

MOD RSTR (DF)

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| RECORDED IN OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AUG 28 1991 - 11 00 HENRY HUNTCELL, Co. Clk. Recorder FEE 24 - 0000 2 HC |
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WHEN RECORDED RETURN TO:
Susan Cardona
Wells Fargo Real Estate Group
4643 South Ulster Street, Suite 1400
Denver, CO 80237

91 401232

FIFTH AMENDMENT TO
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
SCOTTSDALE ADOBE RANCH TOWNHOMES

The Covenants, Conditions and Restrictions recorded January 13, 1987, as Document No. 87-021853, Assignment of Declarants Rights recorded May 19, 1987, as Document No. 87-314677, the First Amended Covenants, Conditions and Restrictions recorded July 7, 1987, as Document No. 87-432026, the Second Amended Covenants, Conditions and Restrictions recorded September 17, 1987, as Document No. 87581621, the Third Amendment to Covenants, Conditions and Restrictions recorded September 27, 1989 as Document No. 89-448571, records of Maricopa County, Arizona, and the Fourth Amendment to Covenants, Conditions and Conditions and Restrictions recorded April 11, 1991 as Document No. 91-153072, records of Maricopa County, Arizona are hereby amended as follows:

I.

Article III, Section 2, Class B, is hereby deleted in its entirety and the following is substituted therefore:

"Class B. Class B members shall be the Declarant and shall be entitled to three (3) votes for each Lot Owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- A. When the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, or
- B. on May 1, 1993."

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II.

Except as set forth above, the Covenants, Conditions and Restrictions remain unchanged and in full force and effect.

MEMBER OF THE TEXAS BAR
NOTARY PUBLIC

IN WITNESS WHEREOF, the undersigned being the Declarant hereof as provided in the Assignment of Declarant Rights, recorded on April 6, 1990, Document No. 90-153925, has hereunto set its hand this the 1st day of August 1991.

COLLIN EQUITIES, INC.

By: Dina E. Keller

Its: Assistant Vice President

By: Juan Cardona

Its: Assistant Secretary

"DECLARANT"

STATE OF Colorado ~~ARIZONA~~)

County of Denver)

On this 1st day of August, 1991, before me, the undersigned Notary Public, personally appeared Dina E. Keller and Juan Cardona, who acknowledged themselves to be the Assistant Vice President and Assistant Secretary, respectively, of Collin Equities, Inc., a Texas corporation, and that they, as such officers of the corporation, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Patricia H. Lee
Notary Public

My commission expires:

1-14-92
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