

ITLE INC.
6032

#161103
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SECOND AMENDMENT

TO

DECLARATION OF COVENANTS AND RESTRICTIONS

GEORGE TUNE, his wife MARGARET TUNE, RICHARD STUMPH, and his wife JANICE STUMPH, declarants of that certain June 7, 1990 Declaration of Covenants and Restrictions recorded in Book M-137, pp. 249-257 of the records of Taos County, New Mexico, as amended by that certain July 30, 1991 Amendment to Declaration of Covenants and Restrictions recorded in Book M-144, pp. 850-851 of the records of Taos County, New Mexico, said declarants also being the current record owners of two-thirds of the restricted tracts, mutually and for value received hereby further amend said Declaration as first amended as follows:

The ~~44.346~~ ^{44.364} acre tract more particularly described in Exhibit A hereto consists of the approximately 30-acre Tune tract described in the Declaration plus approximately 15 additional acres not restricted by the Declaration as amended. Said ~~44.346~~ ^{44.364} acre Exhibit A tract is hereby restricted by the Declaration as first amended with however this second amendment that minimum lot size, originally 2.5 acres then increased to 5 acres for all tracts, is hereby reduced to 2.5 acres on the ~~44.346~~ ^{44.364} acre Exhibit A tract.

44.364 mm3
mm3
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mm3

All other terms and conditions of the Declaration as first amended not amended hereby remain as are.

DATED December 12, 1992.

George Tune
GEORGE TUNE

Richard Stumph
RICHARD STUMPH

Margaret W. Tune
MARGARET TUNE

Janice Stumph
JANICE STUMPH

STATE OF NEW MEXICO)
) SS
COUNTY OF DONA ANA)

The foregoing instrument was acknowledged before me this 12th day of December, 1992, by George Tune and Margaret Tune.

Terence Sanchez
NOTARY PUBLIC
NOTARY PUBLIC
COUNTY OF DONA ANA
STATE OF NEW MEXICO

My Commission Expires:

12 16 95

NOTARY PUBLIC STATE OF NEW MEXICO

462
000462

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 17th
day of December, 1992, by Richard Stumph and Janice Stumph.



Patricia M. Sanchez
NOTARY PUBLIC

EXHIBIT "A"

That portion of the Ranchitos Tracts, within the Antonio Martinez Grant, Taos County, New Mexico, within the following described boundaries:

Commencing at the northwest corner of said Antonio Martinez Grant; thence S 11° 14' W 75.70 feet; thence S 43° 00' E 12,929.72 feet to the true point of beginning; thence S 43° 00' E 947.26 feet; thence S 51° 45' W 629.76 feet; thence N 37° 46' W 501.69 feet to a point on the southeasterly edge of Mel's Drive, a fifty foot wide private road; thence S 47° 32' W along said southeasterly edge 653.47 feet; thence S 37° 46' E 501.69 feet; thence S 47° 32' W 486.63 feet to a point on the southwesterly edge of Tune Drive, a fifty foot wide private road; thence S 37° 46' E along said southwesterly edge 439.46 feet to the beginning of a curve concave northeasterly, tangent to said last mentioned course and having a radius of 1,687.93 feet; thence southeasterly along said curve and said southwesterly edge, through a central angle of 5° 26', a distance of 160.07 feet; thence S 52° 35' W 421.31 feet; thence N 43° 00' W 1,441.01 feet; thence N 47° 00' E 2,234.01 feet to the true point of beginning and containing ~~44.346~~ 44.364 acres, more or less.

44.364

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Above described tract of land also being shown as portions of Tracts 6 7 and 8 of Map 13 of Survey 3 of the 1941 New Mexico State Reassessment Survey of Taos County.

Original in
Poor Condition

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Mancha Medina

THE STATE OF NEW MEXICO, COUNTY OF TAOS, DEPARTMENT OF LAND AND MINES, TAOS OFFICE, HAS REVIEWED THIS INSTRUMENT AND IT IS HEREBY RECORDED.

