

AMENDED DECLARATION OF RESTRICTIONS covering GILA BUTTE ESTATES,
in instrument recorded August 3, 1973, in Docket 10252, Page 90,
which recite as follows:

GILA BUTTE ESTATES

AMENDED
DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

That MINNESOTA TITLE COMPANY, an Arizona corporation, as Trustee, being the owner of all of the following described premises, situated within the County of Maricopa, State of Arizona, to-wit:

LOT 1 through 139, inclusive, GILA BUTTE ESTATES, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 157 of Maps, page 7 thereof;

hereby declares that certain Declaration of Restrictions heretofore recorded in Docket 9888, page 490, Maricopa County records, are hereby revoked and made of no force and effect, and in lieu of such declaration, the following restrictions shall apply to the said lots in GILA BUTTE ESTATES, and to the owners and occupants of said lots and to the use and enjoyment thereof and that all conveyances of said lots hereafter made shall be subject to the said restrictions.

1. All of the lots 1 through 139, inclusive, in GILA BUTTE ESTATES shall be known and described as single-family residential lots, and no business activities of any kind whatsoever shall be conducted upon any of said lots or improvements located thereon.

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 lot in GILA BUTTE ESTATES. Such stable, livestock shelter and/or tack room shall not be smaller than 24 by 20 feet and 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 quests must be in an interior part of said residence.

3. No part of any residence shall be used for living purposes until the entire structure is nearing completion, nor shall any structure of a temporary nature be used as a residence on any lot in GILA BUTTE ESTATES nor shall any trailer, tent, shack, garage, barn or any other structure be used as a residence, either temporarily or permanently, nor shall any such structure or residence be moved onto said lots in GILA BUTTE ESTATES from outside the subdivision.

4. That no residence shall be erected, permitted or maintained on any lot in GILA BUTTE ESTATES that shall have a ground floor area of less than 1,600 square feet exclusive of open porches, pergolas or attached garage. When construction of any residence or structure of any kind permitted in Paragraph Two (2) is begun, owner agrees to install a concrete pipe in roadway drain ditch for driveway purposes, as per County specifications. All construction of any type on any lot in this subdivision shall be built with new materials with all plumbing and wiring approved by the proper governmental agency and only after written approval from the Glenarm Land Company of all designs, construction plans and materials to be used. All exterior surfaces of all buildings constructed on any lot in this subdivision must be either finished or made of a natural finished material and must be approved by the Glenarm Land Company.

5. No walls of any residence, private garage or carport shall be built closer than 40 feet from the front property lines, and 40 feet from the rear property lines, nor nearer than 20 feet to any side lines of the lot on which it is built.

6. The stable, livestock shelter and/or tack room shall not be built so as to permit the front line of such building to be closer than 40 feet to the back line of the main dwelling on the lot nor closer than 40 feet from the rear lot line, nor nearer than 20 feet to any side lines of the lot on which it is built.

7. Each lot owner may maintain such livestock as the lot owner may desire to own and raise as a hobby or avocation; provided, however, that all such livestock shall be properly fenced or stalled in accordance with Maricopa County regulations, and further provided that no animal may be raised on any lot in this subdivision for the material gain or livelihood of the raiser. There shall not be permitted any pigs, hogs, goats, or poultry of any kind on any lot in this subdivision.

8. All clotheslines, equipment, garbage cans, and service yards shall be kept screened by adequate planting or fencing so as to conceal them from view of neighboring parcels and streets.

All rubbish, trash or garbage shall be removed from the premises and shall not be allowed to accumulate thereon. No antenna or broadcasting tower shall be erected on any of the said lots in GILA BUTTE ESTATES, provided, however, that a television antenna may be maintained so long as said antenna does not extend more than eight (8) feet above the roof of any residential dwelling.

9. Until such time as sewers may be available all bathrooms, toilets or sanitary conveniences shall be connected to septic tanks and cesspools or leach fields constructed in accordance with requirements and standards of County and State laws, rules and regulations and in accordance with sound engineering, safety, and health practices. There shall not be allowed any outside portable lavatories, outside toilets or open plumbing.

10. Automobiles of the private passenger class and trucks of the pickup class may be parked on the front or side lines of any lot. Trucks larger than the pickup class, boats, camping trailers, and vehicles and equipment other than described above shall not be kept on any lot or street except in a private garage or except when screened by adequate planting or fencing so as to conceal them from view of neighboring parcels and streets. No trailer, larger than a ^{van} camping trailer, shall be stored on any lot.

11. That all fences within 100 feet of the front of any of the lots shall be of block, steel, chain link or wood, with 4 inch by 4 inch posts with 2 inch by 6 inch rail stringers.

12. That no hospital, sanitarium, hotel, or place of entertainment of any kind or nature shall be constructed, permitted or maintained on any of said lots, nor shall any building of any said lots be used or occupied for the care, lodging or entertainment for hire of persons suffering from disease.

13. That no bill boards or other unsightly object shall be erected, placed or permitted to remain on any residential lot, and no noxious or offensive trade or 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, provided owner may display a "For Rent" or "For Sale" sign not to exceed 3 feet by 3 feet and provided further the developer may display signs to promote the sale of lots.

14. The owners of all lots shall keep the same clean of weeds and at all times, until occupied, and if any owners fail to keep his or her lot clean of weeds and trash, the subdividers may cause the same to be cleaned twice yearly, if necessary, and charge the cost of same to the extent of not more than \$100.00 annually to the owner of such lot. Recordation of a notice of such charge in the office of the County Recorder of Maricopa County, Arizona, shall constitute a lien against said lot, which lien shall continue until released of record.

15. None of lots shall be re-subdivided into smaller lots nor conveyed or encumbered in less than the full original demensions of such lot as shown by the recorded plat of GILA BUTTE ESTATES, except for public utilities, provided this restrictions shall not prevent the conveyance or encumbrance of adjoining or contiguous lots or parts of lots in such a manner as to create parcels of land in a common ownership having the same or greater street frontage than the frontage shown in the plat of GILA BUTTE ESTATES, for any of the lots, and provided further, the lots from which a portion is conveyed shall, after such conveyance, have the same or a greater street frontage as the street frontage shown on the plat of GILA BUTTE ESTATES, for any one of the lots. Thereafter, such parts or adjoining or contiguous lots in such common ownership shall, for the purposes of these restrictions, be considered as one lot. Nothing herein contained shall prevent the dedication or conveyance of portions of such lots shall, for the purpose of this provision, be treated as whole lot.

The foregoing restrictions and covenants run with the land and shall be binding upon all persons owning any of said lots in GILA BUTTE ESTATES until January 1, 1994, at which time said covenants shall be automatically extended for successive periods of ten (10) years each, unless, by vote of a majority of the owners of said lots in GILA BUTTE ESTATES, it is agreed to changed the said covenants in whole or in part.

Violation of any one or more of such covenants may be restrained by any court of competent jurisdiction and damages awarded against such violation; provided, however, that a violation of these restrictive covenants, or any one or more of them, shall not effect the lien of any mortgage now of record, or which hereafter may be placed of record, upon said lots or any part thereof.

If any persons shall vilate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any person or persons owning any other lots in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation. Should any of the restrictions herein contained be held invalid, or void, the rest of the restrictions shall be in no way affected thereby.