

COURTESY RECORDING
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WHEN RECORDED RETURN TO:

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Carpenter, Hazlewood, Delgado & Bolen, LLP
1400 E Southern Ave, STE 400
Tempe, AZ 85282

AMENDMENT TO TRACT DECLARATION
Windrose at Zanjero Trails – Parcel 37B

This Amendment to the Tract Declaration (the “Amendment”) is made as of this 7th day of July, 2020, by SBH ZANJERO TRAILS, LP, an Arizona limited partnership (hereinafter referred to as “Declarant”) and HBT OF WINDROSE LLC, an Arizona limited liability company (“Towne”).

RECITALS

A. WHEREAS, the Declaration of Covenants, Conditions, Restrictions Assessments, Charges, Servitudes, Liens Reservations and Easements for Windrose at Zanjero Trails was recorded on September 20, 2016, as Document No. 2016-0683439 in the Official Records of Maricopa County, Arizona, and thereafter as amended (the “Declaration”) governs the Property.

B. WHEREAS, a Supplemental Declaration to the Declaration was recorded on December 28, 2018, as Document No. 2018-0949818 in the Official Records of Maricopa County, Arizona, and thereafter as amended (the “Supplemental Declaration”) annexed the Subject Parcel and included it as part of the Additional Property described in the Declaration.

C. WHEREAS, Section 2.1 of the Declaration authorizes the Declarant to record one or more Tract Declarations.

D. WHEREAS, Section 7.4(b-c) of the Declaration authorizes the Declarant, during the Declarant Control Period, to delay or reduce the levy of Assessments of any portion of the Property.

E. WHEREAS, the Association remains within the Declarant Control Period.

F. WHEREAS, Tract Declaration Windrose at Zanjero Trails – Parcel 37B was recorded December 28, 2018, as Document No. 2018-0949819 in the Official Records of Maricopa County, Arizona (the “Tract Declaration”).

G. WHEREAS, Paragraph 10, Section 10(b) of the Tract Declaration provided for a Reduced Assessment Period.

H. WHEREAS, Paragraph 10, Section 10(b)(ii) of the Tract Declaration provided that the Reduced Assessment Period terminated twelve (12) months after the date on which the Tract Declaration was recorded.

I. WHEREAS, the Declarant has authorized extending the Reduced Assessment Period defined at Paragraph 10(b)(ii) of the Tract Declaration for an additional 3 months from when the reduced assessment period previously ended.

J. WHEREAS, Paragraph 10(b)(i) of the Tract Declaration contains a typographical error.

K. WHEREAS Article 15, Section 15.2 of the Declaration governs the amendment of Tract Declarations.

L. WHEREAS, Paragraph 12 of the Tract Declaration provides that the Tract Declaration may be amended by Recordation of an amendment to the Tract Declaration executed by Declarant and Owner(s) of the Subject Parcel.

M. WHEREAS, this Amendment to Tract Declaration has been approved by the Declarant.

N. WHEREAS, SBH ZANJERO TRAILS, LP an Arizona limited partnership, remains the Declarant.

O. WHEREAS, this Amendment to Tract Declaration has been approved by Towne.

P. WHEREAS, HBT OF WINDROSE LLC, an Arizona limited liability company, remains the Designated Builder and the Owner of the Subject Parcel.

Q. WHEREAS, any amendment is effective upon recordation, unless the amendment provides for a later effective date.

AMENDMENT TO TRACT DECLARATION

NOW, THEREFORE, the Tract Declaration at Paragraph 10, Section 10(b) is hereby amended as follows:

(b) Reduced Assessment Period. During the Reduced Assessment Period (as hereinafter defined), Assessments applicable to the Subject Parcel, including without limitation, Annual Assessments, Special Assessments, and Special Service Area Assessments, shall be reduced by seventy-five percent (75%) (i.e., the Owner of each Lot within the Subject Parcel shall be obligated to pay twenty-five percent (25%) of the applicable Assessment with respect to such Lot). The "Reduced Assessment Period" shall be the period commencing on which the original Tract Declaration was Recorded, and ending on the first to occur of (i) the date on which

all Lots within the Subject Parcel are “finished” such that building permits (and certificates of occupancy once the home is completed) can be obtained, or (ii) 15 months from the date original Tract Declaration was recorded. The reduction of Assessments set forth in this Section 10(b) shall inure to the benefit of Towne, its successors and assigns.

Except as expressly amended by this Amendment to Tract Declaration, the Declaration, Supplemental Declaration and Tract Declaration shall remain in full force and effect. In the event of any conflict or inconsistency between this Amendment to Tract Declaration and the Declaration, Supplemental Declaration and Tract Declaration, this Amendment to Tract Declaration shall prevail. All capitalized terms not defined in this Amendment to Tract Declaration shall have the same definition assigned to them in the Declaration, Supplemental Declaration and Tract Declaration.

This Amendment to Tract Declaration may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

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This Amendment to the Tract Declaration Windrose at Zanjero Trails – Parcel 36 (Phases 1 and 2) is adopted this 7th day of July, 2020, by Windrose at Zanjero Trails Community Association Inc.

SBH ZANJERO TRAILS, LP
an Arizona limited partnership

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

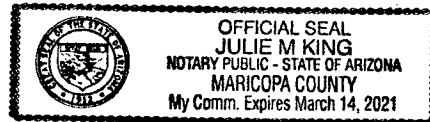
By: [Signature]
John W. Graham
Its Member

State of Arizona)
) ss.
County of Maricopa)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 7th day of July, 2020 by John W. Graham, as Member of AGS, LLC Arizona limited liability company, the General Partner of SBH Zanjero Trails, LP an Arizona limited partnership, for and on behalf thereof.

[Signature]
Notary Public

My Commission Expires: 3/14/2021



This Amendment to the Tract Declaration Windrose at Zanjero Trails – Parcel 37B is adopted this 30th day of June, 2020, by HBT OF WINDROSE LLC.

HBT OF WINDROSE LLC
an Arizona limited company

By: *Kevin G. Kiesl*
Kevin G. Kiesl
Its Vice President

State of Arizona)
) ss.
County of Maricopa)

 SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 30th day of June, 2020 by Kevin G. Kiesl, the Vice President of HBT OF WINDROSE LLC, an Arizona limited company, for and on behalf thereof.

Vicki Gavrilles
Notary Public

My Commission Expires:

