FOURTH AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS COLINAS DEL SOL SUBDIVISION

The undersigned constitute all of the owners of real property now platted as the Colinas del Sol Subdivision as shown on the plat thereof filed in the Office of the County Clerk of Santa Fe County, New Mexico as Instrument Number 1503890 and on the re-recorded subdivision plat at Instrument Number 1850219.

WHEREAS, the Declaration of Restrictive Covenants Colinas del Sol ("Declaration") was filed in the records of Santa Fe County New Mexico Clerk on September 23, 2007, Instrument Number 1503891; with subsequent amendments filed as Instrument Numbers 1511905, 1700802 and 1850222; and,

WHEREAS the Declaration filed as Instrument Number 1850222 was filed as an "Amended and Substituted Declaration"; ("Amended and Substituted Declaration") and,

WHEREAS the parties wish to make certain amendments to the Declaration, including the Amended and Substituted Declaration;

NOW, therefore, the following are amendments to the Amended and Substituted Declaration and constitute amendments to the Declaration and all amendments thereto. Paragraph references are made to the Amended and Substituted Declaration:

Article 1: **Declaration**. The duly platted Colinas del Sol subdivision is recorded in the records of Santa Fe County, New Mexico as Instrument Number 1850219.

Article 6. **Permitted Uses.** Article 6 is amended in that it removes as permitted structures subparagraphs b. and c., as horses and other barnyard animals are specifically prohibited.

Article 7.04. **Fencing**. The word "horses" in the second line is stricken, as horses are not permitted within the subdivision. The second to last sentence which begins with "Not more than 4 acres..." is stricken and replaced with the following: "All fenced areas are restricted to ½ acre."

Article 7.05. **Animals**. Article 7.05 is stricken in its entirety and replaced with the following: "No animals or any poultry of any kind shall be kept or raised on said lots except dogs, not to exceed two, cats, not to exceed two, and small pets kept and contained inside the residence such as small birds, gerbils, fish etc. All animals should be under the control of the lot purchaser at all times. Lot purchasers shall prevent the animal from in any way becoming a nuisance either from noises created by the animals, odors or other practice or conduct that may create a nuisance. Horses are specifically prohibited.

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.001

Except for the amendments and modifications made herein, the Amended and Substituted Declaration remains in full force and effect.

High Desert Partnership, LLC
by Russell J. McMillan, Managing Member
Owner: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13

Owner of Lots

Thomas Aldern
Lot 3

Date:

Sandra Aldern
Lot 3

Date:

John Gamache
Lot 16

Date:

Susan Gamache
Lot 16

Date:

Nathaniel Borgelt
Lot 2

Date:

Robyn Borgelt
Lot 2

Date:

Simon Woodruff
Lot 14

Date:

Christine Woodruff
Lot 14

Date:

Paul Muraca
Lot 1

Eva Sevick
Lot 1

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.002

Except for the amendments and modifications made herein, the Amended and Substituted Declaration remains in full force and effect.

High Desert Partnership, LLC
by Russell J. McMillan, Managing Member
Owner: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13

Owner of Lots

Thomas Aldern
Lot 3

Date: 21 MAY 2021

Sandra Aldern
Lot 3

Date: 5/21/2021

John Gamache
Lot 16

Date: 5-7-2021

Susan Gamache
Lot 16

Date: 5-7-2021

Nathaniel Borgelt
Lot 2

Date:

Robyn Borgelt
Lot 2

Date:

Simon Woodruff
Lot 14

Date:

Christine Woodruff
Lot 14

Date:

Paul Muraca
Lot 1

Eva Sevick
Lot 1

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.003

Except for the amendments and modifications made herein, the Amended and Substituted Declaration remains in full force and effect.

High Desert Partnership, LLC
by Russell J. McMillan, Managing Member
Owner: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13

Owner of Lots

Thomas Aldern
Lot 3

Date:

Sandra Aldern
Lot 3

Date:

John Gamache
Lot 16

Date: 7-20-2021

Susan Gamache
Lot 16

Date: 7-20-2021

Nathaniel Borgelt
Lot 2

Date:

Robyn Borgelt
Lot 2

Date:

Simon Woodruff
Lot 14

Date:

Christine Woodruff
Lot 14

Date:

Paul Muraca
Lot 1

Eva Sevick
Lot 1

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.004

Except for the amendments and modifications made herein, the Amended and Substituted Declaration remains in full force and effect.

