

**PURCHASER
SHOULD READ
THIS DOCUMENT
BEFORE SIGNING
ANYTHING**

DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT IS INTENDED TO PROVIDE YOU WITH ENOUGH INFORMATION TO PERMIT YOU TO MAKE AN INFORMED DECISION ON THE PURCHASE OR LEASE OF PROPERTY DESCRIBED IN THIS STATEMENT. YOU SHOULD READ CAREFULLY ALL OF THE INFORMATION CONTAINED IN THIS STATEMENT BEFORE YOU DECIDE TO BUY OR LEASE THE DESCRIBED PROPERTY. YOU SHOULD BE AWARE OF THE FACT THAT VARIOUS STATE AGENCIES HAVE ISSUED OPINIONS ON BOTH THE SUBDIVISION PROPOSAL AND WHAT IS SAID IN THIS DISCLOSURE STATEMENT ABOUT THE PROPOSAL. THESE OPINIONS, WHETHER FAVORABLE OR UNFAVORABLE, ARE CONTAINED IN THIS DISCLOSURE STATEMENT AND SHOULD ALSO BE READ CAREFULLY.

THE BOARD OF COUNTY COMMISSIONERS HAS EXAMINED THIS DISCLOSURE STATEMENT TO DETERMINE WHETHER THE SUBDIVIDER CAN SATISFY WHAT HE 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. FURTHER, THIS DISCLOSURE STATEMENT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION BY EITHER THE COUNTY OR THE STATE. IT IS INFORMATIVE ONLY.

FINALLY, THE BOARD OF COUNTY COMMISSIONERS RECOMMENDS THAT YOU SEE THE PROPERTY BEFORE BUYING OR LEASING IT. HOWEVER, NEW MEXICO LAW PROVIDES THAT IF YOU DO NOT SEE THE PROPERTY PRIOR TO PURCHASING OR LEASING IT, YOU HAVE SIX MONTHS FROM THE TIME OF PURCHASE OR LEASE TO INSPECT THE PROPERTY, UPON INSPECTING THE PROPERTY, YOU HAVE THREE DAYS FROM THE DATE OF INSPECTION TO RESCIND THE TRANSACTION AND RECEIVE ALL OF YOUR MONEY BACK FROM THE SUBDIVIDER. YOU MUST GIVE THE SUBDIVIDER NOTICE IN WRITING OF YOUR INTENT TO RESCIND WITHIN THREE DAYS OF YOUR INSPECTION OF THE PROPERTY.

UNRECORDED
UNRECORDED

UNRECORDED
UNRECORDED

UNRECORDED
UNRECORDED

UNRECORDED
UNRECORDED

UNRECORDED
UNRECORDED

DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT IS INTENDED TO PROVIDE YOU WITH ENOUGH INFORMATION TO PERMIT YOU TO MAKE AN INFORMED DECISION ON THE PURCHASE OR LEASE OF PROPERTY DESCRIBED IN THIS STATEMENT. YOU SHOULD READ CAREFULLY ALL OF THE INFORMATION CONTAINED IN THIS STATEMENT BEFORE YOU DECIDE TO BUY OR LEASE THE DESCRIBED PROPERTY. YOU SHOULD BE AWARE OF THE FACT THAT VARIOUS STATE AGENCIES HAVE ISSUED OPINIONS ON BOTH THE SUBDIVISION PROPOSAL AND WHAT IS SAID IN THIS DISCLOSURE STATEMENT ABOUT THE PROPOSAL. THESE OPINIONS, WHETHER FAVORABLE OR UNFAVORABLE, ARE CONTAINED IN THIS DISCLOSURE STATEMENT AND SHOULD ALSO BE READ CAREFULLY.

THE BOARD OF COUNTY COMMISSIONERS HAS EXAMINED THIS DISCLOSURE STATEMENT TO DETERMINE WHETHER THE SUBDIVIDER CAN SATISFY WHAT HE 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. FURTHER, THIS DISCLOSURE STATEMENT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION BY EITHER THE COUNTY OR THE STATE. IT IS INFORMATIVE ONLY.

