

Section 17. Age Restrictions.

1. Except as set forth below, each Residential Unit shall be occupied by at least one (1) person fifty-five (55) years of age or older, and no person who is less than eighteen (18) years of age shall occupy a Residential Unit. The foregoing restrictions shall not prohibit the occupancy of a Residential Unit by the following persons:

A. A person who is less than eighteen (18) years of age who is a guest or an invitee of a Residential Unit owner for a period not to exceed ninety (90) days in any twelve month period;

B. Any person or persons who own or occupy a Residential Unit or have entered into a contract to buy a Residential Unit as of the effective date of this amendment;

C. The surviving spouse or other surviving cohabitant of a deceased resident who was fifty-five (55) years old or older at the time of death;

D. The surviving spouse or other surviving cohabitant of a resident who is fifty-five (55) years old or older at the time such resident is advised by such medical doctor licensed by the State of Arizona to move to, or is placed in, a facility for the care of the elderly or the infirm on the advice of a medical doctor licensed by the State of Arizona;

E. Any other person permitted to occupy a Residential Unit pursuant to the rules and regulations adopted by the Board in accordance with this section; provided, however, that no occupancy shall be permitted if such would be violative of any law, including without limitation, the Fair Housing Amendments Act of 1988, and the rules and regulations interpreting such Act published by the Department of Housing and Urban Development under 24 CFR Part 14, et al.

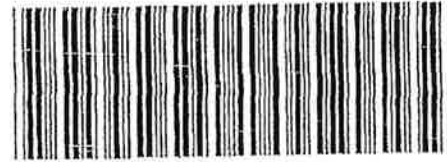
2. The Board shall publish, adhere to and enforce policies and procedures that demonstrate an intent to provide housing for persons fifty-five (55) years of age or older. The Board may adopt rules and regulations that are more restrictive or less restrictive than the provision set forth in Paragraph I above, provided that (A) such rules and regulations promote and preserve Westbrook Village as an active adult community as set forth in this paragraph, and (B) such rules and regulations are consistent with the policies and procedures set forth in the first sentence of this subparagraph, and with all applicable law regulating age restrictions, including without limitation, the Fair Housing Amendments Act of 1988 and the rules and regulations interpreting such Act published by the Department of Housing and Urban Development under 24 CFR Part 14, et al.

3. In addition to the other enforcement powers given the Association, the Board, and the Architectural Committee under this Declaration, the Articles, and Bylaws, the Association, through the Board, is hereby given an express right to enforce this Section 17 and any and all rules and regulations adopted by the Board and/or the Association in connection with the age restrictions set forth in this Section 17. The Association's remedies for violation of this Section 17 include, but are not limited to: seeking injunctions and other legal remedies; imposing fines; suspension of voting rights; suspension of use of the recreation facilities, and assessing for costs incurred in connection with such violation, including, but not limited to, administration costs and attorneys' fees and costs.

4. Notwithstanding anything contained in this Section 17 to the contrary, in no event shall less than eighty percent (80%) of the Residential Units (or such higher percentage to the extent required by law) at any time be occupied by persons/groups/families where no individual is at least fifty-five (55) years of age or older. (Amendment recorded on April 13, 1998, at 98-0297000. Also see Board Resolution recorded January 25, 2001 at recording number 2001-0056245, and attached as Exhibit "D".)

Section 18. Clothes-Drying Facilities. Outside clotheslines or other outside facilities for drying or airing clothes shall not be erected, placed or maintained on any part of the Properties

**Exhibit D**



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

2001-0056245 01/25/2001 04:46

CLERK 1 OF 1

When recorded, return to:

Ekmark & Ekmark, L.L.C.  
6720 North Scottsdale Road, Suite 261  
Scottsdale, Arizona 85253

**BOARD RESOLUTION**

WHEREAS, Westbrook Village Association ("Association") is governed by the Declaration of Covenants, Conditions and Restrictions, recorded at Docket 16325, beginning at Page 233, records of Maricopa County, Arizona, and all amendments thereto;

WHEREAS, Article X, Section 17 of the Declaration, as amended, allows the Board of Directors to adopt rules and regulations governing Age Restriction;

NOW, THEREFORE, the Board of Directors has adopted the following rules and regulations as its age restriction policy:

- 1) Verification of age status reports will be maintained by the Compliance Manager.
- 2) The Association shall attempt to verify age at the close of escrow. (Age Verification forms are sent to the Title companies, are put in Disclosure Statements and mailed to new buyers if age verification is not received when the deed comes in).
- 3) The Board of Directors will review the percentages of occupancy every 90 days.
- 4) At least eighty percent (80%) of all residential Units shall be occupied by one (1) person fifty-five (55) years of age or older at all times, and no person who is less than eighteen (18) shall occupy a Residential Unit.
- 5) Of the remaining Residential Units, at least one (1) permanent occupant of each residential unit must be forty (40) years of age or older (or if a residential unit is leased, it shall in all cases be leased to person or persons, at least one of whom is forty (40) years of age or older and is a full time occupant of said residential unit during the term of such lease.
- 6) The Board shall have the ability to monitor the remaining twenty percent (20%) of the Residential Units, and may require that a certain percentage of the remaining twenty percent (20%) of the Residential Units be occupied by one person fifty-five (55) years of age or older to ensure that the Association always maintains at least eighty percent (80%) of the Residential Units occupied by one person fifty-five (55) years of age or older. The Board may establish specific policies for the staff to follow to monitor the occupancy

levels closely. These policies may include requiring the Realtors and Title Companies to provide age verification information prior to close of escrow or a sale.

The President of the Association hereby certifies that the Board of Directors adopted this Age Restriction Policy on December 28, 2000

Dated this 22 day of January, 2001.

WESTBROOK VILLAGE ASSOCIATION

By: G.W. Hayn  
Its President

STATE OF ARIZONA     )  
                                  ) SS.  
COUNTY OF MARICOPA )

On this 22 day of JANUARY, 2001, before me, the undersigned notary public, in and for said county and state, personally appeared G. W. HAYN, the President of WESTBROOK VILLAGE ASSOCIATION, an Arizona non-profit corporation, personally known (or proved) to me to be the person whose name is subscribed to the above instrument and who acknowledged that he executed the above instrument for and on behalf of the corporation, in his capacity as an authorized officer thereof.

[Signature]  
Notary Public

My Commission Expires: 5-2-01

