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**FIRST AMENDMENT TO CONDOMINIUM DECLARATION**  
**FOR**  
**FOUR PEAKS VISTA CONDOMINIUM**

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**FIRST AMENDMENT TO CONDOMINIUM DECLARATION  
FOR FOUR PEAKS VISTA CONDOMINIUM**

This First Amendment to Condominium Declaration for Four Peaks Vista Condominium ("First Amendment") is dated for reference purposes as of the 3<sup>rd</sup> day of October, 2007, by Four Peaks AZ Development, LLLP, an Arizona limited liability limited partnership ("Declarant") with reference to the following recitals that are expressly made part of this First Amendment.

**RECITALS:**

A. On June 28, 2007, the Declarant caused to be recorded in the Official Records of the Maricopa County Recorder as Instrument No. 2007-0745285 that certain Condominium Declaration for Four Peaks Vista Condominium (the "Declaration") pertaining to the Property legally described on Exhibit A attached hereto.

B. Section 13.5.4 of the Declaration reserves to the Declarant the right to amend the Declaration during the Period of Declarant Control (defined in the Declaration) to correct any error or inconsistency in the Declaration.

C. The Period of Declarant Control has not expired under the terms of the Declaration.

D. By this First Amendment, Declarant desires to amend the Declaration to clarify certain Development Rights (defined in the Declaration) reserved to the Declarant.

In consideration of the foregoing, Declarant hereby declares as follows:

1. All capitalized terms used herein but not otherwise defined herein shall have the meanings set forth in the Declaration. Declarant hereby declares that the recitals set forth hereinabove are true and correct and incorporated into this First Amendment.

2. Section 1.19 is amended to provide that in addition to the rights expressly reserved to the Declarant stated in such section, the Declarant shall have the right (i) to construct Patios and Balconies on the exterior of any Building, and (ii) to assign such newly constructed Patios and Balconies as Limited Common Elements to the Units to which such Patios and Balconies are adjacent. The Declarant shall also have the right to execute and record an amendment to the Plat showing the location and physical dimensions of such newly constructed Patios and Balconies.

3. Except as amended and/or modified by this First Amendment, the Declaration is hereby ratified and confirmed and all other terms of the Declaration shall remain in full force and effect, unaltered and unchanged by this First Amendment.

**[SIGNATURE PAGE TO FOLLOW]**

Dated as of the day written above.

FOUR PEAKS AZ DEVELOPMENT, LLLP,  
an Arizona limited liability limited partnership

By: Four Peaks GP, Inc.,  
an Arizona corporation  
Its: General Partner

By: [Signature]  
Robert Chilton, Vice President

STATE OF ARIZONA     )  
  ) ss.  
County of Maricopa     )

On this 3 day of October, 2007, before me personally appeared Robert Chilton, who acknowledged himself to be the Vice President of Four Peaks GP, Inc., the General Partner of Four Peaks AZ Development, LLLP, an Arizona limited liability limited partnership, and that he, in such capacity being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as Vice President.

[Signature]  
Notary Public

My Commission Expires:



**EXHIBIT A  
LEGAL DESCRIPTION OF  
PROPERTY SUBMITTED TO CONDOMINIUM**

Units 101 through 176, 201 through 276, 301 through 304, 307 thorough 310, 315 through 318, 321 through 328, 331 through 334, 337 through 340, 343 through 346, and 349 through 376, Four Peaks Vista Condominium, according to Book 432 of Maps, Page 12, records of Maricopa County, Arizona, as amended by the Affidavit of First Amendment of Final Plat for Four Peaks Vista Condominium, recorded on June 28, 2007, as Instrument No. 2007-0744886.