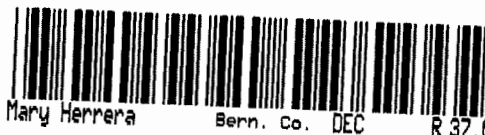


**FORTY-EIGHTH SUPPLEMENTAL DECLARATION TO DECLARATION  
OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR HIGH DESERT RESIDENTIAL PROPERTIES  
(The Legends at High Desert)**

THIS FORTY-EIGHTH SUPPLEMENTAL DECLARATION is made this  
25<sup>th</sup> day of October, 2006, 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, (iv) Fourth Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential 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, (v) Fifth Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on September 12, 1997, as Document 97095103 in Book 97-25, Pages 2445-2463, in the Office of the County Clerk of Bernalillo County, New Mexico (**the "Fifth Amendment to Declaration"**), (vi) the Sixth Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on June 8, 1999, as Document 1999075608 in Book 9908, Page 5423, in the Office of the County Clerk of Bernalillo County, New Mexico, (vii) the Seventh Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on April 21, 2001, as Document 2001045228 in Book A18, Page 3676, in the Office of the County Clerk of Bernalillo County, New Mexico, and (viii) the Eighth Amendment to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties, which was recorded on July 29, 2003, as Document 2003132385 in Book A61, Page 2097 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, (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, (xiii) Thirteenth Supplemental Declaration to Declaration of Covenants,



Conditions, and Restrictions for High Desert Residential Properties (Tract 3A, Desert Sky Village) which was recorded June 11, 1997, as Document 97059451 in Book 97-15, pages 9383-9422, records of Bernalillo County, New Mexico, (xiv) Fourteenth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 4B, Chamisa Trail Village), which was recorded January 9, 1997, as Document 97020850 in Book 97-5, pages 9673-9691, records of Bernalillo County, New Mexico, (xv) Fifteenth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 15C/Unit 3, the Highlands), which was recorded May 10, 1997, as Document 97049849 in Book 97-13, pages 4210-4214, records of Bernalillo County, New Mexico, (xvi) Sixteenth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Solterra Subdivision Unit 1, Lots 1-36), recorded June 20, 1997 as Document 97062870, records of Bernalillo County, New Mexico; (xvii) Seventeenth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 9A) which was recorded June 19, 1997, as Document 97062084, records of Bernalillo County, New Mexico; (xviii) Eighteenth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract A, Solterra Subdivision/Unit 2) which was recorded June 30, 1997, as Document 97065755, in Book 97-17, pages 5953-5958 records of Bernalillo County, New Mexico; (xix) Nineteenth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 9A, Sunset Ridge Village) which was recorded December 19, 1997, as Document 97133979, in Book 97-37, pages 6637-6646 records of Bernalillo County, New Mexico; (xx) Twentieth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 9B) which was recorded December 23, 1997, as Document 97134922, in Book 97-35, pages 9642-9647 records of Bernalillo County, New Mexico; (xxi) Twenty-First Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 8C) which was recorded March 13, 1998, as Document 1998030112, in Book 9806, page 8629 records of Bernalillo County, New Mexico; (xxii) Twenty-Second Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 2A-1A-2) which was recorded July 16, 1998, as Document 1998089079, in Book 9812, page 7379 records of Bernalillo County, New Mexico, (xxiii) Twenty-Third Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 15D-1A/Desert Highlands) which was recorded July 20, 1998, as Document 1998090384, in Book 9812, page 8673 records of Bernalillo County, New Mexico, (xxiv) Twenty-Fourth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 14A/The Overlook at High Desert) which was recorded January 4, 1999, as Document 1999000462, in Book 9901, page 456 records of Bernalillo County, New Mexico (xxv) Twenty-Fifth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 11A) which was recorded January 15, 1999, as Document 1999006283, in Book 9901, page 6257 records of Bernalillo County, New Mexico (xxvi) Twenty-Sixth Supplemental Declaration to Declaration of Covenants, Conditions, and



