

Certificate of Amendment

Amending Declaration of Covenants, Conditions, Restrictions, and Easements for Montecito Estates

This Certificate of Amendment is made this 30th day of November 2011 by Montecito Estates Association, Inc., a New Mexico Non Profit Company (the "Association")

WITNESSETH:

WHEREAS, the Declaration of Covenants, Conditions, Restrictions, and Easements for Montecito Estates have been previously recorded in the records of Bernalillo County on September 6, 2006 as document number 2006136182, and

WHEREAS, the Restrictions apply to the Montecito Estates Subdivision, which is more particularly described as follows:

See Exhibit "A", Legal Description, attached hereto and made a part hereof by reference, and

WHEREAS, the Association is empowered to amend the Restrictions pursuant to Article 13, Section 13.2 of the Declaration, and has adopted as an amendment to the Restrictions the provisions set forth below and is recording this Certificate to memorialize the same,

NOW, THEREFORE, the Association hereby declares, covenants and agrees as follows:

- 1) Article 5, Section 5.12 Vehicles is deleted and replaced with the following:

5.12 Vehicles. Private, non-commercial, passenger automobiles or pickup trucks which when including all attachments (including, without limitation, racks and shells), do not exceed one (1) ton in carrying load or cargo capacity, eighty-four (84) inches in height or width or two hundred twenty-eight (228) inches in length are encouraged to be kept in garages, carports, and residential driveways of the Owner. Parking in front and side yards is prohibited. Parking on the curb, sidewalk, or easement between the curb and sidewalk is also prohibited. No other vehicle (including, but not limited to, mobile homes, motor homes, boats, recreational vehicles, trailers, trucks, campers, permanent tents, or similar vehicles or equipment, commercial vehicles, or vehicles exceeding one (1) ton in carrying load or cargo capacity, eighty-four (84) inches in height or width, or two hundred twenty-eight (228) inches in length or similar

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vehicles or equipment) shall be kept, placed or maintained upon the Property or any roadway adjacent thereto, except: (a) within a fully-enclosed garage appurtenant to a Dwelling Unit; or (b) in such areas and subject to such rules and regulations as the Board may designate and adopt in its sole discretion (and the Board in its sole discretion may prohibit such other vehicles and equipment completely). The provisions of this subsection shall not apply to (i) temporary construction trailers, shelters or facilities maintained during, and used exclusively in connection with, the construction of any work or improvement permitted by this Declaration (ii) a recreational vehicle parked in the driveway or the street for a period not to exceed forty-eight (48) hours, and (iii) a guest's use of a recreational vehicle for a period not to exceed seven (7) days. No vehicle (including, but not limited to, those enumerated in the preceding sentences) shall be constructed, reconstructed or repaired on the Property or any roadway therein or adjacent thereto except within a fully enclosed garage. No motor vehicles of any kind which are not in operating condition shall be parked in any unenclosed parking areas (including, but not limited to, private driveways appurtenant to a Dwelling Unit). The provisions of this *Section 5.12* shall not apply to (a) vehicles of Declarant or its employees, agents, Affiliates, contractors or subcontractors during the course of construction activities or sales activities upon or about the Property, or (b) vehicles used by the Association in repairing, maintaining and replacing the Common Areas and all Improvements thereon, and in performing all other rights, duties and obligations of the Association under this Declaration. Notwithstanding any provision in this Declaration, the Association shall not prohibit a resident from parking a motor vehicle with a gross vehicle weight of twenty thousand pounds or less upon a designated visitor parking area in the Community, if the vehicle is required, for public safety and emergency purposes in accordance with any applicable law, to be available at the residence as a condition of employment, and either (a) the resident is employed by a public service corporation regulated by the Corporation Commission, and required to be prepared to deploy for emergency repair of natural gas pipelines and related infrastructure, or (b) the vehicle is owned or operated by the public service corporation and bears an official emblem or designation, or (c) the resident is employed by a public safety agency (including police or fire), or a private fire or ambulance service, and the vehicle has a gross vehicle weight rating of 10,000 pounds or less, and bears an official emblem or designation.

IN WITNESS WHEREOF, the Association has caused this Certificate of Amendment to be duly executed.


Montecito Estates Community Association, Inc. a
New Mexico non profit corporation

By: 
Tony Sciarrillo, President

State of New Mexico

County of Bernalillo

The foregoing Certificate of Amendment was acknowledged before me on Nov 30 2010
by Tony Sciarrillo, President of Montecito Estates Community Association, Inc., a New Mexico
non profit corporation.


Notary Public

My commission expires: 2-19-12

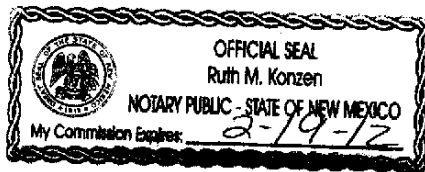


EXHIBIT "A"

LEGAL DESCRIPTION

Lots 1 through 142, inclusive and Tracts A through D, inclusive of Vista Vieja Subdivision Unit One according to the plat of record in the office of the County Clerk of Bernalillo County, New Mexico recorded at Book 2005C, page 326.

Block 1, Lots 1 through 26, inclusive; Block 2, Lots 1 through 21, inclusive; Block 3, Lots 1 through 29, inclusive; Block 4, Lots 1 through 20, inclusive; Block 5, Lots 1 through 17, inclusive; Block 6, Lots 1 through 21, inclusive; Block 7, Lots 1 through 10, inclusive; and Block 8, Lots 1 through 16, inclusive of Vista Vieja Subdivision Unit Two according to the plat of record in the office of the County Clerk of Bernalillo County, New Mexico recorded at Book 2006C, page 298.

Block 9, Lots 1 through 26, inclusive; Block 10, Lots 1 through 9, inclusive; Block 11, Lots 1 through 18, inclusive; Block 12, Lots 1 through 18, inclusive; Block 13, Lots 1 through 22, inclusive; Block 14, Lots 1 through 22, inclusive; Block 15, Lots 1 through 24, inclusive; Block 16, Lots 1 through 24, inclusive; Block 17, Lots 1 through 9, inclusive; Block 18, Lots 1 through 17, inclusive; Block 19, Lots 1 through 20, inclusive; Block 20, Lots 1 through 6, inclusive; Block 22, Lots 1 through 9, inclusive; Block 23, Lots 1 through 15, inclusive; Block 24, Lots 1 through 11, inclusive; Block 25, Lots 1 through 19, inclusive; Block 26, Lots 1 through 7, inclusive; and Block 27, Lots 1 through 14, inclusive of Vista Vieja Subdivision Units Three and Four according to the plat of record in the office of the County Clerk of Bernalillo County, New Mexico recorded at Book 2006C, page 340.