

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.

However, if the property is acquired on a sight unseen basis and has not been inspected prior to purchase, lease or other type of acquisition, buyer has six (6) months 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. Seller will not be responsible for the costs of buyer's improvements on the property, if any, through mechanical liens or otherwise if transaction is rescinded.

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 Other 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: TIERRA VERDE

2. NAME AND ADDRESS OF SUBDIVIDER

Name of Subdivider:	Travis and Alexa Sue Hooser	Agents: Michael and Ann Hooser
Address:	1 David Drive	3 David Drive
	Alamogordo, NM 88310	Alamogordo, NM 88310
	(505) 437-2669	(505) 443-8322 (H)
		(505) 679-1820 (W)

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

Name: Travis and Alexa Sue Hooser

Address: 1 David Drive
Alamogordo, NM 88310

Telephone Numbers: (505) 437-2669 FAX: (505) 437-6365 Cell: (505) 491-2422

4. SIZE OF SUBDIVISION, BOTH PRESENT AND ANTICIPATED

Present

Anticipated

Number of parcels: 1

Number of Parcels: 27

Number of acres: 31.2 acres

Number of acres: 31.2 acres

5. SIZE (IN ACRES) OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION:

1.0589 ACRES (LOT 8)

6. SIZE (IN ACRES) OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION:

1.000 ACRE (LOT 20)

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

Lowest dollar amount: \$20,000.00. Highest dollar amount \$25,000.00.

Parcel sizes range in size from 1.000 acres to 1.0589 acres.

8. FINANCING TERMS

Is owner financing available: X Yes No

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

See Appendix A

9. NAME AND ADDRESS OF PERSON WHO IS RECORDED AS HAVING LEGAL TITLE:

Name: Travis and Alexa Sue Hooser

Address: 1 David Drive
Alamogordo, NM 88310

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

**THAT CORPORATION AND/OR PARTNERS IN THE
PARTNERSHIP, INCLUDING DESIGNATION OF
MANAGING PARTNER.**

**10. NAME AND ADDRESS OF PERSON WHO IS RECORDED AS HAVING EQUITABLE
TITLE (if different from answer in Question 9):**

Name: Same as #9 above
Address:

**NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE
NAMED ABOVE IS A CORPORATION OR PARTNERSHIP,
LIST THE NAMES AND ADDRESSES OF ALL OFFICERS
OF THAT CORPORATION AND/OR PARTNERS IN THE
PARTNERSHIP, INCLUDING DESIGNATION OF
MANAGING PARTNER.**

11. CONDITION OF TITLE

Include at least the following information where applicable:

Number of mortgages: None

Name and address of each mortgagee: None

Balance owing and summary of release provisions for each mortgage: None

Number of real estate contracts on the subdivided land for which the subdivider is making
payments as a purchaser: None

Name and address of each person holding a real estate contract as owner of the subdivided land
for which the subdivider is making payments as a purchaser: None

Balance owing on each real estate contract: None

Summary of default and release provision of each real estate contract: N/A

Statement of any other encumbrances on the land: None

Statement of any other conditions relevant to the state of title: None

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

State here all deed and plat restrictions affecting the subdivided land: None

Are there restrictive covenants for this subdivision? Yes No
If Yes, attach copy of restrictive covenants to this disclosure statement.
See Appendix B

Who is responsible for providing water service to individual parcels?

Subdivider Purchaser/Lessee

*If water is to be provided by well or shared well, complete Section 18 of this form.
If water is provided by a community system, complete Section 17 of this form.*

Is telephone service available to this subdivision? Yes No

Name of entity providing telephone service: QWEST

Please describe availability of telephone service. Is telephone service available to each parcel in the subdivision? If telephone service is available to some but not all parcels in the subdivision, please state which parcels it will be available to:

Service will be available to all parcels.

Who is responsible for providing telephone service to individual parcels?

Subdivider Purchaser/Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of telephone service:
\$150.00

Telephone utilities are: above-ground below ground

Method of liquid waste disposal: septic tank Community System

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

Subdivider Purchaser/Lessee

15. INSTALLATION OF UTILITIES:

Please state whether the following utilities are currently available to the subdivision (this question does not include availability to individual parcels). If not available at this time, state the date of installation of each utility:

See Appendix C for utility companies affidavit

Electricity: Now Available

Date to be installed: Estimated to be within six months after final approval of subdivision.

Propane: Now Available

Date to be installed: Individual purchaser responsibility.

Water: Now Available

Date to be installed: Individual purchaser responsibility.

Telephone: Now Available

X Date to be installed: Estimated to be within six months after final approval of subdivision.

Liquid waste disposal: Now Available

X Date to be installed: Individual purchaser responsibility.

16. WATER AVAILABILITY

Describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses:

Subdivider recommends indoor use limited to 0.6 ac-ft per year (sufficient for family of 6)

Outdoor use limited to 0.3 ac-ft per year (sufficient to irrigate 1600 ft² of turf or garden)

Total subdivision use = 0.9 x 27 = 24.3 ac-ft per year

Describe the availability and sources of water to meet the subdivision's maximum annual water requirements:

The Otero County 40-year Water Plan - 1990-2030, prepared for Otero County in November 1993, states underground water will be available in the area. The plan states this is one of the best water availability areas in Otero County, although no guarantees are made. See Appendix C-1.

Describe the means of water delivery within the subdivision:

Individual water wells within the subdivision

Describe any limitations and restrictions on water use in the subdivision:

None other than those specified by the NM State Engineer during permitting

Summarize the provision of any covenants or other restriction requiring the use of water saving fixtures and other water conservation measures:

The covenant strongly recommends the use of water saving fixtures, and encourages the use of low-water desert landscaping plants or desert flora, drip systems for watering, and any other water-saving techniques available.

Describe what measures, if any, will be employed to monitor or restrict water use in the subdivision:

None

17. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS

Name and address of entity providing water: N/A

Source of water and means of delivery: N/A

Summary of any legal restriction on either indoor or outdoor usage: N/A

Statement that individual wells are prohibited, if such is the case: N/A

18. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

State whether wells will be provided by the subdivider or by the prospective purchase/lessee:

Individual wells are the responsibility of the purchaser

If wells are provided by purchaser/lessee, state the estimated cost to complete a domestic well, including drilling, casing, pump, pressure tank, control devices, storage and treatment facilities:

Estimated cost: \$2500-\$3000 excluding shelter

If wells are provided by the subdivider state the cost, if any, to the purchaser/lessee/conveyee:
N/A

Summary of legal restriction on either indoor or outdoor usage: None

Average depth to groundwater and the minimum and maximum well depths to be reasonable expected:

The New Mexico State Engineer's survey as of June 19, 2001, of the surrounding wells state the average depth to groundwater is 125 feet. The survey states that wells range in depth from 150 to 200 feet and that the average water level in the wells is 80-90 ft. See Appendix C2 for logs of wells adjacent to the Subdivision.

Recommended total depth of well: 200 ft

Estimated yield in gallons per minute of wells completed to recommended total depth:
New Mexico State Engineer's survey as of June 19, 2001 states 20 gallons per minute.

19. LIFE EXPECTANCY OF WATER SUPPLY

State the life expectancy of each source of water supply for the subdivision under full development of the subdivision:

According to the 40-YEAR WATER PLAN 1990-2030 prepared by John Shomaker for Otero County, the water level in this area may drop thirty (30) to forty (40) feet below 1950s water table levels. See Appendix C-1 for details.

20. SURFACE WATER*

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

Provide a detailed statement of the source and yield of the surface water supply and any restrictions to which the surface water supply is subject: N/A

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

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding:

Whether or not the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses:

“It is my opinion that the subdivider’s water supply plan conforms with the county’s subdivision regulations.”

“An opinion issued by the State Engineer that the subdivider can fulfill his water proposals does not imply a guarantee 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.” Letter from the State of New Mexico Office of the State Engineer to the Planning Administrator of Otero County, February 12, 2002.

Whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality:

“It is my opinion that the developer has now provided ample evidence that his water requirements can be met, pursuant to the Otero County Subdivision Regulations.” Letter from Patrick Romero, Water Master I to Brian Wilson, P.E., Water Use and Conservation Bureau Chief, February 12, 2002.

22. WATER QUALITY

Describe the quality of water in the subdivision available for human consumption:

Chemical Analysis Reports from Soil, Water and Air Testing Lab at New Mexico State University, Box 3003, Las Cruces, NM 88003, and the Scientific Laboratory Division, Box 4700, Albuquerque, NM, 87196-4700, indicate good water quality. See Appendix C3 for chemical analyses of Boles Acres and Dog Canyon municipal water systems.

Describe any quality that would make the water unsuitable for use within the subdivision:

Other wells in the immediate area are suitable for use and are in use as of this date.

State each maximum allowable water quality parameter that has been exceeded with the approval of the Board of County Commissioners and the name of the element, compound or standard that has exceeded that parameter:

None

23. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

Whether or not the subdivider can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulations:

“Water quality is anticipated to be generally quite good (in compliance with Primary Drinking Water Standards). On site water treatment by individual homeowners may yield some improvements in Esthetic qualities such as taste or clarity, due to the mineral content of waters in the vicinity. Homeowners must take care that a 100-foot or greater separation is maintained between private wells and septic system drainfields.” Letter from NM Environment Department to Otero County Planning Commission, dated April 23, 2002.

Whether or not the subdivider can fulfill the water quality proposal made in this disclosure statement:

The NM Environment Department submitted favorable comments in a letter to the Otero County Planning Commission, dated April 23, 2002.

Whether or not the subdivider's proposal for water quality conforms to the County's water quality regulations:

The NM Environment Department submitted favorable comments in a letter to the Otero County Planning Commission, dated April 23, 2002

24. LIQUID WASTE DISPOSAL

Describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board of County Commissioners for use within the subdivision: Individual septic tanks will be required for liquid waste disposal. Permits from the New Mexico Environmental Department are required and may be obtained from the office at 411 10th Street, Room 106, Alamogordo, NM, phone: (505) 437-7115. See Appendix C-4.

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

25. N.M. ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

Whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations:

"Lots between 0.75 and 0.9 acres (i.e. after subtracting any recorded road easements) will allow a one, two or three bedroom home. These lots that are at least 0.9 net up to a net acreage of 1.049 acres should accommodate an on site septic system for a four bedroom home. Any lot with a net size larger than 1.05 acres in this subdivision should accommodate a five bedroom home. The soil type indicated in the subdivision is Mimbres-Tome Association Silt Loams and silty clay loams. The minimum depth to seasonal high water is represented as 10 feet. These soils will allow septic system drain fields of between 900 square feet and 1200 square feet, depending on the actual soil conditions encountered at each site. Application for septic system permits may be obtained at NMED's Alamogordo Field Office. Based on the information provided, it appears the proposed Subdivision can be developed in conformity with the NM Liquid Waste Disposal Regulations, can meet the County's "liquid waste proposals" made in the Disclosure Statement and will conform to the County's liquid waste disposal regulation", letter from State of New Mexico Environment Department to the Otero Planning Commission, dated April 23, 2002.

Whether or not the subdivider can fulfill the liquid waste proposals made in this disclosure statement:

See favorable comments above from NM Environment Department.

Whether or not the subdivider's proposal for liquid waste disposal conforms to the County's liquid waste disposal regulations:

See favorable comments above from NM Environment Department.

26. SOLID WASTE DISPOSAL

Solid waste disposal:

X Responsibility of Purchaser/Lessee

Responsibility of Subdivider

If purchaser/lessee is responsible for solid waste disposal, please state the address of the nearest Convenience Center or approved landfill and its distance in miles for the subdivision an/or the location of the nearest dumpster if a collection system is in use:

The nearest convenience center is located on LaVelle Road approximately 6 miles away.

Individual contracts with refuse contractors for on-site collection. Southwest Disposal picks up garbage on-site once/week for a fee of \$15.20/month.

If subdivider is providing solid waste disposal, please describe the method or system to be used and the location of the landfill to be used: N/A

27. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

Whether or not there are sufficient solid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations:

"Individual property owners will be responsible for making arrangements for solid waste disposal. Adequate facilities and services are available." Letter from the State of New Mexico Environment Department to the Otero Planning Commission, dated April 23, 2002.

Whether or not the subdivider can fulfill the solid waste proposals made in this disclosure statement:

See favorable comments above from NM Environment Department.

Whether or not the subdivider's proposal for solid waste disposal conforms to the County's solid waste disposal regulations:

See favorable comments above from NM Environment Department.

28. TERRAIN MANAGEMENT

Describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation Service's soil survey for Otero County: According to the survey, the soils within the subdivision are suitable for permanent residential use. See information in Appendix D.

Describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures:

The maps done by the United States Geological Survey indicate the area is relatively flat and there are no topographic limitations to construction. See Appendix D-3.

Identify by lot and block numbers all parcels within the subdivision that are subject to flooding: According to the United States Department of Housing and Urban Development's Flood Hazards Boundary Map there are no lots within the subdivision that are identified as being within a flood zone as defined by the map in Appendix D-1.

Identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8%.

None

Describe the surface drainage for all lots in the subdivision:

Generally southwesterly, see aerial photograph in Appendix D-2 and surface contour map in Appendix D-3. Surface drainage appears adequate and should not pose any problems. It will be the responsibility of each lot owner to pond on-site any storm water run-off in excess of what would naturally drain from the site due to construction.

Describe the subsurface drainage for all lots in the subdivision (as per the Natural Resources Conservation Service's soil survey for Otero County):

Describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision:

None except as stated above. Ponding of storm water in excess of normal will be the responsibility of individual parcel owners.

29. SOIL AND WATER CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:

Whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion:

"There is very little potential for off-site flooding because the railroad grade and US Highway 54 intercepts the flow from the east and diverts it south. This flow is then discharged under the railroad and under the highway through 5 - 6' x 10' concrete culverts south of the subdivision. This flow does not impact the subdivision." Letter from Otero Soil and Water Conservation District to Otero County Planning Commission, dated February 25, 2002.

Whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement:

"Otero SWCD recommends approval of this terrain management plan", Letter from Otero Soil and Water Conservation District to Otero County Planning Commission, dated February 25, 2002.

Whether or not the subdivider's terrain management proposals conform to the County's regulations on terrain management:

"Otero SWCD recommends approval of this terrain management plan", Letter from Otero Soil and Water Conservation District to Otero County Planning Commission, dated February 25, 2002.

30. SUBDIVISION ACCESS

Name of town or village nearest to subdivision:

Alamogordo, NM. See location map located in Appendix D-4.

Distance in miles from nearest town to subdivision and the general route over which that distance is computed:

Approx 6 miles north along US Hwy 54.

Describe access roads to subdivision, including approximate width and surfacing:

Southend Road. Approx 24 ft wide, chip-sealed.

State whether or not subdivision is accessible by conventional vehicle and whether it is accessible at all times of the year; also state any weather conditions that could affect access to the subdivision and any measures that will be necessary to gain access during these conditions:

Accessible year-round by conventional vehicle.

Describe the width and surfacing of all roads within the subdivision:

50-ft right-of-way, 24-ft roadbed surfaced with compacted base course.

31. MAINTENANCE

Does the subdivider propose to submit the roads within the subdivision to the County for maintenance?

X Yes No

THIS DOES NOT GUARANTEE THAT ROADS WILL BE ACCEPTED FOR MAINTENANCE BY THE COUNTY.

For roads proposed to be privately maintained or until the County accepts roads for public maintenance, who is responsible for maintenance of the roads? X Subdivider
Purchaser

State how the roads will be maintained, describe any responsibilities and obligations lot owners will have with respect to road maintenance, and describe the measures taken to make sure that maintenance of the roads takes place (include responsibilities of property owners' association, if applicable):

Subdivision roads will be maintained by the subdivider until they are accepted by the County. If the County does not maintain the roads, then maintenance will become the responsibility of an owner's association that must be formed of property owners in the subdivision. Maintenance within individual parcels is the responsibility of the purchaser.

Who is responsible for maintenance of other improvements within the subdivision (water systems, parks, etc.)?

Subdivider Purchaser X N/A

State how the improvements will be maintained, describe any responsibilities and obligations lot owners will have with respect to maintenance of improvements, and describe the measures taken to make sure that maintenance of the improvements takes place (include responsibility of property owners' association, if applicable):

There are no additional improvements planned. Fences and other improvements on individual parcels are the responsibility of the purchaser.

