

SUPPLEMENTAL DECLARATION

(Additional land brought within scheme of the Declaration of Covenants, Conditions, and Restrictions of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico.)

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THIS SUPPLEMENTAL DECLARATION, which constitutes the Third Amendment to the Declaration of Covenants, Conditions, and Restrictions of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, is made this 21st day of April, 1977, by WOOD BROS. HOMES, INC., a Delaware corporation, hereinafter referred to as "Developer."

WHEREAS, Developer made, executed, acknowledged, filed, and recorded that certain Declaration of Covenants, Conditions, and Restrictions, dated July 31, 1973, which Declaration was filed for record on July 31, 1973, in Book Misc. 325, at pages 15--33, of the records of Bernalillo County, New Mexico;

WHEREAS, Developer made, executed, acknowledged, filed, and recorded that certain Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, which Supplemental Declaration was filed for record on May 28, 1976, in Book Misc. 479, at pages 283--285, of the records of Bernalillo County, New Mexico;

WHEREAS, Developer made, executed, acknowledged, filed, and recorded that certain Supplemental Declaration, dated May 28, 1976, effective May 28, 1976, which Supplemental Declaration was filed for record on May 28, 1976, in Book Misc. 479, at pages 286--289, of the records of Bernalillo County, New Mexico;

WHEREAS, Developer has deemed it desirable and in keeping with the covenants, conditions, and restrictions of the Declaration, dated July 31, 1973, as amended, to bring within the scheme of the Declaration additional properties; and

WHEREAS, pursuant to Subparagraph (a) of Section 2 of Article II of the Declaration, dated July 31, 1973, as amended by the Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, and as amended by the Supplemental Declaration, dated May 28, 1976, effective May 28, 1976, the Developer has exercised its right to bring within the scheme of the Declaration additional properties in future stages of development, which additions are in accord with the General Plan of Development prepared prior to the sale of any Lot or Living Unit and made known to every purchaser prior to such sale, which additional properties constitute TENTATIVE PHASE III and TENTATIVE PHASE V Development of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, as more fully described herein.

NOW, THEREFORE, Developer declares that the Declaration of Covenants, Conditions, and Restrictions, dated July 31, 1973, which was filed on July 31, 1973, and recorded in Book Misc. 325, at pages 15--33, of the records of Bernalillo County, New Mexico, as amended by the Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, which was filed on May 28, 1976, and recorded in Book Misc. 479, at pages 283--285, of the records of Bernalillo County, New Mexico, and as amended by the Supplemental Declaration, dated May 28, 1976, effective May 28, 1976, which was filed on May 28, 1976, and recorded in Book Misc. 479, at pages 286--289, of the records of Bernalillo County, New Mexico, be, and it hereby is, extended by this Supplemental Declaration to all of the following additional properties, which the Developer has the right, and has exercised its right, to bring within the scheme of the Declaration in future stages of development, provided that such additions are in accord with a General Plan of Development prepared prior to the sale of any Lot or Living Unit and made known to every purchaser prior to such sale, which additional properties are described as follows:

That certain real estate shown and designated as "TENTATIVE PHASE III" Development on the Amended Replat of VILLA ENCANTADA, which Amended Replat was filed on February 17, 1976, in the office of the County Clerk of Bernalillo County, New Mexico, and which real estate comprises the following:

Lots numbered Forty-One (41) through Fifty-Two (52), inclusive, and

Lots numbered Seventy-Three (73) through Eighty (80), inclusive, of

VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, as the same are shown and designated on the Amended Plat of VILLA ENCANTADA, which Amended Plat was filed on July 31, 1973, and recorded in Book D-5, at page 168, in the office of the County Clerk of Bernalillo County, New Mexico, and which Amended Plat had been filed previously on April 4, 1973, and recorded in Book D-5, at page 133, in the office of the County Clerk of Bernalillo County, New Mexico.

(The foregoing twenty [20] numbered lots, together with the following-described Common Properties and Facilities, are shown and designated as, and constitute, "TENTATIVE PHASE III" Development on the Amended Plat of VILLA ENCANTADA, which Amended Plat was filed on February 17, 1976, and recorded in Book D-7, at page 8, in the office of the County Clerk of Bernalillo County, New Mexico.)

AND

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Those certain parcels and areas of land, together with the improvements thereon, within the exterior boundaries of TENTATIVE PHASE III Development of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, which are shown or designated as the, and which constitute the, "Common Properties and Facilities" within the exterior boundaries of TENTATIVE PHASE III Development of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, and those areas of land shown or designated as "Recreation Site," "Parking Area," "Private Roadway," or "C.P. & F." within the exterior boundaries of TENTATIVE PHASE III Development of VILLA ENCANTADA on the Amended Plat of VILLA ENCANTADA, which Amended Plat was filed on February 17, 1976, and recorded in Book D-7, at page 8, in the office of the County Clerk of Bernalillo County, New Mexico.

