



***SUBSIDIARY DECLARATION  
FOR  
UNIT 1-G PHASE 2  
LOMAS ENCANTADAS***

***Section 1  
GENERAL PROVISIONS***

**1.1. INTRODUCTION**

This Subsidiary Declaration is hereby adopted by Lomas Encantadas Development Company, LLC, a New Mexico limited liability company (the "Master Developer"), pursuant to the provisions of that certain "Master Declaration of Covenants, Conditions and Restrictions For Lomas Encantadas, Rio Rancho, New Mexico" recorded on April 28, 2006, in the office of the Sandoval County Clerk at Book 409, Page 21167, as Document No. 20061167, as amended by that certain First Amendment to Master Declaration of Covenants, Conditions and Restrictions for Lomas Encantadas Rio Rancho, New Mexico, recorded on August 1, 2013, in the office of the Sandoval County Clerk at Book 416, Page 21401, as Document No. 2013021401, as amended by that certain Second Amendment to Master Declaration of Covenants, Conditions and Restrictions for Lomas Encantadas Rio Rancho, New Mexico, recorded on November 9, 2018, in the office of the Sandoval County Clerk at Book 421, Page 25594, as Document No. 2018025594, as amended by that certain Third Amendment to Master Declarations of Covenants, Conditions and Restrictions for Lomas Encantadas, Rio Rancho, New Mexico, recorded on November 16, 2022, in the office of the Sandoval County Clerk at Book 425, Page 30383, as Document No. 2022030383, as amended by that certain Fourth Amendment to Master Declaration of Covenants, Conditions and Restrictions For Lomas Encantadas, Rio Rancho, New Mexico recorded on August 18, 2023, in the office of the Sandoval County Clerk at Book 426, Page 16347 as Document No. 2023016347 (the "Master Declaration"). This Subsidiary Declaration shall encumber, bind and run with the real estate described in **Exhibit A** attached hereto and incorporated herein by reference (the "Property") forever, unless terminated or amended as allowed hereinbelow. No Residence, Building, Structure, landscaping or other Improvement of any kind may be constructed or installed on any Lot (as defined hereinbelow) without the prior written approval of the Master Developer or the Design Review Committee. Also, no addition, alteration, repair, change or other work which in any way alters the exterior appearance of any Residence, Building, Structure or other Improvement of any kind situated on a Lot can be made or done without the prior written approval of the Master Developer or the Design Review Committee.

Any approval of plans, specifications or proposed construction given by the Master Developer shall not constitute any representation or warranty by the Master Developer that the approved construction or modification complies with applicable federal, state or local laws or ordinances. Each Owner must comply with all applicable federal, state and local laws, rules and ordinances and obtain such permits as may be required for the construction or modification of the improvement.

Unless otherwise defined in this Declaration, each capitalized term used in this Declaration shall have the following meaning:

“Building” means any building or buildings, including any accessory building, constructed on a Lot, and any Improvements constructed in connection therewith.

“City” means the City of Rio Rancho, New Mexico.

“Declaration” means this Subsidiary Declaration, as amended from time to time.

“Design Review Committee” means the Architectural Committee designated by the Master Declaration.

“Improvement” means any changes, alterations, or additions to a Lot, including any Residence, Building, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, hedges, poles, signs, exterior art and any structure or other modification of any type or kind.

“Lot” means any part of the Property designated on as a lot on any recorded plat of any portion of the Property.

“Owner” means the fee owner of a Lot.

“Property” means that certain real estate more particularly described in Exhibit A attached hereto and incorporated herein by reference.

“Residence” means any building or buildings, including any garage or other accessory building used for residential purposes, constructed on a Lot, and any Improvements constructed in connection therewith. Unless otherwise defined, “Residence” shall mean a single-family Residence.

“Structure” means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.

“Visible from Neighboring Property” means that, with respect to any given object, that such object is, or would be, visible to a Person six feet (6’) tall, standing on the same plane as the object being viewed at a distance of one hundred feet (100’) or less from the nearest boundary of the property being viewed.

Neither the Master Developer nor or affiliates of Master Developer, nor any directors, officers, employees or agents of the Master Developer or affiliates of Master Developer, shall be liable to any Owner or other person for any damage, loss or prejudice claimed on account of (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings or specifications, (c) the development or manner or development of the Property, or (d) the exercise

of any of the powers, duties or responsibilities of the Master Developer or affiliates of Master Developer.

## **1.2 TERMINATION AND AMENDMENT TO DECLARATION**

This Declaration shall remain in effect for 20 years from date of recordation. This Declaration shall continue to remain in effect for additional 10 year periods unless terminated by a then eighty percent (80%) of the Owners of all Lots within the Property prior to the expiration of any additional 10 year period. Further, this Declaration may be amended at any time by the Master Developer, or affiliates of Master Developer, until the earlier of: (i) five (5) years after the recordation of this Declaration; or (ii) such time as the Master Developer, or affiliates of Master Developer, holds no Owner interest in any Lots within the Property. After the Master Developer's, or affiliates of Master Development, right to amend this Declaration expires, this Declaration may also be amended by the vote of eighty percent (80%) of the Owners of Lots within the Property.

## **1.3 HOMEOWNER'S ASSOCIATION**

The Lomas Encantadas Master Association (the "Association") has been established by separate document pursuant to the Master Declaration for the maintenance of common areas within Lomas Encantadas. This Association may also be appointed responsible for temporary maintenance of park, drainage, open-space and other recreational areas within Lomas Encantadas until those areas are dedicated to the City of Rio Rancho, at a specified time, for the City's Ownership and maintenance. The Association has the right to impose a fee on each Lot for the costs to maintain, operate, and improve (as may be necessary) the common areas and administer the Association.

## **1.4 SEVERABILITY**

If any provision of this Declaration is ruled invalid or unenforceable, the remainder of this Declaration shall remain in full force and effect.

## ***Section 2*** ***DESIGN (PLAN REVIEW) AND APPROVAL PROCESS***

A Design Review Committee, composed of not less than three persons, nor more than five persons, shall be established by the Master Developer. At such time as the Master Developer's right to amend this Declaration terminates pursuant to Section 1.2 hereinabove, the members of the Design Review Committee shall be appointed and removed by the Board of Directors of the Association; provided that each member of the Design Review Committee appointed by the Association shall be an Owner of a Lot within the Property. The Design Review Committee is charged with the interpretation and administration of those plans and documents submitted for approval, rejection or revision pursuant to this Declaration.

In general, the design review process is divided into three phases:

Pre-Design Meeting  
Preliminary Submittal  
Final Submittal

The Design Review Committee will conduct reviews of projects during regular meetings or at such other times as it deems appropriate. Owners, architects, or builders shall have no right to attend any meeting of the Design Review Committee unless specifically requested to do so by the Design Review Committee. The Design Review Committee will respond in writing to the Applicant no later than thirty (30) days after a complete submittal has been submitted to the Design Review Committee.

## 2.1. PRE-DESIGN MEETING

To initiate the review and approval process prior to preparing any drawings for a proposed Residence or Improvement, the Owner and/or his architect may meet with the Design Review Committee to discuss the proposed Improvements and to explore and resolve any questions regarding building requirements within the Property or the interpretation of this Declaration or the Master Declaration. This informal review is to offer guidance prior to the initiation of preliminary design.

