



2017-02875

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Requested By: Aliso Springs Property Owners Associ

SUZANNE SAINZ, RECORDER

SANTA CRUZ COUNTY, ARIZONA

04-07-2017 02:50 PM Recording Fee \$10.00

When recorded return to:

Goldschmidt|Shupe, PLLC
6700 N. Oracle Rd., Ste. 240
Tucson, AZ 85704

**CERTIFICATE OF FIRST AMENDMENT TO
THE DEED RESTRICTIONS FOR ALISO SPRINGS PROPERTY OWNERS ASSOCIATION**

THIS FIRST AMENDMENT to the *DEED RESTRICTIONS FOR ALISO SPRINGS PROPERTY OWNERS ASSOCIATION* (the "Restrictions") is made this 12th day of December, 2016, by the Aliso Springs Property Owners Association, Inc., an Arizona non-profit corporation (the "Association").

RECITALS

WHEREAS the Restrictions were recorded on June 18, 2013, in Docket 2013-04616, Official Records of Santa Cruz County, Arizona; and

WHEREAS the Restrictions establish the Association's control and authority over the Community Water System and provide for the obligations of the Lot Owners as to the Community Water System; and

WHEREAS the Members of the Aliso Springs Property Owners Association, consisting of the Lot Owners of Property subject to the Restrictions, desire to amend the Restrictions to the extent and in the manner set forth herein.

NOW THEREFORE, the Restrictions are amended as follows:

ADD, to the end of Paragraph 13: "Refer to **Appendix C** for the **Policy on Termination of Connection and Suspension of Water Service to Lots.**"

ADD: Appendix C, attached hereto as Exhibit "A" and hereby incorporated into the Restrictions.

IN WITNESS WHEREOF, the President and Secretary of the Association hereby certifying that these amendments have been approved by the vote or written consent of not less than two-thirds (2/3rds) of the Members.

Signature page follows

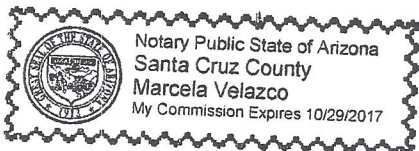
ATTEST:

ALISO SPRINGS PROPERTY OWNERS ASSOCIATION, INC., an Arizona nonprofit corporation

By: *Lauren M. Bader*
It's: President

STATE OF ARIZONA)
) ss.
COUNTY OF Santa Cruz)

The foregoing instrument was acknowledged before me this 22 day of March 2017, by Lauren M. Bader, as the President of Aliso Springs Property Owners Association, Inc., an Arizona nonprofit corporation.

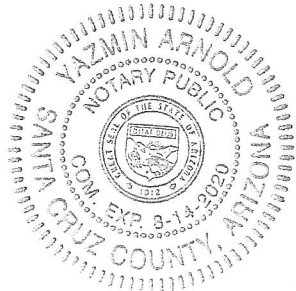


[Signature]
Notary Public

By: *Karol Stubbs*
It's: Secretary

STATE OF ARIZONA)
) ss.
COUNTY OF Santa Cruz)

The foregoing instrument was acknowledged before me this 21 day of March 2017, by Karol Stubbs, as the Secretary of Aliso Springs Property Owners Association, Inc., an Arizona nonprofit corporation.



[Signature]
Notary Public

APPENDIX C

POLICY ON TERMINATION OF CONNECTION AND SUSPENSION OF WATER SERVICE TO LOTS

THIS POLICY pertains to the Aliso Springs Property Owners Association's ("ASPOA") authority, in the Board's sole discretion, to terminate the connection to the ASPOA Community Water System and suspend water service to the Lots of Owners who are at least 180 days delinquent in payment of any and all water charges owed to the ASPOA.

WHEREAS, Paragraph 13, of the *Deed Restrictions for Aliso Springs Property Owners Association* (the "Restrictions"), most recently amended and approved by a 2/3rd majority vote of the Members of the Aliso Springs Property Owners Association on March 14, 2010, establishes the ASPOA's control over the supply of community water within Aliso Springs; and

WHEREAS, *Appendix B* to the Restrictions, *Policy on Connections to Community Water System* establishes the procedure for Lot Owners to connect to the ASPOA Community Water System, as well as the obligation of each Owner to pay the associated cost of water use, which is fixed by the Board to cover, *inter alia*, all expenses and charges incurred by the ASPOA in operating the ASPOA Community Water System; and

WHEREAS, the ASPOA incurs expenses and charges in providing water service to the Lots; and

WHEREAS, the failure of a Lot Owner to pay their water use charges results in the other Lot Owners, in essence, paying for the water service provided to that Owner's Lot; and

WHEREAS, the Owners desire to implement a policy that will be followed to provide for the termination of the connection to the ASPOA Community Water System and suspension of water service to the Lots of delinquent Owners.

NOW THEREFORE, it is resolved that:

Beginning on January 1, 2017, the Board of Directors may elect to terminate the connection to the Community Water System and suspend water service to the Lot(s) of Owner(s) who are more than 180 days delinquent in the payment of their water use charges owed to the ASPOA.

The Board of Directors shall provide written notice to the Owner(s) of the Lot, and to the occupants of the Lot (if different than the Owner) that the water service will be suspended and the connection to the ASPOA Community Water System terminated after the expiration of ten (10) business days from the date of the letter, if the water use charges due to the Association remain unpaid, or satisfactory arrangements for the payment of such assessments have not been made by the delinquent Owner during that time period. The written notice shall provide the Owner and/or occupant (if different than the Owner) an opportunity for a hearing before water service is suspended and the cost of disconnecting-reconnecting service is charged to the Owner's(s') account.

The Board of Directors shall have the authority to adopt additional rules, policies and procedures regarding the suspension of water services to the Lots, and termination of connection to the ASPOA Community Water System, so long as they are not in conflict with the Restrictions.

A licensed plumbing contractor will be hired by the ASPOA to take whatever steps are necessary to disconnect-reconnect the water service to the delinquent Owner's Lot. Water service will be reinstated to the Lot again when the account is brought current or satisfactory arrangements have been made by the Lot Owner for the payment of the delinquent amounts owed to the Association. All costs of disconnecting-reconnecting water service to the Lot shall be the responsibility of the Owner(s), and shall be added on to the account for the Lot.