

FIRST AMENDMENT TO DECLARATION  
OF HORIZONTAL PROPERTY REGIME AND  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
CASA REQUENA II

2100 1000

3

This First Amendment is made as of the date hereinafter set forth by Fargo, Ltd., an Arizona corporation, hereinafter referred to as the "Declarant."

W I T N E S S E T H:

WHEREAS, a Declaration of Horizontal Property Regime and Covenants, Conditions and Restrictions for Casa Requena II, Homeowner's Association, hereinafter referred to as the "Declaration," dated August 16, 1983, was recorded in the records of the Maricopa County Recorder on August 17, 1983 at 83-328807, concerning the following described real property, to wit:

See Attached Exhibit "A"

hereinafter referred to as the "Parcel," and

WHEREAS, the Declarant is desirous of amending the Declaration and has obtained the consent of more than seventy-five percent (75%) of the owners of the parcel and has obtained the consent of more than seventy-five percent (75%) of the holders of all first mortgages on the lots within the parcel, pursuant to Section 24.05 of the Declaration, as evidenced by the signatures set forth below,

NOW THEREFORE, the Declaration is amended as follows:

1. Section 17.17 is amended by deleting the third sentence thereof in its entirety, so that Section 17.17 shall now read:

17.17. First Mortgagees shall have the right to enforce against unit owners, the Association and all others, any and all provisions of this Declaration including, without limitation, this Section 17. Enforcement by First Mortgagees may be by injunction, mandatory or prohibitory, or any other lawful procedure. The Articles, By-Laws and all rules and regulations of the Association shall be governed by this Declaration and all provisions thereof which are inconsistent therewith shall be void.

RECORDED IN OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA

AUG 30 1984 -4 15

BILL HENRY, COUNTY RECORDER  
FEE 5.00  
FUGS 5.00

DESCRIPTION

83 328807

## EXHIBIT "A"

Apartments 55, 56, 57, 58, 59, 73, 74, 75, 76, 77  
91, 92, 93, 94 and 95, in Building 5;

Apartments 60, 61, 62, 63, 54, 78, 79, 80, 81, 82, 96,  
97, 98, 99 and 100, in Building 6;

Apartments 65, 66, 67, 68, 33, 84, 85, 86, 101, 102, 103  
and 104, in Building 7; and

Apartments 69, 70, 71, 72, 37, 88, 89, 90, 105, 106, 107,  
and 108, in Building 8;

CASA REQUENA II, a Condominium Project, according to Declaration of  
Horizontal Property Regime recorded in Document No. 73-328807  
and in Book 255 of Maps, page 49, records of Maricopa  
County, Arizona;

TOGETHER WITH the undivided interest in and to the common elements  
as set forth in said Declarations and Plat.

2. Section 24.06 is amended by deleting the first sentence thereof in its entirety, so that Section 24.06 shall now read:

24.06. Interpretation. If there is any conflict among or between the Condominium Constituent Documents, the provision of this Declaration shall prevail; thereafter, priority shall be given first to the Articles, then to the By-Laws and then to the rules and regulations of the Association.

3. All other provisions of the Declaration shall remain the same.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the 29th day of June, 1984.

Fargo, Ltd.

BY [Signature]  
Its Secretary

ACKNOWLEDGMENT

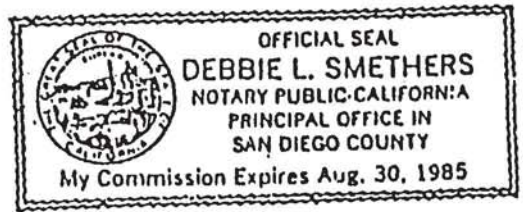
STATE OF CALIFORNIA  
~~STATE OF CALIFORNIA~~ )  
County of San Diego ) ss.  
~~COUNTY OF SAN DIEGO~~ )

On this 29th day of June, 1984, before me, the undersigned Notary Public, personally appeared George Drykeman, who acknowledged himself to be the Secretary of Fargo, Ltd., an Arizona corporation and that he, being authorized to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the Corporation.

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

[Signature]  
Notary Public

My Commission Expires:  
August 30, 1985



CONSENT TO AMENDMENT

Fargo, Ltd., the undersigned owner of more than seventy-five percent (75%) of the lots in the parcel, does hereby consent to this Amendment to the Declaration.

Fargo, Ltd.

By [Signature]  
Its Secretary

ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
~~XXXXXXXXXXXXXXXXXXXX~~ )  
County of San Diego ) ss.  
~~XXXXXXXXXXXXXXXXXXXX~~ )

June

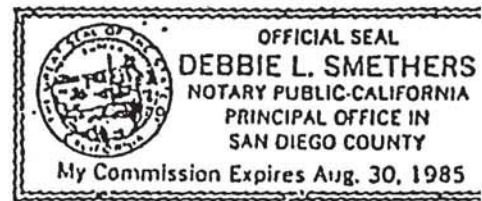
On this 29th day of May, 1984, before me, the undersigned Notary Public, personally appeared George Drykeman, who acknowledged himself to be the Secretary of Fargo, Ltd., an Arizona corporation and that he, being authorized to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation.

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

[Signature: Debbie L. Smethers]  
Notary Public

My Commission Expires:

August 30 1985



CONSENT TO AMENDMENT

The Bank of America, the undersigned holder of more than seventy-five percent (75%) of all first mortgages on the lots within the parcel, does hereby consent to this Amendment to Declaration.

By *Michael P. Morgan*  
Michael Morgan,  
Its Vice President,  
Corporate Banking

STATE OF ARIZONA     )  
                              ) ss.  
County of Maricopa    )

On this 29<sup>th</sup> day of June, 1984, before me, the undersigned Notary Public, personally appeared Michael Morgan, who acknowledged himself to be Vice President of the Bank of America and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the Bank of America.

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

*Mary Ellen Roberts*  
Notary Public

My Commission Expires:

1-1-87

