

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

for LOTS 1-14, MUSTANG MESA Sandoval County, New Mexico

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") is made as of December 22nd, 2004, by High Mesa General Partnership, Owners ("Declarants") of the following described real property located in Sandoval County, New Mexico (referred to collectively as the "Property");

LOTS 1 THRU 14, MUSTANG MESA, as the same are shown and designated on the plat entitled "CLAIM OF EXEMPTION, LOT LINE ADJUSTMENT PLAT, LOTS 1 THRU 14 & TRACT A, MUSTANG MESA, Section 19, T.13N., R.5E., N.M.P.M., SANDOVAL COUNTY, NEW MEXICO, AUGUST, 2004", filed in the office of the County Clerk of Sandoval County on December 22, 2004, in Volume 3, Folio 2486-A.

Declarants declare that the Property is subject to the following covenants, conditions and restrictions (referred to collectively as the "Covenants");

1. **TERM:** These Covenants set forth in this Declaration will run with the land, and will be binding upon and inure to the benefit of the Declarants, their heirs successors, administrators and assigns (which parties are referred to individually as "Owner" and collectively as "Owners") until January 1, 2015, at which time said Covenants will be automatically extended for successive periods of ten (10) years each. These covenants may be modified or changed by an affirmative vote of three fourths ($\frac{3}{4}$) majority of the record owners of the lots. The signatures of the $\frac{3}{4}$ majority of the owners must be recorded with the county to have a valid modification.
2. **ARCHITECTURAL CONTROL:** The "Architectural Control Committee" (hereinafter called ACC) shall consist of three owners and shall initially be appointed by the Declarant, their nominees or heirs. As long the Declarants own one or more lots, the Declarants may appoint the ACC. After the Declarants sells their last lot, the ACC shall be elected by a vote of the owners. Prior to the sale of the Declarants' last lot, the Declarant may transfer their rights of appointment of the ACC to the owners. The owners shall then have the right to elect the ACC. The ACC members shall be lot owners and will be voted in by a majority vote of the owners present or by proxy at a meeting call for the election. Written notice of this meeting shall be sent to all owners at the address on record at the Sandoval County Assessor's Office not less than 15 days or more than 30 days in advance of such meeting.

**CORRECTION TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
For LOTS 1-14, MUSTANG MESA, Sandoval County, New Mexico**

LOTS 1 THRU 14, MUSTANG MESA, as the same are shown and designated on the plat entitled "CLAIM OF EXEMPTION, LOT LINE ADJUSTMENT PLAT, LOTS 1 THRU 14 & TRACT A, MUSTANG MESA, Section 19, T.13N., R.5E., N.M.P.M., SANDOVAL COUNTY, NEW MEXICO, AUGUST, 2004", filed in the office of the County Clerk of Sandoval County on December 22, 2004, in Volume 3, Folio 2486-A.

We the undersigned Owners of the above-described property do hereby make the following correction/clarification to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, filed in the office of the county clerk of Sandoval County, New Mexico on December 22, 2004, in Book 407, page 40985:

Paragraph 9, on pages 3 reads as follows:

HEIGHT: The maximum building height shall be seventeen feet (18') from the highest point of the natural grade of the land immediately adjacent to the building, exclusive of chimneys.

Paragraph 9 on page 3 shall read as follows:

HEIGHT: The maximum building height shall be eighteen feet (18') from the highest point of the natural grade of the land immediately adjacent to the building, exclusive of chimneys.

Witness our hands and seals this 7th day of February, 2005.

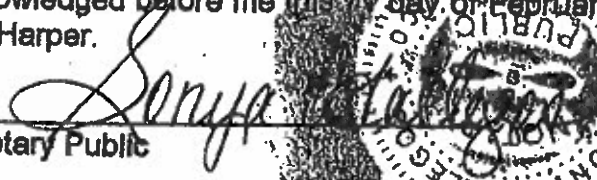
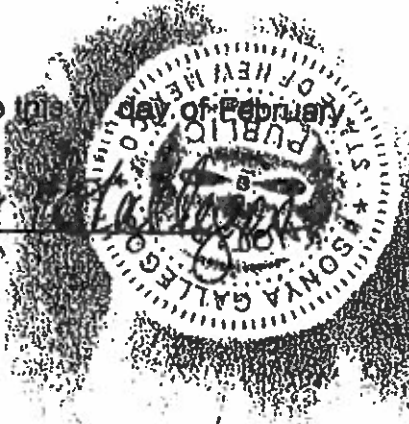

Jon S. McCallister, General Partner


David W. Harper, General Partner

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANDOVAL)

The foregoing instrument was acknowledged before me this 7th day of February 2005, by Jon S. McCallister and David W. Harper.

