

**PROTECTIVE COVENANTS
FOR
LOOK ESTATES SUBDIVISION
OTERO COUNTY, NEW MEXICO**

KNOW ALL MEN BY THESE PRESENTS

That we, Hueco Bolson Realty, Inc., a New Mexico Corporation, Owners of the Look Estates Subdivision recorded in the map of records of Otero County, New Mexico, do hereby create and establish the following restrictive covenants and easements affecting the use and occupancy of the lots and tracts aforementioned.

**SECTION ONE
PURPOSE AND ENFORCEMENT**

1. These restrictions and restrictive covenants constitute a general plan for the development of all the property in the subdivision aforementioned into a desirable residential subdivision and are to run with the land and shall be binding on all parties, unless, by Vote of the then owners of a majority of the lots in said subdivision, it is agreed to alter, amend or rescind the same in whole or in part.

 2. These restrictions shall be binding upon the owners of all lots in said subdivision and on all persons holding or claiming any rights of possession or other interest therein, each of whom shall be obligated and bound to observe such restrictions and restrictive covenants; and in the event of violation of any of such restrictions with respect to any of such lots, it shall be the legal right of any person owning any interest in any property in the said subdivision to institute and maintain any proceeding at law or in equity against the person or persons violating or attempting to violate any of such restrictions, provided that no person or persons shall be liable in damages for any violation or breach of such restrictions, except in respect to violations of breaches committed during his or her ownership and control of said property.
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SECTION TWO
GENERAL RESTRICTIONS

1. This land will **NOT** be used for the purpose of: (1) raising any kind of animals or fowl for commercial purposes, only one hog per acre will be allowed, and that no offensive noises or odors will arise from the raising of animals; (2) a slaughter house of any type; (3) a dumping ground for rubbish, trash, or junk; (4) mining of sand, gravel, caliche, fill dirt or top soil; (5) an automobile storage area, junkyard, automobile repair garage, or the housing of stripped down, partially wrecked, or junk motor vehicles, or sizeable parts thereof. All automobiles must be in running condition and be licensed with a current license plate.
 2. No structures of temporary character, tent, shack, barn, or other outbuilding shall be used as a residence.
 3. All houses, mobile homes, sheds and/or buildings must be placed parallel to the existing lot lines.
 4. No more than one residence will be permitted on said lot.
 5. All single-family residence exclusive of open porches, garages and carports, shall be at least eight hundred (800) square feet in main floor area. All purchasers wishing to build a residence must first obtain a building permit from the State of New Mexico. Said building must be completed within one (1) year of the date of said permit.
 6. All housing must **NOT** be more than 8 years old when placed on said lot.
 7. All mobile homes must be skirted within ninety (90) days of being placed on the lot.
 8. All lavatories, toilets, and bath facilities shall be built indoors and connected with adequate septic tanks.
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9. All buildings must be set back at least 50 feet from the roadway and 10 feet from all other lot lines.
 10. It shall be the lot owner's responsibility to pond on-site any stormwater run-off in excess of what would naturally drain from the site due to development.
 11. No construction is permitted using pallets for buildings, fencing, pens, etc.
 12. No converted buses, homemade trailers, or homemade campers will be allowed.
 13. All barns, sheds, corrals, and/or pens must be situated on the back half of the lot.
 14. Animals shall be confined within the boundaries of each parcel, and they shall not be allowed to wander or graze on adjoining properties.
 15. Livestock must be kept in sanitary conditions and shall not create unsightly, or odorous conditions that detract from the lot appearance or property values.
 16. All parcels, whether occupied or unoccupied, and any improvements place thereon, shall at all times be maintained in such a manner as to prevent their becoming unsightly by reason of unattractive growth on such parcels or the accumulation of rubbish or debris thereon.
 17. Any dwelling or outbuilding on any parcel which may be destroyed in whole or in part by fire, windstorm, or for any other cause or act of God must be rebuilt or all debris removed and the parcel restored to a sightly condition with reasonable promptness, provided, however, that in no event shall such debris remain longer than ninety (90) days.
 18. No public nuisance or offensive, noisy, or illegal trade or calling or act shall be done, suffered or permitted.
 19. No animals shall be allowed to run at large.
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SECTION THREE
APPLICABILITY