Restrictions for High Desert Residential Properties (The Canyons at High Desert Phase I) which was recorded February 16, 1999, as Document 1999020725, in Book 9903, page 668 records of Bernalillo County, New Mexico; (xxvii) Twenty-Seventh Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (The Canyons at High Desert, Phase I) which was recorded February 16, 1999, as Document 1999020727, in Book 9903, page 670 records of Bernalillo County, New Mexico; (xxviii) Twenty-Eighth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Chaco Ridge Village) which was recorded April 16, 1999, as Document 1999051867, in Book 9906, page 1754 records of Bernalillo County, New Mexico; (xxix) Twenty-Ninth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 5A-1A-1) which was recorded May 24, 1999, as Document 1999068181, in Book 9907, page 8025 records of Bernalillo County, New Mexico; (xxx) Thirtieth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 2A-1C-2A-1) which was recorded June 4, 1999, as Document 1999074085, in Book 9908, page 3907 records of Bernalillo County, New Mexico; (xxxi) Thirty-First Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Chaco Compound Village) which was recorded September 7, 1999, as Document 1999115959, in Book 9912, page 5595 records of Bernalillo County, New Mexico, (xxxii) Thirty-Second Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Enclave Village) which was recorded November 3, 1999, as Document 1999138715, in Book 9914, page 8289 records of Bernalillo County, New Mexico, (xxxiii) Thirty-Third Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 15D-1B-2/Unit 2 Desert Highlands) which was recorded December 6, 1999, as Document 1999149924, in Book 9915, page 9466 records of Bernalillo County, New Mexico, (xxxiv) Thirty-Fourth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Desert Mountain at High Desert, Tract 11A) which was recorded July 11, 2000, as Document 2000067159, in Book A7, page 6894 records of Bernalillo County, New Mexico, (xxxv) Thirty-Fifth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Pifon Point Village) which was recorded April 14, 2000, as Document 2000036364, in Book A4, page 6210 records of Bernalillo County, New Mexico, (xxxvi) Thirty-Sixth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 11B, High Desert) which was recorded May 11, 2000, as Document 2000046065, in Book A5, page 5885 records of Bernalillo County, New Mexico; (xxxvii) Thirty-Seventh Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (The Canyons at High Desert) which was recorded October 13, 2000, as Document 2000101492, in Book A11, page 1094, records of Bernalillo County, New Mexico; (xxxviii) Thirty-Eighth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Desert Mountain at High Desert) which was recorded November 28, 2000, as Document 2000117817, in Book A12, page 7373, records of Bernalillo County, New

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Mexico; (xxxix) Thirty-Ninth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 15D-1B-1A/West Highlands at High Desert) to be recorded in the records of Bernalillo County, New Mexico; (xxxx) Fortieth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 15D-1B-1B/Unit 1 Mountain Highlands at High Desert) which was recorded February 14, 2001, as Document 2001015665, in Book A15, page 4196, records of Bernalillo County, New Mexico; (xxxxi) Forty-First Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Lots 67, 68 and 69, Sunset Ridge at High Desert) which was recorded April 8, 2002, as Document 2002045612, in Book A34, page 5498, records of Bernalillo County, New Mexico; (xxxxii) Forty-Second Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tracts 13-A and 13-B) which was recorded December 20, 2002, as Document 2002171063, in Book A47, page 619, records of Bernalillo County, New Mexico, as amended; (xxxxiii) Forty-Third Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tracts 15D-1B-1C/Unit 2 Mountain Highlands) which was recorded October 8, 2003, as Document 2003185484, in Book A66, page 5100, records of Bernalillo County, New Mexico, (xxxxiv) Forty-Fourth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Wilderness Village) which was recorded December 15, 2004, as Document 2004175360, in Book A88, page 4879, records of Bernalillo County, New Mexico, (xxxxv) Forty-Fifth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Wilderness Compound) which was recorded December 15, 2004, as Document 2004175359, in Book A88, page 4878, records of Bernalillo County, New Mexico, (xxxxvi) Forty-Sixth Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tract 8A) (**the "Forty-Sixth Supplemental Declaration"**) which was recorded May 31, 2005, as Document 2005076546, in Book A97, page 6361, records of Bernalillo County, New Mexico, and (xxxxvii) Forty-Seventh Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for High Desert Residential Properties (Tracts OS-2-A, OS-3-A and OS-4-A) which was recorded June 28, 2005, as Document 2005092007, in Book A99, page 1724, records of Bernalillo County, New Mexico (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 including covenants obligating the High Desert Residential Homeowners Association, Inc. (the "Association"), to maintain such property and obligating the Owners of the property to pay the cost of such maintenance through Village Assessments. Such additional covenants and easements shall be set forth in a Supplemental Declaration filed either concurrent with or after the annexation of the subject property, and shall require the written consent of the owner(s) of such property, if other than the Declarant.