## 2.2. PRELIMINARY SUBMITTAL

Preliminary Submittals shall include:

- (a) **Application Form** attached hereto as **Exhibit B** with all information completed.
- (b) **Site Plan** showing the primary Building or Residence and all other buildings or major structures, driveway, general parking areas, patios, pools, walls, site grading and elevations (datums) of all building floors, patios, and terraces, shown in relation to site contour elevations. The Site Plan must also include the size of the Lot in square feet.
- (c) **Massing Diagram** which includes the roof plan of the Building or Residence and the plan of the site improvements superimposed over existing topography. This drawing shall indicate:
  - all parapet and roof ridge heights and any changes in elevation of the parapet and roof ridge heights.
  - heights of site walls or retaining walls with surface and style
  - a bold outline of each building mass in plan.
  - existing preconstruction topography with one foot contour intervals; contour lines must be legible beneath the footprint of any Improvements.

- (d) **Floor Plans** (at a scale of no less than 1/8" = 1'-0"). Roof plans should show areas and heights of flat and sloped roofs, location of crickets and skylights. Floor plans shall show vertical elevations for each floor level change.
- (e) **Exterior Elevations** of all sides of the Building or Residence, at the same scale as the floor plans, identifying all structure heights, delineating both existing and proposed grade lines and designating all exterior materials and general colors. Color selections may be general and not specific for the Preliminary Submittal.
- (f) Any other drawings, materials, or samples requested by the Design Review Committee or necessary to explain the design.
- (g) A non-refundable **Design Review Fee** of \$100.00 must accompany the Preliminary Submittal.

All accessory Improvements contemplated on the Lot must be shown on the Preliminary Submittal.

Within thirty (30) after a complete Preliminary Submittal has been submitted, the Design Review Committee will review the submittal for conformance to this Declaration and the Master Declaration and will provide a written response to the Applicant.

### 2.3. FINAL SUBMITTAL

After preliminary approval is obtained, the following documents, which clearly comply with, or satisfactorily resolve, the conditions for preliminary approval, are to be submitted to the Design Review Committee for final approval. Final Submittals shall include:

- (a) **Application Form** attached hereto as **Exhibit B** with all information completed.
- (b) **Construction Plans and Documents** for the Improvement including:
  - all data noted in Section 2.2, Paragraphs (d), and (e) and building sections as required to illustrate the Building or Residence and Improvements
  - all utility locations, electric meter, transformer and exterior mechanical equipment locations
  - any adjustments to locations of the Building, Residence or other Improvement
  - height of the top of all skylights and parapets shown on the roof plan
  - locations and manufacturer's catalog cuts of all exterior lighting fixtures
- (c) **Samples** of all exterior materials and colors, and window and glass specifications, mounted on an 8½ x 11" (maximum size) heavy stock cardboard identified with

manufacturer's name, color, and/or number. Sample boards shall include Owner's name and the legal description of the Lot. Samples of exterior materials such as stone should be submitted via the use of photographs that show color and coursing patterns.

- (d) **Landscape Plan** at the same scale as the site plan, showing:
- proposed contours and grading if finished grading is different than that on the Final Site Plan.
  - areas to be irrigated, if any, including location of backflow preventor.
  - location of areas to retain or restore native vegetation.
  - locations of areas to receive enhanced vegetation.
  - decorative features such as pools or imported rocks.
  - specifications as to color and size of mineral landscape elements including approximate size of any boulders proposed.
  - a list of all proposed plants including both the common and the botanical plant name and the plant size.
  - location of all exterior lighting, including cut sheets for all fixtures and a list of proposed bulb types and wattages.

#### **2.4. FINAL SUBMITTAL APPROVAL**

Within thirty (30) days after receipt of the complete Final Submittal, the Design Review Committee will review the submittal for conformance to this Declaration and the Master Declaration, and to any conditions set by the Design Review Committee from the Preliminary Submittal and will provide a written response to the Applicant.

#### **2.5. ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES**

Any changes to the approved drawings before, during, or after the construction of an Improvement must first be submitted for review to, and must be approved by, the Design Review Committee.

