

ORGAN MESA RANCH SUBDIVISION PHASE 2

Disclosure Statement for a Major Subdivision

September, 2004

PLEASE READ THIS DISCLOSURE STATEMENT
BEFORE YOU
SIGN ANY DOCUMENTS OR AGREE TO ANYTHING

DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT IS INTENDED TO PROVIDE YOU WITH ENOUGH INFORMATION TO PERMIT YOU TO MAKE AN INFORMED DECISION ON THE PURCHASE OR LEASE OF PROPERTY DESCRIBED IN THIS STATEMENT. YOU SHOULD READ CAREFULLY ALL OF THE INFORMATION CONTAINED IN THIS STATEMENT BEFORE YOU DECIDE TO BUY OR LEASE THE DESCRIBED PROPERTY.

YOU SHOULD BE AWARE OF THE FACT THAT VARIOUS STATE AGENCIES HAVE ISSUED OPINIONS ON BOTH THE SUBDIVISION PROPOSAL AND WHAT IS SAID IN THIS DISCLOSURE STATEMENT ABOUT THE PROPOSAL. THESE OPINIONS, WHETHER FAVORABLE OR UNFAVORABLE, ARE CONTAINED IN THIS DISCLOSURE STATEMENT AND SHOULD ALSO BE READ CAREFULLY.

THE E.T.Z. COMMISSION HAS EXAMINED THIS DISCLOSURE STATEMENT TO DETERMINE WHETHER THE SUBDIVIDER CAN SATISFY WHAT HE HAS SAID IN THIS DISCLOSURE STATEMENT. HOWEVER, THE E.T.Z. COMMISSION DOES NOT VOUCH FOR THE ACCURACY OF WHAT IS SAID IN THIS DISCLOSURE STATEMENT. FURTHER, THIS DISCLOSURE STATEMENT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION BY EITHER THE E.T.Z. OR THE STATE. IT IS INFORMATIVE ONLY.

FINALLY, THE E.T.Z. COMMISSION RECOMMENDS THAT YOU SEE THE PROPERTY BEFORE BUYING OR LEASING IT. HOWEVER, IF YOU DO NOT SEE THE PROPERTY PRIOR TO PURCHASING OR LEASING IT, YOU HAVE SIX MONTHS FROM THE TIME OF PURCHASE OR LEASE TO INSPECT THE PROPERTY. UPON INSPECTING THE PROPERTY, YOU HAVE THREE DAYS FROM THE DATE OF INSPECTION TO RESCIND THE TRANSACTION AND RECEIVE ALL OF YOUR MONEY BACK, LESS CLOSING COSTS, FROM THE SUBDIVIDER. YOU MUST GIVE THE SUBDIVIDER NOTICE IN WRITING OF YOUR INTENT TO RESCIND WITHIN THREE DAYS OF YOUR INSPECTION OF THE PROPERTY.

ORGAN MESA RANCH SUBDIVISION, PHASES 2
DISCLOSURE STATEMENT

1. NAME OF SUBDIVISION:

"Organ Mesa Ranch Subdivision, Phases 2

2. NAME AND ADDRESS OF SUBDIVIDER:

Organ Mesa Development, LLC
Timothy A. Curry
Managing Member
2511 N. Telshor
Las Cruces, New Mexico 88011

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN NEW MEXICO:

Organ Mesa Development, LLC
Timothy A. Curry
Managing Member
2511 N. Telshor
Las Cruces, New Mexico 88011

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED:

Present: 1 Parcel
Anticipated: 30 Lots, 1 Tract

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION:

5.92 acres

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION:

1.12 acres

7. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE:

Organ Mesa Development, LLC
Timothy A. Curry
Managing Member
2511 N. Telshor
Las Cruces, New Mexico 88011

8. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE:

Organ Mesa Development, LLC
Timothy A. Curry
Managing Member
2511 N. Telshor
Las Cruces, New Mexico 88011

9. CONDITION OF TITLE:

Property is free and clear of any liens.

10. DISCLOSURE OF ALL LEGAL RAMIFICATIONS OF ANY EXISTING LIENS OR OBLIGATIONS WHICH MAY BE ATTACHED TO THE LAND PROPOSED FOR SUBDIVISION:

Property is free and clear of any liens.

11. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD SUBJECTING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING IT'S USE OR OCCUPANCY:

Restrictive Covenants to be filed with the Dona Ana County Clerk's office prior to the sale of any lots.

