

## **History of Timberlake CC&R**

The earliest CC&Rs were recorded for the Cloh Chin Toh subdivision on April 3, 1978 in what was then Valencia County (now Cibola County) in Book 253, pages 3027 to 3035. These have remained the same since. In 1979, the CC&Rs for Timberlake Ranch Unit 1 in Valencia (Cibola) County were filed in Book 253, pages 7571 to 7576 on June 7. Shortly afterward, the CC&Rs for Timberlake Ranch Unit 2 in Valencia (Cibola) County were filed in Book 253, pages 7772 to 7777 on July 2, 1979. The CC&Rs for Timber Lake Subdivision Units 1-10 in McKinley County were filed around the same time, but the date is obscure. They can be found in McKinley County's Book 75, pages 419 to 427. (The CC&Rs for Timber Lake Subdivision Units 1-10 in McKinley County are not mentioned in the Association By-Laws.)

Now for the confusing part. The CC&Rs for Timberlake Ranch Units 1 and 2 in Valencia (Cibola) County and Timber Lake Units 1-10 in McKinley County were brought under a single set of CC&Rs in 1981 when they were combined into Timber Lake Subdivision and the CC&Rs were filed in McKinley County Book 262 pages 7193 to 7201 on July 28 and Valencia (Cibola) County Book 79 pages 260 to 268 (both sets are mentioned in the Association By-Laws) on July 2. While the CC&Rs governing the McKinley and Valencia (Cibola) Counties' portions of Timber Lake Subdivision do not contain language that they supersede the previously filed CC&Rs, if there is a conflict between the previous CC&Rs and the combined CC&Rs, the combined CC&Rs take precedent since they reflect the developer's most recent plans. If one set contains a restriction not found in the other set (for the same county), the restriction is still valid. In other words, they act as a combined set with the 1981 version taking precedence in a conflict (of which I have found none).

The CC&Rs for Timberlake South were originally filed in McKinley County on July 13, 1988 and are recorded in Miscellaneous Book 93JKt, pages 196 to 210 and in Cibola County on July 13, 1988 in Miscellaneous Book 1, pages 7733-7747. In 1996, Timberlake South was entirely in Cibola County and CC&Rs were filed as amendments to that document as a Restated Declaration in that County in Deed Book 5, pages 7090-7107 on April 24, 1996. This document supersedes the 1988 document.

On July 31, 2009 all subdivisions (Cloh Chin Toh, Cibola 1, Cibola 2, McKinley 1-10, and Timberlake South) voted to adopt one set of covenants. This required 75% affirmation of all lots in each subdivision. This Amended & Restated Declaration of Covenants, Conditions and Restrictions were filed in McKinley County on September 23, 2009 as Document #346714 and in Cibola County on September 24, 2009 as Document #200902039.

On June 22, 2019 the Second Amended & Restated Declaration of Covenants, Conditions and Restrictions were passed. This time requiring 51%. They were filed in McKinley County on 8.5.19 Doc#389732 and in Cibola County on 8.17.19 Doc#201901620 .