#### **2.6. COMMENCEMENT OF CONSTRUCTION**

Upon receipt of approval from the Design Review Committee, the Owner shall commence the construction pursuant to the approved Final Submittal within one (1) year from the date of the approval. If the Owner fails to comply with this Section 2.6, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Design Review Committee prior to the expiration of the one-year period and upon a finding by the Design Review Committee that there has been no change in circumstances, the time for commencement is extended in writing by the Design Review Committee. The Owner shall, in any event, complete the construction within one (1) year after commencing construction except when such completion is impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, or natural

calamities. If the Owner fails to comply with this Section, the Design Review Committee, at its option, may complete the exterior in accordance with the approved drawings or remove the Improvement(s), and the Owner shall reimburse the Design Review Committee for all expenses incurred in connection therewith.

#### **2.7. NON-WAIVER**

The approval by the Design Review Committee of any drawings or specifications for any work done or proposed, or in connection with any other matter requiring such approval under the Declaration shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval or of a nonconforming design or aspect that has not been identified earlier. For example, the Design Review Committee may disapprove an item not in conformance with the Declaration or the Master Declaration shown on the Final Submittal even though it may have been evident and could have been disapproved at the Preliminary Submittal.

#### **2.8. RIGHT OF WAIVER**

The Design Review Committee reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

#### **2.9. ESTOPPEL CERTIFICATE**

Within thirty (30) days after written demand therefor is delivered to the Design Review Committee by any Owner, and upon payment therewith to the Design Review Committee of a reasonable fee from time to time to be fixed by it, the Design Review Committee shall execute an estoppel certificate, certifying with respect to the Owner's Lot, that as of the date thereof either (a) all Improvements and other work made or done upon or within said Lot by the Owner, or otherwise, comply with this Declaration, or (b) such Improvements and/or work do not so comply, in which event the certificate shall also (1) identify the non-complying Improvements and/or work and (2) set forth with particularity the cause or causes for such non-compliance. Any purchaser from the Owner or mortgagee or other encumbrances shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Design Review Committee, all Owners and other interested persons, and such purchaser, mortgagee, or other encumbrances.

### ***Section 3*** ***SITE DEVELOPMENT REQUIREMENTS***

#### **3.1. MINIMUM SETBACKS**

The minimum setbacks within the Property shall be as established by the City of Rio Rancho Zoning Code.

### **3.2. LANDSCAPING**

The Design Review Committee reserves the right to refuse any plant material or landscaping if the Design Review Committee concludes that the plant material or landscaping is not suitable or desirable within the Property.

### **3.3. EXTERIOR LIGHTING**

Site lighting is defined as lighting mounted on the ground, in trees or on site walls for the purpose of providing security, identification or decorative accent lighting.

Building mounted lighting is defined as lighting built into or attached to buildings on walls, ceilings, eaves, soffits or fascias for the purpose of providing general illumination, area illumination or security illumination.

For residential applications, site lighting must be directed onto vegetation or prominent site features and may not be used to light walls or building elements. Building mounted lighting must be directed downward away from adjacent Lots, streets and open spaces and may not be used to light walls or building elements for decorative purposes.

All exterior lighting must provide for significant shielding to ensure that light sources and lamps are not Visible from or disturbing to Neighboring Property; no bare lamps will be permitted. Recessed lights in exterior soffits, eaves, or ceilings shall have the lamp recessed a minimum of three inches (3") into the ceiling. Proposed exterior lighting wattage must be reviewed and approved by the Design Review Committee. Low voltage lighting is recommended.

Lights on motion detectors for the purpose of security illumination are generally permitted but are subject to specific approval of the Design Review Committee. If allowed by the Design Review Committee, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of twenty (20) continuous minutes. Security lights must still meet the requirements of shielding of the light sources and the light sources should not be Visible from Neighboring Property. If problems with these lights occur, the Design Review Committee reserves the right to require that the fixtures be disconnected. These lights will not be allowed to operate for the purpose of general illumination.

### **3.4. ENTRANCE DRIVEWAYS**

Driveway alterations and/or additions always need a written approval from the Design Review Committee.