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AMENDMENT TO DECLARATIONS OF
COVENANTS AND RESTRICTIONS

George and Margaret Tune, husband and wife, and Richard and Jan Sturiph, husband and wife, hereby amend the covenants filed of record on June 21st, 1990 for the land north of Taos Airport, Taos County, New Mexico described therein (Book M 137, Pages 249-257)

- 1) Paragraph 2 is changed to read "The minimum size of any parcel within the Property shall be 5 acres."
- 2) To the end of Paragraph 3 is added "The primary residence shall have at least 1,200 sq. ft. of heated living space. The guesthouse shall have at least 800 sq. ft. of heated living space."
- 3) Paragraph 4 is changed to read "All buildings constructed on any lot shall be pueblo adobe or flat roofed territorial style. Exterior walls are to be predominantly earth colored stucco plaster with natural wood trim and finish. Solar energy designs and energy conservation patterns are permitted when incorporated into the above architectural styles."
- 4) To the end of paragraph 6 is added "Raising animals for sale is prohibited"
- 5) Paragraph 7 is deleted
- 6) Insert new Paragraph 7 as follows: "Outdoor light and/or light fixtures be shielded so that no direct light extends beyond the premises. Security lights are prohibited on all lots. A low voltage light fixture may be installed by an electrical utility pursuant to its tariff or one which is similar thereto regardless of the means or method of installation."

The above Amendments to the Covenants are approved by the parties hereto and are hereby made a part of the beforewritten declaration and amendments as provided under Paragraph 26 "Amendment and Renewal"

DATED this 30th day of July, 1991

NOTARY PUBLIC
STATE OF NEW MEXICO

JOS50

George Tune
GEORGE TUNE

Margaret M. Tune
MARGARET TUNE

STATE OF NEW MEXICO)
)ss
COUNTY OF Lincoln)



The foregoing instrument was acknowledged before me this
30th day of July 1991 by George and Margaret
Tune

Aaron J. Taylor
NOTARY PUBLIC

My commission expires
9/26/94

Richard Stumph
RICHARD STUMPH

Janice Stumph
JANICE STUMPH

STATE OF MICHIGAN)
)ss
COUNTY OF Saginaw)

The foregoing instrument was acknowledged before me this
1st day of August 1991 by Richard and Janice
Stumph.

Karen R. Schultz
NOTARY PUBLIC

My commission expires
KAREN R. SCHULTZ
Notary Public, Saginaw County, MI
My Commission Expires Feb. 11, 1995



COUNTY OF TAOS)SS
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
for record on the 13 day of Aug A.D.
1991 at 9:59 o'clock AM
and was duly recorded in book M-144
page 850-856 of the records of Taos County

Witness my Hand and Seal of Office
Carmen M. Medina
County Clerk, Taos County, N.M.

James L. ...
Deputy

Notary Public, State of New Mexico
Lincoln County
Notary Public, State of New Mexico
Lincoln County

139757
4:16
6-21-90

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

GEORGE TUNE AND MARGARET TUNE, husband and wife, and RICHARD STUMPH and JANICE STUMPH, husband and wife, hereby declare the restrictions herein set forth applicable to the following described property ("Property") in Taos County, New Mexico:

Certain tracts of land north of Taos Airport, Taos County, New Mexico, being more particularly described in Exhibits A and B hereto.

1) Purpose: It is the intention of the owners expressed by the execution of this instrument, that the lands within the property shall mean all of the real estate described in Exhibit "A". It is the purpose of these covenants that said real estate be developed and maintained as a highly desirable residential area, and that the present natural beauty, native growth and natural setting shall always be protected insofar as is reasonable in connection with the uses and structures permitted by this instrument.

2) Lot Size: The minimum size of any parcel within the property shall be 2.5 acres.