12. ESCROW AGENT:

Southwestern Abstract & Title Co.
1125 S. Main
Las Cruces, NM 88005

* The subdivider does not have any interest or financial ties with the escrow agent.

13. UTILITIES:

Approximate costs to individual property owner (hook-up fees, installation, etc.)

WATER – Moongate Water Company	\$250.00 Water Rights (approx.) \$407.96 Meter (approx.) \$1,777.39 line ext. (approx.)
WASTEWATER – On lot septic	\$2,500 (approx.)
PHONE – Qwest West Communications	\$43.50/month(approx.)
ELECTRICITY – El Paso Electric Company	\$25.53 Service Meter (approx.)
GAS – On lot Liquid Propane (LP)	\$1,900 (500 gal tank – approx)
SOLID WASTE COLLECTION	\$11.82/month (approx.)

14. INSTALLATION OF UTILITIES:

Water, telephone and electric main service lines and taps are to be installed by the developer at the time of subdivision construction. Wastewater service via on-lot septic tanks is the responsibility of each individual lot owner. Liquid Propane gas services via on-lot tanks are the responsibility of each individual lot owner. Utilities will be available to all lots within four months of the commencement of sales of lots. It is the responsibility of each lot owner to contact each utility company and make arrangements for individual utility connections. Solid waste disposal will be a private trash collection service and shall be the responsibility of the individual property owners.

15. UTILITY LOCATION:

Utilities shall be provided as stated above, to all lots, and shall be located as shown on the approved plat of survey and construction drawings. All utilities will be underground.

16. WATER USE:

Water will be for domestic use only. Moongate Water Company will provide all water within the development. Water will not be provided for recreational use, exclusive of swimming pools and spas. There are no anticipated limitations, physical or legal, for the indicated uses. Water conservation methods include limiting lawns to 10,000 SF per lot area with the remainder xeriscaped. Low flow plumbing fixtures should be utilized.

17. AMOUNT OF WATER:

The maximum daily quantity of water to be provided for each parcel for the uses described above is 1,000 gallons per day per parcel.

The water will become available for domestic and residential use upon individual lot owners signing a connection agreement with the Moongate Water Company.

18. WATER DELIVERY:

For residential use, Moongate Water Company will provide service via underground water distribution lines. The developer will install 12", 8" and 4" main lines with 1 –inch stub outs up to the water meter and each individual lot owner will install their own service lines into each individual lot. Fire flow provided will be a minimum of 1,000 gallons per minute (gpm) for a 2 hour duration period.

19. WATER SYSTEM EXTENSION:

Each user will pay for the water used and assesment fees with connectivity in accordance with the policies of the Moongate Water Company. (See Item 13.)

20. LIFE EXPECTANCY OF THE WATER SUPPLY:

SOURCE	LIFE EXPECTANCY
Ground water aquifer	50 years

21. WELLS:

Individual wells are not allowed within this subdivision.

22. SURFACE WATER:

No surface water is available within this subdivision.

23. STATE ENGINEER'S OPINION ON WATER:

Should the New Mexico State Engineer's office issue an opinion on this project, it will be attached at the end of this report.

24. WATER QUALITY:

Water provided by the Moongate Water Company is presently suitable for residential use and meets all NMED quality parameters.

25. ENVIRONMENT DEPARTMENT'S OPINION ON WATER:

The New Mexico Environment Department's (NMED) opinion on the quality of water will be attached at the end of this report if one is given. The Moongate Water Company is a licensed utility and complies with the testing requirements of the NMED.

26. LIQUID WASTE DISPOSAL:

For residential use, each individual lot shall have an NMED approved septic tank.

27. ENVIRONMENT DEPARTMENT'S OPINION AND LIQUID WASTE DISPOSAL:

The New Mexico Environment Department's (NMED) opinion on liquid waste disposal will be attached at the end of this report if one is given.

28. SOLID WASTE DISPOSAL:

Private trash collection services are available for this subdivision. Individual lot owners will be responsible for arranging this service.

The nearest transfer station is located approximately 10 miles away at the Las Cruces Waste Transfer Station on 2865 W. Amador.

29. ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL:

The New Mexico Environment Department's (NMED) opinion on solid waste disposal will be attached at the end of this report if one is given.

