

DESIGNATED USE PLAN FOR:

Lot 1A, Replat A, Mt. Joy Estates, Otero County, New Mexico.

This DESIGNATED USE PLAN has been prepared pursuant to the "**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR NEW MEXICO SKIES, AN AMATEUR ASTRONOMY ENCLAVE, OTERO COUNTY, NEW MEXICO**", said document is recorded in the Otero County Clerk's Office as instrument #200801928 and in subsequent re-recording(s), (herein known as the "COVENANTS"). The "DESIGNATED USE PLAN" is a negotiated agreement solely between the DEVELOPER (as defined in the COVENANTS) and the "then current" lot owner. If more than one lot, tract or parcel is shown on the accompanying drawing (EXHIBIT 1), the additional lots are shown for convenience only. No third party beneficiary rights are created or inferred by the DESIGNATED USE PLAN. The DESIGNATED USE PLAN shows, among other things, the permitted and restricted use areas for a particular lot or a group of lots. In the event of any conflict between the provisions of this DESIGNATED USE PLAN and the COVENANTS, the provisions of the COVENANTS shall control and take precedence. Once recorded, this DESIGNATED USE PLAN may only be modified, amended, or changed by the express written permission of only the DEVELOPER, its' successor or assigns, and the "then current" lot owner. No other party(s) shall have any benefits, rights, or third party beneficiary rights created by another lot(s), tract(s) or parcel(s) DESIGNATED USE PLAN.

The DESIGNATED USE PLAN'S "**OBSERVATORY ONLY**" area as shown on this drawing is an area in which only observatory(s), observatory fences, underground utilities, shared water lines, shared well(s) and/or appurtenances thereto, driveways, and/or other uses, as permitted in the COVENANTS.

The DESIGNATED USE PLAN'S "**DWELLING SITE**" area as shown on this drawing is an area in which a single dwelling, observatory(s), fenced in area(s), driveway, a single gazebo, patio(s), decks, a single out-building and/or other uses, as permitted in the COVENANTS.

The DESIGNATED USE PLAN'S "**CONSERVATION AREA**" shall be maintained, as reasonably practical, in its natural condition, except for easements, utilities, water lines and appurtenances, minor recreational facilities such as a garden area not to exceed four-thousand (4,000) square feet, walking trails, a single gazebo and up to two (2) picnic tables and/or other uses, as permitted in the COVENANTS.

Some lots will have an **ARROYO EASEMENT, FIRE AND EMERGENCY ACCESS EASEMENT(s), UTILITY EASEMENT(s), COMMON OR SHARED WATER EASEMENT(s) AND/OR OTHER EASEMENTS** shown on the DESIGNATED USE PLAN or in a separate document(s). The uses permitted in said areas shall be consistent with said easement(s) and/or other uses as permitted in the COVENANTS.

This DESIGNATED USE PLAN shall run with the land and shall be binding on and shall inure to the benefit of the parties to this agreement, their grantees, and their respective heirs, assigns and successors; same shall be binding on successors of the DEVELOPER.

Once recorded, this DESIGNATED USE PLAN may only be modified, amended, or changed by the express written permission of only the DEVELOPER, its successors or assigns, and the "then current" lot owner. No other party(s) shall have any benefits, rights, or third party beneficiary rights created by another lot(s), tract(s) or parcel(s) DESIGNATED USE PLAN.

ACKNOWLEDGMENT FOR THE "THEN CURRENT" LOT, TRACT OR PARCEL OWNER.

State of IN)
)SS
County of LAKE)

Marla K. Simstad
MARLA K. SIMSTAD, a married woman, as her sole and separate property.

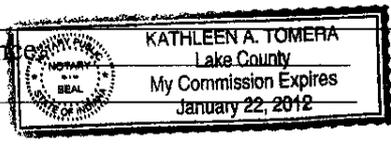
This instrument was acknowledged before me on APRIL 10, 2008 by Marla K. Simstad.

Signature of Notary: Kathleen A Tomera

Printed Name of Notary: _____

Notary's County of Residence: _____

My commission expires: _____



(Notary's Seal)

ACKNOWLEDGMENT FOR THE DEVELOPER.

State of N.M.)
)SS
County of OTERO)

Thomas N. Simstad
THOMAS N. SIMSTAD, DEVELOPER'S REPRESENTATIVE and MANAGING MEMBER OF NM SOUTHERN SKIES, LLC

This instrument was acknowledged before me on APRIL 11, 2008 by THOMAS N. SIMSTAD.