NOTE: UNDER NEW MEXICO STATE LAW, LAND OWNERS ARE RESPONSIBLE FOR PROVIDING THEIR OWN FENCE IF THEY WANT TO KEEP LIVESTOCK OUT.

32. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:

Whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations:

"The subdivision is in compliance [with the State Access Management Manual, Chapter 6, Section 16, Traffic Studies for Land Development] and Philip Lujan [Property Management Unit of the New Mexico State Highway and Transportation Department] recommends approval", telephone conversation between Mr. Philip Lujan and Mr. Curtis Munroe of the Otero County Planning Commission, 28 March 02.

Whether or not the subdivider can satisfy the access proposal made in this disclosure statement:
See comments above from the NM State Highway and Transportation Department.

Whether or not the subdivider's access proposals conform to the County's regulations on access:
"I have reviewed the proposed summary for Tierra Verde Subdivision and I see no problem." Letter from Otero County Road Superintendent Bill Parker to the Otero County Planning Coordinator, February 12, 2002.

33. CONSTRUCTION GUARANTEES

Describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale:
None

Describe or attach all performance bonds, letters of credit or other collateral securing the completion of each proposed improvement
None

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

State any activities or conditions adjacent to or nearby the subdivision, such as feedlots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy.

"I have reviewed the survey report and I concur with the archaeologist's assessment that no significant cultural properties will be affected by the proposed subdivision. In the event that archaeological artifacts are discovered during construction, please stop work in the area immediately and notify this office." Letter from the NM State Office of Cultural Affairs Historic Preservation Division to Otero County Subdivision Coordinator, March 1, 2002. For more information, see the Cultural Affairs Affidavit located in Appendix E.

35. RECREATIONAL FACILITIES

Describe all recreational facilities, actual and proposed in the subdivision, and state the estimated date of completion of each:

No such facilities are planned.

State whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe or attach any such bond, letter of credit or other collateral:

None

36. FIRE PROTECTION

Name of nearest fire station: X Boles Acres Volunteer Fire Dept

Distance to nearest fire station from subdivision and route over which distance is computed:

Distance = 0.75 miles. West on Southend Road, then north on N. Yucca street, then East on 2nd street

37. POLICE PROTECTION

Show the various law enforcement agencies having jurisdiction in the area of the subdivision:

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

38. PUBLIC SCHOOLS

Name of and distance (in miles) to nearest public elementary school serving the subdivision:

Yucca Elementary School 7.3 miles

Name of and distance to nearest public middle school serving the subdivision:

Mountain View Middle School 6.9 miles

Name of and distance to public high school serving the subdivision:

Alamogordo High School, 7.0 miles

39. HOSPITALS

Name of nearest hospital:

Gerald Champion Regional Medical Center

Distance (in miles) to nearest hospital and route over which that distance is computed:

10.5 miles: North on US Hwy 54, then East on 1st Street, then North on Scenic to GCRM.

Number of beds in nearest hospital:

93

40. SHOPPING FACILITIES

Description of nearest shopping facilities including number of stores:

Wal-Mart Super Center, White Sands Mall, with about 30 stores.

Distance (in miles) to nearest shopping facilities and route over which that distance is computed:

Wal-Mart 6.5 miles, North on US Hwy 54, then East on New York Ave.
White Sands Mall, 9 miles North on US Hwy 54

41. PUBLIC TRANSPORTATION

Describe all public transportation that serves the subdivision on a regular basis: None

APPENDIX A

**FINANCIAL - TRUTH IN LENDING STATEMENT
FOR
TIERRA VERDE SUBDIVISION**

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

TRUTH IN LENDING STATEMENT

Creditor(s): Travis and Sue Hooser and/or Michael and Ann Hooser

Amount financed: Lot purchase price minus down payment. There are no prepaid finance charges.

Loan itemization: 100% of the loan proceeds will be credited to the consumer's account with the creditor. There are no 3rd party disbursements.

Finance charge: There are no finance charges.

Escrow charges: Set-up estimated to be \$50.00; close-out estimated to be \$15.00; monthly estimated to be \$7.00.

Title Policy estimated to be \$270.00 - \$315.00 depending on price of the lot

Annual Percentage Rate: The annual percentage rate is 10%, fixed for the duration of the loan.

Payment schedule: The number and amount of payments depend upon the amount of money borrowed and the length of time required to payoff the loan. As an example:

Purchase price = \$20,000.00
Amount down = 10% (\$2000.00)
Loan amount = \$18,000.00
Interest rate = 10.0%
Length of loan = 10 years

This would yield a monthly payment of \$237.87 per month for 120 months (10 years).

Total of payments: In the above example, the total of payments would be:

$(120 \text{ months}) \times (\$237.87 \text{ per month}) = \$28,544.40$

Prepayment penalty: There are no prepayment penalties.

Late payment penalty: A penalty of 5% of the monthly payment will be assessed for payments that are 15 days, or more, late.

Collateral: The loan will be secured by the real estate being purchased.

The consumer is reminded to refer to the loan documents for information concerning nonpayment, default, the creditor's right to demand full payment of the loan and prepayment penalties and rebates.

APPENDIX B

RESTRICTIVE COVENANTS

TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

TIERRA VERDE SUBDIVISION RESTRICTIVE COVENANTS

This covenant applies to the *Tierra Verde* subdivision located adjacent to Southend Rd, South of Boles Acres, NM. Travis and Alexa Sue Hooser, and Mike and Ann Hooser, the subdividers declare and agree that the following Covenants apply to all the real estate within the subdivision.

1. No portion of this property shall be re-subdivided.
2. No swine of any kind shall be raised, bred or kept on any portion of this subdivision. No goats, cattle, sheep, horses, or other livestock may be kept on any portion of this real estate.
3. Domestic pets are allowed subject to all pertinent county pet and noise ordinances.
4. This property shall not be used for the collection of trash, garbage, waste, junk or salvage. Salvage includes wrecked or salvaged automobiles or any other type of used material or products, which are not intended for immediate use on this site. No commercial auto repair or outside business storage may be conducted on this property. Any unregistered vehicle may be designated as junk for this purpose. Any trash, garbage, or waste kept on the premises must be stored in sanitary containers.
5. All lots within this subdivision shall be known and described as single family residential lots and no structures shall be erected or placed on any lot other than a single family dwelling and out-buildings incidental to and consistent with single family residential use of the particular lot.
6. "Dwelling" is defined here as any permanent on-site home, mobile home, modular home or similar portable structure designed for full-time occupancy for residential purposes, provided that such dwelling shall be constructed in accordance with applicable building codes of appropriate government subdivision, including the State of New Mexico and the City of Alamogordo. Any manufactured home placed on a lot of this subdivision must have the axles removed and must be placed on a permanent masonry foundation. The floor level shall be elevated at least 24 inches above existing ground level. No manufactured homes shall be placed on any lot in this subdivision except in compliance with this covenant. No such dwelling may be more than 7 years old at the time the mobile is placed in the subdivision. The home must be at least 12 feet in width, and must be skirted within 60 days with a material designed for that purpose in color and texture to match the home. No tires or other junk materials may be placed on the roof of the mobile nor stored in the yard.
7. Storage buildings may be constructed of materials similar to the dwelling. Commercially available storage units are acceptable.
8. Outdoor irrigated lawns and gardens shall be no larger than 1600 ft². Native desert landscaping with drought resistant plants is highly encouraged. The use of water saving plumbing fixtures within the home is highly encouraged. The use of high-pollen plants and trees, and trees that require inordinate amounts of water is discouraged.
9. The drainage of a lot shall not be changed so as to materially affect the drainage of surrounding lots. No rock, gravel or earth shall be excavated or removed from the property for commercial purposes.

10. Each lot shall have it's own, separate, New Mexico Environmental Division approved, contractor installed septic system. No cesspools or outhouses are allowed.
11. These covenants are created for the benefit of all present and future owners of this property as well as the present and future owners of the adjacent properties. These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date of recording of these covenants. They shall be automatically continued in for successive periods of 10 years each, unless, by filing with the County Clerk of Otero County, New Mexico, an appropriate instrument signed by the owners of 51% of the total number of acres in *Tierra Verde* subdivision.
12. Severability. If any section, covenant, clause or provision of these covenants shall for any reason be held to be invalid or unenforceable, the end validity or unenforceability of such section, covenant, clause or provision shall not affect any of the remaining provisions of these covenants.

