

ARTICLE 1 DEFINITIONS

Section 1.1 "ACT" refers to the A.R.S. §33-1801 et. Seq., which is the Planned Community Act, as amended from time to time.

Section 1.2 "ARCHITECTURAL COMMITTEE" means the Committee established by the Board pursuant to Section 11.1.

Section 1.3 "ASSESSMENTS" means the Annual, Special and Reimbursement Assessments, together with any other sums, which may become due to the Association by an Owner and includes late charges, interest, fines and penalties, attorney fees, and any other costs.

Section 1.4 "ASSOCIATION" means Canoa Seca Estates II, Inc.

Section 1.5 "CC&R'S" OR "DECLARATION" means this Declaration, as amended from time to time pursuant to the procedures set forth herein. The Declaration is the primary governing document of the Association and is formally known as the Declaration ~, Covenants and Restrictions.

Section 1.6 "COMMON AREA" means all real property owned by the Association for the use and enjoyment of the Owners subject to covenants and restrictions set forth in the Governing Documents. The Common Area is depicted on the plat as Common Area A and Common Area B.

Section 1.7 "IMPROVEMENT" means any buildings, garages, homes, outbuildings, patios, swimming pools, walls, driveways, excavation, landscaping, fixtures, sunshades, fences, awnings, any other structure or any decorative items placed on the Lot, which is Visible from Neighboring Property.

Section 1.8 "FIRST MORTGAGEE" refers to a lender which has encumbered the Lot with a note secured by a mortgage or deed of trust, which is recorded against the Lot, and is prior to any other lien or encumbrance on the lot, except for property taxes and any other governmental assessment.

Section 1.9 "GOVERNING DOCUMENTS" refers to this Declaration, the Articles of Incorporation, the By-Laws of the Association and any Rules and Regulations adopted by the Board.

Section 1.10 "LOT" means the numbered plots of land shown on the plat, including any new Lot created by combining two or more adjacent Lots. Combined Lots are considered one Lot for all purposes, including voting rights and any assessments provided for herein. A "Lot" does not include the Common Areas.

Section 1.11 "MEMBER" means the Owner of a Lot who is entitled to membership in the Association, who has the privilege of using and enjoying the Common Areas, who has certain voting rights and who has a duty to pay assessments for these privileges, as further set forth in the Governing Documents.

Section 1.12 "MORTGAGE" refers to any mortgage, deed of trust or other security instrument by which a Lot or any part of a Lot is encumbered.

Section 1.13 "OWNER" means the record owner, whether one or more persons or entities, of the title to any Lot, excluding those persons having such interest merely as security for a mortgage. Each Owner is liable for the acts of his/her family, tenants, guests and invitees.

Section 1.14 "PERSON" includes a corporation, company, partnership, firm, association or society, as well as a natural person.

Section 1.15 "PLAT" means the map or Plat of record in the Office of the County Recorder of Pima County, Arizona, in Book 43 of Maps and Plats at page 19.

Section 1.16 "PROPERTIES" means the real property under the jurisdiction of the Association as set forth on the plat.

Section 1.17 "RULES AND REGULATIONS" means those policies and procedures adopted by the Board, which interpret the provisions of the Governing Documents or govern the conduct and actions of Owners, tenants, visitors, and guests on Lots and the Common Areas and which are not otherwise covered in this Declaration. Rules and Regulations, when adopted by the Board, have the same force and effect as the Restrictions set forth in this Declaration and may be enforced in law or in equity. The Rules are binding on all Owners, Lots and all other Persons, including the Association, using any portion of the Properties.

Section 1.18 "SCENIC VIEW" or "VIEW" is defined as the view of the Santa Rita Mountains, which are East of Green Valley, Arizona.

Section 1.19 "SINGLE FAMILY" refers to a group of one or more persons each related to the other by blood, marriage or legal adoption; or a group of two or less persons who are not related, but who maintain a common household on a Lot. This excludes a caretaker hired to provide services to the residents.

Section 1.20 "SINGLE FAMILY RESIDENCE" means an improvement constructed on the Lot in which a Single Family resides.

Section 1.21 "STRUCTURE" means anything constructed, erected, installed or placed on a Lot, which is located on the ground or is attached to something located on the ground and which is Visible from Neighboring Property.

Section 1.22 "VISIBLE FROM NEIGHBORING PROPERTY" means, with respect to any given object, that such object is or would be visible to a person six feet tall, standing at ground level on the patio of this owner's lot.