3) Residential Use: All lots are for residential use only. Only one primary residential dwelling and one guest house together with appropriate garages, storage buildings, barns, corrals, greenhouses, and other buildings and structures normally used in a rural residential

neighborhood shall be permitted on each lot.

4) Architectural Style: All buildings shall be Southwest style, or Taos style.

Pueblo adobe and New Mexico territorial styles are strongly recommended.

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Exterior walls are to be predominantly earth-colored stucco plaster with natural wood trim and finish. Solar energy designs and energy conservation systems are permitted when incorporated into the above architectural styles.

5) Home Occupations: Home occupations shall be permitted; however, no business or commercial activity shall be permitted that appreciably changes the quiet rural residential quality of the neighborhood, or that causes an annoyance or nuisance as defined in Paragraph "9" herein. Home occupations shall be limited to no more than two employees in addition to members of the family residing on the premises.

6) Home Agriculture: Home agriculture shall be permitted for the benefit of the family residing on the premises, however, all livestock yards, barns, sheds, gardens, greenhouses and compost piles shall be kept clean and shall not be permitted to become injurious to the health, safety or comfort of others.

7) Farm Animals: No more than five large animals (horses, cows, goats, etc.) and no more than twenty-five small animals (chickens, ducks, rabbits, etc.) shall be permitted on any lot. All animals (excluding pets) shall be confined to appropriate pens, corrals and barns, and property owners shall make diligent effort to limit the noise, odors, and insect populations in the animal yards. No animal shall be permitted to cause an annoyance or a nuisance as defined by Paragraph "9" herein.

8) Pets: No more than three dogs, cats or other household pets shall be allowed to run free on the property. Dogs shall not be permitted to run in packs. Barking dogs shall be kept indoors. Guard animals shall be

rustained so that they do not pose a hazard to children. No pet shall be permitted to cause an annoyance or nuisance as defined by Paragraph "9" herein.

9) Annoyances and Nuisances: No activity shall be permitted on any lot that may be offensive in a residential community, nor shall anything be done which is considered to be an annoyance or a nuisance by a majority of the resident landowners living within the Property.

10) Period of Construction: Construction of the primary residence shall be completed within 15 months after the day construction begins. Any addition, extension, remodeling shall be completed within 6 months. All surplus building materials shall be promptly removed from the premises or neatly stored in an appropriate storage room.

11) Trailers and Mobile Homes: Trailer homes and mobile homes are not permitted except during the period of construction of the permanent residence and the period of use of the trailer home or the mobile home shall not exceed fifteen months.

12) Recreational Vehicles and Campers: Recreational vehicles and campers, including tents, teepees and other temporary dwellings may be used on the property for periods of time not to exceed 75 days per year as temporary residences for vacationing landowners or their guests. When not in use they shall be stored in a garage or carport or removed from the Property.

13) Vehicles: Any inoperable vehicle shall be repaired, stored in a garage or removed from the premises within 30 days. The use of vehicles shall be restricted to the roads and driveways provided for their use. In order to preserve native vegetation, no motorcycle, ATV or any other vehicle shall be permitted to drive across any open field or pasture within the Property.

14) Building Setbacks: No building shall be located on any lot nearer than fifty (50) feet to any roadway (excluding driveways) and thirty (30) feet to any lot line. Boundary line fences are not permitted. Corrals and pasture fences are permitted. Only one third of any lot may be cleared for the house, guest house, yards, corral, barn and other improvements.

15) Building Height: The height of buildings shall not exceed thirty feet from the highest point of undisturbed ground where the building is located to the highest point on the building. Structures such as windmills, television antennas, and fireplace chimneys are not exempt from the height restrictions.

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~~16) Outdoor Lights: Outdoor lights shall be shielded so that no direct light extends beyond the premises. Security lights are prohibited on all lots. A "security light" is one which is installed by an electrical utility pursuant to its tariff or one which is similar thereto regardless of the means or method of installation.~~

17) Waste Disposal: Lot owners shall provide for the disposition of sewage and solid wastes in accordance with the applicable regulations of the State of New Mexico, Department of Health and Social Services and Environmental Improvement Division and no open garbage pits shall be maintained or used and no brush, trash or other waste materials shall be burned on the premises.

