

DEED

273799

RESTRICTIONS

VISTA REDONDA UNIT "B"

STATE OF NEW MEXICO }  
COUNTY OF SANTA FE } ss.

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Franell Corporation, d/b/a Franell of Texas Corporation, being the owner and developer of all of the land constituting VISTA REDONDA UNIT "B", as per map or plat recorded in the map records of Santa Fe County, New Mexico, do by these presents state that said property in said subdivision is and shall be subject to the following stipulation, restrictions and conditions which are hereby made covenants running with the land and which shall apply to and be binding upon the purchasers, their heirs, executors and administrators. Said covenants are to run with the land, and shall be binding on all parties and all persons claiming under them for twenty (20) years from the date of the filing of these restrictive covenants, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part.

If the parties hereto, or party, his or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate, any such covenant, and either to prevent him or them from so doing, or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

(1) All lots in this tract shall be known and described as residential lots, and there shall not be erected on any one lot, as such lot may be described or prescribed or designated according to the map or plat of Vista Redonda Unit "B", as filed and recorded in the Santa Fe County Map or Plat Records, more than one private dwelling house, and one guest house or servant house, and necessary outhouses, and said premises shall be used for single dwelling purposes only.

(2) No building shall be erected, placed or altered on any building plot in this subdivision until complete building plans, specifications, exterior color scheme, together with a plat plan showing the location of the building and any auxiliary buildings, drives or other proposed improvements have been approved in writing, as to conformity and harmony of external design with existing structures in the subdivision, and as to location of the building with respect to topography and finished ground elevation by a committee composed of C. C. Ladenberger, Margaret E. Ladenberger, and William Lumpkins, or by a representative designated by a majority of the members of said committee. In the event of death or the resignation of any member of said committee, the remaining member, or members, shall have full authority to approve or disapprove such design and location, or to designate

STATE OF NEW MEXICO 1325390  
COUNTY OF SANTA FE

I hereby certify that this instrument was filed for record on the 15th day of July A.D. 1970 at 1:40 p.m. and was duly recorded in Book 213 page 797-802 of the records of Santa Fe County.

Witness my hand and seal of office

FITA T. GONZALEZ

Clerk of Court, Santa Fe County, N.M.

*Robert H. H. H.*  
Deputy

273800

a representative with like authority. In the event said committee, or its designated representative, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it or in any event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with. Neither the members of such committee, nor its designated representatives, shall be entitled to any compensation for services performed pursuant to this covenant. The powers and duties of such committee, and of its designated representative, shall cease on and after June 1, 1995. Thereafter the approval described in this covenant shall not be required unless, prior to said date and effective thereon, a written instrument shall be executed by the then recorded owners of a majority of the lots in this subdivision and duly recorded, appointing a representative, or representatives, who shall thereafter exercise the same powers previously exercised by said committee.

(3) The exterior construction of any dwelling erected on any lot shall be of Stucco, Rammed Earth, Adobe, Stone, Adobe veneer, Stone veneer or other approved prefabricated or synthetic materials provided written consent is given by the committee appointed to pass on the plans and specifications. Wood siding may be used for the second story, garage and other outhouses may be of frame weatherboard, if approved by the committee. Dwellings shall conform to southwestern architecture of pueblo, ranch or Spanish as approved by the above designated committee.

(4) All driveways to all lots in this subdivision shall be entered only from streets dedicated in this subdivision and property owners shall provide at least a 15-inch culvert at his driveway to meet County specifications.

(5) On all lots in this addition, no dwelling for primary living quarters shall be erected which contains less than 1,200 square feet of ground floor space, or in case of one and one-half or two story dwellings, not less than 1,200 square feet of ground floor space, exclusive of porches, terraces, garages and outbuildings. Guest houses or servant quarters shall be limited to one building and shall contain at least 240 square feet.

(6) No dwelling house or any outhouses, garages or stables shall be erected on any lot at a point nearer than 50 feet from any property line, AND all buildings shall be completed within 24 months from starting date of construction.

(7) All utility lines on any lot in this subdivision shall be provided by lot owner and shall be underground; this shall include all utility lines constructed between buildings on any lot. Oil or gas storage tanks may be above ground, and shall be screened from street and other lots.

(8) No sign of any kind shall be displayed to the public view on any lot, except one sign of not more than five square feet advertising the property for sale or rent, or signs used by the builder to advertise the property during the construction and sales period.

(9) No animals, poultry or livestock, of any kind, shall be raised, bred, or kept on any lot, except that four dogs, four cats, four horses and/or 12 chickens or any other household pets



273801

may be kept provided that they are not kept, bred, or maintained for any commercial purpose. All horses and chickens shall be fenced on owners' lots and dogs and cats shall not be allowed to become an annoyance or nuisance.