High Desert Partnership, LLC
by Russell J. McMillan, Managing Member
Owner: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13

Owner of Lots

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Lot 3

Date:

Sandra Aldern
Lot 3

Date:

John Gamache
Lot 16

Date: 5-7-2021

Susan Gamache
Lot 16

Date: 5-7-2021

Nathaniel Borgelt
Lot 2

Date:

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Lot 2

Date:

Simon Woodruff
Lot 14

Date:

Christine Woodruff
Lot 14

Date:

Paul Muraca
Lot 1

Eva Sevick
Lot 1

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.005

Except for the amendments and modifications made herein, the Amended and Substituted Declaration remains in full force and effect.

High Desert Partnership, LLC
by Russell J. McMillan, Managing Member
Owner: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13

Owner of Lots

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Date:

Sandra Aldern
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Date:

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Date: 5-7-2021

Susan Gamache
Lot 16

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Nathaniel Borgelt
Lot 2

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Lot 2

Date:

Simon Woodruff
Lot 14

Date:

Christine Woodruff
Lot 14

Date:

Paul Muraca
Lot 1

Eva Sevick
Lot 1

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.006

Except for the amendments and modifications made herein, the Amended and Substituted Declaration remains in full force and effect.

High Desert Partnership, LLC
by Russell J. McMillan, Managing Member
Owner: Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13

Owner of Lots

Thomas Aldern
Lot 3

Date:

Sandra Aldern
Lot 3

Date:

John Gamache
Lot 16

Date:

Susan Gamache
Lot 16

Date:

Nathaniel Borgelt
Lot 2

Date:

Robyn Borgelt
Lot 2

Date:

Simon Woodruff
Lot 14

Date:

Paul Muraca
Lot 1

7/20/2021

Christine Woodruff
Lot 14

Date:

Eva Sevick
Lot 1

7/20/2021

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.007

Date:

Jon Eric Olson
Lot 15

Date:

Date:

NA

Nancy Bartholomaei
Lot 15

Date:

ACKNOWLEDGEMENTS

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

The foregoing was acknowledged before me on the _____ day of _____, 2021 by Russell McMillan as Managing Member of High Desert Partnership LLC.

_____
Notary Public

My Commission Expires:

_____

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

The foregoing was acknowledged before me on the _____ day of _____, 2021, by Thomas Aldern.

_____
Notary Public

My Commission Expires:

_____

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.008

NEW MEXICO NOTARY ACKNOWLEDGMENT

THE STATE OF NEW MEXICO

COUNTY OF Santa Fe

This instrument was acknowledged before me on May 26, 2021 (date) by Russell J McMillan (name(s) of person(s)).
Restrictive Covenants

Anna Garcia
Notary Public Signature

Print Anna Garcia

Title or Office: notary public

My commission expires: Feb 6, 2024

OFFICIAL SEAL
ANNA GARCIA
NOTARY PUBLIC-State of New Mexico
My Commission Expires Feb 6, 2024

(Seal)

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.009

ACKNOWLEDGEMENTS

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

The foregoing was acknowledged before me on the _____ day of _____, 2021 by Russell McMillan as Managing Member of High Desert Partnership LLC.

_____
Notary Public

My Commission Expires:

_____

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

The foregoing was acknowledged before me on the 21 day of May, 2021, by Thomas Aldern.

Chris F. Gurule
Notary Public

My Commission Expires:

11/6/2022

OFFICIAL SEAL
Chris F. Gurule
NOTARY PUBLIC-State of New Mexico
My Commission Expires 11/6/2022.

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

The foregoing was acknowledged before me on the 21 day of May, 2021, by Sandra Aldern.

Chris F. Gurule
Notary Public

OFFICIAL SEAL
Chris F. Gurule
NOTARY PUBLIC-State of New Mexico
My Commission Expires 11/6/2022.

