

RESTRICTIONS REGARDING LANDSCAPING, GRADING & DRAINAGE

These Restrictions Regarding Landscaping, Grading and Drainage are made by DR Horton, Inc., a Delaware corporation ("Horton") as follows:

WHEREAS, Horton is the owner in fee simple and developer of that certain lot whose legal description is as follows:

Lot numbered Eleven (11) in Block numbered Eight (8) of Vista Vieja Subdivision Unit Two, City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on October 3, 2006, in Map Book 2006C, folio 298, as Document No. 150317.

Commonly known as 8405 Wild Dunes Road NW, Albuquerque, New Mexico 87120 (the "Lot")

WHEREAS, Horton deems it desirable to establish, adopt and impose covenants, conditions and restrictions upon any landscaping, grading and drainage alterations to the Lot in addition to any as may already be imposed, or shall hereafter be imposed by a homeowners association.

WHEREAS, Horton declares that the Lot is and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved, subject to the limitations, restrictions, covenants and conditions herein set forth. These restrictions shall be appurtenant to and run with the Lot and shall bind not only the original purchaser of the Lot from Horton, but his heirs, purchasers, assignees and successors-in-interest.

NOW, THEREFORE, Horton hereby establishes the following specific landscaping, grading and drainage restrictions on the Lot:

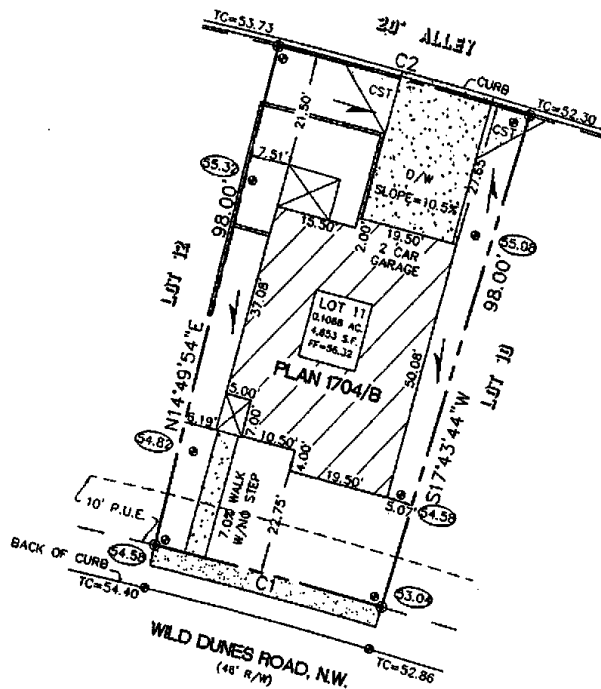
1. A Plot Plan of the Lot, which sets forth spot elevations and flow arrows depicting the grading and drainage plan approved by the applicable governmental entities and built by Horton, the proper implementation of which has been verified by a licensed surveyor, is attached hereto as **Exhibit A**. The purpose of the grading and drainage plan is to allow water accumulated on the Lot to drain to the public street. Construction or landscaping that materially alters the grades and flow patterns shown on **Exhibit A** hereto are prohibited unless the following are first obtained:

a. written approval of any homeowners association or architectural control committee with control over any landscaping, grading and drainage modifications, and

b. a written certification from a licensed New Mexico geotechnical engineer that such proposed modification will not negatively impact the grading and drainage pattern or otherwise cause potential damage to the Lot or improvements thereon, or to any adjacent lots or improvements thereon, and a copy of such engineer's certification has been provided to Horton at the address listed below.

2. Improper alteration of or failure to stabilize and/or maintain drainage patterns as provided in the Plot Plan may result in significant damage, including but not limited to, damage to the foundation of the house or adjacent slopes, patios and/or yard walls. Horton shall not be responsible for any damages to persons or property resulting from post closing changes in the existing drainage course as set forth in the Plot Plan as a result of (a) the alteration of swales, drainage pipes or drainage courses, or failure to maintain the same as established by Horton and/or failure to keep them free of buildings, structures and obstructions, including but not limited to debris, blowing sand and weeds (b) a change in grading, (c) erosion, or (d) any landscaping or other improvements, including waterlines, that are installed in such a way as to alter the

Exhibit A



LEGEND

- 4' SIDEWALK
- FLOW ARROW
- CLEAR SIGHT TRIANGLE

CONCRETE TABLE (SQUARE FEET)	
DRIVEWAY INSIDE PROPERTY:	498
TOTAL DRIVEWAY:	527
TOTAL FRONT LEADWALK:	97
TOTAL SIDEWALK:	162

PLOT PLAN

LOT 11, BLOCK 8
VISTA VIEJA UNIT 2
8405 WILD DUNES ROAD, N.W.

NOTE: THERE SHALL BE A DISTANCE OF NOT LESS THAN TEN (10) FEET BETWEEN RESIDENTIAL DRIVEWAYS.
NOTE: PROVIDE 14' WIDE DRIVEWAY WITH 24' WIDE CURB CUT.

C1:
R=890.00
L=45.00
Δ=2°53'50"
Ch Brg=N73°43'11"W
Ch L=45.00

C2:
R=988.00
L=49.96
Δ=2°53'50"
Ch Brg=N73°43'11"W
Ch L=49.96

THE SPOT ELEVATIONS AND FLOW ARROWS SHOWN HEREON CONFORM TO THE GRADING AND DRAINAGE PLAN APPROVED BY THE CITY OF ALBUQUERQUE CONSTRUCTION OR LANDSCAPING THAT MATERIALLY ALTERS THE LOT GRADES AND FLOW PATTERNS IS NOT PERMITTED. THE BUYER FURTHER AGREES TO MAINTAIN THE PROPERTY AND REMOVE ANY TRASH, GARBAGE, ALLUVIUM, COLLUVIUM, DETRITUS OR ANY OTHER OBSTRUCTIONS WHETHER CREATED BY AN ACT OF MAN OR NATURE THAT WOULD ALTER THE DESIGNED DRAINAGE PATTERN.

CUSTOMER

CUSTOMER

DATE

DATE

D.R. HORTON HOMES

4400 ALAMEDA N.E. SUITE B
ALBUQUERQUE, NEW MEXICO 87113

12-23-09 DKS/SLM, 1/14/10 DKS



SCANNED
AUG 12 2010
By: Tammie R. [unclear]