

Recorded at the request of:
John Shirley, MHPOA President



2025-0007611 Page: 1 of 10
02/20/2025 03:46:51 PM \$30.00

Official Records of Yavapai County, AZ
Michelle M. Burchill, Recorder

When recorded mail to:
Mission Hills Property Owners' Association
c/o Kimberly Stiller, Treasurer & Secretary
2210 Falcon Drive
Prescott, AZ 86301

**THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
MISSION HILLS SUBDIVISION**

THIS THIRD AMENDMENT, "NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT", TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MISSION HILLS SUBDIVISION (the "THIRD Amendment") is adopted and therefore effective immediately on recordation of this instrument in the Official Records of Yavapai County, Arizona.

RECITALS

WHEREAS, a Declaration of Covenants, Conditions, and Restrictions for Mission Hills Subdivision was recorded on June 14, 1989, at Book 2157, Page 160, in the Official Records of Yavapai County, Arizona (the Declaration); and

WHEREAS, pursuant to Section 17.1 of the Declaration, and in accordance with the A.R.S. 33-1817, this Third Amendment to Declaration is hereby adopted upon the approval of sixty-seven percent (67%) of the Lot Owners' Affirmative and approved by a majority of the Board prior to the adoption by the Owners in order to set forth a New Purchase Capital Contribution Assessment in the amount of .25% of the Lot(s) purchase price and shall be paid to the Association upon the close of escrow by the Buyer for future Capital Improvements and shall be held in the Reserve Account. The Declaration may be amended only by the affirmative vote or written consent, or any combination thereof, of Owners representing not less than sixty-seven percent (67%) which is a total of 18 affirmative votes out of 27 Individual Lot Owners of the total votes of the Association described in paragraph 17.1 of the Declaration.

WHEREAS, the Goal of this Third Amendment is hereby serving a legitimate purpose related to the continuance of this highly desirable, well established, planned community, Mission Hills Subdivision, also known as Mission Hills Property Owners Association (MHPOA). A beautiful, well-functioning MHPOA Community leads to improved property values, and the opposite is also true: An outdated, poorly maintained community means property values will likely suffer. The overall first impression of the MHPOA Community matters to current and potential homeowners which is why capital improvements matter. This Third Amendment seeks to leverage the future sale of Lots by Owners in the above referenced Declaration in order to rapidly increase the MHPOA Reserve Account. This Third Amendment also seeks to protect future market values and the ability for resale. Capital improvements have a big impact on the MHPOA reputation among all other neighboring planned communities. Both the financial health and a well-funded Reserve Account is the responsibility of the MHPOA Board together with the Lot Owners and will create options rather than limit our ability to financially cover unforeseen capital improvements. The foresight to anticipate possible capital improvements is the responsibility of the MHPOA Board, together with the Lot Owners, and will create options rather than limit our ability to have a well-functioning, highly desirable, beautiful community. Reserve funds are designed to pay for capital improvements, not MHPOA general maintenance or operational expenses.

This Third Amendment also addresses that while Arizona law doesn't specifically address Reserve funds, the MHPOA governing documents clearly outline how the Reserve fund should be spent. Ultimately, it should be used for major expenses like the paving of roads, major drainage or landscaping matters and is not limited to other capital improvements. This Third Amendment is reasonable, as it clearly expresses the importance to ensure our Reserves are properly funded. MHPOA currently is underfunded and does not hold an average of even six (6) months of combined operational costs in its Reserve Account. An under-funded Reserve Account creates a possible liability. In the event that the MHPOA assets are not taken care of because of under-funded Reserves, the MHPOA can even be sued for breach of contract, negligence or injuries caused by improper maintenance. This Third Amendment both promotes and fulfills the purposes for which the Association was originally created. The MHPOA Board neither desires to collect a Special Assessment from the Owners nor be forced to get a loan in the event of an unforeseen emergency related to capital improvements. In contemplation of the need to bolster the Reserve Account for future capital improvements, the Board determined that it is timely to implement a Capital Contribution Assessment which will not be paid by any existing Lot Owner; it will be paid by all future Lot Owners by way of escrow.