18) Roadway: All roadways within the property are private. Road maintenance is at the discretion of the landowners using the roads. Tune Drive is 50 feet wide. All side roads to individual lots shall be 30 feet minimum width.

19) Utilities: All utility lines shall be placed underground. An easement over, under and across the ten (10) foot perimeter of each lot is hereby reserved for utility purposes, with access thereto for installation,

VERIFICATION
All necessary copies of documents on this file shall be of sufficient documents in the possession of the landowner to be filed in the Statement of Person or Corporation in the file of this office. These documents are hereby acknowledged as necessary operations in the operation of the regulated document file.

Notary Public

000253

repair and maintenance of all such facilities as may be necessary.

20) Horse Trails: Horse riding is to be encouraged. Easements for horse riding 10 feet in width are reserved along both sides of all roadways and easements 25 feet in width are reserved along the east and west boundaries of the overall tract.

21) Vegetation: Recognizing the aesthetics of the natural vegetation, each property owner will make a conscientious effort to maintain as much of the natural vegetation as possible and will not clear, bulldoze, or remove more of the natural vegetation than is necessary for purposes of locating access roads, permanent residence and structures, and a reasonable yard and driveway surrounding the same, and no more than one third of any lot shall be cleared for these purposes. Property owners may also clear the sagebrush from the remaining two thirds of their lot provided that they replace the sagebrush with native pasture grasses.

22) Firearms: The shooting of firearms on the property is prohibited. Hunting by any means is also prohibited on the property.

23) Enforcement: If the parties hereto, or any of them, or their grantees, successors-in-interest or assigns, shall violate or attempt to violate any of the covenants herein provided, any person owning or having an interest in any real property covered by these covenants shall have the right to prosecute any action in the proper court to enjoin such party from violating such covenant.

24) Invalidation: Invalidation of any of these covenants shall in no way affect the validity of the other provisions, which shall remain in full force and effect.

25) Omissions: No delay or omission on the part of the undersigned, his successors or assigns, or any other person having the right hereunder to enforce these covenants, shall be construed as a waiver thereof or

8

NOTICE: All microfiche copies of documents on this file strip are of authentic documents in the possession of the Los Angeles County Clerk's Office as noted on the Statement of Document Authenticity on file at this office. These documents are authentic as indicated on a necessary operation on the microfiche of an individual document file.

000254

STATE OF NEW MEXICO)

COUNTY OF Bernalillo)

The foregoing instrument was acknowledged before me this 7th
day of June, 1990, by GEORGE AND MARGARET

Ricardo E. O...
Notary Public



My commission expires:

6-13-90

STATE OF MICHIGAN)

COUNTY OF Saginaw)

The foregoing instrument was acknowledged before me this 12th
day of June, 1990, by RICHARD AND JANICE STUMPH.

Margaret E. Penke
Notary Public

My commission expires:

5-17-94

MARGARET E. PENKE
NOTARY PUBLIC, STATE OF MICHIGAN, CH.
EX. COMM. NUMBER 50542505-1794

CERTIFICATION
All microfilm copies of documents on this file were
made in accordance with the provisions of the Iowa
County Code as set out in the Statement of Inventory
Certification on file in this office. These documents are
and only accepted as a necessary operation in the
process of microfilm document file.

FILED IN _____
Notary Public

acquiescence therein; and no right of action shall accrue, nor shall any action be brought or maintained by anyone whatsoever against the undersigned, his successors or assigns, for or on account of failure or neglect to exercise any right, power or remedy herein provided for in the event of breach of said covenants, restrictions or reservations.

