

STATE OF ARIZONA }  
County of Yavapai } ss.

I do hereby certify that the within instrument was filed and recorded at request of VOCA on February 24 A.D., 1983 at 3:40 o'clock P.M., Book 1518 Official Records, Pages 466-473 inclusive Records of Yavapai County, Arizona.

WITNESS my hand and official seal the day and year first above written.

Patsy C. Jenney, County Recorder  
By \_\_\_\_\_ Deputy

**FAIRWAY OAKS  
AMENDED AND RESTATED  
DECLARATION OF RESTRICTIONS**

KNOW ALL MEN BY THESE PRESENTS:

The undersigned owners, constituting the owners of a majority of Lots One (1) through Two Hundred Forty Eight (248), FAIRWAY OAKS, a subdivision of Yavapai County, Arizona, according to the plat of record in the office of the Recorder of Yavapai County, Arizona, in Book 12 of Maps, page 64, (Premises) desire to amend the Declaration of Restrictions recorded May 24, 1967, in Book 445 of Official Records, pages 293-301, inclusive, records of the Recorder of Yavapai County, Arizona, as amended by the Amendment to Declaration of Restrictions, recorded June 29, 1967, in Book 449 of Official Records, pages 511-512, inclusive, records of the Recorder of Yavapai County, Arizona, and as amended by the Second Amendment to Declaration of Restrictions, recorded September 15, 1976, in Book 1034 of Official Records, pages 888-923, inclusive, records of the 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 Oakcreek (Master Declaration), as recorded June 17, 1981, in the office of the Recorder of Yavapai County, Arizona, in Book 1389 of Official Records, pages 950-976, inclusive, records of the Recorder of Yavapai County, Arizona, 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, except a single family residential dwelling and a storage building, garage, or carport for use in connection with the dwelling, shall be erected, maintained or permitted on Lots Twenty One (21) through Fifty Seven

(57), Eighty Eight (88), Eighty Nine (89), Ninety One (91) through Ninety Three (93), One Hundred Five (105) through One Hundred Eight (108), One Hundred Seventeen (117) through Two Hundred (200), Two Hundred Seventeen (217) through Two Hundred Twenty Three (223), and Two Hundred Twenty Five (225) through Two Hundred Forty Eight (248).

3. No building except a single family dwelling, a two-or three-unit multi-family residential dwelling and a garage or carport for use in connection with the dwelling shall be erected or permitted on Lots Three (3), Four (4), Seven (7), Eight (8), Eleven (11), Twelve (12), Fifteen (15), Sixteen (16), Nineteen (19), Twenty (20), Sixty (60), Sixty One (61), Sixty Four (64), Sixty Five (65), Seventy Two (72), Seventy Three (73), Seventy Six (76), Seventy Seven (77), Eighty (80), Eighty One (81), Eighty Three (83), through Eighty Five (85), Ninety Five (95) through Ninety Eight (98), One Hundred One (101), One Hundred Two (102), One Hundred Twelve (112), One Hundred Thirteen (113), One Hundred Fifteen (115), Two Hundred One (201) through Two Hundred Six (206), Two Hundred Eight (208), Two Hundred Eleven (211), Two Hundred Twelve (212), Two Hundred Fifteen (215), Two Hundred Sixteen (216), and Two Hundred Twenty Four (224).

4. No building except a single family dwelling two-, three-, or four-unit multi-family dwelling and a garage or carport for use in connection with the dwelling shall be erected, maintained or permitted on Lots One (1), Two (2), Five (5), Six (6), Nine (9), Ten (10), Thirteen (13), Fourteen (14), Seventeen (17), Eighteen (18), Fifty Eight (58), Fifty Nine (59), Sixty Two (62), Sixty Three (63), Sixty Six (66) through Seventy One (71), Seventy Four (74), Seventy Five (75), Seventy Eight (78), Seventy Nine (79), Eighty Two (82), Eighty Six (86), Eighty Seven (87), Ninety (90), Ninety Four (94), Ninety Nine (99), One Hundred (100), One Hundred Three (103), One Hundred Four (104), One Hundred Nine (109) through One Hundred Eleven (111), One Hundred Fourteen (114), One Hundred Sixteen (116), Two Hundred Seven (207), Two Hundred Nine (209), Two Hundred Ten (210), Two Hundred Thirteen (213) and Two Hundred Fourteen (214).

5. No single family dwelling shall be erected upon Lots Twenty One (21) through Fifty Seven (57) unless such dwelling contains at least 1,600 square feet of enclosed living area floor space and no single family dwelling shall be erected upon Lots One (1) through Twenty (20) and Fifty Eight (58) through Two Hundred Forty Eight (248) unless such dwelling contains at least 1,400 square feet of enclosed living area floor space.

All multi-family dwellings shall contain at least 1,400 square feet of enclosed living area floor space and no multi-family dwelling permitted by Sections 3 or 4 of these Declarations shall be erected unless each single unit of such multi-family dwelling contains at least 600 square feet of living area floor space.

6. 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.

7. 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.

8. 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 five (5) feet in height shall be constructed, planted or maintained on the Premises, except as provided in paragraph 9 below.
- b. Plans for a single family dwelling must include a carport or garage.
- c. Plans for a multi-family dwelling must include a carport or garage for each single unit of the multi-family dwelling.
- d. 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 twenty (20) feet of the front lot line.
- e. No fence, hedge, wall or rail in excess of three (3) feet in height shall be constructed, planted or maintained within eighteen (18) feet of any lot line common to the golf course and the lot.

9. All swimming pools must be enclosed by a six-foot fence with a locking gate. Gates are to be locked when pool is not in use.

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

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

12. 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.

13. 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 FAIRWAY OAKS has been or have been recorded in the office of the Recorder of Yavapai County, Arizona.