FINALLY, THE BOARD OF COUNTY COMMISSIONERS RECOMMENDS THAT YOU SEE THE PROPERTY BEFORE BUYING OR LEASING IT. HOWEVER, NEW MEXICO LAW PROVIDES THAT IF YOU DO NOT SEE THE PROPERTY PRIOR TO PURCHASING OR LEASING IT, YOU HAVE SIX MONTHS FROM THE TIME OF PURCHASE OR LEASE TO INSPECT THE PROPERTY. UPON INSPECTING THE PROPERTY, YOU HAVE THREE DAYS FROM THE DATE OF INSPECTION TO RESCIND THE TRANSACTION AND RECEIVE ALL OF YOUR MONEY BACK FROM THE SUBDIVIDER. YOU MUST GIVE THE SUBDIVIDER NOTICE IN WRITING OF YOUR INTENT TO RESCIND WITHIN THREE DAYS OF YOUR INSPECTION OF THE PROPERTY.

1. NAME OF SUBDIVISION

Oro Vista Subdivision No. 2 and No. 3, Otero County, New Mexico

2. NAME AND ADDRESS OF SUBDIVIDER

Oro Vista Corporation
1102 South White Sands Boulevard
Alamogordo, New Mexico 88310

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES AND LEASING
IN NEW MEXICO

W. Warren Clendenen, President
Oro Vista Corporation
1102 South White Sands Boulevard
Alamogordo, New Mexico 88310

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

552.29 acres in Oro Vista Subdivision No. 2 and No. 3 combined. There
are fifty (50) lots in No. 2 and forty-four (44) lots in No. 3.

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

10.63 acre tract.

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

Five (5) acre tracts.

7. PROPOSED RANGE OF SELLING OR LEASING PRICES

Estimated to be \$6,500.00 to \$9,500.00 for a five (5) acre tract.

8. FINANCING TERMS

Estimated to be \$1,000.00 down and owners will carry balance for ten
years at nine (9%) per cent interest.

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

Oro Vista Corporation
1102 South White Sands Boulevard
Alamogordo, New Mexico 88310

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

W. Warren Clendenen, President
Oro Vista Corporation
1102 South White Sands Boulevard
Alamogordo, New Mexico 88310

11. CONDITION OF TITLE

Free and clear

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

There are deed and plat restrictions at the present time recorded in Book 453, pages 596 through 601, Clerk's Office, Otero County, New Mexico.

13. ESCROW AGENT

(name and address)

First National Bank of Alamogordo
Alamogordo, New Mexico 88310

The subdivider has no interest or financial ties with the Escrow Agent.

14. UTILITIES

(names of entities providing service)

Mountain Bell Telephone Company will furnish telephone service for the subdivision.

Otero County Electric Cooperative, Inc. will furnish electric service for the subdivision.

Each individual owner will drill his own well for water.

15. INSTALLATION OF UTILITIES

The subdivider is not providing the utilities.

16. UTILITY LOCATION

(If all utilities are to be provided to each parcel in the subdivision, please make that statement here.)

All utilities are to be provided to each parcel in the subdivision.

All electrical utilities will be above ground and telephone utilities will be located underground.

17. WATER USE

Each individual owner will provide his own water by drilling a well.

18. AMOUNT OF WATER

Not applicable.

19. WATER DELIVERY

Not applicable.

Amended 4/17/78

20. WATER SYSTEM EXTENSION

Not applicable.

21. LIFE EXPECTANCY OF THE WATER SUPPLY

(Include the life expectancy of each source of water supply under full development of the subdivision.)

The sources of water for the subdivision will be underground water tapped by individual wells on each lot. It is the responsibility of the lot owner to provide his own well.

The life expectancy of the underground water supply under full development of the subdivision based on domestic needs is estimated to be in the excess of 40 years. This is based on parameters outlined in the U.S. Geologic Survey open file report "Ground Water Resources and Related Geology in the Vicinity of Holloman Air Force Base, Otero County, New Mexico." by J. W. Wood. The State Engineer's Office has recommended the use of this report for evaluation of the water supply quantity.

There is a possibility that increased pumping from the well field in future years will cause saline waters to intrude into the well field. If, or when, this occurs, the water may become unfit for human consumption. If this situation occurs, there are at least three alternatives: (1) reduced pumping rates by all parties using the well field, (2) a community water treatment and distribution system, or (3) the installation of individual treatment facilities. At present, individual reverse osmosis treatment facilities are commercially available at costs varying from approximately \$900 to \$1,600, depending on the type of installation.

22. WELLS **NOTE: PROSPECTIVE OWNERS MUST PROVIDE THEIR OWN WELLS.**

(average, maximum, and minimum depth to water in the subdivision, if water is available only from subterranean sources)

Information on the wells indicates that the static water level is located at approximately the 4070 foot sea level elevation datum. Within the subdivision the depth to the static water level can be expected to vary from 90 feet minimum to 200 feet maximum. Because of the slope of the land an average depth to water cannot be correctly given and would be meaningless.

