

**THIRTEENTH SUPPLEMENTAL DECLARATION TO DECLARATION  
OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR HIGH DESERT RESIDENTIAL PROPERTIES  
(Tract 3A, Desert Sky Village)**

THIS THIRTEENTH SUPPLEMENTAL DECLARATION is made this 29th day of January, 1997, by High Desert Investment Corporation, a New Mexico corporation ("Declarant").

**BACKGROUND STATEMENT**

A. 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 by (i) the First Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on February 24, 1995, as Document 95018895 in Book 95-5, Pages 2271-2274, in the Office of the County Clerk of Bernalillo County, New Mexico, (ii) 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) 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) Fourth 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 which was supplemented by (i) the Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential 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) the Second Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tracts 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) the Third Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential 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) the Fourth Supplemental Declaration to Declaration of Covenants,

Conditions, and Restrictions for High Desert Residential Properties (Unit 2 the Highlands/Tract 15B), which was recorded August 29, 1995, as Document 95087321 in Book 95-20, Pages 8831-8836, in the Office of the County Clerk of Bernalillo County, New Mexico, (v) the Fifth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential 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, (vi) the Sixth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 2A-1A-1), which was recorded February 1, 1996, as Document 96012264 in Book 96-3, Pages 7513-7519, in the Office of the County Clerk of Bernalillo County, New Mexico, (vii) the Seventh Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Lots 1 through 36 inclusive, Solterra Subdivision Unit 1 at High Desert), which was recorded May 20, 1996, as Document 96056432 in Book 96-14, Pages 2006-2010, in the Office of the County Clerk of Bernalillo County, New Mexico, (viii) Eighth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 2A-1B-1, Tierra Del Oso Village), which was recorded May 30, 1996, as Document 96060081 in Book 96-15, Pages 673-677, records of Bernalillo County, New Mexico, (ix) Ninth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 4B), which was recorded September 4, 1996, as Document 96098319 in Book 96-24, Pages 2814-2818, records of Bernalillo County, New Mexico, (x) Tenth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 14B/Unit 2A, the Highlands), which was recorded September 5, 1996, as Document 96099282 in Book 96-24, Pages 4841-4845, records of Bernalillo County, New Mexico, (xi) Eleventh Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tracts 3B and 3C, Trillium Village), which was recorded November 6, 1996, as Document 96121693 in Book 96-29, Pages 9094-9098, records of Bernalillo County, New Mexico and (xii) Twelfth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Lot 44, Desert Sky Village), which was recorded January 9, 1997, as Document 97002124 in Book 97-1, Pages 5053-5060, records of Bernalillo County, New Mexico (the "Twelfth Supplemental Declaration")(collectively, the "Declaration").

B. Pursuant to the terms of Section 9.4 of the Declaration, the Declarant may unilaterally subject any portion

of the property submitted to the Declaration initially or by Supplemental Declaration to additional covenants or easements.

C. The undersigned owners ("Owners") are the owners of the property described on Exhibit "A" (the "Desert Sky Village Property") attached hereto and by this reference incorporated herein. The Desert Sky Village Property is a portion of the property described on Exhibit "B" of the Declaration. Declarant wishes to subject the Desert Sky Village Property to the additional covenants set forth in this Thirteenth Supplemental Declaration.

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

Declarant hereby declares that the Desert Sky Village Property shall be held, sold, used and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of and which shall run with the Desert Sky Village Property. This Thirteenth 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 Desert Sky Village 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. Declaration and Design Guidelines. The easements, restrictions, covenants, and conditions contained in this Thirteenth Supplemental Declaration are additional to and supplement those contained in the Declaration and the High Desert Guidelines for Sustainability Builder Homes approved by the Association as provided in the Declaration (the "Design Guidelines"). This Thirteenth Supplemental Declaration shall not limit in any way the effectiveness of the Declaration or the Design Guidelines. The terms of the Declaration, specifically including but not limited to Article X and Section 18.1 of the Declaration, are incorporated herein by reference.

