

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
UNIT 2, SIERRA LOS PINOS SUBDIVISION
SANDOVAL COUNTY, NEW MEXICO

WHEREAS, heretofore Vallecitos De Los Indos, Incorporated, a New Mexico corporation, then sole owner and proprietor of all the property described in Unit 2, Sierra Los Pinos, a subdivision, filed in the office of the County Clerk of Sandoval County, New Mexico, on the 26th day of March, 1973, imposed thereon certain Restrictive Covenants dated May 8, 1973, and duly recorded with the County Clerk of Sandoval County, New Mexico; and

WHEREAS, subsequently said Vallecitos De Los Indos, Incorporated has conveyed lots with Unit 2, Sierra Los Pinos Subdivision and the grantees thereof have organized Sierra Los Pinos Property Owners Association for the purposes of taking title to certain property within said subdivision, of promoting the interests of all property owners within said subdivision, of administering architectural review and control of improvements within said subdivision, of providing maintenance, repair, improvement and supervision of commonly owned property within the subdivision, of acquiring, constructing, repairing and maintaining a water system or systems for the benefit of members of the association, of fixing, levying and collecting all charges and assessments owed by members and others to the association and of paying all expenses incurred in the conduct of the business of the association; and

WHEREAS, all parties who are subscribers hereto desire to impose upon the real estate to which they now hold title the covenants, conditions and restrictions set forth herein for their mutual benefit and enjoyment; and

WHEREAS, these covenants, conditions and restrictions incorporate, in substance and intent, the provisions of the Restrictive Covenants dated May 8, 1973 heretofore declared and imposed by Vallecitos De Los Indos, Incorporated, but if any current owner or proprietor of any portion of Unit 2, Sierra Los Pinos Subdivision shall fail or refuse to become signatory hereto, then the land not bound hereby nevertheless shall be bound by the Restrictive Covenants heretofore filed;

NOW THEREFORE, the undersigned owners and proprietors of all the property described in Unit 2, Sierra Los Pinos Subdivision, Sandoval County, New Mexico (except for lots, if any, for which no signatures appear hereon) hereby declare that said real estate is and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved, subject to the following covenants, conditions and restrictions, all of which shall run with the land and shall be binding on all parties having or acquiring any right, title or interest therein or in any part thereof and on each successor in interest of the owners thereof.

1. These covenants, conditions and restrictions shall be binding until July 1, 1992, at which time they shall be automatically extended for successive periods of ten (10) years unless by a vote of a majority of the then owners of lots within Unit 2, Sierra Los Pinos Subdivision, Sandoval County, New Mexico, it is agreed to change same, in whole or in part.

2. No buildings or structures shall be erected, placed or altered on any lot until plans showing the location of the structure on the lot, topographic and finish grade elevations, the harmony of materials and exterior design with existing structures, have been approved by the Arch-

itectural Control Committee. The use of the term "building" in this paragraph shall specifically include other substantial improvements, including but not limited to fences, walls, retaining walls and driveway copings exceeding six (6) inches in height, whether temporary or permanent in nature and all residences, outhouses and garages which may be built as hereinafter provided.

3. The Architectural Control Committee shall consist of persons elected or appointed in accordance with the procedures established therefore by the Sierra Los Pinos Property Owners Association. Said committee shall function in accordance with its own rules, subject to such limitations and requirements as may be imposed by said association and to the limitations and requirements set forth herein.

4. Except for lots owned by Sierra Los Pinos Property Owners Association, only single-family residences shall be permitted on lots with no more than one (1) residence per lot. The ground floor area of the main structure on any such lot, exclusive of porches and garages, shall not be less than six-hundred (600) square feet. All buildings are to be finished as to exterior within two (2) years from start of construction. Mobile homes shall be permitted provided same comply with the minimum square footage and are screened from view or integrated into a residence as described herein.

5. No structure shall be located on any lot nearer than twenty (20) feet to the front right-of-way line, ten (10) feet to any side lot line and twenty-five (25) feet to any rear lot line.

6. All water facilities and sewage disposal facilities must be of a type approved by the New Mexico Health and Social Services Department. All solid waste must be disposed of by individual property owners. Building

materials, etc., shall be left neatly stacked when not in use. All electrical, plumbing and building work shall conform to the applicable codes of Sandoval County and the State of New Mexico.

7. All dwellings shall be of sound construction and good architectural design. No shacks, temporary-type structures or any structure that would be deemed detrimental to the character of the neighborhood shall be permitted.

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

9. Vallecitos De Los Indos, Incorporated and Sierra Los Pinos Property Owners Association, as their interests now or hereafter appear, hereby reserve right-of-way easements across property to install waterline and power line, which installation shall be done in a manner so as not to detract from the esthetic value of the property.

