

ARTICLE I  
DEFINITIONS

Unless the context otherwise specifies or require, the following words and phrases when used herein shall have the meanings hereinafter assigned.

Section 1.01 "Articles" shall mean the Articles of Incorporation of the Association and amendments thereto which are or shall be filed in the Office of the Arizona Corporation Commission.

Section 1.02 "Association" shall mean and refer to the PEDREGAL HOMEOWNERS ASSOCIATION, INC., an Arizona non-profit corporation, which shall be formed prior to the conveyance of the first Dwelling Unit, its successors and assigns.

Section 1.03 "Board" shall mean the Board of Directors of the Association.

Section 1.04 "By-Laws" shall mean the By-Laws of the Association, together with any amendments thereto.

Section 1.05 "Common Area(s)" or "Common Property" shall mean all real property designated as Common Area on the Plat as defined in Section 1.5 hereof, whether improved or unimproved, owned by the Association for the common use and enjoyment of the Owners. The Common Area includes, but is not limit to, all recreational facilities, and private streets and natural open areas. Common Property shall also include any real or personal property now or hereinafter owned by or leased by the Association.

Section 1.06 "Declarant" means FIDELITY NATIONAL TITLE, INC.. In the event FIDELITY NATIONAL TITLE, INC., should convey the Property to a dual beneficiary trust for the purpose of fulfilling assurance requirements of the State of Arizona pursuant to A.R.S. 11-806.01, said dual beneficiary trust shall be considered the

"Declarant".

Section 1.07 "Declaration" or "Restrictions" shall mean this instrument and any amendments thereto.

Section 1.08 "Developer" shall mean RDBR Investment and Management, Inc., its successors or assigns.

Section 1.09 "Dwelling Unit" or "Unit" shall mean the real property outlined on the Plat and encompassed within the boundary lines surrounding the numbered designation for that Lot as shown on the Plat, together with any improvements placed within the confines of said boundary, including a garage or carport accommodation not less than two (2) automobiles.

Section 1.10 "Lot" shall mean and refer to any numbered parcel of real property shown on the Plat, together with the Dwelling Unit, if any, thereon.

Section 1.11 "Member" shall mean and refer to every person and/or entity who holds membership in the Association.

Section 1.12 "Mortgage" shall mean any mortgage, deed of trust or other security instrument by which a Dwelling Unit or any part thereof is encumbered and the term "first mortgagee" shall mean the holder of any mortgage under which the interest of any owner of a Dwelling Unit is encumbered and which mortgage has first and paramount priority, subject only to the lien of general and ad valorem taxes and assessments. "Eligible Mortgage Holder" shall mean a holder of a first mortgage on a Dwelling Unit who has requested notice of certain matters in accordance with Section 7.11k.

Section 1.13 "Owner(s)" or "Homeowner(s)" shall mean and refer to (1) the record Owner, whether one or more persons or entities of equitable or beneficial title in fee simple (or legal title if same has merged) of any Dwelling unit, (2) the purchaser of a Dwelling Unit under a recorded executory contract for the sale of real property. The foregoing does not include person or entities who hold an interest in any Dwelling Unit merely as security for the performance of an obligation, or a lessee or tenant of an Owner as defined above, or a purchaser or vendee under any executory contract of sale which has not "closed" and/or been recorded in the office of the Country Recorder of Pima County, Arizona.

Section 1.14 "Person" shall mean a natural individual or any other entity with the legal right to hold title to real property.

Section 1.15 "Plat" shall mean the subdivision plat covering the Property under the name "PEDREGAL", Lots 1-50 and Common Area "A", recorded in Book \_\_\_\_\_ of Maps and Plats at Page \_\_\_\_\_, in the office of the County Recorder of Pima County, Arizona, and any further amendments thereto. The term "PEDREGAL" shall likewise mean the Property covered by the Plat.

Section 1.16 "Property" or "Subdivision" shall mean all that real property identified in the Plat.

Section 1.17 "Rules" shall mean the rules adopted by the Board pursuant to the By-Laws.