



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

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MESA2 1 OF 1

THE WELLS A Senior Adult Community

**EIGHTH AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R's)**

THIS EIGHTH AMENDED AND RESTATED DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS (CC&R's) is made on the date hereinafter set forth by **The Wells Homeowners Association, Inc., A Senior Adult Community.**

WITNESSETH:

WHEREAS, the predecessors in the interest of the Declarant previously executed that certain Amended Declaration of Covenants, Conditions and Restrictions recorded at Recorder's No. 84-433196, a Second Amended Declaration of Covenants, Conditions and Restrictions recorded at Recorder's No. 85-621332, a Third Amended Declaration of Covenants, Conditions and Restrictions recorded at Recorder's No. 86-084756, a Fourth Amended Declaration of Covenants, Conditions and Restrictions recorded at Recorder's No. 87-499241, a Fifth Amended Declaration of Covenants, Conditions and Restrictions recorded at Recorder's No. 89-102608 re-recorded at Recorder's No. 89-108850, a Sixth Amended and Restated Declaration of Covenants, Conditions and Restrictions recorded at Recorder's No. 89-353126, and a Seventh Amended Declaration of Covenants, Conditions and Restrictions recorded at Recorder's No. 93-0459855A, official records of Maricopa County, Arizona (collectively, the "Amended Declaration"), regarding that certain real property located in the City of Mesa, County of Maricopa, State of Arizona, which is described as follows;

Lots one (1) through four hundred ninety-nine (499), inclusive, and Tracts 'A' through 'D', inclusive, of **The Wells**, a subdivision of Maricopa County, Arizona, according to the plat of record in the office of the Maricopa County Recorder in Book 256 of Maps at Page 42 thereof, in Book 333 of Maps at Page 2, and Book 359 of Maps at Page 22 thereof.

WHEREAS, the present Amended Declaration hereby incorporates by reference the Arizona Revised Statutes #33-1801 *et. al.*, and that said statutes, as now enacted or as hereafter amended, shall govern the authority and limitations of this Declaration; and

WHEREAS, The present Amended Declaration provides that Owners of not less than eighty percent (80%) of the Lots may amend the Amended Declaration; and

NOW THEREFORE, **The Wells Homeowners Association, Inc., A Senior Adult Community**, declares (1) that the present Amended Declaration hereby incorporates by reference the Arizona Revised Statutes #33-1801 *et. al.* and that said statutes, as now enacted or as hereafter amended, shall govern the authority and limitations of this Declaration: and (2) **The Wells Homeowners Association, Inc., A Senior Adult Community** declares that the Amended Declaration shall be further amended as follows:

ARTICLE I --

The following terms shall have the following meanings unless a different meaning is plainly required by the context:

Section 1.1 “Articles” shall mean the Articles of Incorporation of **The Wells Homeowners Association, Inc., A Senior Adult Community** (hereinafter referred to as “HOA”), as such Articles may be amended from time to time.

Section 1.2 “Board” shall mean the Board of Directors of the HOA.

Section 1.3 “Bylaws” shall mean Bylaws of the HOA, as such Bylaws may be amended from time to time.

Section 1.4 “CC&R’s” shall mean this **EIGHTH AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**, as now exist, and as may later be amended from time to time, and recorded in the office of the Maricopa County Recorder.

Section 1.5 “Common Area” shall mean all real property and the improvements thereon, owned by the HOA for the common use and enjoyment of the Owners. The Common Area which is to be owned by the HOA is described as follows:

Tracts ‘A’ through ‘D’, inclusive, **The Wells**, a subdivision of Maricopa County, Arizona, according to the plat of record in the office of the Maricopa County Recorder originally recorded in Book 256 of Maps at Page 42 thereof.

Section 1.6 “Governing Documents” shall mean the Articles of Incorporation, the CC&R’s, the Bylaws, any Rules and Regulation established and instituted by the Board of the HOA, and any amendments to these documents as may be adopted from time to time.