1. In the event of any violation or threatened violation of any of the covenants herein, any owner of any lot, block or parcel in the subdivision may bring action at law or in equity, either of injunction, action for damages or such other remedy as may be available. In the event that a judgement is obtained, the owner shall also be entitled to recover from such person reasonable attorney's fees.
 2. The failure by any land owner to enforce any restrictions, conditions, covenant, or agreement herein contained shall in no event be deemed to waive the right to do so thereafter as to the same breach or as to one occurring prior to subsequent thereto, nor shall such failure give rise to any claim or cause of action against Hueco Bolson Realty, Inc. or the current land owner. Violation of any one or more of such covenants may be restrained by any court of competent jurisdiction, and damages awarded against such violator.
 3. If any provisions of this indenture or the application of such provision to any person or circumstances shall be held invalid, the remainder of this indenture or the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby.
 4. The purpose of the foregoing restrictions is to maintain a high standard in the subdivision. In order to accomplish this purpose and objective, it shall be the right and privilege of any property owner of the subdivision to enforce such restrictions in any manner provided by law. In the event of a violation or attempted violation of any such restrictions by any purchaser, Hueco Bolson Realty, Inc. shall not be in any way responsible, either financially or otherwise.
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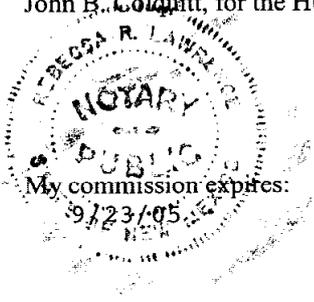
IN WITNESS WHEREOF, the undersigned has executed this instrument as of this
12th day of March, 2003.

Isaura Resencens-Whight
Secretary

[Signature]
President

STATE OF NEW MEXICO)
COUNTY OF OTERO)

The foregoing instrument was acknowledged before me this 12th day of March, 2003, by
John B. Colquitt, for the Hueco Bolson Realty, Inc. a New Mexico Corporation.



Becca R. Lawrence
Notary Public

~~STATE OF NEW MEXICO } SS.
OTERO COUNTY
FILED FOR RECORD IN MY OFFICE
This ___ day of ___, 20__
At ___ o'clock ___ M. and duly recorded
in Book No. ___ Page ___
The records of Otero County, New Mexico
Mary D. Dintman
County Clerk, Otero County, New Mexico
29 _____ Depu~~

LOOK ESTATES SUBDIVISION

DISCLOSURE STATEMENT

FOR ALL SUBDIVISIONS CONTAINING MORE THAN FIVE (5) PARCELS.

YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions on both the subdivision proposal and the information contained in this disclosure statement. Summaries of these opinions are contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the Otero County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.

1. NAME OF SUBDIVISION

Look Estates Subdivision

2. NAME AND ADDRESS OF SUBDIVIDER

Hueco Bolson Realty, Inc.
301 Paseo Real Drive
Chaparral, New Mexico 88081

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO

John B. Colquitt
301 Paseo Real Drive
Chaparral, New Mexico 88081
(505) 824-4144

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present

Anticipated

Number of parcels: 1

Number of parcels: 127

Number of acres: 193.508

Number of acres: 193.508

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

1.634 Acres

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION

1.000 Acres

7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES

Lowest dollar amount: \$15,000.00 Parcel size (in acres): 1.000

Highest dollar amount: \$35,000.00 Parcel size (in acres): 1.634

8. FINANCING TERMS

Is owner financing available? Yes No

If yes, please provide any information required by the Truth in Lending Act and Regulation Z:

Individual purchase contracts are prepared according to the customer's wishes. The length of the contracts varies from 0 years to 28 years. The interest rates vary from 6% to 14%. Because these contracts are prepared in the manner the customer requests, there are no discounts, no service charge, no closing costs, and no insurance. Additionally, at the time of sale of each lot within the subdivision the disclosures and information required by the Truth in Lending Act and Regulation Z the information will be provided to the proposed purchasers in the course of negotiations and closure of the sale.

