

OAKCREEK COUNTRY CLUB WEST AMENDED AND RESTATED DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

The undersigned owners, constituting the owner of Tract A and of a majority of the owners of Lots 1 through 143 inclusive and Lots 144A, 145A and 147A, OAKCREEK COUNTRY CLUB WEST, a subdivision of Yavapai County, Arizona, according to the plat of record in the office of the Recorder of Yavapai County, Arizona, in Book 14 of Maps, page 71, desire to amend the Declaration of Restrictions recorded June 17, 1970, in Book 604 of Official Records, pages 984-991, inclusive, records of the Recorder of Yavapai County, Arizona, and as amended by the Amendment to Declaration of Restrictions, recorded September 15, 1976, in Book 1034 of Official Records, pages 936-957, inclusive, records of the Recorder of Yavapai County, Arizona, (Existing Restrictions) hereby revoke and cancel the Existing Restrictions in their entirety in respect to Tract A, thereby releasing Tract A which is owned by the Association from all existing Restrictions, and amend and restate the Existing Restrictions, and declare Lots 1 through 143 inclusive and Lots 144A, 145A, and 147A (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.

The owners of Lots 144A, 145A, and 147A OAK SHADOWS, according to the plat of record in the Office of the County Recorder of Yavapai County, Arizona, in Book 14 of Maps, page 75 join in this Declaration, acknowledge that the Lots are outside of OAKCREEK COUNTRY CLUB WEST but that each of such Lots comprises for all useful purposes a necessary adjunct to each Lot of the same number in OAKCREEK COUNTRY CLUB WEST and the owners therefore join in this Declaration and for all purposes declare Lots 144A, 145A, and 147A OAK SHADOWS are included in the premises.

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 one single family dwelling and a storage building, garage, or carport for use in connection with the dwelling, shall be erected, maintained, or permitted on a lot.

3. No dwelling shall be erected upon Lots 3 through 6, 11 through 14, 19, 20, 25, 26, 32, 33, 39 through 102, 116, 117, 122, 123, 128, 140 through 143, 144A and 145A, unless such dwelling contains at least 1,400 square feet of enclosed living area floor space. No dwelling shall be erected upon Lots 1, 2, 7 through 10, 15 through 18, 21 through 24, 27 through 31, 34 through 38, 103 through 115, 118 through 121, 124 through 127, 129 through 139, and Lot 147A, unless such dwelling contains at least 1,600 square feet of enclosed living area floor space.

4. 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.

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, 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 7 below.
 - 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 twenty (20) feet of the front lot line.
 - d. 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.

7. 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.

8. No reflective materials 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. Each signature hereby acknowledges receipt of a copy of the Master Declaration adopted herein. 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 OAKCREEK COUNTRY CLUB WEST has been or have been recorded in the office of the Recorder of Yavapai County, Arizona.

STATE OF ARIZONA }
 County of Yavapai } ss.

I do hereby certify that the within instrument was filed and recorded at request of VOCA on May 13 A.D. 1983 at 11:00 o'clock A.M., Book 1536 Official Records, Page 905-951 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