C. The Legends at High Desert LLC, a New Mexico limited liability company ("Legends") owns the property described in the attached Exhibit A (the "Legends at High Desert Property"). The Legends at High Desert Property is a portion of the property described in Exhibit B to the Declaration and has been subjected to the Declaration pursuant to the Forty-Sixth Supplemental Declaration. Declarant and Legends desire to subject the Legends at High Desert to the additional covenants set forth in this Forty-Eighth Supplemental Declaration. Declarant and Legends, for the efficient management of the Legends at High Desert Property, desire that the Association assume certain maintenance responsibilities relating to the Legends at High Desert Property as set forth in this Forty-Eighth Supplemental Declaration and the Association agrees to assume such responsibilities (as indicated by its signature below).

D. The Legends at High Desert Property was subdivided pursuant to the Plat of the Legends at High Desert Subdivision being a replat of Tract 8A, High Desert, recorded May 11, 2006 in Book 2006, page 149, as document 2006068620, records of Bernalillo County, New Mexico (the "Legends Plat").

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

WITNESSETH:

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

1. Subjection to Supplemental Declaration. Declarant and Legends hereby declare that the Legends at High Desert 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 Legends at High Desert Property. This Forty-Eighth Supplemental Declaration shall be binding on and shall inure to the benefit of the Declarant, Legends, the Association, and all parties having any right, title, or interest in the Legends at High Desert Property or any part thereof, their heirs, successors, successors-in title, and assigns. The easements, restrictions, covenants, and conditions contained in this Forty-Eighth Supplemental Declaration (i) are additional to and supplement those contained in the Declaration and the High Desert Guidelines for Sustainability approved by the Association as provided in the Declaration (the "Design Guidelines"). This Forty-Eighth 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. The provisions of this Forty-Eighth Supplemental Declaration shall be binding upon the Association in accordance with the terms of the Declaration.



2. Consent of Owner. Legends, as owner of the Legends at High Desert Property, by its signature below, consents to the subjection of the Legends at High Desert Property to the Forty-Eighth Supplemental Declaration and agrees with its terms.

3. Landscaping. Plans for front yard landscaping must be approved prior to the start of construction of landscaping by the High Desert New Construction Committee (the "NCC") and must be in compliance with the approved conceptual landscape/streetscape plan prepared by Hilltop Landscaping and attached as exhibit B which plan provides minimum planting requirements. All plants must be selected from the High Desert approved plant list. The NCC will review the front yard landscaping only, but any proposed structures in the back yard must be submitted separately to the NCC for review and approval. All trees and plant materials in the front and back yards shall be maintained at no more than 12 feet in height.

4. Restrictions on Height of Structures: Basements. The following restrictions apply to the structures built on the Legends at High Desert Property: The homes constructed on all Units may only be single story. In addition to such single story, each home on every Unit may include a basement under the single story structure.

5. Village Street and Sidewalk Maintenance; Rules Concerning Streets. The Association shall maintain the private streets (including any landscaped medians and streetlights) within the Legends at High Desert Property, subject to and in accordance with rules relating to the streets that may be adopted by the Board of the Association pursuant to the Declaration, as amended or modified from time to time (the "Street Rules"). A copy of the current Street Rules, if any, shall be available at the office of the Association. The Street Rules may contain parking and traffic regulations, including but not limited to, regulations as to the number of vehicles that may be parked in the streets within the Legends at High Desert Property and in each driveway within each Unit within the Legends at High Desert Property. The Association shall have the right to enforce the Street Rules as set forth in the Declaration. The Association shall also maintain the private sidewalks within the Legends at High Desert Property. The Association shall commence maintenance of the private streets at the time of acceptance of the private streets by the Association in writing and as indicated by the recording of a deed of Tract PR the Legends at High Desert Property to the Association. The Association shall commence maintenance of the sidewalks as the construction of the sidewalks is completed by Legends and the Association accepts the maintenance of the completed sidewalks in writing.