2. Restrictions on Height of Structures. The following restrictions apply to limit the height of structures built in the Desert Sky Village Property:

A. Lots 42-52 inclusive, 54-60 inclusive, 72-79 inclusive may only be single story with a maximum height not to exceed 18 feet (measured from the grade for the lot approved by the City of Albuquerque and set forth in the engineer certified

grading plan for the Desert Sky Village to the highest point on the roof). Lots 40 and 41 may be one and one-half stories with the upper story not more than 50% of the height of the lower story and a maximum height of 26 feet (measured from the grade for the lot approved by the City of Albuquerque and set forth in the engineer certified grading plan for Desert Sky Village Property to the highest position on the roof).

B. All other lots may be two stories with a maximum height not to exceed 26 feet (measured from the grade for the lot approved by the City of Albuquerque and set forth in the engineer certified grading plan for the Desert Sky Village Property to the highest point on the roof).

### 3. Walls.

A. All walls that are located on the common property line between adjoining Units shall be party walls that may not be removed by either property owner of the adjoining lots. The cost of installation and maintenance of such party walls shall be split equally between the property owners of the adjoining Units.

B. No wall or fence may be erected on a Unit that is closer to the street than the front of the dwelling on the Unit, except for courtyard walls.

C. Each Unit must have a rear wall and two side walls. All rear walls shall extend the entire length of the rear property line. All side walls shall extend from the rear of the lot to at least the rear of the dwelling on the Unit.

4. Vacant Lots; Destruction. There shall be no trash, ashes, paper or refuse of any kind thrown or dumped onto vacant Units in the Desert Sky Village Property. In addition to any obligation of Owners set forth in the Declaration relating to maintenance of Units, (i) the Owner of a Unit within the Desert Sky Village Property that is vacant shall be responsible to keep the Unit cleared of all weeds, trash and any other impediment that is visually or otherwise undesirable and (ii) the Owner of a Unit within the Desert Sky Village Property upon which a structure is destroyed by fire or other casualty shall either promptly rebuild, repair or replace the structure in compliance with the Declaration and Design Guidelines or remove the debris (including foundations) from the Unit.

5. Timing of Construction. All dwellings constructed on Units within the Desert Sky Village Property shall be completed in accordance with the plans and specifications approved by the New Construction Committee within six months after the date that construction was commenced.

6. Restricted Activities. Declarant hereby supplements Section 12.6(b) of the Declaration to amend subsections (i), (vi) and (xii) and to add the following new subsections which shall apply to the Desert Sky Village Property:

(i) subsection (i) is amended to prohibit the use of any trailer, motor home, boat, shack, tent, garage or any other outbuilding (permitted or not) as a residence, either temporarily or permanently, provided however, that one motor home or boat may be kept in the driveway or in front of a Unit for no more than ten days per year;

(vi) subsection (vi) is amended to provide that, with the approval of Declarant, one or more Units may be combined through replatting of the Units to form one Unit and one building site;

(xii) subsection (xii) is amended to prohibit the placement, permanently or temporarily, of any kind of antenna (radio, shortwave radio, television or others) or satellite dish on the outside portions of the Unit, without the prior approval of the New Construction Committee;

(xiii) Any construction, erection, placement, assembly, or maintenance of any outbuilding or storage building or other auxiliary building of any nature, permanent or temporary, detached from the permitted improvements on the Unit;

(xiv) Any construction or maintenance of any billboard, poster board or advertising structure of any kind on any part of any Unit except those permitted by the Design Guidelines by builders and architects during construction of permitted improvements on the Unit;

(xv) Construction of any improvements other than a single family residence on Lots 1-50, inclusive and 65-82, inclusive and construction of any improvements other than a townhouse on Lots 51-64, inclusive.

7. Amendment. This Thirteenth Supplemental Declaration may be amended only by the affirmative vote or written consent, or combination thereof, of 75% of the Voting Members of the Desert Sky Village that constitutes Desert Sky Village Property, and the consent of the Declarant, so long as the Declarant has an option to subject additional property to the Declaration. The Association shall have the power to veto any

action taken by the Desert Sky Village or any Desert Sky Village Committee that relates to the Desert Sky Village Property.

8. Twelfth Supplemental Declaration. As set forth in the Twelfth Supplemental Declaration, upon the recordation of this Thirteenth Supplemental Declaration, the Twelfth Supplemental Declaration will become effective, will become a part of this Thirteenth Supplemental Declaration, and will be subject to the amendment provision of Section 7, above.

9. Consent of Owners. Owners, by their signature below, consent to this Thirteenth Supplemental Declaration. This consent constitutes the written consent of the property owners required under Section 9.4 of the Declaration.