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

Hueco Bolson Realty, Inc.
301 Paseo Real Drive
Chaparral, New Mexico 88081

NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

President - John B. Colquitt
Vice-President - Angelina Colquitt
Secretary - Estella Rosencrans-Wright
Treasurer - Sharon Rachele Colquitt

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

Hueco Bolson Realty, Inc.
301 Paseo Real Drive
Chaparral, New Mexico 88021

NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

President - John B. Colquitt
Vice-President - Angelina Colquitt
Secretary - Estella Rosencrans-Wright
Treasurer - Sharon Rachele Colquitt

11. CONDITION OF TITLE

Number of Mortgages: One

Name of Mortgagee: Richard H. Look
C/O Pioneer Title & Escrow Service
Alamogordo, New Mexico 88301

Balance owing: \$173,941.26

Summary of the release provisions in each mortgage: Seller agrees and shall give a partial release of lien for each acre in this conveyance for every Two Thousand Dollars (\$2,000) reduction in the principal balance, Seller shall release one acre of land, which acre will be designated by Purchaser.

12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY

Are there any restrictive covenants for this subdivision? Yes No

Copies of the restrictive covenants are attached.

13. ESCROW AGENT

Has an escrow agent been assigned? Yes No

14. UTILITIES

Name of entity providing electricity: El Paso Electric Company

Overhead electric power will be available to each lot. It will be the individual lot owner's responsibility to contact El Paso Electric Company for the actual hook-up and cost involved for the service.

Electric utilities are: above-ground below-ground

Who is responsible for providing electric service to individual parcels?

Subdivider Purchaser/Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of electric service:

The subdivider will install a meter pole or a temporary meter pole for permanent structures, but will be the responsibility of the purchaser/lessee to install a meter loop on permanent buildings. It will be the responsibility of the purchaser/lessee to contact El Paso Electric Company for the actual hook-up and cost involved for the service. The Purchaser/Lessee has up to 18 months from the date of purchase to request installation of the electrical service. Once the Purchaser/Lessee requests service, the Subdivider has 3 months to install the service. If the Purchaser/Lessee does not request service within the 18 months then the Purchaser/Lessee and Subdivider will negotiate the change in costs for the service or provide for an extension of time.

Gas service: Propane Natural

Gas utilities are: above-ground below-ground

Who is responsible for providing gas service (either natural or propane) to individual parcels:

Subdivider Purchaser/Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of gas service:

The estimated cost to install gas service to each individual lot is \$180.00 for a 250-gallon tank. Actual costs must be verified with gas companies servicing the area.

Water: Well Shared Well Community system

Who is responsible for providing water service to individual parcels?

Subdivider Purchaser/Lessee

The Subdivider will install water service to each individual lot and the Lake Section Water Company will supply water for the subdivision. It will be the responsibility of the purchaser/lessee to install water lines within the lot and to contact the Water Company for installation of the meter. The Purchaser/Lessee has up to 18 months from the date of purchase to request installation of the water service. Once the Purchaser/Lessee requests service, the Subdivider has 3 months to install the service. If the Purchaser/Lessee does not request service within the 18 months then the Purchaser/Lessee and Subdivider will negotiate the change in costs for the service or provide for an extension of time.

Is telephone service available to this subdivision? Yes No

Name of entity providing telephone service: Qwest Communications

Who is responsible for providing telephone service to individual parcels?

Subdivider Purchaser/Lessee

The estimated cost to install telephone service to each individual lot is \$140.00. Actual costs must be verified with Qwest Communications.

Telephone utilities are: above-ground below-ground

Method of liquid waste disposal: septic tank Community System

Who is responsible for providing liquid waste service to individual parcels?

Subdivider Purchaser/Lessee

The subdivider will install up to a 1,200-gallon residential septic tank system. Any purchaser/lessee requiring a larger or special septic tank system will be at the expense of the purchaser/lessee. The Purchaser/Lessee has up to 18 months from the date of purchase to request installation of the liquid waste service. Once the Purchaser/Lessee requests service, the Subdivider has 3 months to install the service. If the Purchaser/Lessee does not request service within the 18 months then the Purchaser/Lessee and Subdivider will negotiate the change in costs for the service or provide for an extension of time.