26) Amendment & Renewal: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until December 31, 2005, at which time said covenants shall be automatically extended for successive periods of ten (10 years). These covenants may be amended at any time by the affirmative vote of the then record owners of two-thirds (67%) of the residential lots subject to these covenants. Owners shall have one vote for each full acre of land owned.

DATED this 7th DAY OF June, 1990

George P. Tune 6-7-90

GEORGE TUNE

Margaret M. Tune 6-7-90

MARGARET TUNE

Richard W. Stumph 6/12/90

RICHARD STUMPH

Mary Janice Stumph 6/12/90

JANICE STUMPH

256

DESCRIPTION FOR RICHARD V. STUMPH

That portion of the Ranchitos Tracts, within the Antonio Martinez Grant, Taos County, New Mexico, within the following described boundaries:

Commencing at the northwest corner of said Antonio Martinez Grant; thence S 11° 14' W 75.70 feet; thence S 43° 00' E 8,055.07 feet to the true point of beginning; thence S 43° 00' E 4,874.65 feet; thence S 47° 00' W 2,234.01 feet; thence N 43° 00' W 4,874.65 feet; thence N 47° 00' E 2,234.01 feet to the true point of beginning and containing 250.000 acres, more or less, as shown on that April 20, 1990 survey for Richard V. Stumph by George P. Tune, NMLS No. 3171,

SUBJECT TO: patent reservations of record; 50-foot wide non-exclusive roadway and underground utility easement shown on the plat referred to in Exhibit A; and 25-foot wide equestrian easements shown on the plat referred to in Exhibit A,

TOGETHER WITH: 50-foot wide non-exclusive roadway and underground utility easement leading from the southeastern boundary of the Exhibit A tract along its existing location to U.S. Highway No. 64,

TUNE TRACTS

The approximately 11.5⁺ acre portion and 3⁺ acre portion of the Ranchitos Tracts adjacent to the northwestern boundary and southeastern boundary, respectively, of the above described Stumph tract and as shown on Exhibit B hereafter.

Exhibit A

VERIFICATION
All photostatic copies of documents on this film strip are of authentic contents in the possession of the Tax Court Clerk's Office as noted in the Statement of Document Certification on file at this office. These documents are certified to be true and correct as a necessary operation in the preparation of an official document file.

DATE OF FILMING

000256-A

1 JUNE 21, 1990
George P. Tune
LAND SURVEYOR
N.M. REG. NO. 3171
20 APRIL 1990

NORTHWEST CORNER
ANTONIO MARTINEZ GRANT
ROUND MARKED STONE

LAND OF
TAOS & RIO GRANDE HOLDING CO.

LAND OF
MARK S. SILVERSTEIN

LAND OF
N 47°00' E

11.5 ac ±
GEORGE P. TUNE

2234.01'

8055.01'

N 43°00' W
ESTIMATE
4874.65'

TUNE DRIVE

50 FOOT WIDE PRIVATE ROAD

250.000± ACRES

N 43°00' W
HORSE RACING TRAIL - 25' WIDE

4,874.65'

13,876.98'

N 47°00' E

2234.01'

30± - ac
LAND OF
GEORGE P. TUNE

TO U.S. HIGHWAY NO. 64

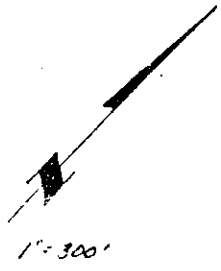
LAND OF
EDWARD L. BACA

COUNTY OF TAOS) SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 21 day of June A.D.
19 90 at 4:16 o'clock P.M.
and was duly recorded in book 21-157
page 249-257 in the records of Taos County.
Witness my Hand and Seal of Office
Joella Coca
County Clerk, Taos County, N.M.

Joella Coca
Deputy



SURVEY FOR
RICHARD V. STUMPH
A PORTION OF THE ANTONIO MARTINEZ GRANT
TAOS COUNTY NEW MEXICO



000257