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

HIGH DESERT INVESTMENT CORPORATION, a  
New Mexico corporation

By: /s/ Douglas H. Collister  
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: January 30, 1997

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

This instrument was acknowledged before me on January 30, 1997, by Douglas H. Collister, President of High Desert Investment Corporation, a New Mexico corporation.

/s/ Lauda J. Miles  
Notary Public

My Commission Expires:  
July 14, 1998

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

This instrument was acknowledged before me on January 30, 1997, by Jack Eichorn, Vice President of High Desert Investment Corporation, a New Mexico corporation.

  /s/ Lauda J. Miles    
Notary Public

My Commission Expires:  
July 14, 1998

DESERT SKY VILLAGE - THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: /s/ Scott Schiabor

Scott Schiabor

By: Scott Patrick Schiabor

Name: \_\_\_\_\_

Title: President

Date Signed: June 6, 1997

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

This instrument was acknowledged before me on June 6, 1997,  
by Scott Schiabor.

/s/ Doreen M. Hartman  
Notary Public

My Commission Expires:  
June 14, 2000

[ADD AS MANY PAGES AS NECESSARY FOR EACH OWNER]



DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Norman & Jolynne Becker

By: /s/ Norman Becker

By: /s/ Jolynne Becker

Name: Norman & Jolynne Becker

Title: Owners

Date Signed: March 6, 1997

Norman & Jolynne Becker  
12800 Desert Sky Ave NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on the 6th of  
March, 1997, by Norman & Jolynne Becker.

/s/ Karl I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: MOUNTAIN STATE CONSTRUCTORS,  
INC.

(Steve Benoit)

By: /s/ Steve Benoit  
Name: Steve Benoit  
Title: President

Date Signed: March 18, 1997

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

This instrument was acknowledged before me on March 18,  
1997, by Steve Benoit.

/s/ Melvin Bruce Morris  
Notary Public

My Commission Expires:  
August 23, 1997

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Deborah Blodget

By: /s/ Deborah Blodget  
Name: Deborah Blodget  
Title: Owner

Date Signed: March 6, 1997

Deborah Blodget  
6201 Abiquiu Place NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on March 6, 1997,  
by Deborah Blodget.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Roger & MerLynn Buntemeyer

By: /s/ Roger Buntemeyer

By: /s/ MerLynn Buntemeyer

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: March 5, 1997

Roger & MerLynn Buntemeyer  
6205 Sedona Drive NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on March 5, 1997,  
by Roger & MerLynn Buntemeyer.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Ronald & Linda Clifford

By: /s/ Ronald Clifford

By: /s/ Linda Clifford

Name: Ronald & Linda Clifford

Title: Owners

Date Signed: February 20, 1997

Ronald & Linda Clifford  
12819 Northern Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 20, 1997, by Ronald & Linda Clifford.

/s/ Carol A. Ferguson  
Notary Public

My Commission Expires:  
May 10, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Evelyn Crawford

By: /s/ Evelyn Crawford  
Name: Evelyn Crawford  
Title: Owner

Date Signed: February 20, 1997

Evelyn Crawford  
12812 Desert Sky Ave NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 20, 1997, by Evelyn Crawford.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Marianne Gerardi

By: /s/ Marianne Gerardi  
Name: Marianne Gerardi  
Title: Owner

Date Signed: February 14, 1997

Marianne Gerardi  
12801 Desert Dky Ave NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 14, 1997, by Marianne Gerardi.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Margaret & Mel Golish

By: /s/ Margaret Golish

By: /s/ Melvin Golish

Name: Melvin and Margaret Golish

Title: Owners

Date Signed: February 24, 1997

Mel & Margaret  
12603 Desert Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 24, 1997, by Margaret & Melvin Golish.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999



DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Earl & Reba Griffin

By: /s/ Reba Griffin

By: /s/ Earl Griffin

Name: Earl & Reba Griffin

Title: Owners

Date Signed: February 19, 1997

Earl & Reba Griffin  
12604 Northern Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 19, 1997, by Earl & Reba Griffin.

