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OFFICIAL RECORDS

COCHISE COUNTY

DATE Hour

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REQUEST OF

PIONEER TITLE AGENCY

CHRISTINE RHODES\_RECORDER

FIRST AMENDMENT TO  
AMENDED AND RESTATED DECLARATION OF  
CONDITIONS. COVENANTS,  
RESTRICTIONS AND EASEMENTS FOR  
HIGH LONESOME RANCH ESTATES-UNIT I LOTS 7  
THROUGH 50 AND  
HIGH LONESOME RANCH ESTATES-UNIT II LOTS 52  
THROUGH 141

This First Amendment to Amended and Restated Declaration of Conditions, Covenant's, Restrictions and Easements for High Lonesome Ranch Estates-Unit I Lots 7 through 50 and High Lonesome Ranch Estates-Unit II. Lots 52 through 141 (this "Amendment") is made this 21day Sept., 2001. and hereby amends and modifies that certain Amended and Restated Declaration of Conditions. Covenant's, Restrictions and Easements for High Lonesome Ranch Estates-Unit 1. Lots 7 through 50 and High Lonesome Ranch Estates-Unit IT, Lots 52 through recorded in Fee # 001028197, Cochise County Records (the "Declaration"), having reference to High Lonesome Ranch Estates. Unit I. Lots 7 through 50 and Common Area A and B. for which a Record of Survey has been recorded in Book 15 of Maps and Plats at Page 56 in the Office of the Recorder of Cochisc County. Arizona. and High Lonesome Ranch Estates-Unit II. Lots 52 through 141 an Common Area A. for which a Record of Survey has been recorded in Book 16 of Maps and Plats at Page 59 in the 0 of the Cochise County Recorder. Cochise County. Arizona (all of which arc referred to herein as the "Properties")

High Lonesome Ranch Estates Property Owners Association, an Arizona non-profit corporation ("Association). as the Association under the Declaration and having obtained (i) the approval of at least sixty-seven percent (67%) of the total votes held by Owners (as defined in the Declaration) and (ii) the approval of the Declarant (as defined in the Declaration), is empowered to make this Amendment pursuant to the terms and provisions of the aforesaid Declaration, and pursuant to Arizona law.

Any capitalized term not defined herein shall have the meaning set forth in the Declaration.

NOW THEREFORE, the Association does hereby amend and modify the Declaration as follows:

A. ARTICLE 10. Section 10.6 of the Declaration is hereby deleted in its entirety and replaced with the following:

10.6 Building Set Back All building set backs of the Cochise County Zoning Code shall be observed. Notwithstanding any variance granted by Cochise County. no building or other improvements shall be constructed closer than one hundred (100) feet from any front Lot line (or from any roadway comprising a Common Area). nor closer than thirty (30) feet from the side or back lot line of any Lot unless approved in writing by the Board. except that fences, walls or hedges may be constructed directly on the Lot line. No barn. stable or similar enclosure shall be constructed closer than one hundred (100) feet from any Lot line. There shall be a height limit on all structures of no more than two (2) stories.

The Board in its discretion may grant variances from the height and set back provisions of this Section, but not from regulatory restriction adopted by Cochise County.

B. ARTICLE 10. SEC 10.8 of the Declaration is hereby deleted in its entirety and replaced with the following:

10.8 Business Use. Business use shall be limited in order to maintain the peaceful enjoyment of the Properties. Declarant may use a Lot for sales and administrative use related to the development of the Properties, Home occupations shall be permitted if traffic of customers to and from a residence does not interfere with the peaceful enjoyment of the Properties. Boarding of horses may be permitted on a Limited basis and only with prior approval of the Board and subject to Architectural Review. Any business use conducted outdoors shall be subject Architectural Review. In no event shall any Lot be used as a junk yard, storage yard, equipment yard, or similar use. There shall be no parking in the private streets or roadway easements in connection with any permitted business activity and no excessive noise or other nuisance created by or caused by any permitted business activity.

C. ARTICLE 10. SECTION 10.11 of the Declaration is hereby deleted in its entirety and replaced with the following:

10.11 Noise and Nuisances. No owner shall engage in any activity or permit any activity to occur on the Properties which shall result in unusual, loud or obtrusive noise or sounds. No excessively glaring or bright lights, foul odors or other nuisances shall be permitted to exist or operate upon the Properties so as to be offensive or detrimental to

any Property or Owner. Indiscriminate hunting or shooting of firearms and use of vehicles creating excessive dust or noise shall be considered a nuisance. Occasional hunting or shooting of firearms in a safe manner, and only within an Owner's property, so as not to endanger persons, animals, or property shall not be considered excessive noise or nuisance, and shall adhere to any County, State, and/or Federal Laws and Guidelines. Normal construction activities and roadway construction and maintenance shall not be considered a nuisance. The Board, in its sole discretion, shall have the right to determine the existence of any such nuisance.

D. ARTICLE 10. SECTION 10.14 of the Declaration is hereby deleted in its entirety and replaced with the following:

10.14 Native Growth. The natural growth on the Properties shall not be destroyed or removed except by the Board or as approved in writing by the Board in connection with the Architectural Review of home sites, driveways, yards, gardens and like items in accordance with the provisions hereof. Where portions of a property may have excessive growth and/or underbrush, such may be removed to allow for more convenient access or enhance the area's safety: any such removal shall be accompanied by replacement or natural grasses or other vegetation in order to control erosion and maintain property aesthetics, and shall adhere to any County, State, and/or Federal Laws and Guidelines. In the event growth is removed, except as stated above, the board may require the replanting or replacement of same, the cost thereof will be borne by the Owner responsible for such removal.

E. ARTICLE 10. SECTION 10.15 of the Declaration is hereby deleted in its entirety and replaced with the following

10.15 Signs. No billboards or advertising signs of any character shall be erected or permitted within the Common Areas or on any Lot or Dwelling Unit.. An Owner may erect a name sign and/or entry gate and sign subject to Architectural Review.

Notwithstanding any other provision of this Section, Declarant or its agents shall have the right to place signs on the Common Areas or on Lots owned by Declarant for the purpose of advertising and promoting the sales by Declarant or its agents.

F. ARTICLE 10, SECTION 10.17 of the Declaration is hereby deleted in its entirety and replaced with the following:

10.17 Tanks. Any and all tanks for use in connection with any Dwelling Unit on the Properties must be buried, walled-in, screened or painted to blend with the surrounding land.

C. ARTICLE 10, SECTION 10.19 of the Declaration is hereby deleted in its entirety and replaced with the following

10.19 Animals. All livestock, poultry and domestic animals shall be maintained so as to avoid creation of a hazard or a nuisance. All animals, including domestic animals, shall be confined within an Owner's property boundaries and shall at no time be allowed to run loose on any other properties or Common Areas and/or easements. While the use of a Lot for ranching purposes is allowed, no activity which would create excessive dust, noise, or

obnoxious odors shall be permitted. All livestock and poultry shall be confined within a fenced area and all fences for any livestock or animals shall be constructed of new materials or the equivalent, thereof and of such height and strength as to adequately contain all permitted livestock and animals. All areas maintained for livestock and poultry shall at all times be kept clean, with all manure removed on a regular basis to prevent offensive odors.

Except modified herein, all provisions of the Declaration remain fully effective and Intact.

This Amendment shall be effective when recorded in the Office of the Cochise County Recorder, Cochise County. Arizona.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be duly executed

This 21 day Sept, 2001 :

HIGH LONESOME RANCH ESTATES

PROPERTY OWNERS ASSOCIATION, an

Arizona non-profit corporation

Louis B. Christensen

. President -

Mary Katherine Keil Secretary