30. TERRAIN MANAGEMENT:

The soil in this subdivision is primarily classified as Terino-Casito Association (TF) as found in the "Soil Survey of Dona Ana County Area, New Mexico". These soils are suitable for subdivision purposes. This subdivision is identified as being in Flood Zone "X", per FEMA FIRM map No. 35013C0675E. No lots in this subdivision are located in a FEMA 100-year flood plain, however, numerous concentrated flows areas in the form of arroyos exist on the property. Care shall be taken by the individual lot owners not to modify arroyo paths or construct structure that impede their historical flow. No lot building pad areas in this subdivision have grades that exceed 8%, however some arroyo banks do contain slopes in excess of 8%. All excess stormwater generated by subdivision infrastructure development must be retained on site. The stormwater ponding areas are located along the internal street roadway network and shall be maintained by each individual property owner. No changes to the ponding areas shall be allowed. Each lot will be required to construct a ponding area to retain the excess flow generated by the lot improvements. These ponds shall accommodate a minimum of 256 Cubic Feet per One Thousand Square Feet of improvement.

31. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

The Natural Resources Conservation District's opinion on access will be attached at the end of this report if one is given.

32. SUBDIVISION ACCESS:

To access the subdivision, from University Avenue and Interstate 25, go east on Dripping Springs Road approximately 3 miles to the subdivision entrance. The subdivision entrances will be on the south side of Dripping Springs Road. The subdivision is ordinarily accessible by conventional vehicle in all seasons and under all weather conditions.

After a one year warranty period and the correction of any construction deficiencies, the roadway shall be offered to Dona Ana County for acceptance of dedication by the Dona Ana Board of County Commissioners.

33. STATE HIGHWAY AND TRANSPORTATION DEPARTMENT'S OPINION ON ACCESS:

The New Mexico State Highway & Transportation Department's opinion on access will be attached at the end of this report if one is given.

34. DEVELOPMENT

At this time, no community improvements are planned by the subdivider.

35. MAINTENANCE:

The subdivider's construction responsibility extends to the construction of roadway systems, water supply systems, drainage system and making available utilities to the individual lot lines. The Moongate Water Company will maintain all water distribution systems stated above. There will be a monthly charge as established by the Moongate Water Company for water and other system maintenance.

36. ADVERSE CONDITIONS:

There are no adverse or unusual conditions affecting the use or occupancy of this property.

37. RECREATIONAL FACILITIES:

There are no recreational facilities actual or proposed within the subdivision.

38. FIRE PROTECTION:

Fire protection will be provided by the Talavera Volunteer Fire Department which has a station located approximately 0.4 miles southeast of the subdivision at the intersection of Soledad Canyon Road and Achenback Canyon Road. A Fire hydrant will be placed within the subdivision in accordance with the county Fire Marshall standards.

39. POLICE PROTECTION:

This Extra-Territorial Zone development is under the jurisdiction of the Dona Ana County Sheriff's Department and the New Mexico State Police Department.

40. PUBLIC SCHOOLS:

Elementary School students will attend the Hillrise Elementary School that is located approximately 5 miles from the development at 1400 South Curnutt Road.

Middle School students will attend Zia Middle School that is located approximately 6 miles from the development at 1300 West University Avenue.

Senior High students will attend Las Cruces High School, which is located approximately 6 miles from the development at 1755 El Paseo Road.

41. HOSPITALS:

Memorial Medical Center is a twenty-four (24) hour emergency care hospital located approximately 3 miles away from the development at 2420 South Telshor Dive. Mountain View Regional Medical Center is a twenty-four (24) hour emergency care hospital located approximately 6 miles away from the development at 4311 East Lohman Avenue.

42. SHOPPING FACILITIES:

Primary shopping facilities are located northwest of the development in the vicinity of the intersection of Telshor Boulevard and Lohman Avenue. These include Mesilla Valley Mall, full service grocery stores, home improvement stores, electronic stores and numerous restaurant facilities.

43. PUBLIC TRANSPORTATION:

Local transportation is provided by Road Runner Bus Services, however this service is limited to the Las Cruces City Limits and does not exceed to this development. Bus transportation is provided by Greyhound Bus Lines in Las Cruces. Air transportation is provided at Crawford International Airport in Las Cruces, and El Paso International Airport in El Paso, Texas.

42. COMPLETION DATES:

All services mentioned in Items 38 through 42 are available as of the date of this Disclosure Statement. Subdivision construction improvements are anticipated to be completed by January 31, 2005.

I, the undersigned owners, hereby set our hands and seals this _____ day of _____.

Timothy A. Curry
Managing Member

State of New Mexico)
) ss
County of Dona Ana)

The foregoing instrument was acknowledged before me this _____ day of _____, 2004 by _____.

Notary Public

My Commission Expires: _____