(10) No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. All trash, garbage or other waste shall be disposed of by lot owner at approved County dumping grounds.

(11) No boundary fence on any lot shall be of barbed wire or chicken wire.

(12) a. Residential lots shall not be subdivided.

b. No old or second-hand buildings shall be moved on any lot in the subdivision.

c. No outdoor-type toilet shall be erected or maintained and all toilets shall be located inside the principal building and shall be connected with proper septic tanks that conform with State and County health laws and regulations. Each property owner shall supply his property with a garbage can of not less than 20 gallons capacity. Garbage will be disposed of in accordance with the regulations of the State of New Mexico Department of Health.

d. No brush, trash or other material shall be burned except in compliance with existing fire regulations.

e. No public or private rodeos shall be carried on upon any lot or tract in the subdivision.

(13) No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(14) No trallor, basement, tent, shack, garage, barn or outbuilding shall at any time be used as a residence temporarily, nor shall any structure of a temporary character be used as a residence.

(15) No gas meter, or gas or oil storage tank shall be set nearer the street than the front or side of dwelling unless the meter is of an underground type.

(16) No garage, servant house, garage house or outbuilding shall be occupied by owner, tenant, or anyone prior to the erection of main dwellings. It is further agreed and stipulated that the breach of any of the foregoing conditions and covenants, within twenty-five (25) years from the 1st day of JULY, 1970, shall not affect any mortgage, or other lien, which in good faith at that time may be existing upon said property or any improvements thereon.

WITNESS MY HAND at Santa Fe, New Mexico, this 9<sup>TH</sup> day of JULY, A. D., 1970.

FRANELL CORP. d/b/a FRANELL OF TEXAS CORPORATION

By: C. C. Ladenberger  
C. C. Ladenberger, President

ATTEST:

Margaret S. Ladenberger  
Secretary

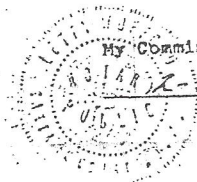
273802

STATE OF NEW MEXICO }  
COUNTY OF SANTA FE } ss.

BEFORE ME, the undersigned authority, a Notary Public, in and for Santa Fe County, New Mexico, on this day personally appeared C. C. Ladenberger, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office, this 9 day of July, A. D., 1970.

Netta Wofford  
Notary Public



My Commission Expires:

12-25-73



**AMENDMENT TO DEED RESTRICTIONS  
TO DEED RESTRICTIONS OF VISTA REDONDA UNIT "B"**

**STATE OF NEW MEXICO  
COUNTY OF SANTA FE      ss.**

**01167130**

**KNOW ALL MEN BY THESE PRESENTS:**

**THAT WE,** being the majority of all of the owners of all the land constituting Vista Redonda Unit "B", as per map or plat recorded in the Map Records of Santa Fe County, New Mexico, do by these presents amend and modify the original deed restrictions applicable to said Unit "B" dated, July 9th, 1970, as stated below:

Said covenants are to run with the land, and shall be binding on all parties and all persons claiming under them to Twenty (20) years from the date of the filing of these restrictive covenants, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part.

**PARAGRAPH (2) IS HEREBY AMENDED TO READ AS FOLLOWS:** No building shall be erected, placed or altered in any building plot in this subdivision until complete building plans, specifications, external color scheme, together with a plat plan showing locations of the building and any auxiliary buildings, drives or other proposed improvements have been approved in writing, as to conformity and harmony of external design with existing structures in the subdivision, and as to location of the building with respect to topography and finished ground elevation

by an architectural committee approved by the Board of Directors of the Vista Redonda Homeowners Association which committee currently exists of John Rubel, Rolfe M. Steffen and Mark Hagedorn or by representation designated by a majority of the Board of Directors of the Vista Redonda Homeowners Association. In the event of the death or the resignation of any member of said committee the remaining member or members shall have full authority to approve or disapprove such design and location. In the event such committee or its designated representative fails to approve or disprove such design and locations within 30 days after said plans and specifications have been submitted to it, or in any event, if no suit to enjoin the erection of such building or the making of such alternations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with. Neither the members of such committee, nor its designated representative shall be entitled to any compensation for services rendered pursuant to this covenant.

Whereas the undersigned owners have affixed their signatures on the day indicated.

01107152

Pleasant Frautchi  
Pleasant Frautchi

STATE OF WISCONSIN )  
COUNTY OF DANE ) SS.