WHEREAS, by executing the attached written consents to this Third Amendment, the undersigned 18 Lot Owners who represent not less than sixty-seven percent (67%) of the total votes of the Association: hereby amend the Declaration as hereinafter set forth.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Section 5.3 of the Declaration is hereby amended to read:
5.3 Capital Contribution Assessment. In addition to the regular assessments for Common Expenses and the periodic need of the Association to require an additional Capital Contribution from time to time as the capital improvements of the Association's needs dictate, it is established and provided herein, each New Owner will be required by contract at the time of purchase of a Lot from a previous Lot Owner, to pay to the Association, through escrow, an amount which is equal to a quarter of a percent (0.25%) of the total purchase price of said Lot. Said sum shall be a contribution to the Reserve Account of the Association and shall be used by the Association as a reserve and for working capital. This New Purchase Capital Contribution Assessment is neither limited to being increased nor decreased as the Association determines to be in the best interests of the Association.
2. It is hereby stipulated and agreed that this Third Amendment to Declaration as identified above has been amended and replaced in their entirety by the Declaration as amended hereby, and the President of the Association is hereby directed to execute and record this formal THIRD AMENDMENT, THE "NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT", TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MISSION HILLS SUBDIVISION with respect to the Declarations in the Official Records of Yavapai County, Arizona.
3. All capitalized terms used but not specifically defined in the Amendment shall have the meaning prescribed by the Declaration. Except as specifically modified by this Third Amendment, the Declaration shall remain in full force and effect in accordance with its terms. In the event of any conflict or inconsistency between the terms of the Amendment and the Declaration, the terms of this Amendment shall control.

**CERTIFICATION OF ADOPTION
OF THIRD AMENDMENT**

I, Kimberly Stiller, the duly elected Secretary of the Association, hereby certifies that the above AMENDMENT was approved by the Owners and adopted TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MISSION HILLS SUBDIVISION on 19th day of February, 2026 and recorded on the 20th day of February, 2026 in the official records of Yavapai County, Arizona) and that this Amendment to Declaration now constitute the THIRD AMENDMENT, THE "NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT" .

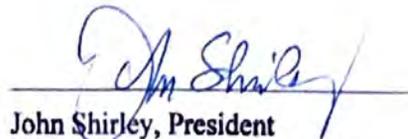
IN WITNESS WHEREOF, I have hereunto subscribed my name this 19 day of February, 2026.



Kimberly Stiller, Secretary

I, John Shirley, the duly elected President of the Association, hereby certifies that the above AMENDMENT was approved by the Owners and adopted TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MISSION HILLS SUBDIVISION on 19TH day of February, 2026 and recorded on the 20th day of February, 2026 in the official records of Yavapai County, Arizona) and that this Amendment to Declaration now constitute the THIRD AMENDMENT, THE "NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT" .

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19TH day of February, 2026.



John Shirley, President

ALL CONSENT VOTE BY MAIL BALLOTS APPROVING THE FOREGOING THIRD AMENDMENT EXECUTED BY ALL OWNERS APPEAR IMMEDIATELY FOLLOWING THIS PAGE

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

OF

THE MEMBERS OF THE MHPOA

Please Mark Your Vote, Please Write your Lot#, Please Write Your Name & Lot Address, Sign & Date Below.

Mail this Sheet Back in the Enclosed Self Addressed and Stamped Envelope Before 2/11/2026.

YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name KIMBERLY + NEIL STIVER Lot # 11

Lot # Address 2210 FALCON DRIVE

Owner's Signature [Signature] Date 2/10/2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

OF

THE MEMBERS OF THE MHPOA

Please Mark Your Vote, Please Write your Lot#, Please Write Your Name & Lot Address, Sign & Date Below.

