

**FIRST AMENDMENT TO FORTY-SECOND SUPPLEMENTAL DECLARATION  
TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR HIGH DESERT RESIDENTIAL PROPERTIES  
(Tract 13-A, the Wilderness Estates at High Desert)**

THIS FIRST AMENDMENT TO FORTY-SECOND SUPPLEMENTAL DECLARATION is made this 20th day of May, 2003, by High Desert Investment Corporation, a New Mexico corporation ("Declarant") (the "Purchaser").

BACKGROUND STATEMENT

A. The Forty-Second Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tracts 13-A and 13-B) (the "Forty-Second Supplemental Declaration"), was recorded December 20, 2002, as Document 2002171063 in Book A47, page 619, records of Bernalillo County, New Mexico relating to Tracts 13-A and 13-B, High Desert pursuant to the 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, as amended and supplemented (the "Declaration"). Tract 13-A High Desert has been replatted into the Wilderness Estates at High Desert pursuant to the Plat of Wilderness Estates at High Desert (A replat of Tract 13-A High Desert) recorded April 14, 2003 in the records of Bernalillo County, New Mexico in Book 2003C, page 101, as document number 2003060078 (Tract 13-A/Wilderness Estates at High Desert is referred to herein as the "Property")

B. Pursuant to the terms of Section 18.2 of the Declaration, Declarant may unilaterally amend the Declaration, provided that the amendment has no material adverse effect upon the right of any owner. Declarant, which owns the Property, desires to amend the Forty-Second Supplemental Declaration to reference certain design guidelines applicable to the Property.

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

D. This First Amendment to Forty-Second Supplemental Declaration shall be binding on and shall inure to the benefit of Declarant, the Association, and all parties having any right, title, or interest in the Property or any

part thereof, their heirs, successors, successors-in title, and assigns.

W I T N E S S E T H:

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

1. Supplemental Guidelines of Sustainability Estate Homes High Desert the Wilderness Estates at High Desert. As set forth in the Declaration, the Property is subject to the Guidelines for Sustainability. Pursuant to the Declaration, the Property shall also be subject to additional design guidelines as set forth in the Supplemental Guidelines for Sustainability Estate Homes Wilderness Estates at High Desert (the "Supplemental Guidelines"). Copies of the Supplemental Guidelines are available at the offices of the Association.

IN WITNESS WHEREOF, the undersigned have executed this First Amendment to Forty-Second Supplemental Declaration as of the day and year first written above.

**DECLARANT**

HIGH DESERT INVESTMENT  
CORPORATION, a New Mexico  
corporation

Collister

By: /s/ Douglas H.

Name: Douglas H. Collister  
Title: President

By: /s/ Jack Eichorn  
Name: Jack Eichorn  
Title: Vice President

Address: 13000 Academy Road, N.E.  
Albuquerque, NM 87111

Date Signed: May 20, 2003

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

This instrument was acknowledged before me on May 20, 2003, by Douglas H. Collister, President of High Desert Investment Corporation, a New Mexico corporation.

          /s/ Lauda J. Miles            
Notary Public

My Commission Expires:

          11/18/06          

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

This instrument was acknowledged before me on May 20, 2003, by Jack Eichorn, Vice President of High Desert Investment Corporation, a New Mexico corporation.

          /s/ Lauda J. Miles            
Notary Public

My Commission Expires:

          11/18/06          

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8/12/03