APPENDIX C
UTILITY COMPANIES AFFDAVIT
TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

AFFIDAVIT

By signing below, the following utility companies certify that the preliminary plat for the subdivision has been reviewed and that the placed easements are satisfactory to meet the needs of the installation of utilities. The signing of this affidavit does not in any way guarantee utility services to the subdivision.

OTERO COUNTY ELECTRIC COOPERATIVE, INC.
Electric/Power Company

By: William F. Mershon
WILLIAM F. MERSHON
GENERAL MANAGER

Date: AUGUST 23, 2001

Telephone Company

By: _____ Date: _____

Gas Company (if applicable)

By: _____ Date: _____

Other: _____

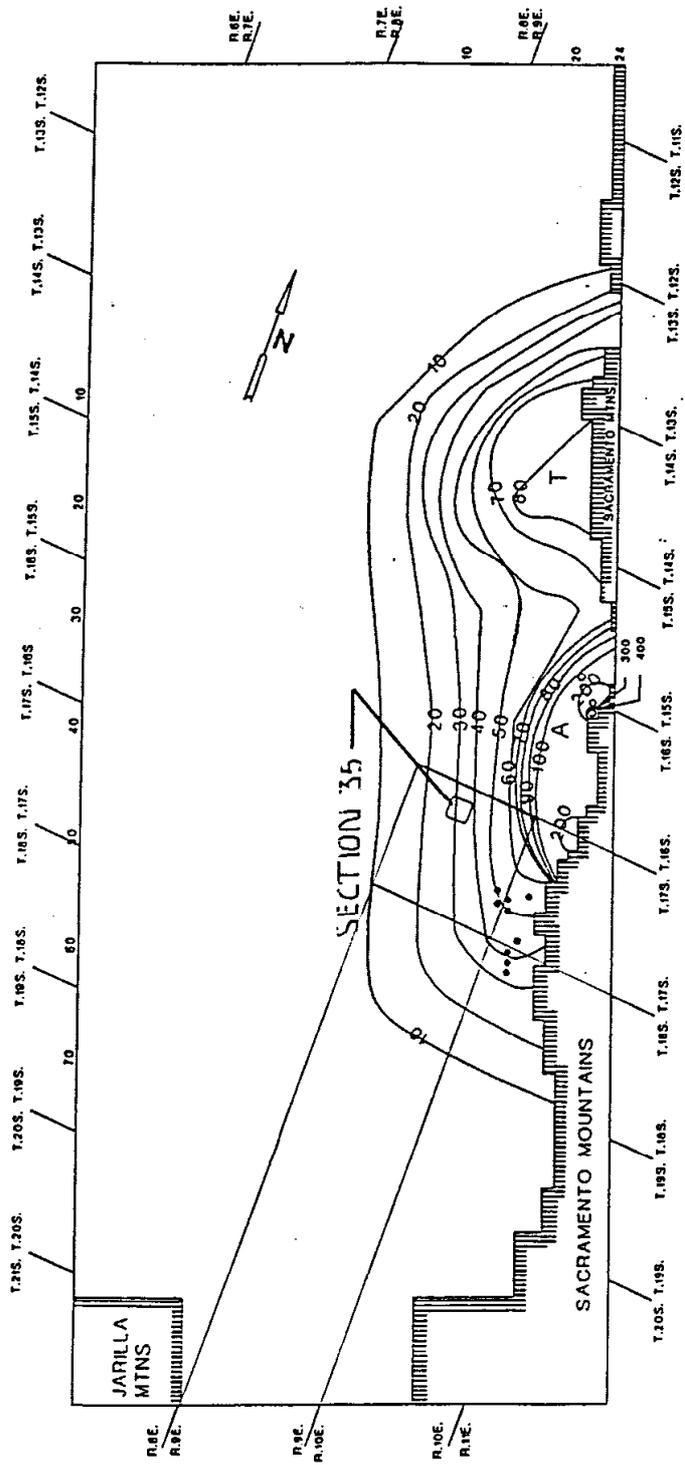
Date: _____

APPENDIX C1

WATER AVAILABILITY/LIFE EXPECTANCY

TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.



LEGEND

- Holloman Air Force Base Well Fields
- Alamogordo Well Fields
- A City of Alamogordo
- T Village of Tularosa

-100- Drawdown in 2030 relative to 1950s Water Table Elevation

FIGURE 11
SCENARIO 2:
10% REDUCTION OF WATER USE

APPENDIX C2

DEPTH TO GROUNDWATER/WELL DEPTHS

TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

Information downloaded from the New Mexico Office of the State Engineer (OSE) web site indicates the following for the Tierra Verde subdivision. The subdivision is located in the extreme Northeast corner of T17S, R09E, Section 35. Section 26 is located adjacent to and immediately north of Section 35.

There are some 83 wells registered with the OSE. The following represent statistics from these 83 wells listed by section.

	Section 26	Section 35
Number of wells registered with OSE	67	16
Minimum well depth (ft)	70	84
Maximum well depth (ft)	300	300
Average well depth (ft)	160	181
Minimum depth to groundwater (ft)	10	40
Maximum depth to groundwater (ft)	130	110
Average depth to groundwater (ft)	64	61

The average well depth in this area is about 170 ft, with the deepest wells being 300 ft. It is on average about 63 ft to groundwater with 130 ft being the maximum depth to groundwater.

APPENDIX C3

WATER QUALITY/CHEMICAL ANALYSIS

TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

Chemical analyses for the Boles Acres and Dog Canyon Municipal Water Distribution Systems are on file with the New Mexico State Department of Health and the subdivider. The information summarized below will be provided upon request.

The Boles Acres water system is comprised of four wells, while the Dog Canyon system has two.

All six of the wells were individually tested and analyzed for all Primary and Secondary contaminants listed in Table 3-1 and Table 3-2. The contaminants that were detected were found to be below the levels stated in the tables.

APPENDIX D
TERRAIN MANAGEMENT
SOIL SURVEY
TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

TERRAIN MANAGEMENT PLAN

Name of Subdivision: TIERRA VERDE SUBDIVISION

Location: In the NE1/4 NE1/4, Section 35, T.17S., R.9E., N.M.P.M. Otero County.

Subdivider: Travis and Alexia Hooser
3 David Drive
Alamogordo, New Mexico 88310

Number of Lots: 27 (A Type 2 Subdivision)
Largest Lot: 1.0589 Acres
Smallest Lot: 1.0000 Acres
Submittal Date: 12/03/01
Projected Population: 73 Persons, based upon 2.7 persons per lot.

SOILS ARE MTA: 100%Mimbres-Tome Association- deep, well drained silt loam and silty clay loam.

PLEASE REFER TO THE SOIL SURVEY DATA OF OTERO AREA ON PLAT SHEET 2 FOR DETAILS.

THE SCS REPORT STATES THAT THESE SOILS HAVE A MODERATE SHRINK-SWELL POTENTIAL, AND MODERATELY SLOW PERMEABILITY WHICH WILL AFFECT THE SIZE OF SEPTIC LEACH FIELDS. THESE ITEMS CAN BE ADDRESSED BY THE USE OF SITE SPECIFIC FOUNDATION AND SEPTIC SYSTEM DESIGN.

THE SOILS WITHIN THE SUBDIVISION ARE SUITABLE FOR THE PROPOSED RESIDENTIAL USE, PROVIDED THAT PROPER DRAINAGE AND CONSTRUCTION TECHNIQUES ARE OBSERVED. THE LIMITATION FOR SEPTIC TANK ABSORPTION FIELDS CAN BE OVERCOME BY THE USE OF OVERSIZE LEACH AREAS. PROPER FOUNDATION DESIGN WILL OVERCOME THE LOW STRENGTH OF THE SOIL.

IT IS THE SOLE RESPONSIBILITY OF THE LOT OWNERS AND/OR HOME BUILDERS TO OBTAIN GEOTECHNICAL ENGINEERING SERVICES FOR SITE-SPECIFIC RECOMMENDATIONS REGARDING SITE PREPARATION, SITE GRADING, SUB-GRADE COMPACTION AND FILL CONSTRUCTION, SITE DRAINAGE, FOUNDATION DESIGN AND CONSTRUCTION, AND SEPTIC TANK DESIGN.