My Commission Expires:
8-11-07


Notary Public


- A. No building, structure, fence, wall, or other substantial improvement, including but not limited to windmills, water tanks, permanent signs, antenna, solar heating systems, out-buildings, or garages (collectively referred to as "Structure") shall be commenced, erected or maintained upon the properties nor shall any exterior addition to or change or alteration therein be made until the plans and specifications, have been submitted to and approved in writing by the ACC. Two complete sets of the plans and specifications for said project shall be submitted to the ACC. Such plans and specifications shall include foundation plans, floor plans, exterior elevations, plot plans showing dimensions of the house, and easements, location of the driveway, fences, walls, septic system, and temporary structure, together with the proposed color scheme for exteriors, windows and roofs.
- B. Plans shall be submitted to Declarant at 221 Hwy 165, Suite E, Placitas, NM 87043 or at such other address Declarant notifies the owners in writing and ACC shall have 30 days in which to approve or disapprove the plans.
- C. In the event the ACC fails to approve or disapprove the plans within 30 days after said plans and specifications have been submitted to Declarant, no further approval of said plans and specifications will be required. The applicant shall be deemed to be in full compliance with this section of the Covenants.
- D. In the event that any major changes are made in plans and/or specifications following approval by the ACC, the revised plans and specifications shall be resubmitted to the ACC. The review and approval process for said revised plans and specifications will same as a new approval.
- E. Neither the ACC nor its individual members or the Declarants shall be responsible in any manner whatsoever for any defect in any approved final plans or specifications as originally submitted or as revised by the review process, or for any work done pursuant to the original or revised plans and specifications.
- 3. ENFORCEMENT:** If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for the ACC or any other person or persons owning real property situated in said property to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either prevent him or them from so doing or to recover damages or other dues for such violation. Invalidation of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.
- 4. LOT USE:** All lots shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling and related out-buildings. Guest houses shall be allowed, provided they conform with all applicable state and county zoning, regulations and

laws. The premises shall be used for residential purposes, and no obnoxious or offensive trade or activity shall be established thereon, nor shall anything be done thereon which may be or become an annoyance or nuisance in the area thereof.

5. **MINIMUM LOT SIZE**: No residential structure shall be erected or placed on any lot which has an area of less than 43,560 square feet (one acre).
6. **DESIGN**: All dwellings shall be of sound construction and good architectural design. No shacks, temporary type structures, trailers, mobile homes, manufactured homes, modular homes or off-site built homes shall be permitted. Exterior design and finishes of all residential structures and improvements shall be in Southwestern/New Mexico, Pueblo, Territorial, Spanish Mission or Northern New Mexico architectural style utilizing stucco and shall be in natural earth-tone colors. The main house on any lot shall include at least ten (10) corners. Variety in design is encouraged. All buildings or structures erected on any lot shall present a good appearance from all sides. It shall be the responsibility of the owners of the lots to keep said areas clear of trash, rubbish, noxious materials or abandoned or non-functioning vehicles.
7. **SETBACKS**: No structure shall be built nearer than twenty-five feet (25') from any lot line or road easement.
8. **MINIMUM SIZE**: The living area of the main structure on any lot, exclusive of porches and garages, shall not be less than eighteen hundred (1800) square feet.
9. **HEIGHT**: The maximum building height shall be seventeen feet (18') from the highest point of the natural grade of the land immediately adjacent to the building, exclusive of chimneys.
10. **ROOFS**: Roofing systems typical to Southwestern/New Mexico architecture shall be allowed. Metal and tile type roofs are allowed. All pitched roofs shall have at least two dormers and no roof mounted equipment. No shingle roofs shall be permitted.
11. **COMPLETION**: All buildings are to be finished as to the exterior within twelve (12) months from start of construction.
12. **TEMPORARY RESIDENCES**: No trailer, basement, tent, shack, garage, or other out-building erected on any lot shall at any time be used as a residence temporarily or permanently. Construction trailers shall be allowed during the time of construction of the main house.
13. **LANDSCAPING**: Natural vegetation will be left undisturbed, except for access to property, clearing of building sites, or establishment of landscaping within the immediate vicinity of the dwelling.