6. Village Entrance Maintenance. The Association shall maintain the entrance to the Legends at High Desert Property. The entrance to the Legends at High Desert Property shall be gated and the Association shall maintain the gates and related structures and landscaping. The Association shall commence maintenance of the entrance, gate and related structures at the time that Legends completes the



construction and installation of the gates and related structures and the Association accepts the maintenance of such structures in writing. The gates, subject to the vote of the Legends at High Desert Property pursuant to Section 3.4 of the Declaration, may be manned with a guard or guards. The Association may adopt rules relating to the entrance and the gates pursuant to the Declaration, which rules may be amended and modified from time to time. A copy of the current rules, if any, shall be available at the office of the Association.

7. Park Maintenance. The Association shall maintain the park which is Tract 1 in the Legends at High Desert Property. The Association shall commence maintenance of the park at the time that Legends completes the construction, installation and landscaping of the park and the Association accepts the maintenance of such structures in writing as indicated by the recording of a deed of Tract 1 the Legends at High Desert Property to the Association. The Association may adopt rules relating to the park pursuant to the Declaration, which rules may be amended and modified from time to time. A copy of the current rules, if any, shall be available at the office of the Association.

8. Front Yard Maintenance. The Association shall maintain the landscaping in the exterior front yards of the each Unit (that portion of the yards outside of the front wall of the Unit to the curb). Such maintenance shall include the maintenance of the landscaping of the area in the private right-of-way between the edge of the property line of each Unit and the curb and therefore the terms of the Fifth Amendment to Declaration do not apply to the Legends at High Desert property. The Association shall commence maintenance of each exterior front yard at the time that the landscaping is completed and the Association accepts the maintenance of such exterior front yard in writing.

9. Village Assessments.

(A) All costs associated with the maintenance, operational, inspection, repair, and replacement responsibilities and other activities of the Association as set forth in this Forty-Eighth Supplemental Declaration shall be paid by the Owners of Units within the Legends at High Desert Property through Village Assessments, as set forth in the Declaration. The initial assessment will be \$60 per month.

(B) As set forth in the Declaration, in connection with the exterior front yard maintenance set forth above, in the event that maintenance or repair beyond the typical day to day maintenance is required at a Unit due to the willful or negligent act of the Owner(s) of the Unit, or guests or invitees, the cost of such maintenance or repair shall be subject to Specific Assessment for such Unit.

10. Amendments and Clarifications to Legends Plat; Termination of Easement; Grant of New Easements; Setbacks. Declarant, the Legends and the





Association agree as to the following amendments and clarifications to the Legends Plat:

(A) Note 9 on the Legends Plat incorrectly referenced "High Desert Investment Corporation". The note was intended to read and is hereby amended to read: "Tracts OS1, OS2 and OS3 are subject to a private landscaping easement granted to and maintained by the High Desert Residential Owners Association, Inc." Legends hereby grants such easement to the Association. Declarant (High Desert Investment Corporation) and Legends hereby terminate any easement in favor of High Desert Investment Corporation and High Desert Investment Corporation quitclaims any interest in OS1, OS2 and OS3 to the Association. Maintenance by the Association shall commence upon completion of improvements and when the Association accepts maintenance in writing and as indicated by the recording of a deed of Tract OS1, OS 2 and OS 3 the Legends at High Desert Property to the Association.

(B) Note 10 on the Legends Plat incorrectly referenced "the Homeowners' Association of the Legends at High Desert Subdivision." Such entity does not exist. The note was intended to read and is hereby amended to read "Tracts 1, 2, 3, 4, 5, 6, 7, & 8 are subject to a private landscaping easement granted to and maintained by the High Desert Residential Owners Association." Legends hereby grants such easement to the Association. Maintenance by the Association shall commence upon completion of improvements and when the Association accepts maintenance in writing and as indicated by the recording of a deed of Tracts 1, 2, 3, 4, 5, 6, 7& 8 the Legends at High Desert Property to the Association.

(C) As set forth in note 11 of the Legends Plat, and as shown on the Legends Plat, each Unit and each home constructed within a Unit shall have a side setback of approximately three (3) feet and such three (3) foot setback shall be subject to the a private use and enjoyment easement for ingress, egress, general use, landscape and maintenance purposes for the benefit the owner(s) of the adjoining lots (the "Side Setback Easement"). Provided, however, that, notwithstanding the language on the Plat, the Side Setback Easement shall not apply to lots 1, 4, 35 and 46. The Side Setback Easement is expanded to the adjacent building to fill any void created by the shift of any individual building away from the easement line on the Legends Plat. The Legends Plat stated that the Side Setback Easement would be "granted per the grantor's initial conveyance of the lots." Legends amends such language so that easement exists whether or not indicated in such initial conveyance and hereby grants the Side Setback Easement. The use of the Side Setback Easement by the fee owner thereof shall be restricted. The owner of any Unit subject to a Side Setback Easement shall have access thereto only for purposes of maintenance and repair of such fee simple owner's home and otherwise shall have no access or right to use the Side Setback Easement.

