

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)

THIS SUPPLEMENTAL DECLARATION, which constitutes the Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions of VILLA ENCANTADA, an Addition to the City of Albuquerque, New Mexico, is made this 19th day of December, 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 made, executed, acknowledged, filed and recorded that certain Supplemental Declaration, dated April 21, 1977, effective April 21, 1977, which Supplemental Declaration was filed for record on April 21, 1977, in Book Misc. 531, at pages 669-673 of the records of Bernalillo County, New Mexico;

WHEREAS, Developer made, executed, acknowledged, filed and recorded that certain Supplemental Declaration, dated April 21, 1977, effective April 21, 1977, which Supplemental Declaration was filed for record on May 4, 1977, in Book Misc. 534, at pages 59-84 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, 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, and as amended by the Supplemental Declarations dated April 21, 1977, effective April 21, 1977, 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 IV and TENTATIVE PHASE VI 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, and as amended by the Supplemental Declaration dated April 21, 1977, effective April 21, 1977, which was filed on April 21, 1977, and recorded in Book Misc. 531, at pages 669-673 of the records of Bernalillo County, New Mexico, and as amended by that Supplemental Declaration dated April 21, 1977, effective April 21, 1977, which was filed on May 4, 1977, in Book Misc. 534, at pages 59-84 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 IV" Development on the Amended Replat of VILLA ENCANTADA, which Amended Replat 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 refiled on May 11, 1977, and recorded in Book D-7 at page 172, in the office of the County Clerk of Bernalillo County, New Mexico, and which real estate comprises the following:

Lots numbered Twenty-Nine (29) through Forty (40), inclusive, and Lots numbered Eighty-One (81) through Ninety-Two (92), 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 May 11, 1977, and recorded in Book D-7, at page 172, 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, and 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 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.

(The foregoing twenty-four (24) numbered lots, together with the following-described Common Properties and Facilities, are shown and designated as, and constitute, "TENTATIVE PHASE IV" 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 refiled on May 11, 1977, and recorded in Book D-7, at page 172, 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 TENTATIVE PHASE IV 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 IV 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 Street," or "C.P. & F." within the exterior boundaries of TENTATIVE PHASE IV 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 refiled on May 11, 1977, and recorded in Book D-7, at page 172, in the office of the County Clerk of Bernalillo County, New Mexico.

AND

That certain real estate shown and designated as "TENTATIVE PHASE VI" Development on the Amended Replat of VILLA ENCANTADA, which Amended Replat 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 refiled on May 11, 1977, and recorded in Book D-7, at page 172, in the office of the County Clerk of Bernalillo County, New Mexico, and which real estate comprises the following:

Lots numbered Nine (9) through Sixteen (16), inclusive, and Lots numbered One Hundred Nine (109) through One Hundred Twelve (112), 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 May 11, 1977, and recorded in Book D-7, at page 172, 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, and 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 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.

(The foregoing twelve (12) numbered lots, together with the following-described Common Properties and Facilities, are shown and designated as, and constitute, "TENTATIVE PHASE VI" 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 refiled on May 11, 1977 and recorded in Book D-7, at page 172, 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 TENTATIVE PHASE VI 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 VI 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 Street" or "C.P. & F." within the exterior boundaries of TENTATIVE PHASE VI 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 refiled on May 11, 1977, and recorded in Book D-7, at page 172, 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 the Supplemental Declaration dated April 21, 1977, effective April 21, 1977, 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 February 17, 1976, effective December 31, 1975, and the Supplemental Declaration, dated May 28, 1976, effective May 28, 1976, and the Supplemental Declarations dated April 21, 1977, effective April 21, 1977.

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, and the Supplemental Declarations dated April 21, 1977, effective April 21, 1977.

The foregoing-described real estate constitutes the third 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 the Supplemental Declarations, dated April 21, 1977, effective April 21, 1977, 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, and the Supplemental Declarations dated April 21, 1977, effective April 21, 1977.

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, and the Supplemental Declarations, dated April 21, 1977, effective April 21, 1977, 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.
a Delaware corporation

By Donald D. Martin
Donald D. Martin
Vice-President

(SEAL)

Attest:

Thomas L. Derryberry
Secretary

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD
JAN 25 2 12 PM 1978
BK 582
ENHAC HOMES, INC.
CO. CLERK & RECORDER
DEPUTY
646-652

A C K N O W L E D G M E N T

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

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

My Commission Expires:

October 22, 1980
(SEAL)

Thomas L. Derryberry
Notary Public