### **3.5. SWIMMING POOLS AND SPAS**

Swimming pools and spas, if any, should be designed as being visually connected to the Residence through walls or courtyards, and the visual impact must be minimized from adjacent Lots, streets and public spaces. The color of exposed tile on a negative edge pool must be dark or match the building color. No light or bright tile colors will be permitted on negative edge pools. Pool



equipment must not be Visible from Neighboring Property and must be enclosed by walls and a gate or other suitable screening method.

### **3.6. EXTERIOR RECREATIONAL OR PLAY EQUIPMENT**

All exterior recreational or play equipment such as swing sets, slides, play structures, jungle gyms and similar equipment should endeavor, within reason, to meet the intent and requirements of this Declaration. This type of equipment or structures should be located in the least visible portions of the Lot. The height of this type of equipment should be limited to a maximum of eight feet (8') above finished grade; provided that this height limitation shall not apply to basketball backboards.

### **3.7. EXTERIOR HOLIDAY DECORATIONS**

The intent of this Section is not to discourage decorating for holidays, but only to maintain a standard of quality fitting the Property. Holiday decorations should be subtle, soft, and tasteful. Residential decoration displays should not have a commercial appearance. The Design Review Committee reserves the right to prohibit any holiday decorations deemed inappropriate for the image of the Property.

No exposed spotlights will be allowed. Lights are allowed around window frames, soffit/eave lines and landscaping (as noted above). Luminaries are allowed but care must be taken that luminaries do not blow away or litter adjacent properties.

Christmas decorations will be allowed between Thanksgiving and January 7<sup>th</sup>. No Christmas decorations are allowed before Thanksgiving and all must be removed by January 7<sup>th</sup>. Decorations for other holidays may be installed no more than two weeks prior to the holiday and must be removed within one week after the holiday.

## ***Section 4*** ***ARCHITECTURAL DESIGN REQUIREMENTS***

### **4.1. SIZE OF RESIDENCES**

It is expected that Residences within the Property will contain at least 1,400 square feet of enclosed living area.

### **4.2. ROOFS**

Pitched roofs shall be tripped or tie into building masses and shall have a minimum slope of 2½" to 12". Dominant roof colors such as white or reflective roof surfaces are prohibited. All pitched roofs shall be fully covered by ceramic barrel tile, flat concrete tile or asphalt shingles, unless otherwise approved in writing by the Design Review Committee. Roof mounted mechanical equipment and antennae must be located so as to not to be visible from the front street. For "flat" roofs, the flashing detail between the roof and the parapet wall must be kept horizontal, not sloped to follow the roof or cricket slope. In the case of built-up roofs, all lap joints, seams or patches

must be coated with an aggregate or ballast matching the roofing aggregate or ballast. Any joints, seams or tar patches shall be coated to match the adjacent roof surface and not be obvious. Parapets must return and end in an intersection with a building mass. Flat roofs should be surrounded by parapets a minimum of ten inches (10") above the adjacent roof surface, but in no case higher than thirty-six inches (36") above the adjacent roof surface.

Sloped roof materials should be textural with very dark or deep color tones. Flat roof colors shall meet the requirements of this Declaration regarding color and it is strongly recommended that the color of flat roof material and associated flashing match the color of the building. In any case, the color of the inside of the parapets should be the same across the entire vertical surface (i.e., paint the flashing and vertical roof material to match the parapet wall).

#### **4.3. COLORS**

All exterior building and Improvement colors shall have a light reflective value (LRV) of less than thirty-six (36). This information is available from most paint manufacturers. Colors must be of pastel grays, whites and creams or earth tones. No bright or gaudy colors are permitted. Subdued accent colors may be used, subject to approval by the Design Review Committee. Flat roofs may be surfaced with a material which does not contrast with the building walls or may be painted to match the building walls. Colors for exterior artwork, sculpture or any other special features should also be muted tones chosen to blend rather than contrast with the Residence and its surroundings.

