

CHICAGO TITLE INSURANCE COMPANY

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20040295214 03/23/2004 14:18
3230402-3-1-1--
ELECTRONIC RECORDING

WHEN RECORDED, RETURN TO:

C. Timothy White, Esq.
Greenberg Traurig, LLP
2375 E. Camelback Road, Suite 700
Phoenix, Arizona 85016

3230402

**CERTIFICATE OF AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND
EASEMENTS
FOR
SIENNA**

This Certificate of Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Sienna (**this "Amendment"**) is made as of this 22nd day of March, 2004 by Trend Homes, Inc., an Arizona corporation ("**Trend**"):

Recitals

A. A Declaration of Covenants, Conditions, Restrictions and Easements for Sienna was recorded on December 10, 2003, as Document No. 20031676728, of the records of Maricopa County, Arizona, (the "**Declaration**").

B. Trend is the Declarant under the Declaration.

C. As a condition of the City's approval of certain improvement plans for the Property, the City requires that the Declaration be amended to disclose the nearby location of the Chandler Water Treatment Facility and the availability of additional information regarding City facilities.

D. Pursuant to Section 14.01(B) of the Declaration, Trend has the power and authority to amend the Declaration and Trend desires to so amend the Declaration as set forth herein.

Amendment

NOW, THEREFORE, Trend hereby amends and supplements the Declaration as follows:

1. **Recitals and Definitions Incorporated.** The recitals set forth above are by this reference incorporated herein. All terms which are capitalized in this Amendment, thereby indicating their use as defined terms, shall have the meaning given to such terms in the Declaration unless otherwise defined herein.

2. **Adjacent Uses.** Section 14.13 of the Declaration is amended and restated as follows:

EACH OWNER UNDERSTANDS AND ACKNOWLEDGES THAT THE PROJECT IS LOCATED IN THE VICINITY OF (A) THE CHANDLER MUNICIPAL AIRPORT IMPACT OVERFLIGHT DISTRICT, (B) THE CHANDLER MUNICIPAL AIRPORT WITHIN WHICH A HELIPORT IS INTENDED TO BE DEVELOPED AND OPERATED, (C) AN EXISTING LANDFILL AND FUTURE TRANSFER STATION, AND (D) AN EXISTING WATER TREATMENT FACILITY. AS A RESULT, PEOPLE RESIDING WITHIN THE PROJECT MAY EXPERIENCE NOISE, AIR TRAFFIC, OVERFLIGHT ACTIVITY, ODORS, SITES, AND OTHER ANNOYANCES TYPICALLY ASSOCIATED WITH OPERATING A HELIPORT, LANDFILL AND TRANSFER STATION AND WATER TREATMENT FACILITY. DUE TO THE PROXIMITY OF THE PROJECT TO THE CHANDLER MUNICIPAL AIRPORT, EACH OWNER ACKNOWLEDGES THAT AN AVIATION EASEMENT EXISTS AND/OR IS REQUIRED OVER THE PROJECT. EACH OWNER ACKNOWLEDGES THAT THE ADJACENT USES DESCRIBED HEREIN ARE LEGAL USES THAT ARE EXPECTED TO CONTINUE INDEFINITELY. BY BECOMING AN OWNER, EACH OWNER (ON BEHALF OF ITSELF AND ALL OWNER'S PERMITTEES) SPECIFICALLY ACKNOWLEDGES AND ACCEPTS THESE USES AND RELEASES THE DECLARANT, PROJECT OWNER AND THE ASSOCIATION (AND THEIR RESPECTIVE SHAREHOLDERS, OFFICERS, MEMBERS, DIRECTORS, PARTNERS, EMPLOYEES AND AGENTS) FROM ALL CLAIMS, LOSSES AND DAMAGES THAT MAY ARISE OUT OF THE LOCATION OF THE PROJECT IN THE VICINITY OF A HELIPORT, LANDFILL AND TRANSFER STATION AND WATER TREATMENT FACILITY. OWNERS MAY OBTAIN ADDITIONAL INFORMATION REGARDING THESE USES AND FUTURE CITY FACILITIES AT WWW.CHANDERAZ.GOV/INFOMAP OR FROM THE CITY'S COMMUNICATION AND PUBLIC AFFAIRS DEPARTMENT.

3. **No Other Changes.** Except as amended by this Amendment, the Declaration remains unchanged and in full force and effect.

[Signature Page to Follow]

IN WITNESS WHEREOF, the undersigned has executed this Amendment as of the date first written above.

TREND HOMES, INC.,
an Arizona corporation

By: [Signature]

Its: President

STATE OF ARIZONA)
)
County of Maricopa)

ss.

The foregoing instrument was acknowledged before me this 22ND day of March, 2004, by Reed Porter, as President of Trend Homes, Inc. on behalf of the corporation.

[Signature]
Notary Public

My Commission Expires:
October 31, 2004