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.010

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

The foregoing was acknowledged before me on the 20 day of July, 2021, by John Gamache. John Gamache

Theresa M Barela
Notary Public

My Commission Expires:

10/13/21 10/13/21

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

The foregoing was acknowledged before me on the 20 day of July, 2021, by Susan Gamache.

Theresa M Barela
Notary Public

My Commission Expires:

10/13/21

SFC CLERK RECORDED 07/29/2021

Notary Public

My Commission Expires:

4/2/2021

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

The foregoing was acknowledged before me on the 20 day of May, 2021, by Nathaniel Borgelt.

Notary Public

My Commission Expires:

4/2/2021

Official Seal
SANDRA M. NOE
Notary Public
State of New Mexico
My Commission Expires 4.2.22

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

The foregoing was acknowledged before me on the 20 day of May, 2020, by Robyn Borglet.

Notary Public

My Commission Expires:

_____

Official Seal
SANDRA M. NOE
Notary Public
State of New Mexico
My Commission Expires 4.2.22

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

The foregoing was acknowledged before me on the ____ day of _____, 2021, by Simon Woodruff.

_____

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.012

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

The foregoing was acknowledged before me on the ____ day of _____, 2020, by Robyn Borglet.

_____
Notary Public

My Commission Expires:

Feb 6 2024

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

The foregoing was acknowledged before me on the 24th day of June, 2021, by Simon Woodruff.

Anna Garcia
Notary Public

My Commission Expires:

Feb 6, 2024

OFFICIAL SEAL
ANNA GARCIA
NOTARY PUBLIC-State of New Mexico
My Commission Expires Feb 6, 2024

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

The foregoing was acknowledged before me on the 21st day of June, 2021, by Christine Woodruff.

Anna Garcia
Notary Public

OFFICIAL SEAL
ANNA GARCIA
NOTARY PUBLIC-State of New Mexico
My Commission Expires Feb 6, 2024

My Commission Expires:

_____

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

The foregoing was acknowledged before me on the ____ day of

SFC CLERK RECORDED 07/29/2021

Land Records Corp. SFTC ALB11608 SF 1960934.013

STATE OF NEW MEXICO)
)
COUNTY OF SANTA FE)

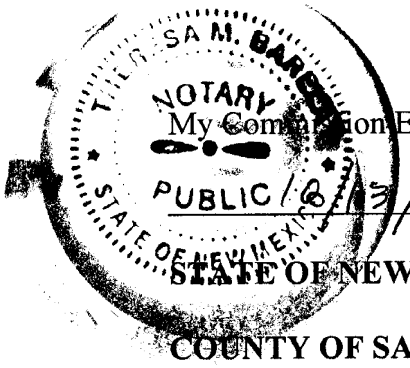
ss.

The foregoing was acknowledged before me on the 20 day of July, 2021, by Paul Muraca.

Theresa M Barela
Notary Public

My Commission Expires:

10/13/21



STATE OF NEW MEXICO)
)
COUNTY OF SANTA FE)

ss.

The foregoing was acknowledged before me on the 20 day of July, 2021, by Eva Sevick.

Theresa M Barela
Notary Public

My Commission Expires:

10/13/21



SFC CLERK RECORDED 07/29/2021

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

The foregoing was acknowledged before me on the 2nd day of July, 2021, by Jon Eric Olson.

Theresa M. Barela
Notary Public

THERESA M. BARELA NOTARY PUBLIC STATE OF NEW MEXICO

My Commission Expires: 10/13/21

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

The foregoing was acknowledged before me on the _____ day of _____, 2021, by Nancy Bartholomaei.

_____
Notary Public

My Commission Expires:

_____

COUNTY CLERK KATHARINE E. CLARK SANTA FE COUNTY NEW MEXICO

SFC CLERK RECORDED 07/29/2021

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

FOURTH AMENDMENT
PAGES: 15

I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of July, 2021 at 09:09:04 AM And Was Duly Recorded as Instrument # 1960934 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy _____ County Clerk, Santa Fe, NM

Land Records Corp. SFTC ALB11608 SF 1960934.015