(recommended total depth of well)

The recommended total depth of the well is 100 feet to 150 feet below the static water level.

(recommended pump settings and size)

For domestic purposes a 3 horsepower pump set approximately 50 feet below the static water level will provide sufficient water for the domestic needs of one three bedroom home.

(estimated yield in gallons per minute of wells completed to recommended total depth)

The estimated yield in gallons per minute of wells completed to recommended total depths is in excess of 130 gallons per minute.

(lithological characteristics of formations through which well is to be completed)

Drilling data from surrounding wells and the geology of the area indicate that the complete subdivision is on an alluvial fill. Alluvial material is apparent for the first 50 feet. Sand and clay are encountered at depths below 50 feet.

23. SURFACE WATER

Not applicable to this subdivision.

24. STATE ENGINEER'S OPINION ON WATER

By a letter dated January 13, 1975, the State Engineer has stated that "in his opinion the subdividers water proposals and item 21 of the disclosure statement are in conformance with County regulations."

25. WATER QUALITY

The subdivider will not supply water to the subdivision. It is our interpretation of the subdivision regulations that a water quality plan is not necessary.

26. ENVIRONMENTAL IMPROVEMENT AGENCY'S OPINION ON WATER QUALITY

The Environmental Improvement Agency has furnished three minimum water quality analyses of wells in the area of the subdivision which are presently being used for community water supplies, with the following comment: "The average of the three should reasonably represent the expected quality of the water proposed for use within the subdivision. The parameters exceeded are sulfate, total hardness, conductance and total dissolved solids. High levels of sulfate can have a laxative effect on new users. The parameters exceeded here are comparable to the Alamogordo well water supply which has been considered safe. It is the opinion of the Environmental Improvement Agency that the water proposed is of an acceptable quality to conform with County Regulations; that the subdivider can satisfy the water quality proposals in the disclosure statement, and that the subdivider is conforming with the County's Regulations on water quality."

27. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the commission for use within the subdivision)

The minimum acceptable liquid waste disposal system shall, at the minimum, meet the most current State of New Mexico Regulations Governing Liquid Waste Disposal. Currently, the minimum acceptable system will consist of septic tanks, with absorption trenches on each lot. This system is described in detail by the State of New Mexico, Environmental Improvement Agency Bulletin entitled, "GUIDELINES, SEPTIC TANK SYSTEM DESIGN AND CONSTRUCTION".

Package treatment plants will also be allowed if they are approved by the State of New Mexico, Environmental Improvement Agency, and the County Commission.

NOTE: NO OTHER LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN A SUBDIVISION OTHER THAN THE SYSTEM APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.

28. ENVIRONMENTAL IMPROVEMENT AGENCY'S OPINION ON LIQUID WASTE DISPOSAL

"It is the opinion of the Environmental Improvement Agency that the subdivider can satisfy the liquid waste disposal proposals made in this disclosure statement and that he is conforming with the County's Regulations on liquid waste disposal."

29. SOLID WASTE DISPOSAL

Each lot owner is required to dispose of solid waste at an operational, County-approved, sanitary landfill. A Sanitary landfill is located 2 1/2 miles northwest of La Luz, New Mexico, approximately 12 miles over gravelled and paved roads from Oro Vista subdivision. Solid waste shall not be buried on any subdivision lot.

30. ENVIRONMENTAL IMPROVEMENT AGENCY'S OPINION ON SOLID WASTE DISPOSAL

"It is the opinion of the Environmental Improvement Agency that the subdivider can satisfy the solid waste disposal proposals made in this disclosure statement and that he is conforming with the County's Regulations on solid waste disposal."

31. TERRAIN MANAGEMENT

(describe the suitability of the soils in the subdivision for residential use whether permanent or seasonal)
 (give the location of all parcels within floodways, flood fringes and flood plains)
 (give the location of all parcels located on slopes in excess of 8%)
 (describe the subsurface drainage for all parcels)
 (describe the surface drainage for all parcels)
 (describe all storm drainage systems including the completion date of any required to be constructed)

To the best information of the subdivider, the soils in the subdivision are suitable for residential use at all times during the year. There are no parcels or slopes in excess of 8% and adequate drainage will be provided through designed drainage channels and it is not anticipated that any of the lots would be in areas known as floodways, flood fringes and flood plains. The drainage will consist of drainage channels on a one to two slope and will be installed at the time lots are put in the subdivision.

32. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the board of county commissioners from the natural resources conservation district on:
 (whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)
 (whether or not the subdivider is conforming with the county's regulations on terrain management)

By letter dated October 22, 1974, the Otero Soil & Water Conservation District through the Soil Conservation Service have found the Terrain Management plan to be satisfactory.

33. SUBDIVISION ACCESS

(name of town nearest subdivision)

Alamogordo, New Mexico

(distance from town to subdivision)

Approximately four (4) miles from the Otero County Courthouse.

(name of highway or state road over which distance is computed)

U. S. 70/82 and U. S. 54

(If access to subdivision is available by conventional vehicle, please state that fact here. If it is not, please state that fact.)

Access to the subdivision is available by conventional vehicle.

(If property is ordinarily accessible in all seasons and under all weather conditions, please state so. If it is not, please state that fact also.)

This property is ordinarily accessible in all seasons and under all weather conditions.

(describe the width and type of surfacing of all roads)

The roads will be constructed by rolling, watering, and compacting the existing subgrade. The subgrade will be raised to grade by using fill taken from the roadway ditches and drainage easements. A four (4) inch surface course will be placed on the subgrade. The surface course material will be imported to the site. The surface course will be watered and rolled.

With the exception of Tierra Avenue all road right-of-way widths are 50 feet. Tierra Avenue is 75 feet. All roadway widths are 24 feet.

(give the date on which all roads will be completed)

All roads will be completed within four (4) years after the final plat is approved.

(state whether the roads within the subdivision have been accepted for maintenance by the county)

Unless otherwise agreed in writing by the County Commission to the subdivider, the subdivider or owner shall maintain at his own expense all dedicated land (streets, roads, alleys, easements or other rights-of-way or open space) in the subdivision included but not limited to grading, drainage and base course required by the County Commission or by deed restrictions as filed for the subdivision, except all maintenance responsibility will be accepted and performed by the county when the density of population residing within the subdivision has reached twenty per cent (20%) of the proposed total population density for the subdivision computed on the basis of two and seven tenths (2.7) persons for each parcel within the proposed subdivision.

(state the date on which all roads will be surfaced)

Within 120 days after the final plat is approved and filed, roads

and drainage will be completed extending east and west from Tierra Avenue a distance of approximately 1500 feet. Utilities will also be completed to the lots served by the roads. The roads, drainage and utilities will then be completed progressing east and west in increments as the lots are sold. It is anticipated that within 4 years from the date of plat approval that all roads, drainage and utilities will be completed.

34. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

The State Highway Department is not involved because there is no access off a State Highway.

35. DEVELOPMENT

Include here all homes, recreation structures, and other community improvements to be provided by the subdivider in the subdivision and not previously mentioned in this disclosure statement. Give the dates on which these items will be completed.

The developer plans to build no homes, recreational structures, or other community improvements.

36. MAINTENANCE

(state the owners maintenance and construction responsibilities)

The owner of the subdivision has the responsibility for construction. Unless otherwise agreed in writing by the County Commission to the subdivider, the subdivider or owner shall maintain at his own expense all dedicated land (streets, roads, alleys, easements or other rights-of-way or open space) in the subdivision included but not limited to grading, drainage and base course required by the County Commission or by deed restrictions as filed for the subdivision, except all maintenance responsibility will be accepted and performed by the county when the density of population residing within the subdivision has reached twenty per cent (20%) of the proposed total population density for the subdivision computed on the basis of two and seven tenths (2.7) persons for each parcel within the proposed subdivision.

STATE OF NEW MEXICO)

) ss.

APPROVAL

COUNTY OF OTERO)

This certificate certifies the approval of the County Commission of Otero County, New Mexico the 27 day of April, 1978, as to form of Statement.

S. Wyatt Atkins
S. WYATT ATKINS
County Chairman

ATTEST:

Margaret D. Saucy
Margaret D. Saucy
County Clerk

STATE OF NEW MEXICO } ss.
OTERO COUNTY }
FILED FOR RECORD IN MY OFFICE
this 15 day of May, 1978
at 11:15 o'clock A.M. and duly recorded
in Book No. 453 Page 819-26 of
the records of Otero County, New Mexico
Margaret D. Saucy
County Clerk, Otero County, New Mexico
Allen Olson Deputy

33463