

## ARTICLE 1

### DEFINITIONS

Section 1. "Architectural Committee" shall mean the committee created pursuant to Article VI hereof.

Section 2. "Architectural Committee Rules" shall mean the rules adopted by the Architectural Committee.

Section 3. "Articles" shall mean the Articles of Incorporation of the Association which are, or shall be filed in the office of the Corporation Commission of the State of Arizona, as said Articles may be amended from time to time.

Section 4. "Associations" shall mean and refer to Portal III Home Owner's Association, an Arizona nonprofit corporation, its successors and assigns.

Section 5. "Board" shall mean the Board of Directors of the Association.

Section 6. "Bylaws" shall mean the Bylaws of the Association, as such Bylaws may be amended from time to time.

Section 7. "Declarant" shall mean Stephen A. Kohner, as ratified by the joiner of First American Title Insurance Company of Arizona, an Arizona corporation, as Trustees under Trust Numbers 6657 and 6658.

Section 8. "Declaration" shall mean the covenants, conditions, and restrictions herein set forth in this entire document, as same may from time to time be amended.

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Section 9. "Improvement" shall mean the buildings, garage, carports, roads, driveways, parking areas, fences, walls, docks, hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every type and kind.

Section 10. "Rules" shall mean the rules adopted by the Board, as they may be amended from time to time.

Section 11. "Lot" shall mean any parcel of real property designated as a Lot on any recorded subdivision map located within the Properties. A Lot shall be deemed "Developed" when off-site streets and utilities have been completely

installed. A Lot shall be deemed "Improved" when a single family residence has been completely constructed thereon. All other Lots shall be deemed "Undeveloped" Lots.

Section 12. "Member" shall mean any person, corporation, partnership, joint venture or other legal entity who is a member of the Association.

Section 13. "Owner (s)" shall mean and refer to the record Owner, whether one or more persons or entities, of equitable or beneficial title (or legal title if same has merged) of any Lot. "Owner" shall include the purchaser of a Lot under an executory contract for the sale of real property. The foregoing does not include persons or entities who hold an interest in any Lot merely as security for the performance of an obligation.

Section 14. "Properties" and "Portal III" shall mean and refer to that certain real property hereinbefore described.

Section 15. "Public Purchaser" shall mean any person or legal entity who becomes an Owner of any Lot within the Properties.

Section 16. "Single Family" shall mean a group of one or more persons each related to the other by blood, marriage or legal adoption, or a group of not more than three (3) persons not all so related, together with their domestic servants, who maintain a common household in a dwelling.

Section 17. "Single Family Residential Use" shall mean the occupation or use of a single family residence in conformity with this Declaration and the requirements imposed by applicable zoning laws or other state, county or municipal rules and regulations.

Section 18. "Subdivision Map" or "Subdivision Plat" shall mean a recorded map or plat covering any or all of the property referred to in this Declaration.

Section 19. "Visible From Neighboring Property" shall mean, with respect to any given object, that such object is or would be visible to a person six feet tall, standing on any part of such neighboring property at an elevation no greater than the elevation of the base of the object being viewed.