AND

That certain real estate shown and designated as "TENTATIVE PHASE V" Development on the Amended Replat of VILLA ENCANTADA, which Amended Replat was filed on February 17, 1976, in the office of the County Clerk of Bernalillo County, New Mexico, and which real estate comprises the following:

Lots numbered Seventeen (17) through Twenty-Eight (28), inclusive, and
Lots numbered Ninety-Three (93) through One Hundred Eight (108), inclusive, of
VILLA ENCANTADA, an Addition to the
City of Albuquerque, New Mexico, as the same are shown and designated on the Amended Plat of VILLA ENCANTADA, which Amended Plat was filed on July 31, 1973, and recorded in Book D-5, at page 168, in the office of the County Clerk of Bernalillo County, New Mexico, and which Amended Plat had been filed previously on April 4, 1973, and recorded in Book D-5, at page 133, in the office of the County Clerk of Bernalillo County, New Mexico.

(The foregoing Twenty-Eight [28] numbered lots, together with the following-described Common Properties and Facilities, are shown and designated as, and constitute, "TENTATIVE PHASE V" Development on the Amended Plat of VILLA ENCANTADA, which Amended Plat was filed on February 17, 1976, and recorded in Book D-7, at page 8, in the office of the County Clerk of Bernalillo County, New Mexico.)

Those certain parcels and areas of land, together with the improvements thereon, within the exterior boundaries of TENTATIVE PHASE V Development of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, which are shown or designated as the, and which constitute the, "Common Properties and Facilities" within the exterior boundaries of TENTATIVE PHASE V Development of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, and those areas of land shown or designated as "Recreation Site," "Parking Area," "Private Roadway," or "C.P. & F." within the exterior boundaries of TENTATIVE PHASE V Development of VILLA ENCANTADA on the Amended Plat of VILLA ENCANTADA, which Amended Plat was filed on February 17, 1976, and recorded in Book D-7, at page 8, in the office of the County Clerk of Bernalillo County, New Mexico.

FURTHER, Developer declares that the additions are in accord with the General Plan of Development prepared prior to the sale of any Lot or Living Unit and made known to every purchaser; that the General Plan of Development meets and satisfies all requirements of Subparagraph (a) of Section 2 of Article II of the Declaration, dated July 31, 1973, as amended by the Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, and the Supplemental Declaration, dated May 28, 1976, effective May 28, 1976, and that the additional properties meet and satisfy all requirements and provisions of the Declaration, dated July 31, 1973, as amended by the Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, and the Supplemental Declaration, dated May 28, 1975, effective May 28, 1976.

FURTHER, Developer declares that the foregoing-described real estate is, and shall be, held, transferred, sold, conveyed, and occupied subject to the covenants, conditions, restrictions, easements, charges, and liens (sometimes referred to as "covenants and restrictions") set forth in the Declaration, dated July 31, 1973, as amended by the Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, and the Supplemental Declaration, dated May 28, 1976, effective May 28, 1976.

The foregoing-described real estate constitutes the second addition of properties to the Declaration, dated July 31, 1973, as amended by the Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, and the Supplemental Declaration, dated May 28, 1976, effective May 28, 1976, and to the real estate described therein, which additional properties shall be considered for all purposes as if originally constituting a part of the real estate described in the Declaration, dated July 31, 1973, as amended by the Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, and the Supplemental Declaration, dated May 28, 1976, effective May 28, 1976.

All of the covenants, conditions, and restrictions set forth in the Declaration, dated July 31, 1973, as amended by the Supplemental Declaration, dated February 17, 1976, effective December 31, 1975, and the Supplemental Declaration, dated May 28, 1976, effective May 28, 1976, are hereby confirmed, ratified, and approved in all respects.

IN WITNESS WHEREOF, the undersigned, being the Developer, has caused its name to be signed and its seal to be hereunto affixed on the date first above written.

WOOD BROS. HOMES, INC.

By Donald D. Martin
Donald D. Martin
Vice President

(SEAL)
Attest: J. Thomas L. Ladd
Secretary

ACKNOWLEDGMENT

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

The foregoing instrument was acknowledged before me this 21st day of April, 1977, by DONALD D. MARTIN, Vice President of WOOD BROS. HOMES, INC., a Delaware corporation, on behalf of said corporation.

(SEAL)
My commission expires:

Oct. 22, 1980

Thomas L. Ladd
Notary Public

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
PUBLIC RECORD

APR 21 12 58 PM 1977
Misc 531 669-673
EDUARDO VALES
CO. CLERK & RECORDER
Deputy Notary