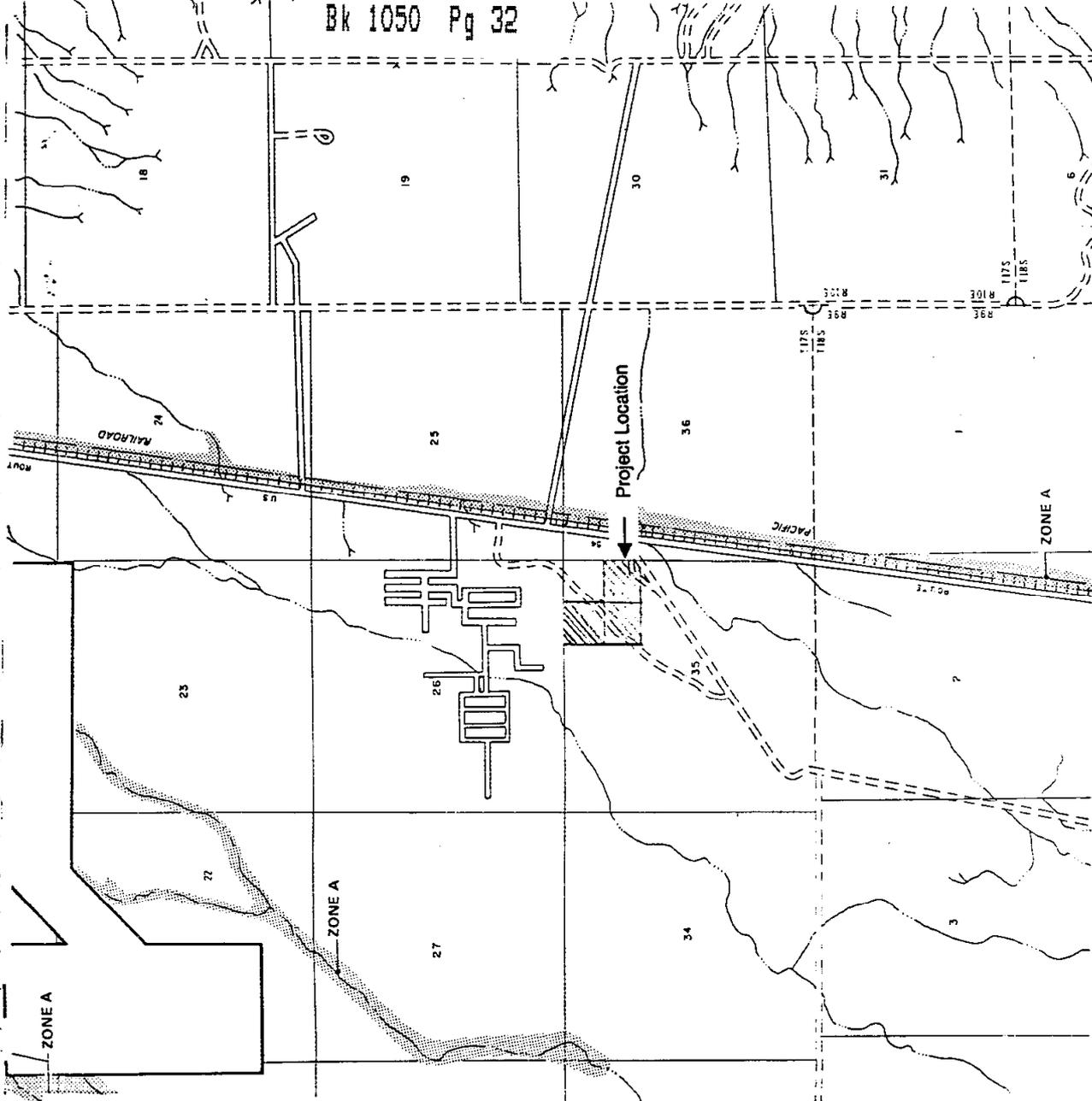
APPENDIX D-1

TERRAIN MANAGEMENT

FLOOD HAZARDS BOUNDARY MAP

TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.



FLOOD 1 .D BOUNDARY MAP

**OTERO COUNTY,
NEW MEXICO**
UNINCORPORATED AREA
PAGE 19 OF 68
(SEE MAP INDEX FOR PAGES NOT PRINTED)

MAP REVISED:
AUGUST 22, 1978

COMMUNITY - PANEL NO.
350044 0019 A



**U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**
FEDERAL INSURANCE ADMINISTRATION

20

29

32

5

IT IS THE SOLE AND CONTINUING RESPONSIBILITY OF THE LOT OWNER TO EXCLUDE WATER FROM THE VICINITY OF AND/OR UNDER A FOUNDATION.

THE ROAD WILL BE CONSTRUCTED WITHOUT BAR DITCHES, SO AS NOT TO ALTER THE NATURAL FLOW OF RUNOFF WATER ACROSS THE PROPERTY. NEITHER OFF SITE SEDIMENTATION NOR EROSION IS EXPECTED TO BE CHANGED AS A RESULT OF THIS SUBDIVISION.

NO GRADING, CUTTING OF FILLING WILL BE DONE OTHER THAN GRADING FOR ROAD CONSTRUCTION. ROAD WILL BE BUILT TO OTERO COUNTY STANDARDS. THERE WILL BE NO CUT AND FILL SLOPES ASSOCIATED WITH THE ROADS. AGGREGATE BASE COURSE AND AGGREGATE SURFACE COURSE MATERIAL FOR THE ROADS WILL BE BROUGHT IN FROM OTHER LOCATIONS.

STORM DRAINAGE: PROPERTY OWNERS ARE CAUTIONED NOT TO DISTURB EXISTING STORM WATER DRAINAGE PATTERNS TO THE DETRIMENT OF ADJACENT PROPERTIES. PROPERTY OWNERS ARE CAUTIONED NOT TO CREATE ANY SITUATION, INCLUDING THE CONSTRUCTION OF DAMS, PONDS OR OTHER POTENTIAL WATER TRAPS IN THE VICINITY OF ANY BUILDING OR OTHER PERMANENT IMPROVEMENT, WHETHER THE IMPROVEMENT IS LOCATED ON THEIR PROPERTY OR ON ADJACENT PROPERTY. PROPERTY OWNERS ARE ADVISED TO SET THE FINISHED FLOOR OF ANY BUILDING AT LEAST TWO FEET ABOVE THE HIGHEST ADJACENT GRADE, AND TO MAINTAIN POSITIVE DRAINAGE AT ALL TIMES AWAY FROM ALL IMPROVEMENTS.

HYDROLOGIC DESIGN DATA SHEET**ONSITE DRAINAGE-PRIOR TO DEVELOPMENT****TIERRA VERDE SUBDIVISION**

NE1/4 NE1/4 OF SECTION 35, T.17S., R.9E., N.M.P.M. OTERO COUNTY, NM.

Soil Type	Hyd. Group	Cover Description	% cover	Curve No. (CN)	Area Acres	Area %
MTA	B	Desert Brush	30	82	31.216	100
Drainage area:				A=	31.216	100
Runoff Curve Number:					82	
Channel length:					1334 ft.	
Assumed Elevation at High End:					102.5	
Assumed Elevation at Low End:					96.5	
Time of Concentration (figure 2.2)				Tc=	.17	
Normal annual Precipitation (exhibit 2-3)				Pa=	10	
Average Annual Temperature (exhibit 2-4)				Ta=	59	
Climatic Index (CI=100 x Pa/Ta ²)				CI=	.29	
Channel Loss Factor				CLF=	1	
Unit Peak Discharge				UPD=	1.9 cfs/ac-in	
Recurrence Interval (years)					50	
24 hour rainfall				P=	3.0 inches	
Direct Runoff				Q=	0.438 inches	
Net Runoff (QxCLF)				Qn=	0.435 inches	
Peak discharge (A x Qn x UPD)				PD=	25.8 cfs	
Volume of Runoff (Qn x A/12)					1.131 ac-ft	

HYDROLOGIC DESIGN DATA SHEET

ONSITE DRAINAGE-AFTER DEVELOPMENT

TIERRA VERDE SUBDIVISION

NE1/4 NE1/4 OF SECTION 35, T.17S., R.9E., N.M.P.M. OTERO COUNTY, NM.

