

Sunset Ridge - 41<sup>st</sup>

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)

THIS FORTY-FIRST SUPPLEMENTAL DECLARATION is made this  
4<sup>th</sup> day of April, 2002, 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 and supplemented by various documents, all described in the 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 (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, with the written consent of the owners of such property

C. Leonard Ruggerio and Janice Ruggerio, husband and wife (together, "Ruggerio") are the owners of Lot 67 as described on Exhibit "A" ("Lot 67") attached hereto and by this reference incorporated herein. John Halbleib and Betty Halbleib, husband and wife (together, "Halbleib") are the owners of Lot 68 as described on Exhibit "A" ("Lot 68"). Robert Bivins and Lorraine Bivins, husband and wife (together, "Bivins") are the owners of Lot 69 as described on Exhibit "A" ("Lot 69"). Lot 67, Lot 68 and Lot 69 are referred to collectively as the "Property". Ruggerio, Halbleib and Bivins are referred to collectively as "Owner"). The Property is a portion of the property described on Exhibit "B" of the Declaration. Declarant wishes to subject a portion of the Property to the additional covenants set forth in this Supplemental Declaration and Owners wish to consent to such additional covenants. Owners also wish to grant an easement to the Association as set forth herein.

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



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Page: 1 of 9  
04/08/2002 03:51P  
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E. Declarant and the Owners hereby declare that the Property shall be held, sold, used and conveyed subject to the following restrictions and covenants, which shall run with the Property. This Forty-First Supplemental Declaration shall be binding on the 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. This Forty-First Supplemental Declaration shall inure to the benefit only of the Declarant, the Association, and all parties having any right, title, or interest in the Property and 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. The maximum height for any type of improvements or and any landscaping at maturity in the portion of the Property described and depicted on Exhibit B (the "Restricted Area") shall be 6,096.76 feet above sea level.

2. For so long as and to the extent that any of the Restricted Area is not enclosed by a wall and is therefore not physically separated from the existing landscaping easement in favor of the Association (which landscaping easement is depicted on Exhibit B (the "Existing Landscaping Easement"), the Association is granted an easement on and over the Restricted Area or any portion thereof for installation and maintenance of landscaping in the Restricted Area, such landscaping to be approved by the Association and in compliance with the requirements set forth in the Declaration and by the Association. At such time that Bivins or Halbleib desire to relocate the wall on either Lot 68 or Lot 69 to within the Restricted Area or to the boundary of the Restricted Area and the Existing Landscaping Easement, Bivins and/or Halbleib shall give the Association thirty (30) days written notice. The related wall shall be built at Bivins' and/or Halbleib's expense, and shall be subject to prior design approval and specifications of the Association. At such time that the wall is so relocated, the Association shall have no further maintenance or other responsibility for the Restricted Area enclosed by the new wall.

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

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

By: *Jack Eichorn*  
Jack Eichorn  
Vice President

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

Date Signed: April 4, 2002

HIGH DESERT RESIDENTIAL OWNERS  
ASSOCIATION, a New Mexico nonprofit  
corporation

By: *Jack Eichorn*  
Jack Eichorn  
President

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

Date Signed: April 3, 2002

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

This instrument was acknowledged before me on  
APRIL 4, 2002, by Douglas H. Collister, President of  
High Desert Investment Corporation, a New Mexico corporation.

*Lauder J. Smith*  
Notary Public

My Commission Expires:  
8/14/02



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

This instrument was acknowledged before me on  
APRIL 3, 2002, by Jack Eichorn, Vice President of High  
Desert Investment Corporation, a New Mexico corporation.

Lauder J. [Signature]  
Notary Public

My Commission Expires:

8/14/02

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

This instrument was acknowledged before me on  
APRIL 3, 2002, by Jack Eichorn, President of High  
Desert Investment Residential Owners Association, a New Mexico  
nonprofit corporation.

Lauder J. [Signature]  
Notary Public

My Commission Expires:

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2002045612  
5652666  
Page: 4 of 9  
04/08/2002 03:51P  
Bk-A34 Pg-5498

CONSENTED TO BY OWNERS:

RUGGERIO:

Leonard Ruggiero  
LEONARD RUGGERIO

Janice Ruggiero  
JANICE RUGGERIO

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

This instrument was acknowledged before me on  
APRIL 3, 2002, by Leonard Ruggiero and Janice  
Ruggiero.

Laudemonte  
Notary Public

My Commission Expires:

8/14/02

HALBLEIB:

John C. Halbleib  
JOHN HALBLEIB

Betty Halbleib  
BETTY HALBLEIB

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

This instrument was acknowledged before me on  
APRIL 2, 2002, by John Halbleib and Betty Halbleib.

Laudemonte  
Notary Public

My Commission Expires:

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2002045612  
5652666  
Page: 5 of 9  
04/08/2002 03:51P  
Bk-A34 Pg-5498

BIVINS:

Robert Bivins  
ROBERT BIVINS

Lorraine Bivins  
LORRAINE BIVINS

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

This instrument was acknowledged before me on  
APR 3, 2002, by Robert Bivins and Lorraine Bivins.

Laudine  
Notary Public

My Commission Expires:

8/14/02

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2002045612  
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Page: 6 of 9  
04/08/2002 03:51P  
Bk-A34 Pg-5498

EXHIBIT "A"

Description of the Property

LOT 67:

Lot 67 of Sunset Ridge at High Desert as the same is shown and designated on the Plat of Sunset Ridge at High Desert, Albuquerque, New Mexico, filed in the office of the County Clerk of Bernalillo County, New Mexico on September 25, 1997, in Volume 97C, folio 295, as document no. 97100226

LOT 68:

Lot 68 of Sunset Ridge at High Desert as the same is shown and designated on the Plat of Sunset Ridge at High Desert, Albuquerque, New Mexico, filed in the office of the County Clerk of Bernalillo County, New Mexico on September 25, 1997, in Volume 97C, folio 295, as document no. 97100226

LOT 69:

Lot 69 of Sunset Ridge at High Desert as the same is shown and designated on the Plat of Sunset Ridge at High Desert, Albuquerque, New Mexico, filed in the office of the County Clerk of Bernalillo County, New Mexico on September 25, 1997, in Volume 97C, folio 295, as document no. 97100226



2002045612  
5652666  
Page: 7 of 9  
04/08/2002 03:51P  
Bk-A34 Pg-5498

EXHIBIT "B"

Depiction of Restricted Area/Landscaping Easement  
within the Property (within Lots 67, 68 and 69)

[see following page]



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2002045612  
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Page: 8 of 9  
04/08/2002 03:51P  
Bk-A34 Pg-5498





1" = 40'

LOT 67

LOT 70

LOT 69

ALPINE TRAIL STREET

866.9238 sf  
0.0199 ac

EDGE OF ORIGINAL WALL

859.2238 sf  
0.0197 ac

**RESTRICTED AREA**

192.1429 sf  
0.0044 ac

LOT 68

EDGE OF ORIGINAL WALL

SUNSET RIDGE

PLACE

10' PUE

H.D.R.O.A. EXISTING LANDSCAPE EASEMENT

EXHIBIT "B"

