

**DECLARATION OF MODIFICATION TO  
SUPPLEMENTAL DECLARATION OF  
RESTRICTIVE COVENANTS FOR AVILA AT ELDORADO**

This Declaration of Modification is made by Monte Alto Homes, Inc., a New Mexico corporation, hereinafter Declarant, to confirm and give notice that pursuant to the Declarant's rights under Article VI, Section 6 of the Supplemental Declaration of Restrictive Covenants for Avila at Eldorado, Article II, Section 7, Article V, Section 5 and Article VI, Section 3, of such Supplemental Declaration, are hereby modified and amended and shall hereafter read as follows:

\*\*\*\*

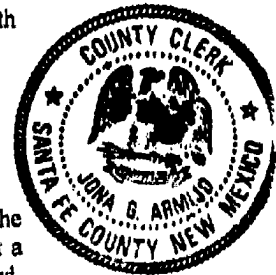
**ARTICLE II**

**Section 7. Driveways and Driveway Monuments.** Driveways may cross site restricted portions of a lot if sufficient cause is demonstrated by the owner and approved by the Architectural Review Committee. Driveway monuments must be of masonry, adobe or stone construction and finished to be an integral part of the architectural style of the residence. Driveway monuments shall not exceed twelve feet (12') in length and four feet (4') in height as measured from natural grade adjacent to the monument. Driveway monuments shall be located no closer than ten feet (10') and no further than twenty feet (20') from the property line common with dedicated roadway.

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**ARTICLE V**

**Section 5. Bond and Remedies for Noncompliance.** The committee shall be authorized to require that a member post a bond, in an amount and form determined by the Board, conditioned on satisfactory completion of the construction as specified in the approved plans and within the time limits required herein, and on the satisfactory cleanup of the construction site and disposal of debris. The committee may, at its option, waive the requirement for such bond.



583,345  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed for record on the 31 day of Oct A.D. 1991 at 3:55 o'clock p.m. and was duly recorded in book 1169 page 736 of the records of Santa Fe County.  
Witness my Hand and Seal of Office  
740 Jona G. Armijo  
County Clerk, Santa Fe County, NM  
MICHELLE BRADY  
Deputy

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In addition to enforcement remedies otherwise specified herein, the committee shall be authorized to establish a procedure for notifying members of non-compliance with this Article or violations of the Building Restrictions imposed by this Declaration. Failure of a member to comply after reasonable notice shall subject the member to liquidated damages, in an amount to be determined by the Board, but not in excess of \$50.00 per day, for each day the member fails or refuses to comply with this Declaration or to cure the noticed violation. Liquidated damages may be collected in the same manner as assessments under Article III herein.

\* \* \* \*

#### ARTICLE VI

**Section 3. Amendment.** In addition to the Declarant's right to modify this Supplemental Declaration as specified in Article VI, Section 6 below, this Supplemental Declaration may be modified, altered or changed with the written consent of a majority of the owners of the lots subject to this Supplemental Declaration at any time. Any modification, alteration or change shall be recorded in the County Records for Santa Fe County before it shall be effective. This Supplemental Declaration shall remain in full force and effect for a period of ten (10) years from the date of the recording of the same, and for successive ten-year periods thereafter, unless within one hundred eighty (180) days of the first ten-year period (or within one hundred eighty (180) days of each successive ten-year anniversary of this Supplemental Declaration) this Supplemental Declaration shall be terminated, modified, altered or changed in writing by the owners of a majority of the lots subject to this Supplemental Declaration.

This Declaration is recorded pursuant to Article VI, Section 6 of the Supplemental Declaration of Restrictive Covenants for Avila at Eldorado, Santa Fe County, New Mexico, recorded June 29, 1994 at Book 1071, pages 186 to 198 of the Records of the Santa Fe County Clerk as Document No. 868,471 ("Supplemental Declaration"). The modifications described herein and printed in full above shall modify and amend the language of the Supplemental Declaration as described herein.

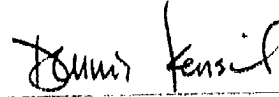
The Declaration of Modification set forth herein is for the mutual benefit and enjoyment of the owners and purchasers of lots within Avila at Eldorado, and is in furtherance of a general scheme of development and use of such properties in order to preserve the quality and character for the present and future enjoyment of such owners and purchasers. This Declaration of Modification applies to the owners and purchasers of and is placed upon and shall run with the lots and properties of Avila at Eldorado listed on Exhibit "A" hereto.

IN WITNESS WHEREOF, the Declarant, Monte Alto Homes, Inc., a New Mexico corporation, has executed this instrument this 31<sup>st</sup> day of OCTOBER, 1994.

DECLARANT:

MONTE ALTO HOMES, INC., a New Mexico corporation

By:



DENNIS KENSIL, Its Vice-President and  
Authorized Representative

STATE OF NEW MEXICO )  
 )ss.  
COUNTY OF SANTA FE )

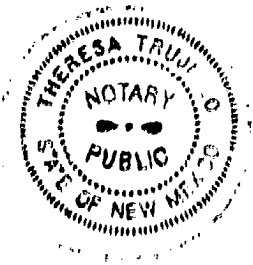
The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of ~~OCTOBER~~, 1994 by Dennis Kensil, as Vice-President and authorized representative for and on behalf of Monte Alto Homes, Inc., a New Mexico corporation.

*Theresa Trujillo*

NOTARY PUBLIC

My Commission Expires:

*9/18/01*



**EXHIBIT "A" TO DECLARATION OF MODIFICATION  
TO SUPPLEMENTAL DECLARATION OF RESTRICTIVE  
COVENANTS FOR AVILA AT ELDORADO**

Lots 1, 2, Block 57, Unit 3  
Lots 1-10, Block 58, Unit 3  
Lots 1-22, Block 59, Unit 3  
Lots 1-10, Block 60, Unit 3

All lots are located in the Eldorado at Santa Fe subdivision.

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