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**Recorded at the Request of:**

<p>WHEN RECORDED, MAIL TO: Beth Mulcahy Mulcahy Law Firm, P.C. 3001 E. Camelback Road, Suite 130 Phoenix, Arizona 85016</p>
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**Tonto Hills Improvement Association**

**AMENDMENT TO DECLARATION OF RESTRICTIONS**

**This document is being recorded solely for the purpose of correcting a scrivener's error**

**Tonto Hills Improvement Association**

**AMENDMENT TO DECLARATION OF RESTRICTIONS**

AMENDMENT TO DECLARATION OF RESTRICTIONS FOR TONTO HILLS ("Declaration") is made this 29<sup>th</sup> day of December, 2014, by Tonto Hills Improvement Association ("Association").

**RECITALS**

A. The Tonto Hills Declaration of Restrictions was recorded in Document No. 88-046577, records of Maricopa County, Arizona ("Declaration"), and subjected the real property described in the Declaration (and any Supplemental Declaration) to the Declaration and required that the property be held, sold, used, and conveyed subject to the easements, restrictions, covenants and conditions, which run with the title to the real property subject to this Declaration.

B. The Declaration is binding on all parties having any right, title or interest in any portion of the Properties, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each owner of any portion of the properties.

C. As a result of a scrivener's error, Paragraph 8 of the Declaration is inconsistent with Maricopa County Zoning Ordinances.

D. The Board has resolved to amend the Declaration in order to correct the scrivener's error and bring Paragraph 8 into compliance with applicable Maricopa County Zoning Ordinances.

**NOW, THEREFORE**, the Declaration is hereby amended as follows:

1. **Amend Paragraph 8 and replace with the following language:**

No portion of any residence or any other structure shall be placed or constructed within twenty-five (25) feet of the side line of any lot, except that in construing this restriction two or more lots owned and built upon by a single owner as one unit shall be construed as one lot; provided, however, that the restrictions of this paragraph shall not prevent the erection of garages, or other permitted auxiliary structures, on the rear one fourth of any residential lot, provided the same shall not be closer than forty (40) feet to the lot line and does not encroach on any easement.

2. The terms used in this Amendment without definition shall have the same meanings given to such terms in the Declaration (as amended).

3. By attesting to this Amendment, the undersigned certifies that the amendments to the Declaration (as amended) set forth in this Amendment were properly adopted by the Board.

4. Except as expressly amended by this Amendment, the Declaration (as amended) shall remain in full force and effect. In the event of any inconsistency or conflict between the provisions of this Amendment and the Declaration (as amended) this Amendment shall prevail.

TONTO HILLS IMPROVEMENT ASSOCIATION, an Arizona Non-Profit Corporation

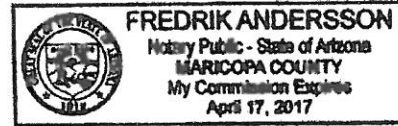
BY IS/ (Signature)

Cheryl Kaufman (Print Name)  
ITS: VICE President

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of December, 2014, by Cheryl Kaufman, the <sup>VICE</sup> President of Tonto Hills Improvement Association, an Arizona non-profit corporation, on behalf of the non-profit corporation.

Notary Public: Fredrik Andersson



My commission Expires: April 17, 2017

TONTO HILLS IMPROVEMENT ASSOCIATION, an Arizona Non-Profit Corporation

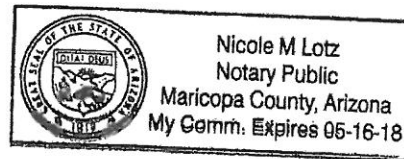
BY: IS/ (Signature)

Diana Cole (Print Name)  
ITS: Secretary

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of December, 2014, by Diana Cole, the Secretary of Tonto Hills Improvement Association, an Arizona non-profit corporation, on behalf of the non-profit corporation.

Notary Public: Nicole M Lotz



My commission Expires: May 16, 2018