/s/ Lauda J. Miles  
Notary Public

My Commission Expires:  
July 14, 1998

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Raymond & Geri Guerette

By: /s/ Raymond Guerette

By: /s/ Geri Guerette

Name: Raymond & Geri Guerette

Title: Owners

Date Signed: February 20, 1997

Raymond & Geri Guerette  
128609 Desert Sky Ave NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 20, 1997, by Raymond & Geri Guerette.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Charter Building &  
Development Corp

By: /s/ Bill E. Hooten  
Name: Bill E. Hooten  
Title: President

Date Signed: February 20, 1997

Bill Hooten  
Charter Bldg & Dev Corp  
2103 Wyoming Blvd NE  
Albuquerque, NM 87112

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

This instrument was acknowledged before me on February 20,  
1997, by Bill E. Hooten.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
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COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Alan & Rebecca Horn

By: /s/ Alan Horn

By: /s/ Rebecca L. Horn

Name: Alan & Rebecca Horn

Title: Owners

Date Signed: March 6, 1997

Alan & Rebecca Horn  
6224 Abiquiu Place NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on March 6, 1997,  
by Alan & Rebecca Horn.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
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RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Gene Kazimiroff

By: /s/ Gene Kazimiroff  
Name: Gene Kazimiroff  
Title: Owner U president

Date Signed: February 10, 1997

Gene Kazimiroff  
6504 Prairie Dunes NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 10, 1997, by Gene Kazimiroff.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
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COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Steven & Linda Kessler

By: /s/ Steven D. Kessler

By: /s/ Linda R. Kessler

Name:

Title:

Date Signed:

Steven & Linda Kessler  
294 Shilling Drive  
Somerset, NJ 08873

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

This instrument was acknowledged before me on March 7, 1997,  
by Steven Kessler.

/s/ Jennifer Koplowitz  
Notary Public  
only for Steven Kessler

My Commission Expires:  
March 27, 1999

/s/ Darlene Shannon  
Notary Public  
only for Linda Kessler

My Commission Expires:  
August 4, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Elizabeth Lee

By: /s/ Elizabeth T. Lee  
Name: Elizabeth T. Lee  
Title: Owner

Date Signed: February 11, 1997

Elizabeth Lee  
12709 Northern Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 11, 1997, by Elizabeth Lee.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
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COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: T.J. & Martha Lelko

By: /s/ T.J. Lelko

By: /s/ Martha Lelko

Name: T.J. & Martha Lelko

Title: Owners

Date Signed: March 14, 1997

TJ and Martha Leklo  
12707 Desert Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on March 14,  
1997, by T.J. & Martha Lelko.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999



DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Eve H. Leppke

By: /s/ Eve H. Leppke  
Name: Eve H. Leppke  
Title: Owner

Date Signed: March 5, 1997

Eve H. Leppke  
12605 Desert Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on March 5, 1997,  
by Eve H. Leppke.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Hardtke Homes Alive, Inc.

By: /s/ Jeff Leslie  
Name: Jeff Leslie  
Title: President

Date Signed: February 20, 1997

Jeff Leslie  
Hardtke Homes Alive, Inc.  
P. O. Box #14424  
Albuquerque, NM 87191-4424

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

This instrument was acknowledged before me on February 20,  
1997 by Jeff Leslie.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Lorene Lukes

By: /s/ Lorene Lukes  
Name: Lorene Lukes  
Title: Owner

Date Signed: February 25, 1997

Lorene Lukes  
12709 Desert Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 25, 1997, by Lorene Lukes.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Michael L. Marra

By: /s/ Michael L. Marra  
Name: Michael L. Marra  
Title: Owner

Date Signed: February 10, 1997

Mike Marra  
Suite #8  
11200 Montgomery NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 20, 1997, by Michael L. Marra.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Janie Meckler

By: /s/ Janie Meckler  
Name: Janie Meckler  
Title: Owner

Date Signed: March 5, 1997

Dr. & Mrs. Meckler  
12808 Desert Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on March 5, 1997,  
by Janie Meckler.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Brett Price

By: /s/ Brett Price  
Name: Brett Price  
Title: Owner

Date Signed: March 28, 1997

Brett Price  
12816 Northern Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on March 28, 1997, by Brett Price.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Barbara Nau

By: /s/ Barbara B. Nau  
Name: Barbara Nau  
Title: Owner

Date Signed: February 10, 1997

Barbara Nau  
12805 Desert Sky Ave NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 10, 1997, by Barbara Nau.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Roger & Janie Pritchard

By: /s/ Roger C. Pritchard

By: /s/ Jane M. Pritchard

Name: Rogert & Janie Pritchard

Title: Owners

Date Signed: February 21, 1997

Roger & Janie Pritchard  
6301 Abiquiu Place NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 21, 1997, by Robert & Jane Pritchard.

