

AMMENDMENT TO RESTRICTIVE COVENANTS FOR ROSA DE LA TIERRA

The purpose of this amendment is to change the use for lots 5 & 6 from single family residential to commercial.

Whereas the original covenants for ROSA DE LA TIERRA are recorded in Book 843, pages 965-967 in the Otero County Records, and the original covenants state in paragraph C-1 "No lots shall be used except for residential purposes." This shall be amended to read "Lots 1-4 shall be used for single family residential purposes only, lots 5 & 6 may be used for certain commercial uses that do not interfere with the quiet enjoyment of the nearby residential lots."

Paragraph C-16 shall be amended to read: "Businesses. No business other than a home-business shall be permitted, except for lots 5 & 6."

As required by the original covenants in paragraph E-1, owners of 3 lots must agree to this modification as evidenced by their signatures below.

Excerpt from paragraph E-1 original covenants:

"These restrictive covenants may be modified, amended or repealed in whole or in part by filing in the office of the County Clerk of Otero County, New Mexico, such amendment, modification or notice of repeal duly executed and subscribed by the owners of record of not less than fifty (50) percent of the lots included in said subdivision."

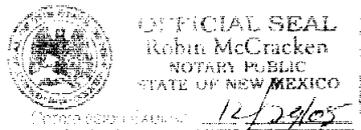
Handwritten signatures of three individuals on horizontal lines.

Lot/Lots 4/5
Lot/Lots 6
Lot/Lots

State of New Mexico
County of Otero

The foregoing instrument was acknowledged before me this 24 day of Aug, 2004.

My Commission expires



Handwritten signature of the Notary Public.

Notary Public

STATE OF NEW MEXICO } ss.
OTERO COUNTY
FILED FOR RECORD IN MY OFFICE
This 24 day of August, 2004
At 4:45 o'clock P M and duly recorded
In Book No. 1149 Page 999
The records of Otero County, New Mexico
Mary D. Dintona
County Clerk, Otero County, New Mexico
By Kim Craig Deputy

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