

COURTESY RECORDING
NO TITLE LIABILITY

WHEN RECORDED RETURN TO:

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

**SECOND AMENDMENT TO TRACT DECLARATION
Windrose at Zanjero Trails – Parcel 31B**

This Second Amendment to the Tract Declaration (the “Second Amendment”) is made as of this 8th day of July, 2024, 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 April 25, 2022, as Document No. 20220360726 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 – 31B was recorded on April 25, 2022, as Document No. 20220360727 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 fifteen (15) months after the date on which the Tract Declaration was recorded.

I. WHEREAS, pursuant to the Amendment to Tract Declaration recorded on August 10, 2023, as Document No. 20230419138 (the "1st Amendment to Tract Declaration") the Declarant had authorized extending the Reduced Assessment Period defined at Paragraph 10(b)(ii) of the Tract Declaration for an additional 5 months from when the reduced assessment period previously ended.

J. WHEREAS, the Declarant has authorized extending the Reduced Assessment Period defined at Paragraph 10(b)(ii) of the Tract Declaration, as amended by the 1st Amendment to Tract Declaration, for an additional 3 months from when the additional 5 month assessment period previously ended.

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 Parcels.

M. WHEREAS, this Second 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 Second 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.

SECOND AMENDMENT TO TRACT DECLARATION

NOW, THEREFORE, the Tract Declaration at Section 10(b), as previously amended by the 1st Amendment to Tract Declaration, is hereby deleted in its entirety and replaced with the following:

(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 the date 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) the date that is twenty three (23) months from the date the original Tract Declaration was recorded. The reduction of Assessments set forth in this Section 10(b) shall inure to the benefit of Towne, and their respective successors or assigns.

Except as expressly amended by this Second Amendment, the Declaration, Supplemental Declaration, Tract Declaration and 1st Amendment to Tract Declaration shall remain in full force and effect. In the event of any conflict or inconsistency between this Second Amendment and the Declaration, Supplemental Declaration, Tract Declaration and 1st Amendment to Tract Declaration, this Second Amendment shall prevail. All capitalized terms not defined in this Second Amendment shall have the same definition assigned to them in the Declaration, Supplemental Declaration, Tract Declaration, and 1st Amendment to Tract Declaration.


This Second Amendment 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.

This Second Amendment to the Tract Declaration Windrose at Zanjero Trails – Parcel 31B is adopted this 9th day of July, 2024, by Declarant.

DECLARANT

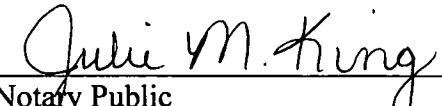
SBH ZANJERO TRAILS LP
an Arizona limited partnership

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

By: 
Sean T. Walters
Its Manager

State of Arizona)
) ss.
County of Maricopa)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 9th day of July, 2024 by Sean T. Walters, the Manager of AGS, LLC Arizona limited liability company, the General Partner of SBH Zanjero Trails LP, an Arizona limited partnership, for and on behalf thereof.


Notary Public

My Commission Expires: 3/14/2025



This Second Amendment to the Tract Declaration Windrose at Zanjero Trails – Parcel 31B is adopted this 8th day of July, 2024, by HBT OF WINDROSE LLC.

HBT OF WINDROSE LLC,
an Arizona limited liability company

By: Kevin Kiesl
Kevin G. Kiesl
Its Vice President

State of Arizona)
) ss.
County of Maricopa)

 SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 8th day of July, 2024 by Kevin G. Kiesl, the Vice President of HBT OF WINDROSE LLC, an Arizona limited liability company, for and on behalf thereof.

Vicki Gavrilles
Notary Public

My Commission Expires:

