

**AMENDMENT TO
DECLARATION OF RESTRICTIONS
AND
AMENDED AND RESTATED DECLARATION OF RESTRICTIONS
BELL ROCK VISTA
SEDONA, ARIZONA**

KNOW ALL MEN BY THESE PRESENTS:

The undersigned owners, constituting the owners of a majority of Lots One (1) through One Hundred Thirty-Nine (139), inclusive, Bell Rock Vista, according to the plat of record in the Office of the County Recorder of Yavapai County, Arizona, in Book 13 of Maps, page 6, (herein, the "Premises") desire to amend the **Declarations of Restrictions** recorded March 1, 1968, in Book 482 of Official Records, pages 592 to 598, inclusive, records of the County Recorder of Yavapai County, Arizona, as they were amended and restated by **Amended and Restated Declaration of Restrictions** recorded April 19, 1983, in Book 1530 of Official Records, pages 872 to 913, inclusive, Records of County Recorder of Yavapai County, Arizona, as they were subsequently amended and restated by the **Amendment to Declaration of Restrictions and Amended and Restated Declaration of Restrictions**, Bell Rock Vista, Sedona, Arizona, recorded on December 24, 1990, in Book 2317 of Official Records at page 227 of the Records of the County Recorder of Yavapai County, Arizona, and do hereby amend and restate such restrictions, and declare the Premises subject to the following express covenants, stipulations and restrictions as to use and enjoyment, all of which are to be construed as restrictive covenants running with title to the Premises and with each and every part and parcel thereof.

1. All provisions of the **Master Declaration of Restrictive Covenants for All Property in the Village of Oak Creek** (herein the "Master Declaration"), as recorded June 17, 1981, in the Office of the County Recorder of Yavapai County, Arizona, inclusive, as the same may have been or may subsequently be amended, are adopted by this reference and incorporated herein as if fully set forth in this Declaration.

2. Lot One Hundred Ten (110) shall be used for utility purposes.

3. No building shall be erected, maintained or permitted on a lot except (a) a single family dwelling and a storage building, garage or carport for use in connection with the dwelling, or which shall conform to the Village of Oak Creek Association Architectural Control Committee (herein, the "Architectural Control Committee") guidelines for residential construction as in effect at the time of construction, or (b) such non-residential structures as are allowed by Yavapai County Zoning in force and effect as of the time of commencement of construction *and* which are approved by the Architectural Control Committee after review of a full site and building plan for the proposed non-residential structure. In determining whether any non-residential structure shall be approved, the Architectural Control Committee shall apply its current guidelines for non-residential construction, which shall take into account, among other criteria, lot coverage ratios, landscaping, compatibility with the surrounding area, transitional elements to surrounding residential areas and those criteria the Architectural Control Committee finds to be relevant to approval of non-residential construction. The determination of approval of non-residential construction shall be entrusted to the sole discretion of the Architectural Control Committee, subject to the appeal rights set forth in the Master Declaration and Bylaws of the Village of Oak Creek Association.

4. No dwelling shall be erected upon Lots One (1) through One Hundred Nine (109), inclusive, and Lots One Hundred Eleven (111) through One Hundred Thirty Nine (139), inclusive, unless such dwelling contains at least 1200 square feet of enclosed living area floor space.
5. The height of a dwelling or other permissible building shall not exceed sixteen (16) feet above the highest point of the lot, and no full two-story buildings shall be approved by the Architectural Control Committee.
6. All dwellings shall be of brick, cement block or other substantial masonry construction, or insulated frame construction. No plans for manufactured or prefabricated dwellings or buildings shall be approved by the Architectural Control Committee.
7. In addition to any other criteria for approval of the Architectural Control Committee:
 - a. No fence, hedge, or solid wall, other than the wall of a dwelling, in excess of 5 feet in height shall be constructed, planted or maintained on the Premises, except as provided in paragraph 8 below and except as may be required by the Yavapai County Board of Supervisors in its approval of any residential or non-residential construction.
 - b. Plans for a dwelling must include a carport or garage.
 - c. No fence, hedge or wall shall be constructed, planted or maintained closer to the front lot line than the walls of the dwelling on the lot, or, if there is no dwelling on the lot, within 20 feet of the front lot line.
8. All swimming pools must be enclosed by a 6-foot fence with a locking gate. Gates are to be locked when pool is not in use.
9. No reflective materials shall be installed, maintained, or permitted for use as a roof covering.
10. The Village of Oak Creek Association shall have the right and power to levy periodic assessments against each lot pursuant to the Master Declaration.
11. These restrictive covenants run with title to the Premises and each and every portion thereof, and shall be binding upon the owner or owners of any lot in the Premises until twenty (20) years from the date of recordation of the Master Declaration, at which time the covenants and restrictions shall automatically be extended for successive periods of ten (10) years each; provided, however, subject to Section 9.03 of the Master Declaration, at any time the covenants and restrictions may be changed in whole or in part or revoked entirely by a vote of a majority of the Owners of the lots within the Premises.
12. The covenants, stipulations and restrictions of this Declaration shall not affect the lien of any mortgage now of record, or which may hereafter be placed or recorded upon the lots or any part thereof, and shall be subject to enforcement under Section 9.05 of the Master Declaration.

This instrument may be executed in one or more counterparts and, if executed in more than one counterpart, all the executed counterparts shall be construed as one instrument. This ***Amendment to Declarations of Restrictions and Amended and Restated Declaration of Restrictions*** shall not become effective until such time as this instrument, or a sufficient number of counterparts thereof, containing signatures of the owners of a majority of the lots in Bell Rock Vista have been recorded in the Office of the County Recorder of Yavapai County, Arizona.

The signatures on the following pages represent agreement to this ***Amendment to Declarations of Restrictions and Amended and Restated Declaration of Restrictions***.

(Signatures follow)