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When recorded return to:

Clint G. Goodman, Esq.
Jackson White, P.C.
40 N. Center Street
Mesa, Arizona 85201

**FIRST AMENDMENT TO THE DECLARATION OF
COVENANTS CONDITIONS AND RESTRICTIONS FOR
TIFFANY PLACE HOMEOWNERS ASSOCIATION**

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for Tiffany Place Homeowners Association (hereinafter referred to as the "First Amended Declaration") is executed as of the 15th day of April, 2010, by Tiffany Place Homeowners Association, an Arizona non-profit Corporation (hereinafter referred to as the "Association") pursuant to Article XVI, Section 16.2 of the Declaration.

RECITALS

A. On or about March 10, 1981, the Declaration of Covenants, Conditions and Restrictions for Tiffany Place Homeowners Association was recorded in the records of the Maricopa County Recorder's Office, State of Arizona, at Docket 15074, pages 202-238 (the "Declaration").

B. WHEREAS, the Members of the Association desire to amend the Declaration as hereinafter set forth.

C. WHEREAS, except as amended herein, the Declaration shall remain in full force and effect.

D. WHEREAS, Article IX, Section 9.1 of the Declaration provides that the Property (including the Common Elements), except as set forth in Article III, Section 3.3 of the Declaration, shall remain undivided, and no Owner or any other person shall bring any action for division or partition, it being agreed that the restriction is necessary in order to preserve the rights of the Owners and others with respect to the ownership, operation and management of the Property.

E. WHEREAS, The Association wishes to amend Article IX, Section 9.1 of the Declaration to allow it, by and through its Board of Directors, to partition, apportion or sell some

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or all of that certain Common Element real property over which a former utility easement ran, which easement was abandoned by the City of Phoenix on December 8, 2004.

F. WHEREAS, the Members of the Association holding at least three-fourths (3/4ths) of the votes eligible to be cast have approved this First Amendment.

G. WHEREAS, capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Declaration.

NOW THEREFORE, the Members of the Association hereby declare that all of the Property subject to the Declaration shall be held, sold, and conveyed subject to the following Amendment to the Declaration, which is for the purpose of protecting the value and desirability of, and which shall run with, the properties and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

1. Article IX, Section 9.1 of the Declaration shall be amended to read in its entirety as follows:

Section 9.1. Partition of Property. Except as provided in Section 3.3 the Property (including the Common Elements) shall remain undivided, and no Owner or any other person shall bring any action for division or partition, it being agreed that this restriction is necessary in order to preserve the rights of the Owners and others with respect to the ownership, operation and management of the Property.

Notwithstanding the foregoing, the Association, by and through its Board of Directors, shall be authorized to negotiate and to sell, at its sole discretion, that certain real property (Common Elements) over which ran a former six foot wide City of Phoenix Utility Easement. The location of said former utility easement is as depicted on Exhibit A, attached hereto and incorporated herein by this reference.

