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F. ANN RODRIGUEZ, RECORDER
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5255 E WILLIAMS CIRCLE STE 1050
TUCSON AZ 85711

**THIRD AMENDMENT TO DECLARATION OF ESTABLISHMENT OF
COVENANTS, CONDITIONS, RESERVATIONS
AND RESTRICTIONS FOR
RUBY STAR AIRPARK**

The undersigned Declarant hereby amends the DECLARATION OF ESTABLISHMENT OF COVENANTS, CONDITIONS, RESERVATIONS AND RESTRICTIONS FOR RUBY STAR AIRPARK ("the Declaration") recorded March 6, 2000, at Docket 11248, Page 336, in the Office of the Pima County Recorder, and amended by that certain AMENDMENT TO DECLARATION OF ESTABLISHMENT OF COVENANTS, CONDITIONS, RESERVATIONS AND RESTRICTIONS FOR RUBY STAR AIRPARK recorded March 24, 2000, at Docket 11262, Page 249, in the Office of the Pima County Recorder, and further amended by that certain SECOND AMENDMENT TO DECLARATION OF ESTABLISHMENT OF COVENANTS, CONDITIONS, RESERVATIONS AND RESTRICTIONS FOR RUBY STAR AIRPARK recorded March 9, 2001, at Docket 11502, Page 296, in the Office of the Pima County Recorder, pursuant to Section 7.2 of the Declaration, as follows (defined terms herein shall have the same meaning as defined in the Declaration):

Section 2.2 of the Declaration is hereby amended by deleting the text of said section in its entirety and inserting in lieu of such text the following:

2.2. TEMPORARY STRUCTURES. No temporary residence, garage or structure of any kind shall be placed or erected upon any Lot, provided however that during the construction of a permanent residence on any Lot, a trailer or recreational vehicle suitable for use as a temporary residence may be used as a residence by the owner of such Lot for a period not to exceed two (2) years. All buildings or structures shall be completed within two (2) years after breaking ground or commencement of construction, whichever is earlier. No aircraft hangar shall be used for residential purposes.

Section 2.3 of the Declaration is hereby amended by deleting the text of said section in its entirety and inserting in lieu of such text the following:

2.3. NEW CONSTRUCTION. All buildings or structures erected on the Property shall be of new construction. No mobile, manufactured, prefabricated or modular homes are allowed. Each dwelling unit shall have a liveable floor area of not less than 1,500 square feet. All structures on any Lot shall be constructed of the

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same type of materials. For instance, an adobe home requires an adobe hangar, a stucco home requires a stucco hangar, etc. No exposed metal siding shall be permitted on any home or hangar.

Section 2.9 of the Declaration is hereby amended by deleting the text of said section in its entirety and inserting in lieu of such text the following:

2.9. DRIVEWAYS, WALKS, FENCES, INTERFERENCES AND OBSTRUCTIONS. All walls and fences shall be wrought iron, block, stucco, wood, stone or adobe construction. No other fences are allowed, except corrals, which may be pipe or chain link, and perimeter fencing of any Lot, which may be field fencing or wire fencing. All walls and fences shall be painted or colored to match the exterior of the structure(s) enclosed by or upon the same Lot as such wall or fence. No wall or fence shall exceed six and one-half (6 1/2) feet in height. No fence shall be permitted to interfere with existing Recorded restrictions, drainageways or easements.

Except as expressly amended herein, the Declaration and each term and provision thereof, as previously amended, remains in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Amendment this ___ day of May, 2004.

DECLARANT

Denny Nolen Corp., an Arizona corporation

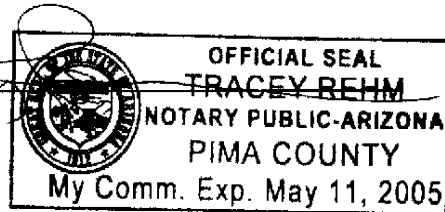
By *Denny Nolen*
Its V.P. - Self

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The foregoing instrument was acknowledged before me this 30 day of May, 2004, by DENNY NOLEN CORP., an Arizona corporation, by Denny Nolen as President, of DENNY NOLEN CORP.

My Commission Expires:
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Notary Public



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