#### **4.4. REFLECTIVE**

No highly reflective finishes, except glass, which may not be mirrored or opaque, and door hardware, shall be used on any exterior surfaces including exterior artwork and sculpture.

#### **4.5. MATERIALS - EXTERIOR SURFACES**

Exterior surfaces must generally be stucco, wood, brick, synthetic stone, stone masonry or adobe block. A large amount of wood is strongly discouraged, although aluminum or other siding may be considered by the Design Review Committee. Exterior finish materials including stucco on all building walls, site walls, and screen walls must be continued down to below grade, thereby eliminating unfinished foundation walls; provided that perimeter lot walls may be constructed of brown CMU block.

#### **4.6. BUILDING PROJECTIONS**

All projections from a building including, but not limited to, chimney caps, vents, gutters, scuppers, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project or be an appropriate accent color, unless otherwise approved by the Design Review Committee.

## **4.7. ANTENNAE/SATELLITE DISHES**

**4.7.1** This Section 4.7 sets forth the rules and restrictions governing the installation of certain types of antennas on Lots within the Property. As provided in Subsection 4.7.3(a)(i) of this Section 4.7, some types of antennas may be installed without the prior written approval of the Design Review Committee provided the antenna is installed in conformance with the rules and restrictions contained in this Section 4.7. However, the Design Review Committee recommends that an Owner desiring to install an antenna without the prior written approval of the Design Review Committee contact the Design Review Committee to discuss the manner in which the Owner intends to install the antenna so that the Owner can confirm that the Owner's intended method of installation conforms to the rules and restrictions contained in this Section 4.7. As provided in Subsection 4.7.3(a)(i) of this Section 4,7, if an antenna is installed without the prior written approval of the Design Review Committee and does not conform with the rules and restrictions contained in this Section 4.7, the Owner will be required to remove the antenna or take all actions necessary to bring the antenna into compliance with the requirements of this Section 4.7.

**4.7.2** For purposes of this Section 4.7, the following terms shall have the meanings set forth below:

- (a) "Antenna" means any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A Mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.
- (b) "Mast" means a structure to which an antenna is attached that raises the antenna height.
- (c) "Telecommunications Signal" means signals received by DBS, television broadcast, and MDS antennas.

### **4.7.3 Installation Rules**

- (a) **Antenna Size and Type**

  - (i) DBS or MDS antennas that are one meter or less in diameter or diagonal measurement and antennas designed to receive television broadcast signals, regardless of size, may be installed without the prior written approval of the Design Review Committee provided the Antenna is installed in conformance with the rules and restrictions contained in this Section 4.7. If an Owner installs an

Antenna which does not comply with the requirements of this Section 4.7, the Owner shall remove the Antenna or take all action necessary to bring the Antenna into compliance with the requirements of this Section 4.7 within five (5) days after a demand for such action is given to the Owner by the Design Review Committee.

- (ii) Except for the antennas permitted under Subsection (i) of this Subsection 4.7.3(a), no Antennas of any kind shall be installed without the prior written approval of the Design Review Committee.

**(b) Location**

- (i) Antennas shall be installed solely on Lots. No Antenna may encroach on the Common Area or any other Lot. This Section 4.7 does not permit installation of an Antenna on any Common Areas, even if an acceptable quality signal cannot be received from a Lot.
- (ii) If an acceptable quality signal can be received by placing the Antenna inside a building situated on the Lot without unreasonable delay or unreasonable cost increase, then the Antenna must be installed inside the building.
- (iii) Antennas shall be located in a place on the Lot which is not visible from the any street, the Common Area, or from other Lots if an acceptable quality signal may be received from such location.
- (iv) If an acceptable quality signal cannot be received from any location on the Lot which is not visible from any street, Common Area, or any other Lot, then the antenna must be placed on the part of the Lot from which an acceptable quality signal can be obtained and which is the least visible from streets, the Common Area and other Lots.