Signature of Notary: Lowell D. Stephens

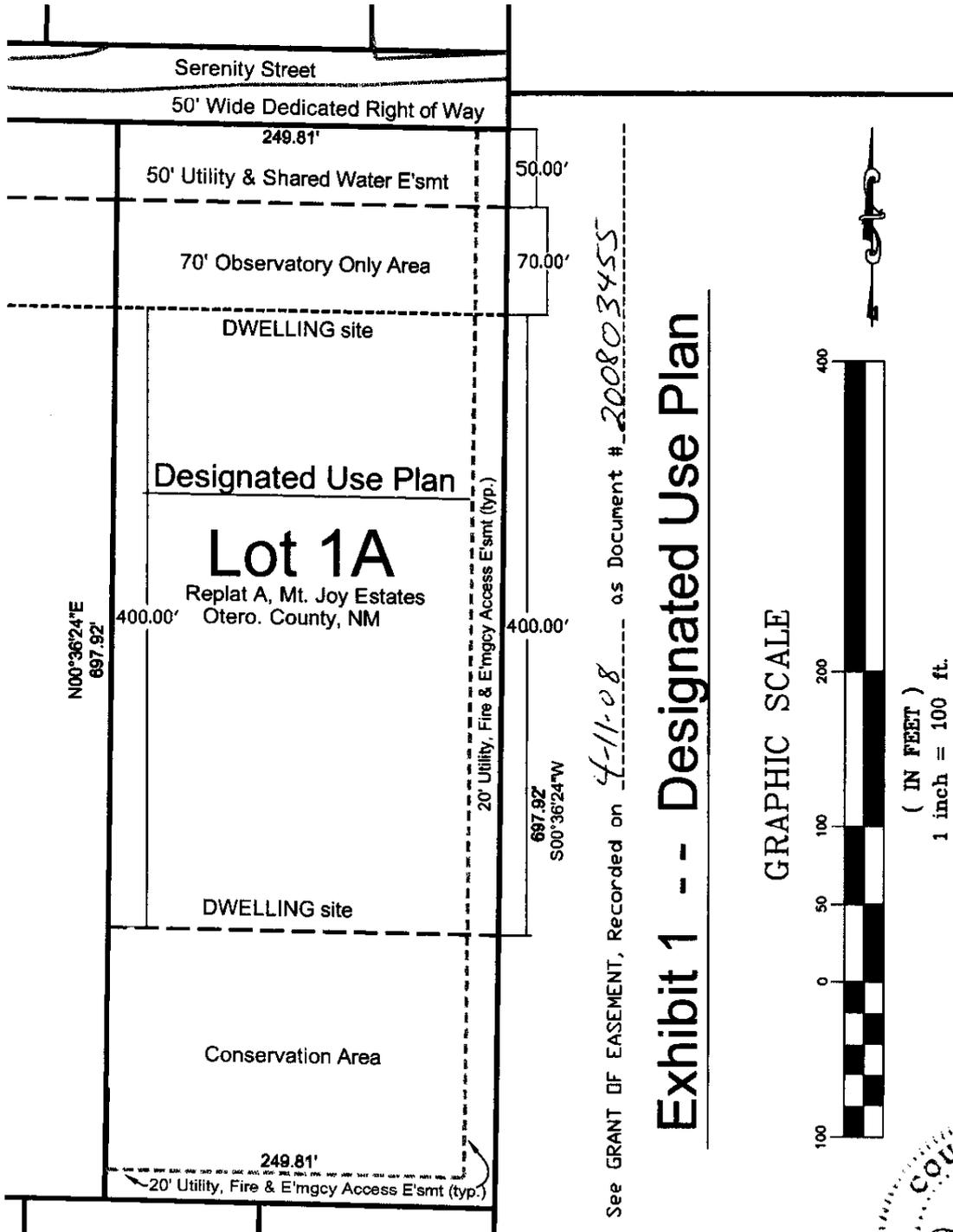
Printed Name of Notary: Lowell D. Stephens

Notary's County or Residence: Otero

My commission expires: 10-10-2009

(Notary's Seal)

W:\W\N.M. Southern Skies\Designate Use Plan.wpd



See GRANT OF EASEMENT, Recorded on 4-11-08 as Document # 200803455

Exhibit 1 - - Designated Use Plan

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



PAGE 3/3