10. Grazing of lands shall be done according to the recommendations of the United States Conservation Service and restricted to purchasers and owners of platted lot area with not over one (1) animal to ten-thousand (10,000) square feet of said lot area.

11. No trees, shrubs or other natural foliage shall be removed from any of the lots except that which is necessary for the construction of improvements located thereon and except where the trees are excessively thick in which case they may be thinned to four-hundred (400) stems per acre in accordance with the recommendations of the United States Forest Service.

12. The Bylaws of Sierra Los Pinos Property Owners Association were filed on the 5th day of December, 1973, file number 116, in the official records of the County of

Sandoval, State of New Mexico and it is expressly intended that they and all amendments thereto shall and are agreed to be a part of this Declarations and shall likewise be a part of the common plan and purpose to constitute covenants, conditions and restrictions applicable to Unit 2, Sierra Los Pinos Subdivision and to its owners. The By-laws of the association provide for the election by members of a Board of Directors composed of nine (9) members and contain provisions with respect to the rights, powers and duties of said Board of Directors. Provision is further made in the Bylaws of the association, among other things, for the following:

(A) Annual and special meetings and notice requirements therefore; and

(B) Authority to determine, allocate to owners and enforce payment and collection of periodic and special assessments on the owners of lots for the use in constructing, preserving, improving, operating and controlling the association's property for the benefit of its members.

13. MORTGAGE PROTECTION. Notwithstanding all other provisions hereof, the following provisions shall apply:

(A) The liens created hereunder upon any lot shall be subject and subordinate to and shall not affect the rights of the holder of the indebtedness secured by any first real estate mortgage only (meaning the mortgage with first priority over all mortgages) upon such mortgage interest taken in good faith and for value; PROVIDED HOWEVER, that after the foreclosure of any such mortgage there may be liens created pursuant to this Declaration or the By-laws and all amendments thereto, on the interest of the purchaser at such foreclosure sale to secure all new assessments, whether regular or special, assessed hereunder to such purchaser as an owner after the date of such foreclosure sale, which said lien, if any claimed, shall have the same effect and be enforced in the same manner as provided herein.

(B) No amendment to this paragraph shall affect the rights of the beneficiary or holder of any beneficiary interest in any such mortgage recorded prior to recordation of such amendment who does not join in the execution thereof.

(C) By subordination agreement executed by a majority of the Board of Directors of Sierra Los Pinos Property Owner Association, the benefits of (A) and (B) above, may be extended to mortgages not otherwise entitled thereto.

14. If the parties hereto, or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants, conditions and restrictions herein, it shall be lawful for any other person or persons owning any real property situated in Unit 2 of said subdivision to prosecute any proceedings at law or in equity against the persons violating or attempting to violate any such covenant, condition or restriction and either prevent him or them from so doing or to recover damages or other dues for such violation.

15. By execution hereof, the undersigned hereby apply for and accept membership in SIERRA LOS PINOS PROPERTY OWNERS ASSOCIATION in accordance with its Bylaws and Articles of Incorporation.

16. Invalidation of any one of these covenants by judgment or Court order shall in no way affect any of the other provisions which shall remain in full force and effect.

17. This Declaration of Covenants, Conditions and Restrictions for Unit 2, Sierra Los Pinos Subdivision Sandoval County, New Mexico, may be executed in counterparts and the accumulation of all said counterparts shall constitute the entire agreement of the parties.

IN WITNESS WHEREOF, the undersigned, the owners and proprietors of all lots and tracts in Unit 2, SIERRA LOS PINOS

have hereunto set their hands and seals this 15th day of September, 1975.

SIERRA LOS PINOS
PROPERTY OWNERS ASSOCIATION

BY: John L. Kammerdiener
JOHN L. KAMMERDIENER,
President

Attest:

Barbara M. Smith
Secretary

STATE OF NEW MEXICO }
COUNTY OF LOS ALAMOS } ss.

The foregoing Declaration of Covenants, Conditions and Restrictions for Unit 2, Sierra Los Pinos Subdivision, Sandoval County, New Mexico, was acknowledged before me this 15th day of September, 1975, by JOHN L. KAMMERDIENER, President of Sierra Los Pinos Property Owners Association, a New Mexico corporation, on behalf of said corporation.

Paul M. Roden
NOTARY PUBLIC

My Commission Expires:
August 9, 1977.

Burrus Mark Carnahan
BURRUS MARK CARNAHAN

Cheryl Kay Carnahan
CHERYL KAY CARNAHAN
Owner or Owner of Lot No. 17

STATE OF COLORADO }
COUNTY OF El Paso } ss.

The foregoing Declaration of Covenants, Conditions and Restrictions for Unit Two, Sierra Los Pinos, Sandoval County, New Mexico, were acknowledged before me this 19th day of December, 1975 by Burrus Mark Carnahan and wife, Cheryl Kay Carnahan.

David L. Brund
NOTARY PUBLIC

My Commission Expires:

June 20, 1978

have hereunto set their hands and seals this 15th day
of September, 1975.

SIERRA LOS PINOS
PROPERTY OWNERS ASSOCIATION

BY: *John L. Kammerdiener*
JOHN L. KAMMERDIENER,
President

Attest:

Bodwin Y. Smith
Secretary

STATE OF NEW MEXICO)
) ss.
COUNTY OF LOS ALAMOS)

The foregoing Declaration of Covenants, Conditions
and Restrictions for Unit 2, Sierra Los Pinos Subdivision,
Sandoval County, New Mexico, was acknowledged before me
this 15th day of September, 1975, by JOHN L. KAMMERDIENER,
Present of Sierra Los Pinos Property Owners Association,
a New Mexico corporation on behalf of said corporation.

Laura M. Rodery
NOTARY PUBLIC

My Commission Expires:
August 9, 1977.

STATE OF NEW MEXICO)
COUNTY OF SANDOVAL) ss.
This instrument was filed for record on

AUG 12 1976
At 8:35 A.M. P.M.
Recorded in Vol. 232
of records of said county, folio 450
ROSITA MARTINEZ, C. & Recorder
By: *Laura M. Rodery*, Deputy

445

George Riley Jennings Jr.

George Sheeler Jennings
Owner of Lot No. 28

Allen P. Schmeidler

Owner of Lot No. 31

Fredrick W. Ayers

Sandra L. App
Owner of Lot No. 32

James R. Miller

Orthal Miller
Owner of Lot No. 4

Ellis Ray Whitaker

Sandra J. Whitaker
Owner of Lot No. 21

John K. Anderson

Owner of Lot No. 10

Arthur C. Benjamin

David J. Benjamin
Owner of Lot No. 30

David A. Benton

Owner of Lot No. 19

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

Robert Carbo

Owner of Lot No. 25

C. H. Harger

Owner of Lot No. 24

C. H. Harger

Owner of Lot No. ~~25~~ 23

William J. Krause, Jr.

Reanne K. Krause
Owner of Lot No. 26

Larry Witt

Connie Witt
Owner of Lot No. #13

Richard D. Bramlett

Sheila Bramlett
Owner of Lot No. 14

Owner of Lot No. _____

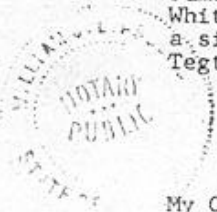
Owner of Lot No. _____

Owner of Lot No. _____

Owner of Lot No. _____

STATE OF NEW MEXICO)
COUNTY OF LOS ALAMOS) ss.

The foregoing Declaration of Covenants, Conditions and Restrictions for Unit Two, Sierra Los Pinos, Sandoval County, New Mexico, were acknowledged before me this 23rd day of June, 1975 by George Riley Jennings, Jr. and wife, Jeanne Graeber Jennings, Allen R. Schmiedicke, a single man, Frederick N. App and wife, Sandra K. App, James R. Miller and wife, Athol Miller, Ellis Ray Whitaker and wife, Sandra J. Whitaker, John L. Kammerdiener, a single man, Arthur C. Tegtmeier and wife, Betty L. Tegtmeier, and David A. Ponton, a single man.



William J. Lyons
NOTARY PUBLIC

My Commission Expires:
August 9, 1977.

STATE OF NEW MEXICO)
COUNTY OF LOS ALAMOS) ss.

The foregoing Declaration of Covenants, Conditions and Restrictions for Unit Two, Sierra Los Pinos, Sandoval County, New Mexico, were acknowledged before me this 29th day of July, 1975 by Robert Carlos, a single man.



William J. Lyons
NOTARY PUBLIC

My Commission Expires:
August 9, 1977.

STATE OF NEW MEXICO)
COUNTY OF LOS ALAMOS) ss.

The foregoing Declaration of Covenants, Conditions and Restrictions for Unit Two, Sierra Los Pinos, Sandoval County, New Mexico, were acknowledged before me this 14th day of September, 1975 by C. J. Umbarger, William J. Krauser, Jr. and wife, Deanne K. Krauser, and Larry Witt and wife, Connie Witt.



William J. Lyons
NOTARY PUBLIC

My Commission Expires:
August 9, 1977.

STATE OF NEW MEXICO)
COUNTY OF LOS ALAMOS) ss.

The foregoing Declaration of Covenants, Conditions and Restrictions for Unit Two, Sierra Los Pinos, Sandoval County, New Mexico, were acknowledged before me this 7th day of November, 1975 by Richard Bramlett and wife, Sheila Bramlett.



William J. Lyons
NOTARY PUBLIC

My Commission Expires:
August 9, 1977.

have hereunto set their hands and seals this 15th day
of September, 1975.