Soil Type	Hyd. Group	Cover Description	% cover	Curve No. (CN)	Area Acres	Area %
MTA	B	Desert Brush	30	82	27.106	86.83
		ROADS AND D/W'S		85	3.06	9.8
		HOMES		95	1.05	3.37
Drainage area:				A=	31.216	100
Runoff Curve Number:					83	
Channel length:					1334 ft.	
Assumed Elevation at High End:					102.5	
Assumed Elevation at Low End:					96.5	
Time of Concentration (figure 2.2)				Tc=	.17	
Normal annual Precipitation (exhibit 2-3)				Pa=	10	
Average Annual Temperature (exhibit 2-4)				Ta=	59	
Climatic Index (CI=100 x Pa/Ta ²)				CI=	.29	
Channel Loss Factor				CLF=	1	
Unit Peak Discharge				UPD=	1.9 cfs/ac-in	
Recurrence Interval (years)					50	
24 hour rainfall				P=	3.0 inches	
Direct Runoff				Q=	.428 inches	
Net Runoff (QxCLF)				Qn=	.428 inches	
Peak discharge (A x Qn x UPD)				PD=	25.38 cfs	
Volume of Runoff (Qn x A/12)					1.11 ac-ft	

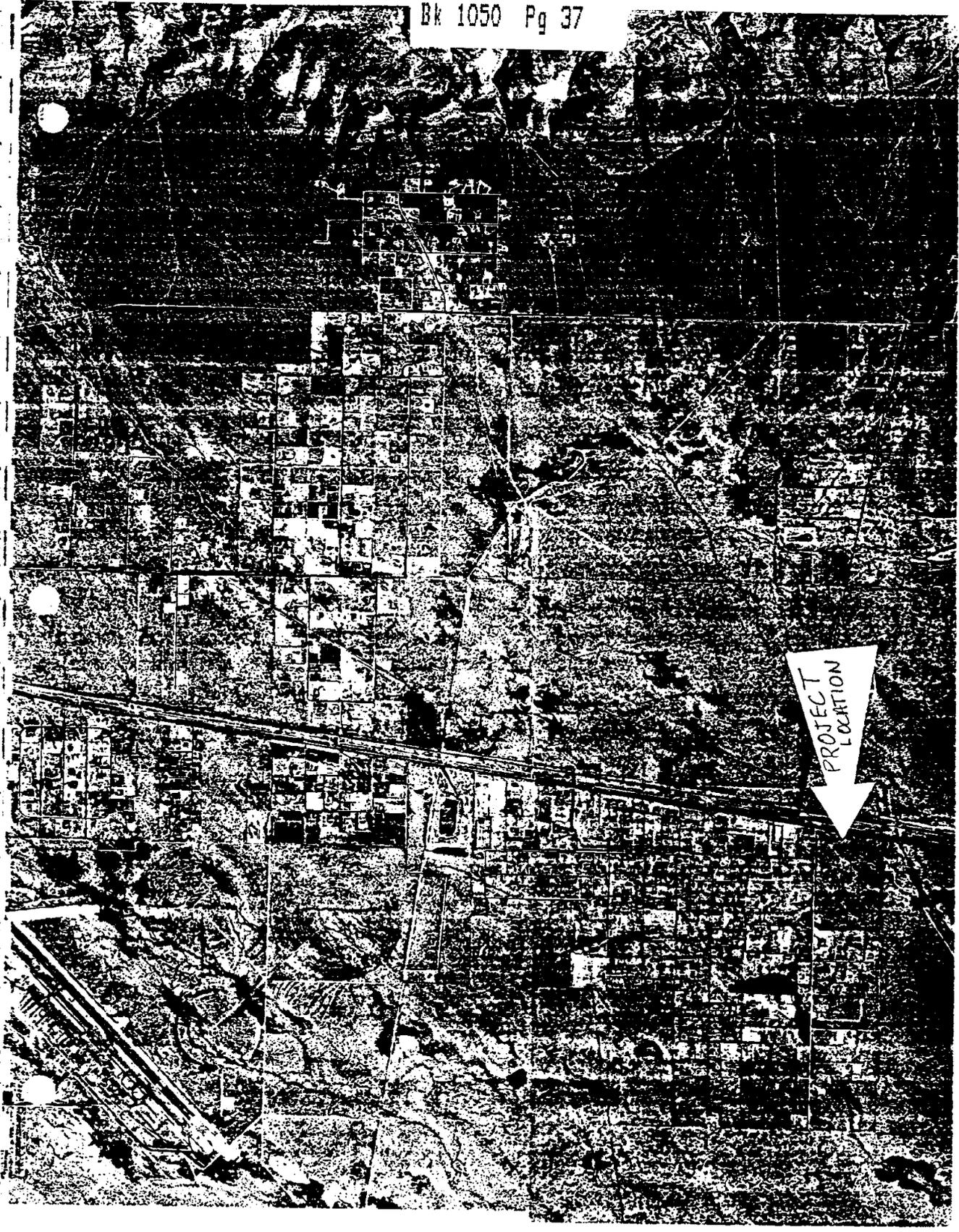
APPENDIX D-2

TERRAIN MANAGEMENT

AERIAL PHOTOGRAPH

TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.



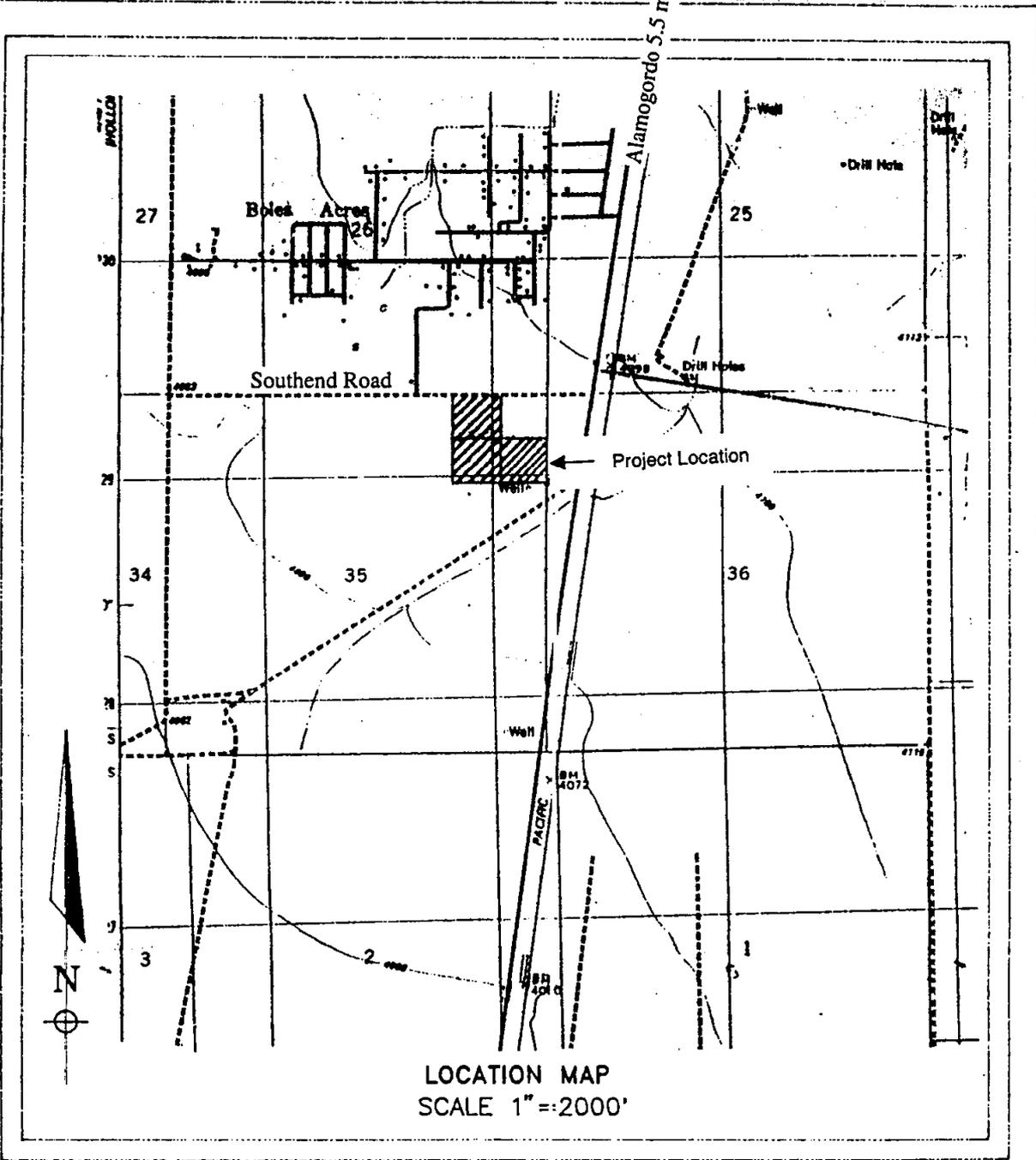
APPENDIX D-3
TERRAIN MANAGEMENT
CONTOUR MAP
TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