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name ETHAN WALFORD Lot # 12

Lot # Address 2222 Falcon Drive Prescott Az

Owner's Signature [Signature] Date 2/7/2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

OF

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name Jessie Wheeler Lot # 14

Lot # Address 2218 Mission Way, Prescott AZ 8630

Owner's Signature [Signature] Date Jan 23, 2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

OF

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Paul Edmondson Lot # 15

Lot # Address: 2240 MISSION WAY, Prescott AZ 86301

Owner's Signature: [Signature] Date: 1-26-26

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

OF

THE MEMBERS OF THE MHPOA

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Mail this Sheet Back in the Enclosed Self Addressed and Stamped Envelope Before 2/11/2026.

YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: J Nelson Bugrette Lot # 16 / 2234

Lot # Address: 2234 Whitetail Lane

Owner's Signature: [Signature] Date: 02/07/26

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

OF

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: JOHN SHIRLEY Lot # 18

Lot # Address: 2256 WHITETAIL LN

Owner's Signature: [Signature] Date: 1-18-26

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

THE MEMBERS OF THE MHPOA

Of

Please Mark Your Vote, Please Write your Lot#, Please Write Your Name & Lot Address, Sign & Mail this Sheet Back in the Enclosed Self Addressed and Stamped Envelope Before 2/11/17

YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Henry W. Bueckler Sr R Matthews Lot # 35-17

Lot # Address: 29977 White Oak Lane,

Owner's Signature: Henry W. Bueckler Date: 2-10-2026
Henry R Matthews

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

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Mail this Sheet Back in the Enclosed Self Addressed and Stamped Envelope Before 2/11/2026.

YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Alisobeth Roberts Lot # 19

Lot # Address: 2251 Mission Way

Owner's Signature: Alisobeth Roberts Date: 10 Feb 2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

Please Mark Your Vote, Please Write your Lot#, Please Write Your Name & Lot Address, Sign & Date Below.
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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: CLAU GORE Lot # 20 + 21

Lot # Address: 2258 MISSION WAY LOT 20 + 21

Owner's Signature: [Signature] Date: 1-17-26

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Robert B. Huff Lot # 22

Lot # Address: 2274 MISSION WAY, PRESCOTT, AZ 86301

Owner's Signature: Robert B. Huff Date: 1/23/2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: MARY N. KELLY Lot # 24

Lot # Address: 2296 MISSION WAY

Owner's Signature: Mary N Kelly Date: Feb 10, 2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: DANE MORTENSEN Lot # 28

Lot # Address: 2263 MISSION WAY

Owner's Signature: [Signature] Date: 2.1.2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Greg Baxstad Lot # 29

Lot # Address: Vacant

Owner's Signature: [Signature] Date: 1-22-26

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Greg Bestad Lot # 30

Lot # Address: Vacant

Owner's Signature: [Signature] Date: 1-22-26

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Greg Bestad Lot # 31

Lot # Address: Vacant

Owner's Signature: [Signature] Date: 1-22-26

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

Of

THE MEMBERS OF THE MHPOA

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Emily + Shane Moore Lot # 32

Lot # Address: 2259 Whitetail Ln, Prescott, AZ 86301

Owner's Signature: [Signature] Date: 1/28/2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

THE MEMBERS OF THE MHPPOA

Of

Please Mark Your Vote, Please Write your Lot#, Please Write Your Name & Lot Address, Sign & Date Below.

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: Dor + Erika McChesney Lot # 33

Lot # Address: 2247 Whitetail Lane

Owner's Signature: Donald J. McCreary Date: 1-24-2026

SPECIAL VOTE BY MAIL DUE BY 2/11/2026

THE MEMBERS OF THE MHPPOA

Of

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YES, I VOTE to Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

NO, I VOTE to NOT Approve the 3rd Amendment as Stated in the following pages in regards to NEW PURCHASE CAPITAL CONTRIBUTION ASSESSMENT

Name: James M. Ward Lot # 34

Lot # Address: 2239 Whitetail Ln

Owner's Signature: James M. Ward Date: 1/29/26