

SUPPLEMENTAL DECLARATION

(First Amendment to the Declaration of Covenants, Conditions, and Restrictions of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico.)

THIS SUPPLEMENT DECLARATION, which constitutes the First Amendment to the Declaration of Covenants, Conditions, and Restrictions of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, is made this 17th day of February, 1976, effective December 31, 1975, by WOOD BROS. HOMES OF NEW MEXICO, INC., a New Mexico 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 on July 31, 1973, and recorded in Book Misc. 325, at pages 15--33, of the records of Bernalillo County, New Mexico; and

WHEREAS, Developer has deemed it desirable and in keeping with the covenants, conditions, and restrictions of the Declaration, dated July 31, 1973, to amend the Declaration as hereinafter set forth; and

WHEREAS, pursuant to Article IX, Section 2, Amendment, of the Declaration, Developer as the now owner of more than two-thirds of the Living Units, hereby amends and modifies the Declaration, dated July 31, 1973, as hereinafter set forth, and only to the extent hereinafter set forth, intending to confirm, ratify, and approve in all other respects all of the covenants, conditions, and restrictions set forth in the Declaration, dated July 31, 1973, as amended hereby.

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, be, and it hereby is, amended by this Supplemental Declaration; and Developer declares that the real property described in Article II of the Declaration, dated July 31, 1973, and such additions thereto as may hereafter be made pursuant to Article II thereof, 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 this Supplemental Declaration.

1. Section 1 of Article II of the Declaration is amended hereby to provide and read as follows:

State of New Mexico }
County of Bernalillo } SS

This instrument was filed for record on

9:45 MAY 28 1976

At 9 o'clock p.m. Recorded in Vol.

of records of said County Folio

Emma C. Bragdon

Clerk & Recorder

Deputy Clerk

Misc 479
283-285

284

Section 1. Existing Property. The real property which is, and shall be, held, transferred, sold, conveyed, and occupied subject to this Declaration is located in Bernalillo County, New Mexico, and is more particularly described as follows, all of which real property shall hereinafter be referred to as "Existing Property" or "The Properties;"

Lots numbered One (1) through Eight (8), inclusive, and Lots numbered One Hundred Seventeen (117) through One Hundred Thirty-Six (136), 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, "PHASE I" 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

Those certain parcels and areas of land, together with the improvements thereon, within the exterior boundaries of PHASE I 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 PHASE I 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 PHASE I 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.

2. The foregoing amendment to the Declaration, dated July 31, 1973, contained in this Supplemental Declaration, constitutes the First Amendment to the Declaration of Covenants, Conditions, and Restrictions of VILLA ENCANTADA shall be considered for all purposes as if originally constituting a part of the Declaration. All of the covenants, conditions, and restrictions set forth in the Declaration, dated July 31, 1973, as hereby amended, 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, intending that this Supplemental Declaration be effective December 31, 1975.

WOOD BROS. HOMES OF NEW MEXICO, INC.

By Donald D. Martin
Donald D. Martin
Vice President

(SEAL)
ATTEST: Thomas J. Adams
Secretary

ACKNOWLEDGMENT

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

The foregoing instrument was acknowledged before me this 17th day of February, 1976, by DONALD D. MARTIN, Vice President of WOOD BROS. HOMES OF NEW MEXICO, INC., a New Mexico corporation, on behalf of said corporation.

(SEAL)

My commission expires:

Edw. C. Gae
Notary Public

3/6/77