Section 1.7 “HOA” shall mean **The Wells Homeowners Association, Inc., A Senior Adult Community**, an Arizona nonprofit corporation, its successors and assigns.

Section 1.8 “Lot” shall mean any part of the Property which is separately designated and numbered on the Plat, or any amended Plat authorized and recorded in accordance with Section 2.7 herein, but shall exclude the Common Area, and shall be limited to single-family use.

Section 1.9 “Class ‘A’ Lot shall include the following Lots:

16, 17, 33, 34, 46, 47, 48, 49, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 92, 93, 94, 95, 105, 106, 107, 108, 118, 119, 120, 121, 128, 129, 130, 131, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 266, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 309, 310, 311, 312, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 335, 338, 339, 340, 344, 345, 352, 353, 354, 355, 362, 363, 364, 365, 366, 367, 374, 375, 376, 383, 384, 385, 386, 387, 391, 392, 393, 394, 395, 402, 403, 404, 405, 406, 407, 408, 409, 416, 417, 418, 419, 429, 430, 437, 438, 439, 440, 441, 442, 443, 450, 451, 452, 453, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 482, 483, 484.

Section 1.10 "Class 'B' Lot shall include the following Lots:

1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 35, 37, 38, 40, 41, 43, 50, 52, 53, 55, 56, 58, 59, 61, 83, 85, 86, 88, 89, 91, 96, 98, 99, 101, 102, 104, 109, 111, 112, 114, 115, 117, 122, 124, 125, 127, 132, 134, 135, 137, 138, 140, 187, 189, 326, 328, 329, 331, 332, 334, 341, 343, 346, 348, 349, 351, 356, 358, 359, 361, 368, 370, 371, 373, 377, 379, 380, 382, 388, 390, 396, 398, 399, 401, 410, 412, 413, 415, 420, 422, 423, 425, 426, 428, 431, 433, 434, 436, 444, 446, 447, 449, 454, 456, 457, 459, 460, 462, 473, 475, 476, 478, 479, 481, 485, 487, 488, 490, 491, 493, 494, 496, 497, 499.

Section 1.11 "Class 'C' Lot shall include the following Lots:

*44, *72, 215, 248, 265, 267, 290, 307, 313, *336.

*Lots 44, 72, 336 are made up of Class 'A' Lots 44, 45, 72, 73, 336, 337 with one Unit on two Lots, therefore, they are listed and considered Class 'C' Lots.

Section 1.12 "Member" shall mean a member of the HOA by ownership of a Lot or Lots within The Wells.

Section 1.13 "Occupant" shall mean any person actually residing in or occupying any residential unit in The Wells.

Section 1.14 "Owner" shall mean the record Owner, whether one or more persons or entities of fee simple title to any Lot which is part of the Property; including contract sellers, but excluding those having an interest in a Lot merely as security for the performance of an obligation.

Section 1.15 "Plat" shall mean the subdivision Plat of The Wells, a subdivision of Maricopa County, Arizona, recorded in the office of the Maricopa County Recorder in Book 256 of Maps at Page 42 thereof, and any amendments, replacements and substitutions.

Section 1.16 "Property" shall mean the real property described above in the preamble of these CC&R's, and which may also sometimes be referred to as "The Wells".

Section 1.17 "Rules and Regulations" shall mean operational, procedural and administrative requirements established and instituted by the Board for the HOA, as may be amended from time to time.

Section 1.18 "Statute" shall mean the Arizona Revised Statutes, as may be amended from time to time.

Section 1.19 "Unit" shall mean residential unit (manufactured home and carport) placed on a Lot or Lots for use as a single-family residence.

ARTICLE II -- PROPERTY RIGHTS

Section 2.1 **Owners Easements of Enjoyment** --Every Owner shall have a non-exclusive right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot. Such right and covenant of enjoyment shall be subject to governing documents of the HOA, which may include but shall not be limited to:

