAVENS, Owners of Lot 225

JAMES T. & SHARON K. GRIFFIN, Owners of Lot 226

ORVILLE D. & JUDITH A. WOLVER, Owners of Lot 227

RICHARD D. & DELORES K. GRIMM, Owners of Lot 229

ALBERT L. & V. JEAN DECKER, Owners of Lot 230

ROBERT L. & JEAN M. CHAPMAN, Owners of Lot 231

TED D. & JUDY NEWMAN, Owners of Lot 232

CLARKE N. & MARGARET BUSS, Owners of Lot 233

JOHN S. & MARY A. IVENS, Owners of Lot 234

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RICHARD J. & SYLVIA L. HANDLY, Owners of Lot 235

JOSEPH M. & DEODETE S. LALLA, Owners of Lot 236

JOHN A. & CAROL L. COLLINGE III, Owners of Lot 237

ROBERT E. & ELIZABETH A. McDONALD, Owners of Lot 238

THOMAS J. & PEGGY J. MOLLOY, Owners of Lot 241

ROBERT E. EDMINSTER & GLADYS M. EDMINSTER, Owners of Lot 242

DWIGHT D. & JOYCE M. HOVER, Owners of Lot 243

JOHN T. & MARY LOU MURNEY, Owners of Lot 246

ROY P. & MARY K. LYNCH, Owners of Lot 247

JOSEPH & CHERYL T. DeAUGUSTA, Owners of Lot 248

RICHARD D. ROBINSON, Owner of Lot 249

RALPH H. & MARIA H. BERRY, Owners of Lot 253

RONALD G. & SANDRA J. CARBETT, Owners of Lot 256

MARION E. & FREEDA W. HUTSON, Owners of Lot 257

BYRON D. & IDA J. EGELHOFF, Owners of Lot 260

BRIAN L. & BARBARA S. BRIGGS, Owners of Lot 263

ROGER L. & CAROLYN S. CURRAN, Owners of Lot 264

JOHN B. & JOAN ROWLAND, Owners of Lot 267

ROGER G. & LINDA A. SCHWANKE, Owners of Lot 268

TRUMAN W. & NANCY E. LANE, Owners of Lot 269

RONALD D. & EVELYN C. SLAUGHTER, Owners of Lot 270

DAVID P. & JOSEPHINE DUFFY, Owners of Lot 271

JAMES EDWARD & ELSIE ANNETTE CRILL, Owners of Lot ~~244~~ 244.

Richard A. Brown Jeanne F. Brown

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STATE OF ARIZONA)
) ss
County of Maricopa)

On this 19th day of December, 1974, before me the undersigned Notary Public, there personally appeared LESTER W. & GRACE E. OLTERSDORS, NEAL D. & MARY E. NICHOLS, WILLIAM R. & BONNIE L. HARRIS, LEE & CALLIE L. ENGLE, ROBERT A. & LeANN G. CARTRELL, ARTHUR R. & LINDA K. PORTER, ANTHONY T. & MADELINE A. MELE, WILLIAM A. & MARILYN WILEY, LAURANCE D. & ROSALINO KAY WIENER, ROBERT J. & BERNICE J. MacKENZIE, ORVILLE W. & FLORENCE JOAN MERRILL, JR., JOHN W. & ANITA K. ROSE, JOHN A. & BARBARA S. OSWALD, DAVID K. & CAROL A. BARNETT, JOHN L. & H. SUE TURCOTTE, GEORGE E. & DARLENE N. MILLER, ROBERT D. & MARGARET A. SLAVENS, JAMES T. & SHARON K. GRIFFIN, ORVILLE D. & JUDITH A. WOLVER, RICHARD D. & DELORES K. GRIMM, ALBERT L. & V. JEAN DECKER, ROBERT L. & JEAN M. CHAPMAN, TED D. & JUDY NEWMAN, CLARKE N. & MARGARET BUSS, JOHN S. & MARY A. IVENS, RICHARD J. & SEENDA L. HANDLY, JOSEPH M. & DEODETE S. LALLA, JOHN A. & CAROL L. COLLINGE III, ROBERT E. & ELIZABETH A McDONALD, THOMAS J. & PEGGY J. MOLLOY, ROBERT E. & GLADYS M. EDMINSTER, DWIGHT D. & JOYCE M. HOWER, JOHN T. & MARY LOU MURNEY, ROY P. & MARY K. LYNCH, JOSEPH & CHERYL T. DeAUGUSTA, RICHARD D. ROBINSON, RALPH H. & MARIA H. BERRY, RONALD G. & SANDRA J. CARBETT, MARION E. & FREEDA W. HUTSON, BYRON D. & IDA J. EGELHOFF, BRIAN L. & BARBARA S. BRIGGS, ROGER L. & CAROLYN S. CURRAN, JOHN B. & JOAN ROWLAND, ROGER G. & LINDA A. SCHWANKE, TRUMAN @. & NANCY E. LANE, RONALD D. & EVELYN C. SLAUGHTER, DAVID P. & JOSEPHINE DUFFY, and JAMES EDWARD & ELSIE ANNETTE CRILL, who acknowledged themselves to be the signers of the foregoing amended declaration and that they signed the foregoing instrument and executed the same for the purposes therein contained.

WITNESS MY HAND AND OFFICIAL SEAL.

Don E Olsen
Notary Public

My Commission Expires:
My Commission Expires Nov. 6, 1978

STATE OF ARIZONA)
) ss
County of Maricopa

On this 19th day of December, 1974, before me, the undersigned Notary Public, there personally appeared DONALD E. & E. LOUISE OLSEN, who acknowledged themselves to be the signers of the foregoing Amended Declaration and that they signed the foregoing instrument and executed the same for the purposes therein contained.

WITNESS MY HAND AND OFFICIAL SEAL.

Ronald D Coulter
Notary Public

My Commission Expires:

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OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
JUSTIN HEAP

The foregoing instrument is an
electronically prepared
full, true and correct copy
of the original record in this
office.
Attest: 10/20/2026 06:40:00 AM

By Justin Heap Recorder

To Verify this purchase visit
https://recorder.maricopa.gov/recording/verify-cert.html?id=362088

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