

**SAMPLE AIRPORT DISCLOSURE FOR NEW RESIDENTIAL DEVELOPMENT
AROUND SCOTTSDALE AIRPORT
June 1999**

For inclusion into CC&R's or for disclosure notice:

Proximity to Airport. Each Owner, by accepting a deed to a Lot or Parcel, or by otherwise acquiring title to a Lot or Parcel, acknowledges (for such Owner and such Owner's family members, other Occupants, successors and assigns) that: **(a)** the Project is in close proximity to the Scottsdale Airport (the "Airport"), which is currently located generally between Frank Lloyd Wright Boulevard on the north, Pima Road on the east, Thunderbird Road on the south and Scottsdale Road on the west; **(b)** as of the date hereof, the airport is operated as a general aviation reliever/commercial service airport for Scottsdale and North Phoenix, used generally for single engine and twin engine airplanes, corporate jets, helicopters and scheduled service turbo prop and jet aircraft; **(c)** aircraft taking off from and landing at the Airport may fly over the Project and adjacent properties at altitudes which will vary with meteorological conditions, aircraft type, aircraft performance and pilot proficiency; **(d)** at the date hereof, the majority of aircraft takeoffs and landings occur daily between 6:00 a.m. and 11:00 p.m., but the Airport is open twenty-four (24) hours each day, so takeoffs and landings may occur at any hour of the day or night; **(e)** at the date hereof, the number of takeoffs and landings at the Airport average approximately 850 each day, but that number will vary and may increase with time if the number of its operations increases; **(f)** flights over the Project or adjacent properties by aircraft taking off from or landing at the Airport may generate noise, the volume, pitch, amount and frequency of occurrence of which will vary depending on a number of factors, including without limitation the altitudes at which the aircraft fly, wind direction and other meteorological conditions and aircraft number and type, and may be affected by future changes in Airport activity; **(g)** as of the date hereof, management of the Airport has policies in place intended to help reduce or minimize aircraft noise and its influence on owners and occupants of properties in the vicinity of the Airport, but those policies may change over time and in addition other aspects of such policies (including, without limitation, those intended to promote safety) may be given preference over policies relating to limiting noise; and **(h)** such Owner (for such Owner and such Owner's family members, other Occupants, successors and assigns) hereby accepts and assumes any and all risks, burdens and inconvenience caused by or associated with the Airport and its operations (including, without limitation, noise caused by or associated with aircraft flying over the Project and adjacent properties), and agrees not to assert or make and claim against the City of Scottsdale, its officers, directors, commissioners, representatives, agents, servants and employees, the Declarant, and Declarant Affiliate, or the Association, or any director, officer, employee, agent, representative or contractor of any of them, related thereto.