

F. ANN RODRIGUEZ, RECORDER
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ADDENDUM TO AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CIVANO 1: NEIGHBORHOOD 1

(Re: Amended and Restated Declaration of Covenants, Conditions, and Restrictions for
Civano 1: Neighborhood 1, which was recorded on January 4, 2000, in Docket 11206 at page
2132 et seq., office of the Pima County Recorder)

[1]

**ADDENDUM TO AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CIVANO 1: NEIGHBORHOOD 1**

RECITALS

- A. The Board of Directors of Civano Community Association (the “Master Association”) is taking the necessary actions to dissolve the Master Association in 2012.
- B. The dissolution of the Master Association will be preceded by the automatic termination on November 18, 2012, of the *Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Civano: The Tucson Solar Village*, which was recorded on November 3, 1998, in Docket 10915, page 639 *et seq.*, office of the Pima County Recorder, and all amendments thereto (the “Master Declaration”).
- C. Section 4.1 of the *Amended and Restated Declaration of Covenants, Conditions and Restrictions for Civano 1: Neighborhood 1*, which was recorded on January 4, 2000, in Docket 11206 at page 2132 *et seq.*, office of the Pima County Recorder (the “Civano 1 Declaration”) requires the Master Association to review and approve all development construction, alterations, or modifications to any improvements on any Lot or Parcel within Civano 1: Neighborhood 1 (“Civano 1”).
- D. The termination of the Master Declaration and the dissolution of the Master Association will render impossible the further implementation and enforcement of Section 4.1 of the Civano 1 Declaration.
- E. Therefore, prior to the termination of the Master Declaration and the dissolution of the Master Association, its Board of Directors intends to complete the transfer of all of its remaining architectural review and approval authority in Civano 1 to the Civano 1: Neighborhood 1 Association, Inc. (the “Civano 1 Association”).
- F. According to Paragraph 3.19 of the *Second Amendment to the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Civano: The Tucson Solar Village*, which was recorded on May 6, 2005, in Docket 12545 at page 2820 *et seq.* in the office of the Pima County Recorder, the procedure for transfer of the Master Association’s architectural review and approval authority and responsibility for maintenance of Common Area within Civano 1 to the Civano 1 Association, requires the recording of an addendum to the “Civano 1 Declaration”.

G. The Boards of Directors of the Master Association and the Civano 1 Association have approved this procedural addendum to the Civano 1 Declaration to give notice of the transfer of Common Area maintenance responsibility and architectural review and approval authority.

NOTICE OF TRANSFER OF AUTHORITY

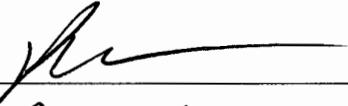
- (1) Civano 1: Neighborhood 1 Association, Inc. (the "Civano 1 Association"), and not the Master Association, has been and will continue to be responsible for the maintenance of any and all Common Area within Civano 1.
- (2) The Board of Directors of the Master Association has reviewed and approved: (i) the design guidelines for the Civano 1 Association and any substantive amendments, changes or revisions to those design guidelines; and (ii) the governing documents of Civano 1 [as described in Section 3.14 of the Master Declaration], and any substantive amendments, changes or revisions to those governing documents.
- (3) The Board of Directors of the Master Association has determined that the Civano 1 design guidelines and any substantive amendments, changes or revisions thereto, contain the elements and criteria under Sections 4.1, 4.4.2, 4.6, and 4.7 of the Master Declaration.
- (4) The Master Association has delegated to the Civano 1 Association, all of the powers of its Design Review Committee under Article IV of the Master Declaration.
- (5) The powers of the Design Review Committee of the Master Association under Article IV of the Master Declaration, which have been delegated to the Civano 1 Association, shall be implemented as provided in the Civano 1 Declaration or any other instrument established therefor by the Civano 1 Association. The delegated powers include the approval of initial development as described in Section 4.6 of the Master Declaration.
- (6) In accordance with Sections 4.5.4 and 4.7.4, but subject to the limitations on liability contained in Section 4.9 of the Master Declaration, the Civano 1 Association shall assume such liability as would otherwise fall on the Master Association or its Design Review Committee in connection with the development review process being delegated.
- (7) All powers of the Master Association under Sections 3.1, 3.10 and 3.15 of the Master CC&Rs, with respect to property governed by the Civano 1 Association, are delegated to the Civano 1 Association.

(8) The Civano 1 Association shall survive any termination of the Master Association.

DATED this 13 day of November, 2012, and the undersigned certify that the foregoing instrument was approved by the Boards of Directors of the Civano Community Association, an Arizona non-profit corporation; and of the Civano 1: Neighborhood 1 Association, Inc., an Arizona non-profit corporation.

CIVANO COMMUNITY ASSOCIATION, an Arizona non-profit corporation CIVANO 1: NEIGHBORHOOD 1 ASSOCIATION, INC., an Arizona non-profit corporation

By: _____

By: 

Its: _____

Its: President

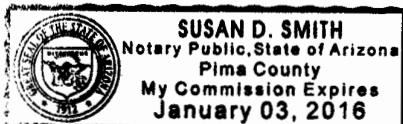
STATE OF ARIZONA)
)
County of Pima) ss.

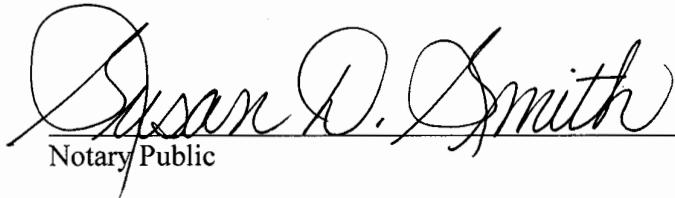
The foregoing instrument was acknowledged before me this 13 day of November, 2012, by Richard Hanson as President of the Civano Community Association, an Arizona non-profit corporation.

Notary Public

STATE OF ARIZONA)
)
County of Pima) ss.

The foregoing instrument was acknowledged before me this 13 day of November, 2012, by Susan D. Smith as President of the Civano 1: Neighborhood 1 Association, Inc., an Arizona non-profit corporation.





Notary Public

(8) The Civano 1 Association shall survive any termination of the Master Association.

DATED this 7th day of November, 2012, and the undersigned certify that the foregoing instrument was approved by the Boards of Directors of the Civano Community Association, an Arizona non-profit corporation; and of the Civano 1: Neighborhood 1 Association, Inc., an Arizona non-profit corporation.

CIVANO COMMUNITY ASSOCIATION, an Arizona non-profit corporation CIVANO 1: NEIGHBORHOOD 1 ASSOCIATION, INC., an Arizona non-profit corporation

By: John Ward

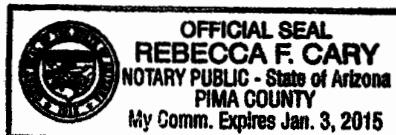
By: _____

Its: PRESIDENT

Its: _____

STATE OF ARIZONA)
)
County of Pima)

The foregoing instrument was acknowledged before me this 7th day of November, 2012, by John W. Ward as President of the Civano Community Association, an Arizona non-profit corporation.



R. Cary
Notary Public

STATE OF ARIZONA)
)
County of Pima)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by _____ as _____ of the Civano 1: Neighborhood 1 Association, Inc., an Arizona non-profit corporation.

Notary Public