15. INSTALLATION OF UTILITIES

Electricity: Now available
 Date to be installed: within 4 years of County approval

Natural Gas: Propane available Now available
 Date to be installed: Installed at Lot owner's schedule

Water: Now available
 Date to be installed: within 4 years of County approval

Telephone: Now available
 Date to be installed: within 4 years of County approval

Liquid waste disposal: Now available
 Date to be installed: Installed at Lot owner's schedule

Other: Now available
 Date to be installed:

16. WATER AVAILABILITY

The Lake Section Water Company, located in Chaparral, New Mexico will provide water. The maximum annual water requirement for the subdivision is calculated at 78.1 acre-feet. This water requirement is for indoor and outdoor domestic use.

Lake Section Water Company has declared water rights totaling 13,387.07 acre feet per annum. At present the company uses approximately 1,800 acre feet per annum. The total water obligations that Lake Section Water Company has to date are 2,506.25 acre-feet.

Water will be delivered to the subdivision by underground piping of sufficient type and size to meet the needs of the subdivision.

17. **FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS**

Water for the subdivision will be provided by the Lake Section Water Company, 301 Paseo Real Drive, Chaparral, New Mexico 88081, (505) 824-4731. The cost per hook-up is \$310.00 per lot

18. **FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS**

Not applicable.

19. **LIFE EXPECTANCY OF WATER SUPPLY**

Studies provided by the U.S.G.S., Bulletin 5615 show that there is an adequate water supply in the Hueco Bolson in excess of 40 years.

20. **SURFACE WATER***

***Not applicable where subdivider intends to provide water for domestic use.**

The subdivider will provide water for domestic use.

21. **NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY**

An opinion issued by the State Engineer that the subdivider can fulfill his water proposals does not imply that water in sufficient quantities to meet the needs of the subdivision will be obtained for the period of time specified, if any, in the disclosure statement. The developer has proposed that the Lake Section Water Company provide water to this development. The subdivider has submitted a letter from this provider, in which the provider states that he is ready, willing and able to supply this subdivision with its maximum annual water requirement, pursuant to Appendix C, Section C.3.E.1 of the Otero County Subdivision Regulations. A review of the Lake Section Water Company water rights indicates that they have water rights adequate to supply this development. The subdivider has calculated the maximum annual water requirements of this subdivision, pursuant to Appendix C, Section C.1.B. Water requirements are separated into indoor and outdoor uses. **Restrictions on irrigated area (1400 sq.ft. of Bermuda or less water requiring grass, and 600 sq. ft. of trees and horticulture) should be added to the disclosure statement and covenants, to ensure that residents will not exceed the amount of water that the utility has committed to providing.**

The developer has provided a fire protection plan, as required in Appendix C, Section C.5. **The plan should be reviewed by the County Fire Marshall to determine if it conforms to the County Regulations.*

It is my opinion that, with the above mentioned change, the subdivider has provided evidence that he can fulfill the water requirements of this subdivision, pursuant to Otero County Subdivision Regulations. In accordance, a **favorable** opinion should be issued.

**Otero County has no County Fire Marshall. The Farsouth Volunteer Fire Department offered their opinion. Our volunteer fire department facility is located at 827 East Luna Drive in the unincorporated village of Chaparral in Otero County. We serve the Chaparral area in southern Otero County. Currently we have two Class "A" pumper trucks and two rescue units available for fire and rescue operations. We currently have an ISO rating of six (6). We have a membership of 19. With our equipment we are capable of pumping 2,000 gallons per minute. With the proposed fire hydrants located within the subdivision, sustained water will be*

28. TERRAIN MANAGEMENT

The soils within the proposed subdivision are suitable for permanent residential and commercial uses. The area is relatively flat and there are no topographic limitations for construction. There are not any lots within the subdivision that are subject to periodic flooding. Subsurface drainage is adequate and should not pose any problems.

