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Notice for **Mercado District of Menlo Park** Homeowners Association

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**CERTIFICATE OF SECOND AMENDMENT TO AMENDED AND RESTATED  
DECLARATION OF ESTABLISHMENT OF MAINTENANCE ASSOCIATION  
AND COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS  
FOR  
MERCADO DISTRICT OF MENLO PARK**

This Certificate of Second Amendment to Amended and Restated Declaration of Establishment of Maintenance Association and Covenants, Conditions, Restrictions, and Easements for Mercado District of Menlo Park (“First Amendment”), is made by TICOR TITLE AGENCY OF ARIZONA, INC., an Arizona corporation, as Trustee, under Trust number 12,270 and not otherwise (“Declarant”), in recognition of the following facts and intentions:

A. The Declaration of Establishment of Maintenance Association and Covenants, Conditions, Restrictions, and Easements for Mercado District of Menlo Park (the “Original Declaration”) was recorded on February 10, 2006, in Docket 12739 at page 3761 *et seq.*, Instrument No. 20060280870, in the office of the Pima County Recorder; and

B. The Amended and Restated Declaration of Establishment of Maintenance Association and Covenants, Conditions, Restrictions, and Easements for Mercado District of Menlo Park (the “Declaration”) superseded and replaced the Original Declaration, and was recorded on March 27, 2006, in Docket 12769 at page 4204 *et seq.*, Instrument No. 20060580946, in the office of the Pima County Recorder; and

C. The Certificate of First Amendment to Amended and Restated Declaration of Establishment of Maintenance Association and Covenants, Conditions, Restrictions, and Easements for Mercado District of Menlo Park, was recorded on June 14, 2012, in Sequence No. 20121660913, in the office of the Pima County Recorder; and

D. The Declaration presently affects that certain real property located in Pima County, Arizona, as described in the Declaration; and

E. Pursuant to Section 14.6.1 of the Declaration, until termination of the Declarant Control Period (which is still in effect), Declarant may amend the Declaration for any purpose and without the consent or approval of any Owners or Members, or any other Person.

NOW, THEREFORE, pursuant to Section 14.6.1 of the Declaration, the Declaration is hereby amended as follows:

