

FIRST AMENDMENT TO DECLARATION OF
RESTRICTIVE AND PROTECTIVE COVENANTS
FOR
DESERT RIDGE PLACE

THIS AMENDMENT is entered into effective the 2nd day of April, 2004, by DESERT RIDGE DEVELOPMENT, LLC, a New Mexico limited liability company ("Declarant") and TIARA HOMES, INC., a New Mexico corporation, SUNDANCE HOMES, INC., a New Mexico corporation, ANTERO, LLC, a New Mexico limited liability company and TC BUILDING, INC., a New Mexico corporation (collectively "Builders").

WHEREAS, Declarant and Builders are the owners of the following described real property located in the County of Bernalillo, State of New Mexico, to-wit:

Lots 1-P1 through 19-P1, Desert Ridge Place, Unit 2, as the same are shown and designated on the Plat of said Subdivision filed in the Office of the County Clerk of Bernalillo County, New Mexico, on May 23, 2003, in Book 2003C, Page 150, as Document No. 2003086906.

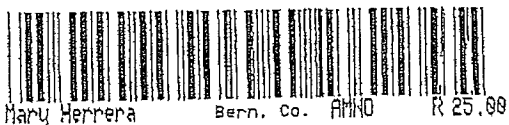
(individually referred to by Unit 2 Lot number or as "Unit 2 Lot", and collectively referred to as "Unit 2 Lots")

and

Parcel 1, Desert Ridge Place, Unit 2, as the same is shown and designated on the Plat of said Subdivision filed in the Office of the County Clerk of Bernalillo County, New Mexico, on May 23, 2003, in Book 2003C, Page 150, as Document No. 2003086906.

("Parcel 1 (Unit 2)"); and

WHEREAS, Unit 2 Lots 1-P1 through 19-P1 and Parcel 1 (Unit 2) are collectively referred to as "Unit 2"; and



WHEREAS, a Declaration of Restrictive and Protective Covenants for Desert Ridge Place was filed the 23rd day of January, 2004, in Book A 71, Page 8981, as Document No. 2004009010, records of Bernalillo County, New Mexico ("Declaration"); and

WHEREAS, the Declaration applies to the following described real property located in the County of Bernalillo, State of New Mexico, to wit:

Lots 1-P1 through 61-P1 and Parcel 1, Desert Ridge Place, Unit 1, as the same are shown and designated on the plat of said subdivision filed in the office of the County Clerk of Bernalillo County, New Mexico on November 4, 2002, in Book 2002C, Page 355.

("Unit 1"); and

WHEREAS, Declarant and Builders desire to make the Declaration apply to Unit 2, as permitted therein.

NOW, THEREFORE, in consideration of the above and other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed as follows:

1. Declarant and Builders hereby declare that Unit 2 is made subject to the Declaration, and Unit 2 shall be deemed a portion of the "Subdivision" as defined in the Declaration.

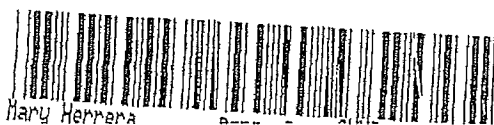
2. The definition of "Plat" provided for in the Declaration shall henceforth include the Subdivision Plat for Desert Ridge Place, Unit 2, filed in the office of the County Clerk of Bernalillo County, New Mexico, on May 23, 2003 in Book 2003C, Page 150, as Document No. 2003086906 (also described as the "Unit 2 Plat").

3. "Plat Easement Notes (Unit 2)" shall mean the "Keyed Notes - New Easements" on the Unit 2 Plat.

4. The definition of "Private Roads" provided for in the Declaration shall henceforth

C:\Documents and Settings\Justin D. Hoech\Local Settings\Temporary Internet Files\OLK67\20040401(3)HoechMansLtr.doc\jdh

2



Mary Herrera

2004040661
888158
Page 2 of 8
04/05/2004 02:00

include Desert Fox Way N.E., which is also described as Parcel 1 of Unit 2.

5. The definition of "Private Storm Drainage Easements" provided for in the Declaration shall henceforth include the private storm drainage easements shown on Plat Easement Notes (Unit 2) as numbers 5 and 7.

6. The definition of "Security Gate" provided for in the Declaration shall henceforth include the security gate at Desert Fox Way, N.E. and Ventura Street, N.E. which is located within Unit 2.

7. Declarant and Builders hereby declare that "Side Yard Easements" as defined in the Declaration are imposed as follows within Unit 2:

(a) the southern three feet (3') of Unit 2 Lot 8-P1 and the northern three feet (3') of Unit 2 Lot 11-P1.

(b) the eastern three feet (3') of Unit 2 Lots 1-P1 through 6-P1 and Unit 2 Lots 13-P1 through 19-P1.

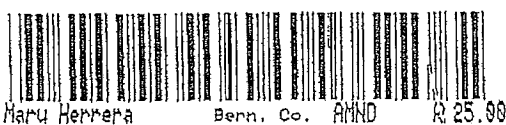
8. Declarant and Builders hereby declare that the southeastern corner of Unit 2 Lot 9-P1 and the northeastern corner of Unit 2 Lot 10-P1 are subject to perpetual non-exclusive landscape easements within the existing ten foot (10') public utility easements located thereon ("Landscape Easements"). The Landscape Easements shall be utilized for monument signage for the Subdivision, lighting and landscaping. The Landscape Easements shall be maintained by Declarant and Builders, its successors or the Association.

9. Declarant and Builders hereby declare that "Perimeter Wall Easements" as defined in the Declaration are imposed as follows within Unit 2;

(a) the northern three feet (3') of Unit 2 Lots 1-P1 through 8-P1.

(b) the southern three feet (3') of Unit 2 Lots 11-P1 through 19-P1.

10. The miscellaneous private waterline, private sanitary sewer, private storm



drainage, private vehicular access and private sidewalk easements created in Plat Easement Notes (Unit 2) numbers 8, 9 and 15 shall be maintained by the Owners of the Lots as provided for in the Unit 2 Plat. The Association shall have the right, but not the obligation, to oversee and perform any of the obligations related to the maintenance of said easements at the expense of the Owner of the Lot responsible for said maintenance.

11. Declarant and Builders hereby declare that the Dwellings (as defined in the Declaration) are restricted to one story in height and are not to exceed seventeen feet (17') above finished grade on all Lots, except Unit 2 Lots 11-P1 through 19-P1.

12. Except as herein modified and amended, the remaining terms and provisions of the Declaration shall remain in full force and effect.

13. This Amendment may be executed in several counterparts and all so executed counterparts shall constitute one agreement binding on all parties hereto, notwithstanding that all of the parties are not signatories to the original or same counterpart.

14. This Amendment shall be binding upon the Declaration, its successors and assigns in all respects, and shall be deemed to run with the land forever.

IN WITNESS WHEREOF, the undersigned has executed this Amendment effective the date first hereinabove set forth.

DESERT RIDGE DEVELOPMENT, LLC,
a New Mexico limited liability company

By: *Donald G. Hoech*
DONALD G. HOECH, Managing Member

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on *April 4*, 2004, by DONALD G. HOECH, Managing Member of DESERT RIDGE DEVELOPMENT, LLC, a New Mexico limited liability company.

MY COMMISSION EXPIRES:
August 31, 2004

Terrie A. Schmitt
NOTARY PUBLIC

2004044661
8858158
Page: 5 of 9
04/05/2004 02:06P
BK-A75 Pg-4529
Maru Herrera Bern. Co. AMND R 25.00

TIARA HOMES, INC., a New Mexico corporation

By: [Signature]
RICHARD P. GANTNER, President

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on April 2, 2004, by RICHARD P. GANTNER, President of TIARA HOMES, INC., a New Mexico corporation.

MY COMMISSION EXPIRES:
August 31, 2004

[Signature]
NOTARY PUBLIC

2004044661
6658156
Page: 6 of 8
04/05/2004 02:06P
Mary Herrera Bern. Co. AMND R 25 AN RL-075 0-1500

SUNDANCE HOMES, INC., a New Mexico corporation

By: Hans W. Egenes
HANS W. EGENES, President

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on April 5, 2004, by HANS W. EGENES, President of SUNDANCE HOMES, INC., a New Mexico corporation.

MY COMMISSION EXPIRES:
July 31, 2007

Janice Cochran
NOTARY PUBLIC

Mary Herrera
Bern. Co. AMND R 25 RB
2004044661
6658158
Page: 7 of 9
04/05/2004 02:06P
00-075 0-1500

ANTERO, LLC, a New Mexico limited liability company

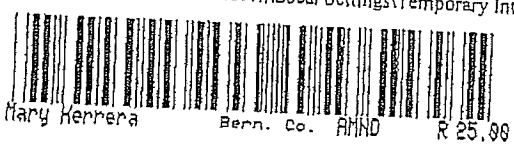
By: [Signature]
SCOTT BEALHEN, Managing Member

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on April 5, 2004, by SCOTT BEALHEN, Managing Member of ANTERO, LLC, a New Mexico limited liability company.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES
August 31, 2004



TC BUILDING, INC., a New Mexico corporation

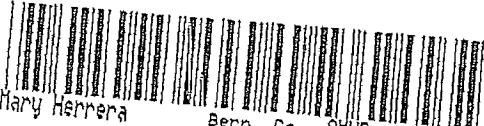
By: [Signature]
THERESA CARDENAS, Vice-President

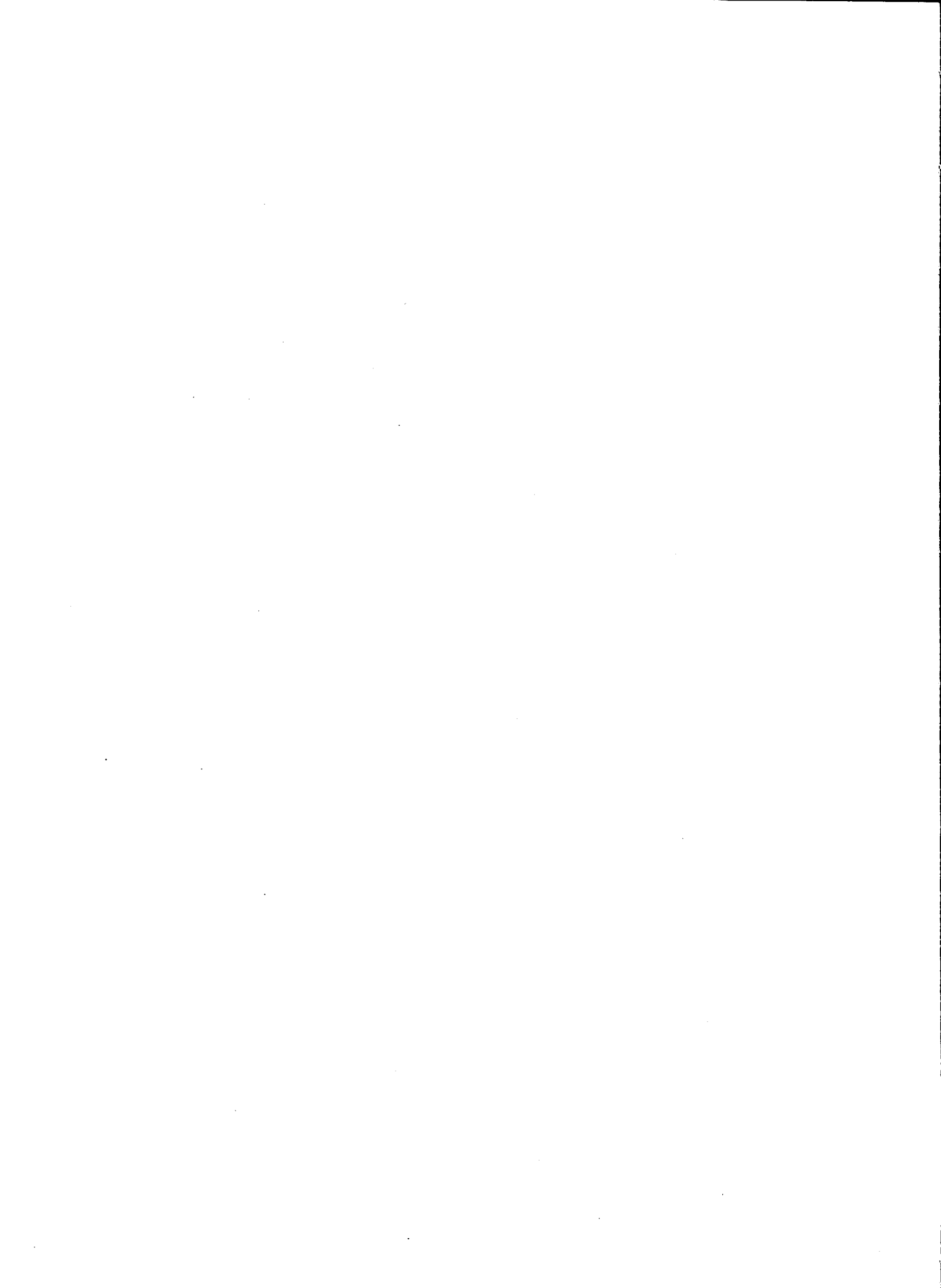
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on April 2, 2004, by TOM CARDENAS, President of TC BUILDING, INC., a New Mexico corporation.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES:
August 31, 2004


Mary Herrera Bern. Co. AMND R 25.00 2004044661
6556136
Page: 9 of 9
04/05/2004 02:06P
BX-A75 Pg-4529



SECOND AMENDMENT TO
DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS
FOR DESERT RIDGE PLACE

THIS AMENDMENT is entered into effective the 28th day of September, 2004, by and between DESERT RIDGE DEVELOPMENT, LLC, a New Mexico limited liability company ("Declarant") and the parties set forth on Exhibit "A", which is attached hereto and incorporated herein by reference (collectively "Builders/Owners").

WHEREAS, Declarant and Builders/Owners are the owners of seventy-five percent (75%) of the following described real property located in the County of Bernalillo, State of New Mexico, to-wit:

Unit 1, Desert Ridge Place, as the same is shown and designated on the Plat of said subdivision filed in the office of the County Clerk of Bernalillo County, New Mexico on November 4, 2002, in Book 2002C, Page 355.

and

Unit 2, Desert Ridge Place, as the same is shown and designated on the Plat of said subdivision filed in the office of the County Clerk of Bernalillo County, New Mexico on May 23, 2003, in Book 2003C, Page 150.

("Property"); and

WHEREAS, a Declaration of Restrictive and Protective Covenants for Desert Ridge Place was filed the 23rd day of January, 2004 in Book A71, Page 8981, as Document No. 2004009010, records of Bernalillo County, New Mexico ("Declaration"); and

WHEREAS, a First Amendment to Declaration of Restrictive and Protective Covenants for Desert Ridge Place was filed the 5th day of APRIL, 2004, in Book A75 Page 4529, as Document No. 2004044661, records of Bernalillo County, New Mexico ("First Amendment"); and

WHEREAS, the Declaration and First Amendment encumber the Property; and



Mary Herrera

Bern. Co. AMNO

R 21.00

2004143462

6156959

Page: 1 of 7

10/12/2004 01:58P

Bk-A85 Pg-3861

WHEREAS, Declarant and Builders/Owners desire to amend the Declaration and First Amendment.

NOW, THEREFORE, in consideration of the above and other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed as follows:

1. Declarant and Builders/Owners hereby declare that the last sentence of Paragraph 26. E. of the Declaration is amended and the following substituted therefor:

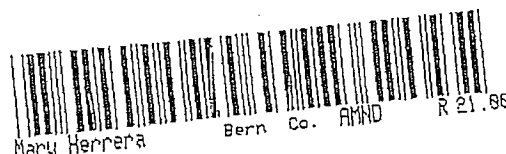
"The annual assessments may be increased by the Board of Directors of the Association each year in an amount not to exceed twenty percent (20%) of the prior year's annual assessments without the vote of the members of the Association. If the annual assessments are to be increased by more than twenty percent (20%) from the previous year's annual assessments, said increase must be approved by the affirmative vote of not less than two-thirds (2/3) of the members of the Association at a meeting held for the purpose of determining said annual assessments, which meeting shall be called at least thirty (30) days in advance thereof, except in the event of an emergency."

2. Declarant and Builders/Owners hereby declare that Paragraph 26 of the Declaration is amended to add the following new subparagraph:

"26. I. The Association may also levy "special assessments" for the purpose of defraying, in whole or in part, the cost of any non-recurring maintenance, or the acquisition, construction, reconstruction, repair or replacement of a capital improvement upon any of the Common Areas, including fixtures and personal property. A special assessment shall require the affirmative vote or written consent of two-thirds (2/3) of the members of the Association at a meeting held for the purpose of determining said special assessment, which meeting shall be called at least thirty (30) days in advance thereof, except in the event of an emergency."

3. This Amendment shall be binding upon the undersigned, their heirs, personal representatives, successors and assigns in all respects.


4. Except as herein modified and amended, the remaining terms and provisions of the Declaration and First Amendment shall remain in full force and effect.



2004143462
6156959
Page: 2 of 7
10/12/2004 01:58P
BX-R65 Pg-3061

5. This Amendment may be executed in several counterparts and all so executed counterparts shall constitute one agreement binding on all parties hereto, notwithstanding that all of the parties are not signatories to the original or same counterpart.

SIGNATURE PAGES TO FOLLOW



Mary Herrera Berr Co AMND R 21.00 2004143462
6156999
Page: 3 of 7
10/12/2004 01:58P
Bk-A85 Pg-3061

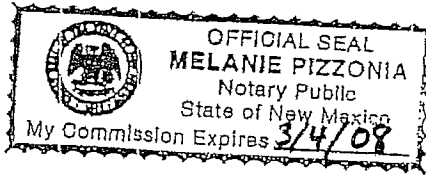
SIGNATURE PAGE TO SECOND AMENDMENT TO
DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS
FOR DESERT RIDGE PLACE

DESERT RIDGE DEVELOPMENT, LLC,
a New Mexico limited liability company

By: Donald M. Hoeh

Its: MANAGING MEMBER

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)



This instrument was acknowledged before me on SEPTEMBER 28,
2004, by DONALD HOECH, MANAGING MEMBER of Desert
Ridge Development, LLC, a New Mexico limited liability company.

MY COMMISSION EXPIRES:
MARCH 4, 2008

Melanie Pizzonia
NOTARY PUBLIC

2004143462
E156998
Page 4 of 7
10/12/2004 01:50P
Bk-AB5 Pg-3061
R 21.00
Bern. Co. AMND
Mary Herrera

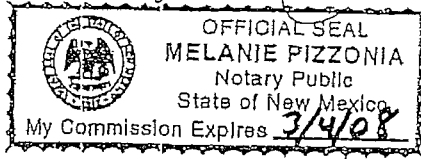
SIGNATURE PAGE TO SECOND AMENDMENT TO
DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS
FOR DESERT RIDGE PLACE

Owner(s) of Lot No. _____

By: [Signature]

By: Tom Cardenas

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

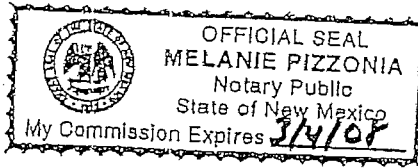


This instrument was acknowledged before me on SEPTEMBER 28,
2004, by SCOTT BEALHEN, MANAGING MEMBER, ANTERO LLC

MY COMMISSION EXPIRES:
3/4/08

Melanie Pizzonia
NOTARY PUBLIC

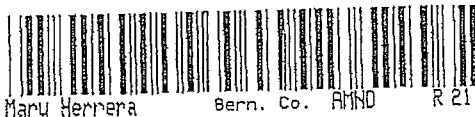
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)



This instrument was acknowledged before me on SEPTEMBER 28,
2004, by TOM CARDENAS, PRESIDENT, TC BUILDING

MY COMMISSION EXPIRES:
3/4/08

Melanie Pizzonia
NOTARY PUBLIC



2004143462
6156959
Page: 5 of 7
10/12/2004 01:58P
Bk-A85 Pg-3061

Mary Herrera Bern. Co. AMND R 21.00

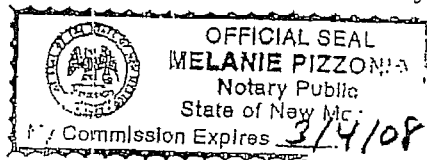
SIGNATURE PAGE TO SECOND AMENDMENT TO
DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS
FOR DESERT RIDGE PLACE

Owner(s) of Lot No. _____

By: _____

By: _____

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

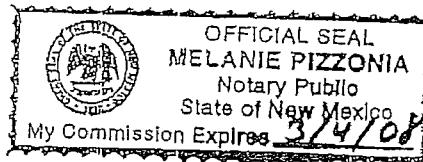


This instrument was acknowledged before me on SEPTEMBER 20,
2004, by RICHARD GANTNER, PRESIDENT, TIARA HOMES

MY COMMISSION EXPIRES:
3/4/08

Melanie Pizzonia
NOTARY PUBLIC

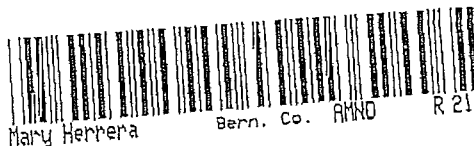
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)



This instrument was acknowledged before me on SEPTEMBER 20,
2004, by HANS EGENES, PRESIDENT, SUNDANCE HOMES

MY COMMISSION EXPIRES:
3/4/08

Melanie Pizzonia
NOTARY PUBLIC



2004143462
6156953
Page: 6 of 7
10/12/2004 01:58P
BK-005 Pg-3061

EXHIBIT "A"
Builders/Owners

Donald Hoech
Tom Cardena
Scott Bealhen
Richard Gantner
Hans Egenes