The foregoing Amendment to Deed Restrictions was subscribed,  
sworn to and acknowledged before me on APRIL 4, 1995, by  
\_\_\_\_\_.

Rona Cozart  
NOTARY PUBLIC

My Commission Expires:  
July 14, 1996





**2007 Amendment to the Deed Restrictions for Vista Redonda  
Units A, B, C, D, E, F, and G**

A. The undersigned constitute a majority of all of the owners of all of the subdivided lots within each of the seven (7) units known as Vista Redonda Units A, B, C, D, E, F, and G of the Vista Redonda Subdivision (Subdivision) as shown on the plats of survey filed for record with the Clerk of Santa Fe County, New Mexico and further described on Schedule A. The lots within the Subdivision are subject to certain "Deed Restrictions," as amended, filed for record with the Clerk of Santa Fe County, New Mexico and further described on Schedule A (Deed Restrictions for Vista Redonda Units A, B, C, D, E, F, and G). By the deeds of conveyance identified on Schedule A, the Deed Restrictions for Vista Redonda Unit G and the Deed Restrictions for Vista Redonda Unit F govern the use of real property located outside the Subdivision which real property is described on Schedule A.

B. It is the intention of the undersigned owners to amend the Deed Restrictions for Vista Redonda Units A, B, C, D, E, F, and G by this 2007 Amendment to the Deed Restrictions for Vista Redonda Units A, B, C, D, E, F, and G (2007 Amendment).

C. The undersigned owners, representing a majority of all votes allocated to the lots within each unit of the Subdivision, hereby adopt the following amendment to the Deed Restrictions for Vista Redonda Units A, B, C, D, E, F, and G.

**Now Therefore, Be It Resolved** that the Deed Restrictions for Vista Redonda Units A, B, C, D, E, F, and G are hereby amended to add the following paragraphs:

In the event of any inconsistency between this 2007 Amendment and the Deed Restrictions for Vista Redonda Units A, B, C, D, E, F, and G (Deed Restrictions), this 2007 Amendment shall prevail.

The Deed Restrictions may be amended, revised or restated by a document filed for record in the land records of Santa Fe County, New Mexico (Amendment) approved by affirmative vote or written consent of owners, or any combination thereof, representing sixty percent (60%) of the total votes allocated to all lots within Vista Redonda Units A, B, C, D, E, F, and G as shown on the plats of survey described on Schedule A (Subdivision). The Deed Restrictions shall run with and bind the lots within the Subdivision, and shall inure to the benefit of and be binding upon all owners of lots within the Subdivision, their respective legal representatives, heirs, successors, and assigns, in perpetuity.

The President and Secretary of the Association may certify that the requisite votes or written consents have been cast in favor of any Amendment. Such certification shall be deemed to be binding and effective to evidence the requisite approval of an Amendment. Any procedural challenges to an Amendment must be made within six (6) months following its recordation or such Amendment shall be presumed to have been validly adopted and binding on all owners of lots within the Subdivision. Invalidation of any provision of this 2007 Amendment, in whole or in part, or any application of a provision of this 2007 Amendment by judgment or court order shall in no way affect other provisions or applications.

The undersigned hereby approve and execute this 2007 Amendment as of the dates set forth below.

✓ SEC. CLERK RECORDED 07/10/2008

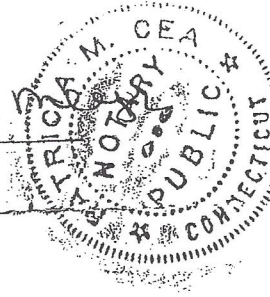
The undersigned hereby approve and execute this 2007 Amendment as of the dates set forth below.

Date: 5/16/07

Fred J. Meyer  
Fred J. Meyer  
Owner of Lot 10 and Lot 11 in Unit G

Date: 5/16/07

Marie-Noëlle Meyer  
Marie-Noëlle Meyer  
Owner of Lot 10 and Lot 11 in Unit G



**Acknowledgment**

CONNECTICUT  
State of ~~New Mexico~~ )  
FAIRFIELD  
County of ~~Santa Fe~~ )

The foregoing document was acknowledged before me this 16<sup>th</sup> day of May, 2007,  
by Fred J. Meyer and Marie-Noëlle Meyer, husband and wife.