Stormwater management structures such as borrow ditches, culverts, and retention ponds will be provided to adequately control stormwater run-off. It will be responsibility of each lot owner to pond on-site any stormwater run-off in excess of what would naturally drain from the site due to development. The stormwater management structures will be completed within four (4) years of county approval of the subdivision.

29. NATURAL RESOURCE CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Otero SWDC has reviewed the materials presented for the proposed subdivision. **We find all material properly presented and satisfactory.**

30. SUBDIVISION ACCESS

The subdivision is located in the unincorporated community of Chaparral, New Mexico, which is located 1 mile from the City Limits of El Paso, Texas. The roads will be constructed after subdivision approval by the county and will be surfaced within four (4) years of the county approval date. Access to the subdivision is available by conventional vehicles all seasons of the year under all weather conditions. The roads within the subdivision will have a 50-foot right-of-way with a 24-foot width double oil penetration surface with borrow ditches. The subdivider will complete all roads within 4 years of final approval by Otero County. The roads within the subdivision will be built in accordance with the Otero County Subdivision Regulations.

31. MAINTENANCE

The Subdivider will construct the roads within the subdivision and install the water system. Maintenance of access roads within the lots are the responsibility of each individual lot owner. Upon completion of any portion or phase of a road, the subdivider may apply to the Board of County Commissioners for inspection and acceptance of said road. For a period of one year after County acceptance of any portion or phase of the road, the subdivider will make repairs to that portion or phase of the road and replace all defective materials or workmanship, which may become apparent during that one-year period after Otero County's acceptance.

32. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

District Comments: Access onto US54 has been provided at Milepost 3.2 (STA 5+313) as shown on the plan and profile sheets for CN3391. This turnout was constructed with the recently completed US 54 four-laning project, to include a median crossover. **A driveway permit for the turnout at STA 5+313 will need to be issued by the district.** The developer may contact Randal Morris, District Two Permit Agent at 624-3318, to execute a driveway permit. The district would agree with the Traffic Impact Analysis conducted as far as it concerns the impacts to US 54.

Traffic Technical Support Section: The Department has developed new access management procedures that were adopted by the State Highway Commission effective October 15, 2001. All new developments shall conform to the requirements of 18.31.6 NMAC and the State Access Management Manual. A description of the subject matter required to be included in a traffic impact analysis (TIA) is provided in the manual. **Based on our review of TIA presented for the Look Estates Subdivision, the requirements for a comprehensive analysis according to our newest policy have not been met.** The following summarizes a few comments and concerns with the existing analysis and should be considered when re-evaluating the impacts of the proposed development on the state highway system:

- In the evaluation of Angelina Blvd. and US 54, the trips were distributed as a 50-50 split in direction on US 54. This distribution is not realistic for the peak hour traffic flow from a sleeper community of El Paso. The current traffic volumes indicate 100 percent of traffic traveling to El Paso via US 54 in the am peak and 100 percent traveling from El Paso in the pm peak. The distribution of traffic via US 54 traveling to El Paso in the am peak and from El Paso in the pm peak should be closer to 90% of the total traffic generated by the subdivision.
- The intersection of US 54 and State Line Road has not been evaluated even though 80 percent of the trips from this subdivision have been assigned to State Line Road. The majority of vehicles going to State Line Road will use US 54 to El Paso. The impacts on this intersection must be included in the TIA and the majority of the vehicles from the subdivision should be distributed to El Paso in the am peak and from El Paso in the pm peak via US 54.
- The TIA should include analysis of traffic with Figures similar to Figures 2 through 5 for each of the following: Implementation year without proposed development, implementation year with the proposed development and horizon year with and without the proposed development.

It appears that the development will have significant impact on US 54 and could require acceleration lanes, deceleration lanes, and left turn improvements to be built at the developer's expense. **Therefore Traffic Technical Support recommends that this TIA be revised according to the new State Access Management Manual and be Resubmitted to the NMSHTD with a full evaluation of the impacts on US 54.**

Drainage: The existing surface drainage is generally sheet flow toward the highway. The Management Plan, Page 7, Surface Drainage; stated "Due to limited amount of disturbance of vegetation within the subdivision, the difference in the amount of pre-development runoff and post-development runoff is insignificant. Storm water ponding areas will be constructed along the back lot lines to retain the additional runoff from the construction of the roads within the subdivision." **There are considerable amount of additional runoff that will be generated from this development, since there are anticipated 127 residential houses. The pond should be located at the lowest portion of each lot and any centralized pond should be constructed where the flows can be diverted to the centralized pond. The developer should ensure the highway is not impacted due to this development.**

The following are additional summarized comments received by the Planning Commission in response to letters sent by the developer's consultant.

