

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

KNOW ALL MEN BY THESE PRESENTS:

The undersigned owners constituting the owners of a majority of Tract B and Lots Two (2) through One Hundred Ten (110), BELL ROCK VISTA UNIT TWO, a subdivision of Yavapai County, Arizona, according to the plat of record in the Office of the County Recorder of Yavapai County, Arizona, in Book 14 of Maps, page 1, (Premises) desire to amend the Declaration of Restrictions recorded December 16, 1969, in Book 578 of Official Records, pages 976 to 983, inclusive, Records of County Recorder of Yavapai County, Arizona, and as amended by the Amendment to Declaration of Restrictions, recorded April 28, 1970, in Book 597 of Official Records, page 242, as they were subsequently amended and restated by the Amendment to Declaration of Restrictions, recorded February 24, 1983 in Book 1518 of Official Records, pages 558-590, 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 Oakcreek (Master Declaration), as recorded June 17, 1981, in the Office of the County Recorder of Yavapai County, Arizona, in Book 1389 of Official Records, page 950-976, inclusive, as the same may be amended, are adopted by this reference and incorporated herein as if fully set forth in this Declaration.

2. 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) applicable multi-family or 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.

3. No residential dwelling shall be erected unless such residential dwelling contains at least 1200 square feet of enclosed living area floor space and allowable multi-family dwelling contains at least 600 square feet of enclosed living area floor space.

4. The height of a residential dwelling shall not exceed sixteen (16) feet above the highest point of the lot. All other permissible buildings shall conform to Yavapai County Zoning regulations. No full two-story residential non-multi-family buildings shall be approved by the Architectural Control Committee.

5. All dwellings shall be of brick, cement block or other substantial masonry construction, or insulated frame construction. No plans for manufactured or pre-fabricated dwellings or buildings shall be approved by the Architectural Control Committee.

6. In addition to any other criteria for approval of the Architectural Control Committee:

- (a) No fence, or solid wall, other than the wall of a dwelling, in excess of six (6) feet in height shall be constructed, or maintained on the Premises.
- (b) Plans for residential non-multi-family dwellings must include a carport or garage.
- (c) No fence, or wall shall be constructed, or maintained closer to the front of the 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.

7. All swimming pools, spas, hot tubs or water-features exceeding eight inches in water depth must be enclosed by an appropriate enclosure, fence or locking cover as may be required by Yavapai County regulations which shall be locked when not in use.

8. No reflective material shall be installed, maintained, or permitted for use as a roof covering.

9. The Association shall have the right and power to levy periodic assessments against each lot pursuant to the Master Declarations.

10. 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.

11. 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 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 Unit Two has been or 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)