APPENDIX D-4
TERRAIN MANAGEMENT
LOCATION MAP
TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

Alamogordo 5.5 miles



LOCATION MAP
SCALE 1" = 2000'

APPENDIX E
CULTURAL AFFAIRS AFFIDAVIT
TIERRA VERDE SUBDIVISION

This information is provided in addition to information provided elsewhere in the disclosure statement and the attachments.

**Archaeological Survey of
Tierra Verde Subdivision,
Otero County, New Mexico**

December 2001

by Peter L. Eidenbach

INTRODUCTION

Travis and Alexa Sue Hooser plan to subdivide a 31.2 acres of privately-owned property in the vicinity of Boles Acres, NM into 28 parcels for residential use.

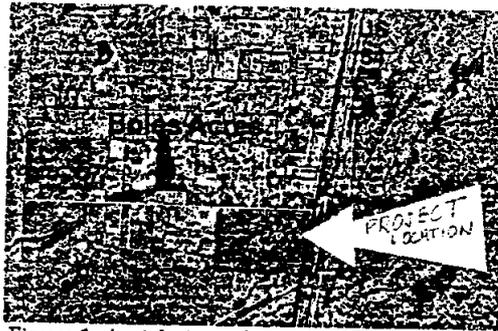


Figure 1. Aerial view of proposed Tierra Verde Subdivision. approx. scale: 1:36,000.

On December 10th and 11th, 2001, Peter L. Eidenbach conducted archaeological inventory survey totaling approximately 31.2 acres within the Northeast Quarter of the Northeast Quarter of Section 35, Twsp. 17 South, Range 9 East, NMPM, on private lands in Otero County, owned by Travis and Alexa Sue Hooser, Alamogordo, NM.

The study area occupies the eastern margins of the Tularosa Basin floor, below and west of the alluvial fan created by stream flow from Mule and San Andres Canyons, on the west slope of the Sacramento Mountains. The northern property boundary of Tierra Verde Subdivision is adjacent to the south shoulder of South End Road which joins U.S. Highway 54 about one-quarter mile east of the property. The east, south and west property boundary lines borders other private lands

Surface and subsurface ownership is private. No collections were made; no excavation was undertaken. No permit was required for the project survey.

Archaeological survey was initiated at the request of Michael Hooser, Alamogordo, NM, acting for the owners. Pre-field investigations, consultation, and records checks

were conducted during December by Peter Eidenbach. Field investigations were conducted on December 10th and 11th, 2001 by Peter Eidenbach.

This report is submitted in support of the client's Disclosure Statement for submission to the Otero County Planning Commission, acting for the County Commissioners, pursuant to NMSA 47-6 - New Mexico Subdivision Act. Following Planning Commission review, this report will be submitted to the New Mexico Historic Preservation Division for comment.

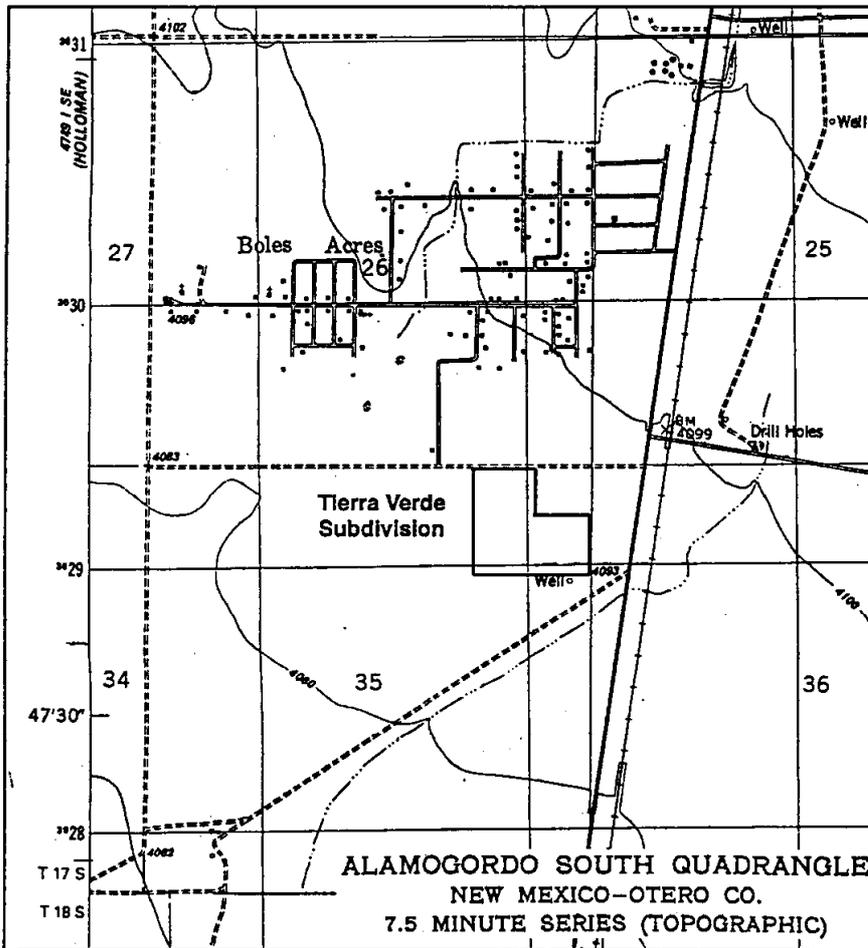


Figure 2. Location of Tierra Verde Subdivision. scale: 1:24,000.

The purpose of the survey and this report is to: 1) identify, locate, and describe cultural properties potentially eligible to the National Register of Historic Places and/or the New Mexico Register of Cultural Properties; 2) evaluate the potential for encountering human remains during development/construction; and 3) identify potential cultural property assets and/or liabilities.

No eligible cultural properties were identified within the Tierra Verde Subdivision property; consequently, no cultural property assets and/or liabilities are thought to exist. No evidence suggests that human remains are likely to be encountered during development/construction. However, lack of surface evidence does not preclude the possibility of such remains. The developer and contractor(s) should be aware that compliance with NMSA 18-6-11.2 (attached) regarding excavation of unmarked burials applies to any such remains.

ENVIRONMENTAL SETTING

The survey area is located along the eastern margin of the Tularosa Basin floor at the base of the alluvial fans created by stream flow from Mule and San Andres Canyons on the west side of the Sacramento Mountains in south-central New Mexico. Elevations at the property average about 4000 ft msl. A well-defined horse trail cuts diagonally across the property, and a shallow berm cuts across the southeast corner. Large numbers of dead and crushed four-wing saltbush indicate past off-road vehicular activity. The only other evidence of human activity (with two exceptions: Isolated Occurrences 1 and 2, below) is represented by minor amounts of modern trash (drink cans, broken glass, etc.) along property boundaries.

No evidence of historic or prehistoric land use was evident. No historic or prehistoric artifacts were recorded, in part because the current alluviated and eoliated (wind-deposited) surface is recent and still active, as indicated by the nearly complete burial of earlier mesquite coppice dune structures. Virtually no significant erosional drainages are present.

USDA SCS soil surveys do not provide detailed soils maps for the subdivision property, itself, but adjacent mapping indicates that the entire site consists of Tome very fine sandy loam (TcA). Tome soils "consist of deep well drained soils that formed in mixed alluvium." (Derr 1981).



