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BEFORE THE ARIZONA CORPORATION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 MAY 29 P 2: 36

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAY 29 2009

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF AERIE CONSERVANCY, AN ARIZONA
NONPROFIT CORPORATION, FOR
ADJUDICATION THAT IT IS NOT A PUBLIC
SERVICE CORPORATION

DOCKET NO. W-04291A-04-0843

NOTICE OF COMPLIANCE:
ANNUAL CERTIFICATION

The Arizona Corporation Commission ("Commission") granted the application of The Aerie Conservancy for an adjudication that it is not a public service corporation in the above-captioned docket. Decision 67881 (June 1, 2005). In Decision No. 67881, the Commission ordered that The Aerie Conservancy file a copy of the Declaration of Covenants, Conditions, Restrictions and Easements ("CC&Rs") for the 78 lot subdivision known as The Aerie which (i) restricts the further subdivision of The Aerie; (ii) limits the number of memberships in The Aerie Conservancy; (iii) prohibits expansion of the property to be served by The Aerie Conservancy; and (iv) grants equal voting rights. The Commission further ordered that The Aerie Conservancy file an annual certification stating that the CC&R provisions listed above as items (i)-(iv) remain in place and that they have not been altered, amended or repealed. The annual certification must be signed by an officer and filed by June 1 of each year until the "Transition Date" as defined in the CC&Rs.

The Aerie Conservancy recorded the CC&Rs with the Yavapai County Recorder on November 17, 2005, at Book 4335, Page 608. In compliance with Decision No. 67881, The Aerie Conservancy hereby certifies that the CC&R provisions listed above as items (i)-(iv) remain in place and that they have not been altered, amended or repealed. The Aerie

Snell & Wilmer

LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

ORIGINAL

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1 Conservancy has previously docketed its certification for the years 2006, 2007 and 2008. The
2 2009 certification of Jami Schulman, the President of The Aerie Conservancy, is attached hereto.

3 RESPECTFULLY SUBMITTED this 29th day of May, 2009.

4 SNELL & WILMER

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6 

7 Jeffrey W. Crockett
8 One Arizona Center
9 400 East Van Buren
10 Phoenix, Arizona 85004-2202
11 Attorneys for The Aerie Conservancy

12 ORIGINAL and thirteen (13) copies
13 filed with Docket Control this 29th
14 day of May, 2009.

15 COPY of the foregoing hand-delivered
16 this 29th day of May, 2009, to:

17 Brian Bozzo, Compliance Manager
18 Utilities Division
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 

23 CROCKETJ\SWDMS\10103956.1



May 29, 2009

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Re: Annual Certification (Docket No. W-04291A-04-0843)

Docket Control:

Pursuant to Decision No. 67881, The Aerie Conservancy hereby certifies that the provisions in the Declaration of Covenants, Conditions, Restrictions and Easements that were recorded with the Yavapai County Recorder on November 17, 2005 at Book 4335, Page 608, which (1) restrict further subdivision of the current 78 lots in the required adjudication area, (2) limit the number of memberships in The Aerie Conservancy, (3) prohibits expansion of the property to be served by The Aerie Conservancy and (4) grants equal voting rights, have not been altered, amended, or repealed.

Very truly yours,

The Aerie Conservancy

Jami Schulman

President

elevated living