

F. ANN RODRIGUEZ, RECORDER
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W
DENNY NOLEN
HC 70 BOX 4610
SAHUARITA AZ 85629

**SECOND 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, pursuant to Section 7.2 of the Declaration, as follows (defined terms herein shall have the same meaning as defined in the Declaration):

Section 1.10 of the Declaration is hereby amended by deleting the existing provision thereof and inserting in lieu of such provision the following:

1.10. LOT. "Lot" shall mean a parcel of land within the Subdivision having a contiguous area of not less than 7.69 acres.

Section 2.14 of the Declaration is hereby amended deleting the existing provision thereof and inserting in lieu of such provision the following:

2.14. BUSINESSES. The only business allowed in Ruby Star Airpark is business pertaining to aviation, provided however that home occupations of any kind shall be permitted within any dwelling on any Lot to the extent permitted by applicable zoning regulations and so long as there is no manifestation thereof visible from any other Lot.

The Declaration is hereby further amended by adding new sections 2.15, 2.16, and 3.15, as follows:

2.15. NO RESIDENTIAL STRUCTURES IN VICINITY OF AIRSTRIP. No residential improvements shall be permitted within one hundred fifty (150) feet from either side or within twelve hundred (1200) feet from either end of the paved landing strip as shown on the Recorded plat of the Subdivision.

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2.16 NO COMMERCIAL CARRIAER TRAFFIC OR COMMERCIAL FLIGHT SCHOOL OPERATIONS. No commercial air carrier traffic or commercial flight school operations shall be permitted within the Subdivision.

3.15. NOTICE TO NEIGHBORING HOMEOWNERS' ASSOCIATIONS UPON APPLICATION FOR FUEL STORAGE PERMIT. The Association shall notify all other homeowners' associations officially registered with Pima County Development Services within a two mile radius of the Subdivision upon any application for a permit to store aviation fuel within the Subdivision for a period of five (5) years from the date of first issuance of a Pima County conditional use permit for the landing strip shown on the Recorded plat of the Subdivision.

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

IN WITNESS WHEREOF, Declarant has executed this Amendment this 2 day of March, 2001.

DECLARANT

Denny Nolen Corp., an Arizona corporation

By Dennis E. Nolen
Its Pres.

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The foregoing instrument was acknowledged before me this 2nd day of March, 2001, by DENNY NOLEN CORP., an Arizona corporation, by Dennis E. Nolen, as President, of DENNY NOLEN CORP.

My Commission Expires:

Marie J. Romo
Notary Public

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