SIERRA LOS PINOS
PROPERTY OWNERS ASSOCIATION

BY: *John L. Kammerdiener*
JOHN L. KAMMERDIENER,
President

Attest:

Barbara N. Smith
Secretary

STATE OF NEW MEXICO)
) ss.
COUNTY OF LOS ALAMOS)

The foregoing Declaration of Covenants, Conditions
and Restrictions for Unit 2, Sierra Los Pinos Subdivision,
Sandoval County, New Mexico, was acknowledged before me
this 15th day of September, 1975, by JOHN L. KAMMERDIENER,
President of Sierra Los Pinos Property Owners Association,
a New Mexico corporation, on behalf of said corporation.

Laura M. Fodary
NOTARY PUBLIC

My Commission Expires:
August 9, 1977.

Carlos D. Dozier
CARLOS D. DOZIER
DOZIER

Diane D. Dozier
DIANE D. DOZIER DOZIER
Owner or Owners of Lot No. 8

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

The foregoing Declaration of Covenants, Conditions
and Restrictions for Unit Two, Sierra Los Pinos, Sandoval
County, New Mexico, were acknowledged before me this 10th
day of November, 1975 by Carlos D. Dozier
and wife, Diane D. Dozier
Dozier

David L. Lewis
NOTARY PUBLIC

My Commission Expires:
June 23, 1978

449

have hereunto set their hands and seals this 15th day of September, 1975.

SIERRA LOS PINOS
PROPERTY OWNERS ASSOCIATION

BY: John L. Kammerdiener
JOHN L. KAMMERDIENER,
President

Attest:

Barbara M. Smith
Secretary

STATE OF NEW MEXICO)
) ss.
COUNTY OF LOS ALAMOS

The foregoing Declaration of Covenants, Conditions and Restrictions for Unit 2, Sierra Los Pinos Subdivision, Sandoval County, New Mexico, was acknowledged before me this 15th day of September, 1975, by JOHN L. KAMMERDIENER, President of Sierra Los Pinos Property Owners Association, a New Mexico corporation, on behalf of said corporation.

Laura M. Rodeny
NOTARY PUBLIC

My Commission Expires:

August 9, 1977.

VALLECITOS DE LOS INDIOS, INCORPORATED

BY: Robert J. Bootzin
ROBERT J. BOOTZIN, President
Owner of Lot No. 1, Owner of Lot No. 2,
Owner of Lot No. 5, Owner of Lot No. 6,
Owner of Lot No. 11, Owner of Lot No. 15.

ATTEST:
Orville C. McCallister
ORVILLE C. MC CALLESTER, Secretary

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANDOVAL

The foregoing Declaration of Covenants, Conditions and Restrictions for Unit Two, Sierra Los Pinos, Sandoval County, New Mexico, were acknowledged before me this 14 day of November, 1975 by ROBERT J. BOOTZIN, President of VALLECITOS DE LOS INDIOS, INCORPORATED, a New Mexico corporation, on behalf of said corporation.

Laura M. Rodeny
NOTARY PUBLIC

My Commission Expires:

1-25-76

450

VACATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned being the Owner of Lots 1, 2, 5, 6, 11 and 15 of Unit 2 of Sierra Los Pinos Subdivision, a Sub-division of land in Sandoval County, New Mexico as shown on the plats thereof filed in the Office of the County Clerk of said county certify and agree that the restrictive covenants filed on the ___ day of _____, 197___, at _____ of Sandoval County are hereby revoked and vacated and shall be of no further force and effect upon the owners of Lots 1, 2, 5, 6, 11 and 15 of Unit 2 in said Subdivision.

This vacation is made to void the restrictions and to reinstate the Restrictive Covenants filed on the 8th day of May, 1973, with the County Clerk of Sandoval County as they apply to the above described lots. The restrictive covenants filed on the 8th day of May, 1973, shall apply to and be binding upon the owners of all of the above mentioned lots in Unit 2 and shall run with their land and be enforceable by any owner of any of the lots in the said subdivision unit.

VALLECITOS DE LOS INDIOS, INC.

By: [Signature]
ROBERT J. BOOTZIN, President of NEW MEXICO }
COUNTY OF SANDOVAL } ss

ATTEST:

[Signature]
ORVILLE C. McCALLISTER, Secretary

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss:

This instrument was filed for record on

FEB 9 1976
At 11:31 A.M.
Recorded in Vol. 2002 of records of said county, folio 783
ROSITA MARTINEZ, Clk. & Recorder
By: [Signature] Deputy

The foregoing Vacation of Restrictive Covenants were acknowledged before me this 9 day of February, 1976, by ROBERT J. BOOTZIN, President of VALLECITOS DE LOS INDIOS, INC., a New Mexico corporation, behalf of said corporation.

[Signature]
Notary Public

My Commission Expires:

1-26-80