(D) Each home constructed within a Unit shall also be setback seven (7) feet from the side boundary line that is opposite from the three (3) foot Side Setback Easement. The three (3) foot Side Setback Easements shall be adjacent to the seven (7) foot setbacks so that there exists ten (10) feet between the homes on adjacent Units.

11. Restricted Activities. Declarant hereby supplements Section 12.6(b) of the Declaration to amend subsections (i) and to add the following new subsections which shall apply to the Legends at High Desert 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;

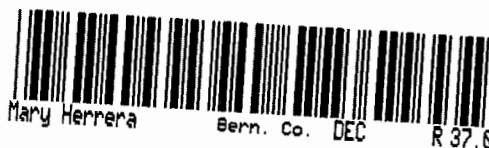
(xi) subsection (xi) is added to prohibit any construction, erection, placement, assembly, or maintenance of any outbuilding or storage building or other auxiliary building of any nature, permanent or temporary, detached from the permitted improvements on the Unit, except as approved in writing by the New Construction Committee;

(xii) subsection (xii) is added to prohibit any construction or maintenance of any sign, 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 and except customary name and address signs and for sale signs as permitted by the Design Guidelines; no signs advertising a property for rent or lease;

(xiii) subsection (xiii) is added to prohibit construction of any improvements other than a single family residence on all lots within the Legends at High Desert Property.

12. Acknowledgment by the Association. The Association, by its signature below, acknowledges the maintenance obligations set forth in this Forty-Eighth Supplemental Declaration.

13. Amendment. This Forty-Eighth Supplemental Declaration may be amended only by the affirmative vote or written consent, or any combination thereof, of 75% of the Voting Members of the Legends at High Desert Property and the consent of the Declarant, so long as the Declarant has an option to subject additional property to the Declaration pursuant to Section 9.1 of the Declaration. The Association shall have the power to veto any action taken by the Legends at High Desert Village or any Legends at High Desert Village Committee that relates to the Legends at High Desert Property.





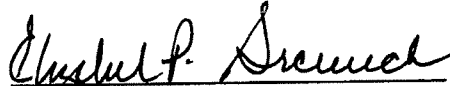
CONSENTED TO AND JOINED IN  
BY OWNER OF THE LEGENDS  
HIGH DESERT PROPERTY:

THE LEGENDS AT HIGH DESERT LLC,  
a New Mexico limited liability company

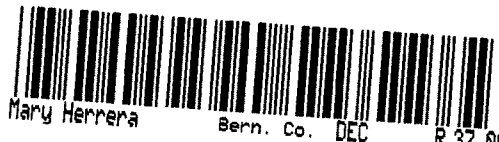
By:   
Name: Kate R. Richey  
Title: Manager

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

This instrument was acknowledged before me on October 25, 2006,  
by KRR as Owner of the Legends at High Desert LLC, a  
New Mexico limited liability company.

  
Notary Public

My Commission Expires:  
8-19-09



HIGH DESERT RESIDENTIAL  
OWNERS ASSOCIATION, INC.,  
a New Mexico nonprofit corporation

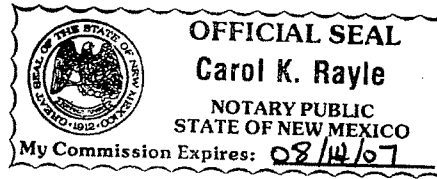
By: Raymond S. Berg  
Name: RAYMOND S. BERG  
Title: President  
Address: PO Box 21699  
Albuquerque NM 87154  
Date Signed: 10/30/06

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

This instrument was acknowledged before me on Oct 30, 2006,  
by Raymond S. Berg, President of High Desert Residential Owners Association, Inc.,  
a New Mexico nonprofit corporation.