Patricia M. Cea  
Notary Public

My commission expires:

My Commission Exp. Aug. 31, 2011

**2009 Amendment to the Deed Restrictions for Vista Redonda  
Units A, B, C, D, E, F, and G**

A. On July 10, 2008, the majority of all of the owners of all of the subdivided lots within each of the seven (7) units known as Vista Redonda Units A, B, C, D, E, F, and G of the Vista Redonda Subdivision (Subdivision) filed for record the 2007 Amendment to the Deed Restrictions for Vista Redonda Units A, B, C, D, E, F and G as Instrument No. 1531722, records of Santa Fe County, New Mexico (2007 Amendment). The 2007 Amendment modified the "Deed Restrictions," as amended, filed for record with the Clerk of Santa Fe County, New Mexico and further described on Schedule A (Deed Restrictions) to the 2007 Amendment.

B. The 2007 Amendment permits the further amendment of the Deed Restrictions, if approved by affirmative vote or written consent of owners, or any combination thereof, representing sixty percent (60%) of the total votes allocated to all lots within Vista Redonda Units A, B, C, D, E, F, and G as shown on the plats of survey described on Schedule A to the 2007 Amendment (Lots).

C. The 2007 Amendment further permits the President and Secretary of the Vista Redonda Water and Property Owners' Association, Inc. (Association) to certify that the requisite votes or written consents have been cast in favor of any Amendment.

Now therefore, the defined terms set forth above are hereby incorporated in this 2009 Amendment to the Deed Restrictions for Vista Redonda Units A, B, C, D, E, F, and G (2009 Amendment) and the Deed Restrictions are further amended as follows:

**Driveways.** Paragraph (4) of the Deed Restrictions is deleted and the following substituted therefor:

(4) All driveways or road improvements within all Lots in this Subdivision shall be entered only from streets or roads previously dedicated in this Subdivision. All property owners shall provide at least a 15 inch culvert at each owner's driveway to meet County specifications. No driveway or road improvements shall be made or installed in a Lot in excess of the size and dimension necessary to serve the improvements within the Lot. After recordation of this 2009 Amendment, no driveway, roadway, right-of-way, access way, access easement or other similar use within a Lot shall serve or benefit any lands lying outside the Subdivision. No driveway, roadway, right-of-way, access way, access easement within a Lot shall be dedicated, in whole or in part, for public or private use to serve or benefit lands outside the Subdivision.

In witness whereof, the undersigned officers of the Association hereby certify that the foregoing 2009 Amendment has been approved by affirmative vote or written consent of owners, representing sixty percent (60%) of the total votes allocated to all Lots within Vista Redonda Units A, B, C, D, E, F, and G as shown on the plats of survey described on Schedule A to the 2007 Amendment.



Vista Redonda Water and Property  
Owners' Association, Inc.

Date: 3-9-09

By: [Signature]  
Harvey A. Simon, President

Attest:

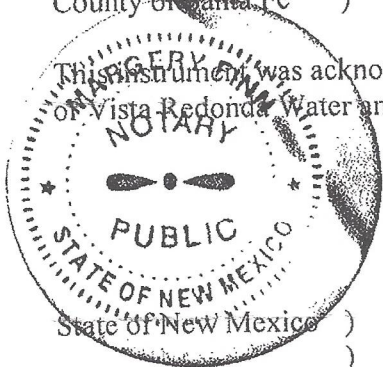
Date: Mar. 9, 2009

By: [Signature]  
Nancy N. Mudd, Secretary

Acknowledgments

State of New Mexico )

County of Santa Fe )



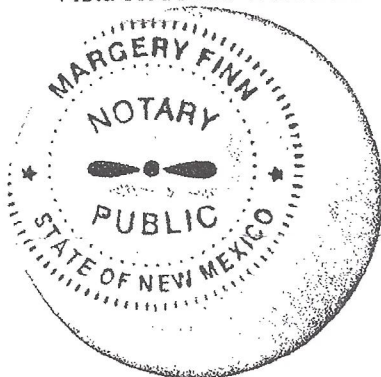
State of New Mexico )

County of Santa Fe )

This instrument was acknowledged before me on March 9<sup>th</sup>, 2009, by Harvey A. Simon, President of Vista Redonda Water and Property Owners' Association, Inc., on behalf of said corporation.

[Signature]  
Notary Public  
My Commission Expires: April 11, 2010

This instrument was acknowledged before me on March 9<sup>th</sup>, 2009, by Nancy N. Mudd, Secretary of Vista Redonda Water and Property Owners' Association, Inc., on behalf of said corporation.



[Signature]  
Notary Public  
My Commission Expires: April 11, 2010

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

AMENDMENT  
PAGES: 2

Hereby Certify That This Instrument Was Filed for  
Record On The 16TH Day Of March, 2009 at 10:56:56 AM  
and Was Duly Recorded as Instrument # **1555565**  
of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy [Signature] County Clerk, Santa Fe, NM



[illegible]