

MOD RSTR (DF)

FIRST SERVICE TITLE AGENCY, INC.

When recorded, return to:

D. Randall Stokes, Esq.
Lewis and Roca
100 West Washington Street
23rd Floor
Phoenix, Arizona 85003-1899

05.1265

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**AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
WARNER RANCH LANDING UNIT II**

88 474684

THIS AMENDMENT is executed as of September 26, 1988, by SUNRISE LIMITED PARTNERSHIP, an Illinois limited partnership doing business in the State of Arizona as S Limited Partnership ("Developer"), and FIRST SERVICE TITLE AGENCY, INC., an Arizona corporation, as Trustee of its Trust No. 1080 ("Declarant"), with respect to the following:

A. Developer and Declarant previously executed and caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for Warner Ranch Landing Unit II dated September 8, 1988 and recorded on September 9, 1988 at Recorder's No. 88-447576 in the office of the Maricopa County, Arizona Recorder (the "Declaration").

B. Through inadvertence, the Declaration did not set forth language providing for maintenance by the Association of front yard landscaping for each Lot, which Developer intended to obligate the Association to do; Developer desires to amend the Declaration to add such a provision.

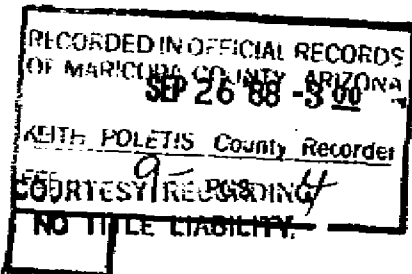
C. As of the date hereof, Declarant, as trustee of its Trust No. 1080, the sole beneficiary of which is Developer, is the owner of fee title to all Lots within the Property and therefore has the power to amend the Declaration; Declarant, in such capacity, desires to join in this Amendment with Developer.

AMENDMENT:

NOW, THEREFORE, Developer and Declarant hereby declare as follows:

1. Amendment. The Declaration is hereby amended to add thereto, as a new Section 4.6, the following:

4.6 Front Yard Landscaping. In addition, the Association shall be responsible for maintaining and keeping in good repair on



This instrument filed for record by
FIRST SERVICE TITLE AGENCY, INC.
as an accommodation only. It has not
been examined as to its execution or
as to its effect upon the title.

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1 each and every Lot, as a Common Expense of
 2 the Association, the landscaping and flora
 3 situated in or upon the "front yard" of each
 4 and every Lot. For purposes hereof, the
 5 "front yard" of a Lot shall mean and refer
 6 to such portion of that Lot as is adjacent
 7 to or abutting public or private roadways or
 8 adjacent to or abutting any part of the
 9 Common Area, except where such portion of
 10 that Lot is screened from view from such
 11 roadways or Common Area by a wall or other
 12 structure.

13 2. Effective Date. This Amendment shall be deemed
 14 effective as of the date it is recorded in the office of the
 15 Maricopa County, Arizona Recorder.

16 3. Defined Terms. Except as otherwise expressly
 17 provided herein, capitalized terms in this Amendment shall have
 18 the meanings given them in the Declaration.

19 4. Limited Effect. The Declaration shall not be
 20 deemed to be modified, altered, amended or otherwise affected
 21 by this Amendment except to the extent expressly provided
 22 herein.

23 IN WITNESS WHEREOF Unofficial Document undersigned have executed this
 24 Amendment as of the date first set forth above.

25 DEVELOPER:

26 SUNRISE LIMITED PARTNERSHIP, an
 Illinois limited partnership doing
 business in the State of Arizona
 as S Limited Partnership

By UDC ADVISORY SERVICES, INC.,
 an Illinois corporation,
 General Partner

By  _____

Its _____

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DECLARANT:

FIRST SERVICE TITLE AGENCY, INC.,
an Arizona corporation, as Trustee
of its Trust No. 1080, and not
personally

By William C. Penn
William C. Penn
Its Vice President

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 22nd day of September, 1988, before me, the undersigned officer, personally appeared Gary D. Haarer, who acknowledged himself to be the Agent of UDC ADVISORY SERVICES, INC., an Illinois corporation which is the General Partner of SUNRISE LIMITED PARTNERSHIP, an Illinois limited partnership doing business in the State of Arizona as S Limited Partnership, and that he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of said entities by himself.

Unofficial Document

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Phoebe L. Rogioth
Notary Public

My commission expires:



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STATE OF ARIZONA)
) ss.
County of Maricopa)

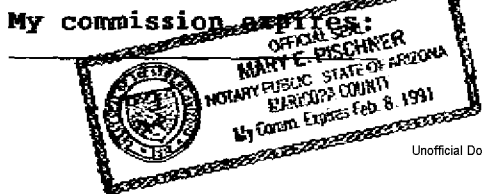
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On this 26th day of September, 1988, before me, the undersigned officer, personally appeared William C. Penn, who acknowledged himself/herself to be Vice President of FIRST SERVICE TITLE AGENCY, INC., an Arizona corporation, and that he/she, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of said corporation by himself/herself.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Mary E. Fischner

Notary Public



Unofficial Document