14. **WALLS/FENCES**: Walls and fences may be erected or maintained, provided that said fences or walls shall not exceed six feet (6') in height, except for arches or entries which may not exceed ten feet (10') in height. No chain link, or barbed wire fences shall be permitted. All other mesh or wire fences must be approved by the Declarants. All walls and fences shall be of sound construction and good architectural design and shall present a good appearance from all sides.
15. **GARAGES/OUTBUILDINGS**: Garages and out-buildings shall conform in construction, design and exterior finishing to the construction and design of the main dwelling building on each lot.
16. **EXTERIOR LIGHTING**: No exterior floodlights or street lamps shall be installed, operated or maintained on any lot in such a manner that the light bulb is visible from the adjoining lot if the bulb is 75 watts or greater. Bright, glaring lights on roof tops, patios or elsewhere are prohibited.
17. **UTILITIES**: All utility lines and propane tanks shall be underground.
18. **MECHANICAL EQUIPMENT**: Air conditioning, heating and other equipment may be maintained in or on roof areas, (except on pitch roofs) but they must be shielded from view by screening or a covering that blends or is compatible with the improvement or structure to which it is attached.
19. **GROUND-MOUNTED EQUIPMENT**: Ground-mounted air conditioning units, ground-mounted solar energy collectors, pool equipment, trash and garbage receptacles, clothes lines or other outside clothes drying or airing facilities shall be enclosed within a walled or fenced service area or areas for which fencing or screening is harmonious with the overall design of the structures on the lot and which shield these structures in such a way as not to be visible. Water storage tanks shall be buried where possible, exposed portions of tanks and equipment shall be screened from view or painted in earth tones.
20. **ANIMALS**: No animals, other than riding horses for personal use and household pets shall be maintained on said premises. No sheep, goats, pigs or chickens shall be allowed. In no case will animals which constitute a nuisance be kept. All animals shall be confined on the owners' premises unless they are under direct personal control. Horses shall not be permitted to roam or graze the entire lot. Horses shall be in pens or corrals of reasonable size. Horse and animal manure shall be removed from the lot on an on going basis and shall not be stocked piled.
21. **WASTE DISPOSAL**: Permanent outdoor privies are forbidden and each residence shall be provided with a method of sewage disposal that complies with all Federal, State and County requirements in effect at the time of construction. Garbage and waste shall be kept in covered containers and shall be stored and regularly disposed of in a manner

approved by the New Mexico Environment Department. Each lot shall be kept clean of trash and debris. In no case will trash burning or incinerators be allowed.

- 22. TOWERS AND SIMILAR EQUIPMENT:** No towers of any kind including but not limited to radio or television transmission towers, no aerials, windmills, wind chargers, ham radio antennas or tower mounted equipment shall be permitted, except for satellite dishes and antennas as set forth herein.
- 23. SATELLITE DISHES AND ANTENNAS:** Satellite dishes and antennas shall be permitted provided that:
- A. Small satellite dishes under thirty-two inches (32") in diameter may be placed under the eaves of a permitted building or within the parapet wall on the roof of the building, provided that any such dish does not extend beyond the highest point of the parapet walls or are hidden from view of passersby by screening or painting to match the structure.
 - B. Large satellite dishes over 32" are permitted provided that the dish is ground mounted with the edge of the dish not more than 4 (four) feet off the ground and is screened from view from all sides or is painted in the camouflage manner with colors that match the surrounding landscape.
 - C. Antennas shall not exceed three feet (3') in height, nor extend more than two feet (2') in height above the highest parapet and must be mounted within the parapet walls.
- 24. SIGNS:** No signs visible from neighboring houses or roads shall be erected or maintained upon any lot except:
- A. Appropriate safety, directional and identification signs installed adjacent to roads or public or private rights of way, i.e. street names and property signs;
 - B. Signs indicating the address and the residents of the lot;
 - C. Not more than two signs advertising buildings or land for sale, not exceeding six (6) square feet each.
- 25. PARKING:** All parking shall be located on the lots. No parking shall be allowed on reserved access easements.
- 26. RECREATION EQUIPMENT:** RVs, Boats, Travel trailers, utility trailers and motor vehicles to be stored outside for more than 30 days shall be covered with a canvas cover that matches the color of the main structure.

