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Solterra- 7<sup>th</sup>

2006

SEVENTH SUPPLEMENTAL DECLARATION TO DECLARATION  
OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR HIGH DESERT RESIDENTIAL PROPERTIES  
(Lots 1 - 36, Solterra Subdivision Unit 1 at High Desert)

THIS SEVENTH SUPPLEMENTAL DECLARATION is made this  
20<sup>th</sup> day of May, 1996, by High Desert  
Investment Corporation, a New Mexico corporation ("Declarant").

BACKGROUND STATEMENT

On December 22, 1993, Declarant executed that certain Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on December 22, 1993, as Document 93145417 in Book 93-37, Pages 1-87, in the Office of the County Clerk of Bernalillo County, New Mexico, which was amended (i) by the First Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on February 24, 1995, 1995, as Document 95018895 in Book 95-5, Pages 2271-2274, in the Office of the County Clerk of Bernalillo County, New Mexico, (ii) by the Second Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on March 8, 1995, as Document 95023420 in Book 95-6, Pages 2332-2334, in the Office of the County Clerk of Bernalillo County, New Mexico; (iii) by the Third Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on December 4, 1995, as Document 95123873 in Book 95-29, Pages 4886-4891, in the Office of the County Clerk of Bernalillo County, New Mexico and (iv) by the Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for High Desert Properties, which was recorded on March 26, 1996 as Document 96034023, in Book 96-8, Pages 7743-7745, in the Office of the County Clerk of Bernalillo County, New Mexico, and which was supplemented (i) by the Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Properties (Tract 15A), which was recorded March 14, 1995, as Document 95025598 in Book 95-6, Pages 6854-6858, in the Office of the County Clerk of Bernalillo County, New Mexico, (ii) by the Second Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Properties (Tract 3B and 3C), which was recorded June 19, 1995, as Document 95060324 in Book 95-14, Pages 6088-6092, in the Office of the County Clerk of Bernalillo County, New Mexico, (iii) by the Third Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Properties (Tract 3A), which was recorded August 18, 1995, as Document 95082948 in Book 95-19, Pages 8921-8925, in the Office of the County Clerk of Bernalillo County, New Mexico, (iv) by the Fourth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Properties (Unit 2 the Highlands/Tract 15B), which was recorded August 29, 1995, as

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Document 95087321 in Book 95-20, Pages 8831-8836, in the Office of the County Clerk of Bernalillo County, New Mexico, (v) by the Fifth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Properties (Tracts 3B and 3C, Trillium Village), which was recorded December 12, 1995, as Document 95126995 in Book 95-30, Pages 1868-1874, in the Office of the County Clerk of Bernalillo County, New Mexico, and (vi) the Sixth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Properties (Tract 2A-1A-1), which was recorded February 1, 1996, as Document 96012264 in Book 96-3, Pages 7515-7519, in the Office of the County Clerk of Bernalillo County, New Mexico ("Declaration").

Pursuant to the terms of Section 9.1 of the Declaration, until all property described on Exhibit "B" of the Declaration has been subjected to the Declaration or 30 years after the recording of the Declaration, whichever is earlier, Declarant may unilaterally submit all or any portion of the property described on Exhibit "B" of the Declaration to the terms of the Declaration with the consent of the owners of such property (if other than Declarant). The Declaration also provides in Section 3.4 that each Supplemental Declaration filed to subject additional property to the Declaration shall initially assign the property described therein to a specific Village (as defined in the Declaration) by name, which Village may be then existing or newly created.

Declarant is the owner of the property described on Exhibit "A" (the "Annexation Property") attached hereto and by this reference incorporated herein, and the Annexation Property is a portion of the property described on Exhibit "B" of the Declaration. Declarant desires to submit to the provisions of the Declaration the Annexation Property and to assign the Annexation Property to a Village within the Properties.

W I T N E S S E T H:

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration:

1. Declarant hereby subjects the Annexation Property to the provisions of the Declaration. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Declaration, all of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns. The provisions of this Supplemental Declaration shall be binding upon the High Desert Residential Owners Association, Inc., in accordance with the terms of the Declaration.

2. The Annexation Property is hereby established as a Village under the Declaration. The name of the Village shall be "Solterra Village," and Declarant hereby assigns the Annexation Property to said Village.

3. Capitalized terms not otherwise defined herein are as defined in the Declaration.

IN WITNESS WHEREOF, the undersigned, on behalf of the Declarant, have executed this Supplemental Declaration and affixed the corporate seal as of the day and year first written above.

DECLARANT: HIGH DESERT INVESTMENT CORPORATION,  
a New Mexico corporation

ADDRESS: 13000 Academy Road, N.E.  
Albuquerque, New Mexico 87110

By: Douglas H. Collister  
Name: Douglas H. Collister  
Title: President

By: Jack Eichorn  
Name: JACK EICHORN  
Title: VICE PRESIDENT

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

This instrument was acknowledged before me on May 20, 1996, by Douglas H. Collister, as President of High Desert Investment Corporation, a New Mexico corporation.

Notary Public  
Notary Public

My commission expires:  
10-19-99.

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

This instrument was acknowledged before me on  
May 20, 1996, by JACK ECKHARD, as  
VICE PRESIDENT of High Desert Investment Corporation, a New  
Mexico corporation.

Mark [Signature]  
Notary Public

My commission expires:  
10-19-96

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05/20/96

EXHIBIT "A"

Description of Annexation Property

Lots 1 - 36 inclusive, Solterra Subdivision Unit 1 at High Desert, Albuquerque, New Mexico as the same is shown and designated on the Plat of Solterra Subdivision Unit 1 at High Desert, filed in the office of the County Clerk of Bernalillo County, New Mexico, on May 15, 1996, in Vol. 96C, Folio 199

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
FILED FOR RECORD

96 MAY 20 PM 3: 06

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COUNTY CLERK  
DO. CLERK RECORDED  
*[Signature]*