Carol K. Rayle  
Notary Public

My Commission Expires:  
Aug. 14, 2007



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**EXHIBIT "A"**

**The Legends at High Desert as the same is shown and designated in the Plat of The Legends at High Desert Subdivision files in the records of Bernalillo County, New Mexico on May 11, 2006 in Book 2006C, page 149, as document 2006068620**



Mary Herrera

Bern. Co. DEC

R 37.00

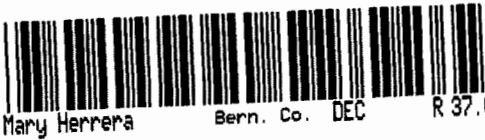
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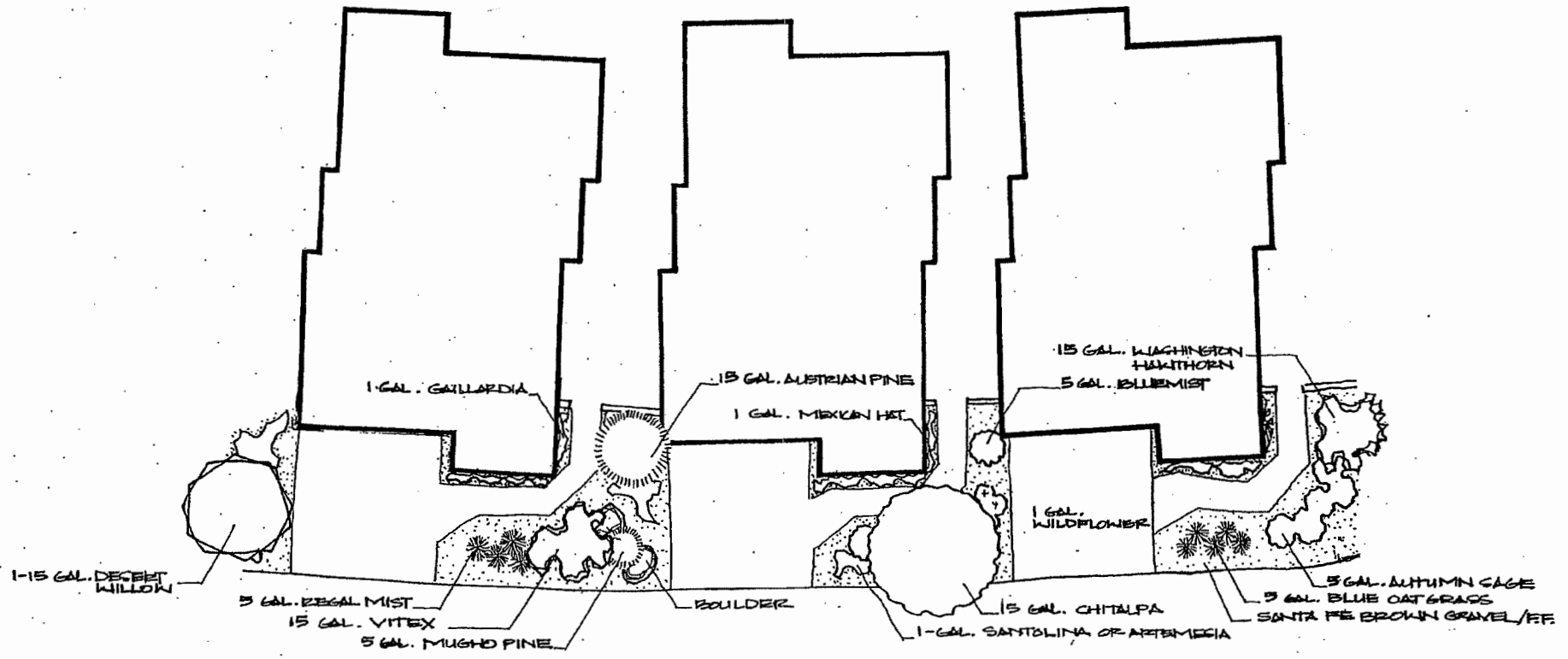


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# THE LEGENDS

## AT HIGH DESERT

### TYPICAL FRONT YARD LANDSCAPE



Typical Landscaping For Each Yard To Include (minimum):

- 1 - 15 gallon Ornamental Tree
- 1 - 15 gallon Specimen Tree
- 5 - 5 gallon Shrubs or Ornamental Grass
- 6 - 1 gallon Groundcover or Wildflowers
- 2 - Boulders
- Santa Fe Brown Gravel
- Automatic Drip Irrigation System

\*All Plants From Approved High Desert Plant List

The Hilltop  
 10-12-06

EXHIBIT "B"