**(c) Installation**

- (i) Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal.
- (ii) Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions.
- (iii) Antennas must be secured so that they do not jeopardize the soundness or safety of any other Owner's property or the safety of any person at or near Antennas.

#### 4.7.4 Antenna Camouflaging

- (a) Antennas or Masts may not extend above a wall or fence unless no acceptable quality signal may be received without the Antenna or Mast extending above the wall or fence.
- (b) Antennas situated on the ground and visible from the street, Common Areas, or from other Lots must be camouflaged by existing landscaping or fencing if an acceptable quality signal may be received from such placement. If there is no such existing landscaping or permanent screening acceptable to the Design Review Committee, the Design Review Committee may require Antennas to be screened by new landscaping or screening of reasonable cost.
- (c) Antennas, Masts, and any visible wiring must be painted to match the color of the structure to which it is attached.

#### 4.7.5 Number of Antennas

No more than one Antenna of each Telecommunications Signal provider may be installed by any Owner.

#### 4.7.6 Mast Installation

- (a) Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- (b) Masts that extend more than 6 feet above the roof line must be approved by the Design Review Committee before installation due to safety concerns posed by wind loads and the risk of falling Antennas and Masts. Any application for a Mast longer than 6 feet must include a detailed description of the structure and anchorage of the Antenna and the Mast, as well as an explanation of the necessity for a Mast higher than 6 feet. If the installation will pose a safety hazard to residents, then the Design Review Committee may prohibit such installation.
- (c) Masts must be painted the appropriate color to match their surroundings.
- (d) Masts installed on a roof shall not be installed nearer to the boundary line of a Lot or nearer to electric power lines than the total height of the Mast and Antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the Mast were to fall during a storm or from other causes.

#### **4.7.7 Radio Antennas**

No antenna for the transmission or reception of radio signals may be installed in such a manner as to be Visible from Neighboring Property without the prior written approval of the Design Review Committee.

#### **4.8. SKYLIGHTS**

Skylights can add natural light to interior spaces of a home, but they can also cause problematic light discharge and reflection from roofs. Therefore, a maximum of eight (8) skylights and/or a maximum of forty (40) square feet of total area of skylights, whichever is more restrictive, may be permitted on any Residence. Skylights should be the low profile type.

#### **4.9. EXTERIOR H.V.A.C. AND VISABLE MECHANICAL EQUIPMENT**

No heating, air conditioning units, evaporative cooling units, or equipment shall be placed, constructed or maintained upon the Property, including, but not limited to, upon the roof or exterior walls of any structure on any part of the Property unless: (a) where such unit or equipment is installed upon the roof of any structure upon the Property, such unit or equipment is fully screened from view from any adjacent Lots by a parapet wall which conforms architecturally with such structure or (b) in all other cases, such unit or equipment is in the side or rear yard of the Residence.

#### **4.10. WINDOWS**

Windows should be located and sized so as to limit heat gain to the Residence's interior and not cause any objectionable glare at any time, day or night. The use of overhangs, deep window opening recesses and other shading devices are encouraged. Glass block has the same constraints as listed above for windows. Colored or bronze reflective glass block is not allowed.

#### **4.11. NO VISIBLE STORAGE TANKS**

No fuel tanks or water tanks which are Visible from Neighboring Property are permitted.

#### **4.12 GARAGES**

Every effort should be made to minimize the impact of the garage and garage door(s). The appearance of the garage door should blend with the home design.

### ***Section 5*** ***CONSTRUCTION REQUIREMENTS***

#### **5.1. CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.**

Any Owner who desires to bring a construction trailer, field office, or the like to the Property shall first apply for and obtain written approval from the Design Review Committee. To obtain such

approval, the Owner shall submit a copy of the site plan with proposed locations of the construction trailer or field office, the portable toilet, and the trash receptacle noted thereon. Such temporary structures shall be removed upon completion of construction. No signage shall be allowed on any construction trailers. The construction trailer, if any, portable toilet, construction material storage and dumpsters must all be contained within the Lot.