/s/ Pat R. Sanchez  
Notary Public

My Commission Expires:  
September 14, 1998



DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Scott Patrick, Inc.

By: /s/ Scott P. Schiabor  
Name: Scott P. Schiabor  
Title: President

Date Signed: February 10, 1997

Scott & Joanne Schiabor  
Scott Patrick, Inc.  
6060 San Mateo NE  
Albuquerque, NM 87109

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

This instrument was acknowledged before me on February 10, 1997, by Scott P. Schiabor.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE - THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: G. Robert & Emily Sharp

By: /s/ G. Robert Scharp  
By: /s/ Emily D. Sharp  
Name: Robert & Emily Sharp  
Title: Owners

Date Signed: February 18, 1997

Bob & Emily Sharp  
12623 Desert Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 18, 1997, by G. Robert & Emily D. Sharp.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Marty Spence

By: /s/ Marty Spence  
Name: Marty Spence  
Title: Owner

Date Signed: February 24, 1997

Marty Spence  
12816 Desert Sky Ave NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 24, 1997, by Marty Spence.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Sundance Homes, Inc.

By: /s/ Hans Egenes  
Name: Hans Egenes  
Title: President

Date Signed: February 25, 1997

Sundance Const.  
6604 BeauChene NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 25, 1997, by Hans Egenes.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Jeff & Juliette Watson

By: /s/ Jeffrey Watson

By: /s/ Juliette Watson

Name: Jeffrey & Juliette Watson

Title: Owners

Date Signed: February 4, 1997

Jeff & Juliette Watson  
Suite #8  
11200 Montgomery NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 4,  
1997, by Jeff & Juliette Watson.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: James H. & Joan M. Wimbush

By: /s/ James H. Wimbush

By: /s/ Joan M. Wimbush

Name: James H. & Joan M. Wimbush

Title: President

Date Signed: February 19, 1997

Jim & Joan Wimbush  
11815 Baccarat Lane NE  
Albuquerque, NM 87111  
For 6309 Abiquiu  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 19, 1997, by James H. & Joan M. Wimbush.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE -

THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: James H. & Joan M. Wimbush

By: /s/ James H. Wimbush

By: /s/ Joan M. Wimbush

Name: James H. & Joan M. Wimbush

Title: President

Date Signed: February 19, 1997

Jim & Joan Wimbush  
11815 Baccarat Lane NE  
Albuquerque, NM 87111  
For 12619 Desert Sky NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 19, 1997, by James H. & Joan M. Wimbush.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999

DESERT SKY VILLAGE - THIRTEENTH SUPPLEMENTAL  
DECLARATION TO DECLARATION OF  
COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR HIGH DESERT  
RESIDENTIAL PROPERTIES (Tract  
3A, Desert Sky Village)

CONSENTED TO:

OWNER: Leopold & Nancy Zenner

By: /s/ Leopold Zenner

By: /s/ Nancy Zenner

Name: Leopold & Nancy Zenner

Title: Owners

Date Signed: February 19, 1997

Leopold & Nancy Zenner  
6304 Abiquiu Drive NE  
Albuquerque, NM 87111

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

This instrument was acknowledged before me on February 19,  
1997, by Leopold & Nancy Zenner.

/s/ Karla I. McWhorter  
Notary Public

My Commission Expires:  
February 27, 1999



EXHIBIT "A"

Unit 1 of Desert Sky at High Desert,  
Albuquerque, New Mexico, as the same is shown  
and designated on the plat thereof, filed in  
the office of the County Clerk of Bernalillo  
County, New Mexico, on September 22, 1995, in  
Map Book 95C, folio 353.

Unit 2 of Desert Sky at High Desert,  
Albuquerque, New Mexico, as the same is shown  
and designated on the plat thereof, filed in  
the office of the County Clerk of Bernalillo  
County, New Mexico on March 6, 1996, in Map  
Book 96C, folio 103.