

After recording please return to:

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**FIRST AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS,
ASSESSMENTS, CHARGES, SERVITUDES, LIENS,
RESERVATIONS AND EASEMENTS
FOR
WINDROSE AT ZANJERO TRAILS**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS ASSESSMENTS, CHARGES, SERVITUDES, LIENS, RESERVATIONS AND EASEMENTS FOR WINDROSE AT ZANJERO TRAILS, ("First Amendment") is made as of the 3rd day of October, 2017, by SBH ZANJERO TRAILS, LP, an Arizona limited partnership ("Declarant").

RECITALS

A. SBH ZANJERO TRAILS, LP, an Arizona limited partnership, as Declarant, executed and caused to be recorded that certain Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Windrose at Zanjero Trails dated September 20, 2016, and recorded in the Real Property Records of Maricopa County Arizona as Instrument No. 2016-0683439 (the "Declaration").

B. Section 15.5 of the Declaration provides that during the Declarant Control Period, Declarant has the right to unilaterally amend the Declaration in order to correct minor errors and omissions.

C. The Declaration inadvertently omitted a disclosure required by the Maricopa County Board of Supervisors as part of its approval of the Development Master Plan described in the Declaration.

D. The Declarant Control Period has not yet expired or terminated. Therefore, Declarant is executing and recording this First Amendment for the purpose of adding to the Declaration the required disclosure which was inadvertently omitted from the Declaration.

NOW, THEREFORE, the Declaration shall be deemed to be modified and amended as follows:

AMENDMENT

1. Definitions. All initial capitalized terms used in this First Amendment shall have the meanings ascribed thereto in the Declaration, unless otherwise specifically defined herein.

2. New Section 16.18. The following provision is hereby added to the terms of the Declaration as Section 16.18 thereof:
 - 16.18 Notice of Potential for Land Subsidence or Earth Fissuring. All Purchasers of Dwelling Units within the Property shall accept title to their Dwelling Unit acknowledging the following disclosure:

"The Property is located within an area of known land subsidence and/or earth fissuring. "Land subsidence" is a gradual settling or sudden sinking of the earth's surface owing to subsurface movement of earth materials. "Earth fissures" are long, narrow cracks or openings in the earth and are associated with land subsidence that accompanies extensive ground water pumping."

3. No Further Modifications. Except as specifically modified or amended herein, the terms and conditions of the Declaration shall remain in full force and effect and are hereby ratified and affirmed. In the event of any conflict between the provisions of this First Amendment and the Declaration, the terms and conditions set forth in this First Amendment shall govern and control.

SIGNATURE OF FOLLOWING PAGE

IN WITNESS WHEREOF, this First Amendment has been duly executed and acknowledged by the undersigned as of the day and year first above written.

DECLARANT:

SBH ZANJERO TRAILS, LP, an Arizona limited partnership

By: AGS LLC, an Arizona limited liability company, General Partner

By: Sean T. Walters
Sean T. Walters, its Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 3rd day of October, 2017, before me, the undersigned officer, personally appeared SEAN T. WALTERS, who acknowledged himself to be the Manager of AGS LLC, an Arizona limited liability company, the General Partner of SBH ZANJERO TRAILS, LP, an Arizona limited partnership:

whom I know personally;
 whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
 whose identity I verified on the basis of her/his _____,

and he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL:

Julie M King
Notary Public