## **5.2. DEBRIS AND TRASH REMOVAL**

Owners shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight material, packaging, and other items shall be covered or weighted down to prevent their being blown off the construction site. In no case may debris and trash be allowed to exceed the top of the dumpster. The Design Review Committee reserves the right to fine Owners who fail to control debris from blowing or being disposed of on other Lots or Common Areas. Owners are prohibited from dumping, burying, or burning trash anywhere on the Property except as expressly permitted by the Design Review Committee. During the construction period, each construction site shall be kept neat and clean, and shall be properly policed to prevent it from becoming a public eyesore or affecting other Lots or any open space. Unsightly dirt, mud, or debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up.

Dumpsters or other waste receptacles must be located within areas specifically approved in writing by the Design Review Committee. For physically constrained sites, smaller dumpsters with more frequent removal may be necessary in order to fit the dumpster within the Property.

## **5.3. WASHOUT AND CLEANING**

Washout of concrete trucks or the washout and cleaning of any equipment by masons, plasterers, painters, drywallers, etc. must be contained within each Lot. Washout or cleaning residue shall not be allowed to flow off of the Lot or into washes, drainageways, or streets. Fines may be imposed against an Owner for any violations of this provision. The Owner will also be responsible for restoring the damaged area to its original state.

## **5.4. VEHICLES AND PARKING AREAS**

Construction crews shall not park on, or otherwise use, other Lots or any Common Area. Construction vehicles and machinery shall be parked only within the Lot or in areas designated by the Design Review Committee. All vehicles shall be parked so as not to inhibit traffic on adjacent streets.

## **5.5. RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGE**

Damage and scarring to property other than the Lot resulting from construction operations including, but not limited to, open space, other Lots, roads, driveways, concrete curbs and gutter, and/or other Improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored, promptly at the expense of the responsible Owner.





## **EXHIBIT A**

Lots numbered One (1) through Eleven (11), inclusive, and Lots numbered Twelve (12) through Twenty-Three (23), inclusive, in Block numbered One (1); Lots numbered One (1) through Twelve (12), inclusive, in Block numbered Two (2); and Lots numbered One (1) through Eighteen (18), inclusive, and Lots numbered Nineteen (19) through Twenty-Four (24), inclusive, in Block numbered Three (3), all within LOMAS ENCANTADAS UNIT 1-G PHASE 2 SUBDIVISION, as the same are shown and designated on the Plat entitled "PLAT OF LOMAS ENCANTADAS UNIT 1-G, PHASE 2 SUBDIVISION, BEING TRACT 12-A OF LOMAS ENCANTADAS UNIT 1-G, PHASE 1 SUBDIVISION AND TRACT 'G' BEING A REPLAT OF LOTS 20, 21, 22 BLOCK 171 RIO RANCHO ESTATES UNIT TWENTY", filed in the office of the County Clerk of Sandoval County, New Mexico, on August 7, 2023, in Plat Book 3, Page 5080, as Document No. 2023P02076 (Rio Rancho Estates Book No. 33, Pages 96-98)

# EXHIBIT B

## LOMAS ENCANTADAS

### DESIGN REVIEW APPLICATION FORM

Together with this Design Review Application, I have attached the appropriate design review fee and the schematic plans for our home.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
**PLEASE PRINT OR TYPE ALL OF THE FOLLOWING INFORMATION**

Owner(s): \_\_\_\_\_ Parcel/Lot No. \_\_\_\_\_

Subdivision: \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Architectural Firm: \_\_\_\_\_ Contractor: \_\_\_\_\_

Project Architect: \_\_\_\_\_  
Number: \_\_\_\_\_ License \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_ City, State, Zip Code: \_\_\_\_\_

(Area Code) Phone Number: \_\_\_\_\_ (Area Code) Phone Number: \_\_\_\_\_