There would appear to be no additional traffic analysis required for the access point located on US 54 in Otero County, New Mexico in District Two. The developer met with us during the construction of US 54 and a turnout was added on US 54. This turnout (Angelina Boulevard, MP 3.0, approximately), as per your TIA, has little to no traffic projected either now or the immediate future. I see no need for additional traffic analysis at US 54 and Stateline Road for numerous reasons: 1. The intersection is approximately 300 feet or more in Texas. 2. The recently completed US 54 project on the New Mexico side constructed a southbound right turn lane at this intersection. 3. Texas recently reconstructed US 54 also on their side of the state line.

33. CONSTRUCTION GUARANTEES

The Subdivider will construct all proposed roads, install all drainage structures, install all water service, install liquid waste systems, and install electrical service as described in this Disclosure Statement. The Subdivider has demonstrated a commitment to Otero County to improve roads within the Chaparral area and has provided financial support for those improvements. Hueco Bolson Realty, Inc. and John B. Colquitt provide their guarantee that all improvements as described in this Disclosure Statement will be completed in accordance with the stated standards and schedules.

UNLESS THERE IS SUFFICIENT BOND, LETTER OF CREDIT OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED. CAUTION IS ADVISED.

34. ADVERSE OR UNUSUAL CONDITIONS

Presently there are no activities or conditions within the proposed subdivision or surrounding areas that affect the use or occupancy of the subdivision.

35. RECREATIONAL FACILITIES

There are no recreational facilities proposed in this subdivision. Within the community there are recreational facilities at the Chaparral Elementary School, Chaparral Mid-School, a community baseball park, and the Delores C. Wright Memorial Park (a multi-recreational facility).

36. FIRE PROTECTION

Name of nearest fire station: Municipality
 Volunteer Chaparral Volunteer Fire Department

The Chaparral Volunteer Fire Department Fire will provide protection for the subdivision. The fire station is located 1 mile from the subdivision at 833 E. Luna Drive.

37. POLICE PROTECTION

NM State Police Otero County Sheriff's Department _____ Police Department

The Otero County Sheriff's Department and the New Mexico State Police will provide police protection for the subdivision.

38. PUBLIC SCHOOLS

Chaparral Elementary School and Chaparral Mid-School are located approximately 3 1/2 miles away from the subdivision. These schools are located on Lisa Drive in Chaparral. Chaparral Elementary School is for kindergarten through sixth grade. Chaparral Mid-School is for grades 7 through 9. The nearest High School is Gadsden High School located in Anthony, New Mexico approximately 20 miles from the subdivision.

39. HOSPITALS

The nearest hospital to the subdivision is Sierra Medical Center in El Paso, Texas, which is approximately 25 miles from the subdivision. This distance is computed from Angelina Boulevard and Luna Drive, to the Patriot Freeway, to I-10, to Cotton Street, to Arizona Street, to the Hospital. The hospital has 328 beds.

40. SHOPPING FACILITIES

North Park Mall is the nearest shopping facility and is located in El Paso, Texas approximately 16 miles from the subdivision. The mall has numerous stores. This distance is computed from Angelina Boulevard and Luna Drive, to the Patriot Freeway, to Dyer Street, to the shopping center. Wal-Mart is located approximately 14 miles from the subdivision off the Patriot Freeway and Trans Mountain Road.

41. PUBLIC TRANSPORTATION

No commercial means of transportation are available at this time. There are other private transportation companies such as Safe Ride that are available to the area.

STATE OF NEW MEXICO
day of March 2003 1232 P
Page 177 of the Records of Mary D Quintana
191 #02901
County Clerk Deputy