Figure 3. SCS soils in the vicinity of Tierra Verde. scale: 1:24,000

The terrain consists of a flat plain with virtually no slope and no erosional features. Climatic conditions in the survey area are semi-arid, similar to those at Alamogordo, New Mexico, with average annual precipitation of 10 in., mean maximum temperature of 95° F, and mean minimums of 30° F.



Figure 4. 90° panoramic view from NW corner of Tierra Verde Subdivision, looking southeast.

The subdivision property lies within Brown and Lowe's (1980) Chihuahuan Desertscrub biotic community. In order of dominance, shrub species include Four-wing Saltbush (*Atriplex*), Mesquite (*Prosopis*), Allthorn (*Koeberlinia*), Broom Snakeweed (*Gutierrezia*), Smokethorn (*Dalea*), and various desert grasses. Ground cover varies between 20 and 100 percent; numerous dense thickets of mesquite and allthorn occur, especially in the southeastern corner of the property. Frequent mesquite stumps suggest a gradual shift from mesquite to other shrubs. Cottontail and Jackrabbits were observed. Coyote and raccoon scat were also observed.

SURVEY RESULTS

Intensive surface reconnaissance at a meandering interval of approximately 15 to 20 m (vegetation permitting) failed to identify any cultural properties or isolated prehistoric artifacts. One historic and one modern isolated occurrence were noted. Isolated Occurrence 1 was a fist sized cobble of blue-to-black glass slag, found in the SE 1/4 of the SE 1/4 of the property. The second isolate was modern, consisting of nine small cobbles (probably from recent fill

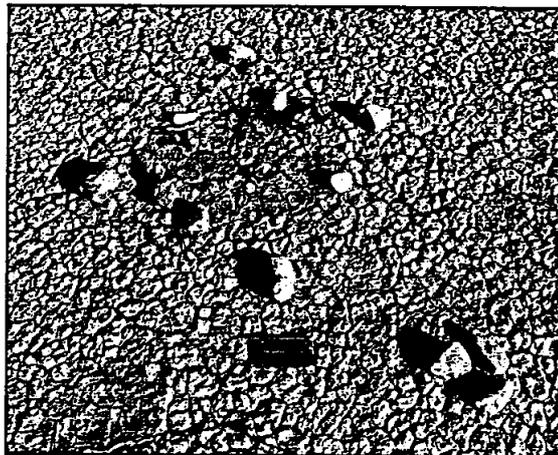


Figure 5. Isolated Feature 2. Post-1993 cobble array.

piles along South End Road), arrayed in a 3 x 3 square about 50 cm on a side. A 1993 nickel lay toward the center of the array. The feature is unquestionably recent and may be a pet burial. Other modern trash in the vicinity included spent pyrotechnics – "1 3/4" Artillery Rocket(s)."

The property does not appear to contain cultural properties potentially eligible or included in National Register of Historic Places and/or the New Mexico Register of Cultural Properties. A records check in the New Mexico ARMS files identified ten sites within one mile of the subdivision property:

- LA 103416 - an historic homestead site
- LA 103417 - a Jornada Mogollon lithic and ceramic scatter
- LA 103423 - a multi-period lithic and historic surface scatter
- LA 104260 - an Archaic and Mogollon lithic and ceramic scatter
- LA 104267 - a Paleoindian through Mogollon artifact scatter
- LA 104270 - a Mogollon artifact scatter
- LA 108110 - a multi-period lithic and historic surface scatter
- LA 108111 - a Paleoindian through Mogollon artifact scatter
- LA 108114 - an Archaic and Mogollon artifact scatter
- LA 115251 - an historic artifact scatter

Generally, Mogollon village sites likely to contain human remains lie higher up the alluvial slope than the subdivision property, and are usually close to major drainage channels. Thus, village sites are unlikely in the survey area. Other archaeological materials, particularly non-structural artifact scatters may exist subsurface, below recent alluviums, but remain undetectable.

CULTURAL PROPERTY ASSETS AND LIABILITIES

From the perspective of property development, cultural properties may represent liabilities or assets. Typical property liabilities would include marked and unmarked graves, or other human remains (prehistoric, historic, and modern) which are protected by NMSA 18-6-11.2. That statute and its permitting regulations stipulate that all costs incurred in the removal, analysis, treatment, and disposition of cultural significant human remains be borne by the permittee, and ultimately, the landowner.

On the other hand, cultural properties that qualify under NMSA 137 (The Cultural Properties Preservation Easement Act) may provide significant federal tax credits and thus, may represent specific property assets. In fact, many of the cultural properties which pose potential liabilities, due to the presence or possibility of human remains, can be converted to assets through the grant of preservation easements.

No marked or unmarked graves were identified within the Tierra Verde Subdivision property, and none are anticipated. No significant cultural properties were identified

within the property.

Therefore, the Tierra Verde Subdivision property does not appear to contain any cultural property assets or liabilities.

RECOMMENDATIONS

This report constitutes documentation that the subdivider has complied with NMSA 47-6-11 regarding the protection of cultural properties, archaeological sites, and unmarked burials as required by the Cultural Properties Act.

This report recommends that structure pads be raised a minimum of 24 inches above grade to reduce the possibility that unidentified, subsurface cultural properties will be exposed and/or disturbed.

REFERENCES CITED

- Brown, David E. and Charles H. Lowe
1980 *Biotic Communities of the Southwest*. General technical Report RM-78, Rocky Mountain Forest and Range Experiment Station, USDA Forest Service.
- Derr, Phillip S.
1981 *Soil Survey of Otero Area, New Mexico*. USDA SCS. US GPO, Wash. D.C.

New Mexico Statutes Annotated 1978
CHAPTER 18 LIBRARIES AND MUSEUMS
ARTICLE 6 CULTURAL PROPERTIES

18-6-11.2. Permit required for excavation of unmarked burials; penalty.

A. Each human burial in the state interred in any unmarked burial ground is accorded the protection of law and shall receive appropriate and respectful treatment and disposition.

B. A person who knowingly, willfully and intentionally excavates, removes, disturbs or destroys any human burial buried, entombed or sepulchered in any unmarked burial ground in the state, or any person who knowingly, willfully and intentionally procures or employs any other person to excavate, remove, disturb or destroy any human burial buried, entombed or sepulchered in any unmarked burial ground in the state, except by authority of a permit issued by the state medical investigator or by the committee with the concurrence of the state archaeologist and state historic preservation officer, is guilty of a fourth degree felony and shall be punished by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment for a definite term of eighteen months, or both. The offender shall upon conviction forfeit to the state all objects, artifacts and human burials excavated or removed from an unmarked burial ground in violation of this section, and any proceeds from the sale by the offender of any of the foregoing shall also be forfeited. As used in this section:

(1) "unmarked burial ground" means a location where there exists a burial or burials of any human being which is not visibly marked on the surface of the ground in any manner traditionally or customarily used for marking burials and includes any funerary object, material object or artifact associated with the burial or burials; and

(2) "human burial" means a human body or human skeletal remains and includes any funerary object, material object or artifact buried, entombed or sepulchered with that human body or skeletal remains.

C. Any person who discovers a human burial in any unmarked burial ground shall cease any activity that may disturb that burial or any object or artifact associated with that burial and shall notify the local law enforcement agency having jurisdiction in the area. The local law enforcement agency shall notify the state medical investigator and the state historic preservation officer.

D. The state medical investigator may, consistent with the statutes governing medical investigations, have authority over or take possession of any human burial discovered in the state, in which case the provisions of Subsections E and F of this section shall not apply.

E. Permits for excavation of a human burial discovered in an unmarked burial ground shall be issued by the committee within sixty days of receipt of application when the applicant:

(1) submits written authorization for that excavation from the owner of the land on which the human burial is located or the applicant is the owner of the land;

(2) demonstrates appropriate efforts to determine the age of the human burial and to identify and consult with any living person who may be related to the human burial interred in the unmarked burial ground;

(3) complies with permit procedures and requirements established by regulations authorized in this section to ensure the complete removal of the human burial and the collection of all pertinent scientific information in accordance with proper archaeological methods; and

(4) provides for the lawful disposition or reinterment of the human burial either in the original or another appropriate location and of any objects or artifacts associated with that human burial consistent with regulations issued by the state historic preservation officer, except that the committee shall not require, as a condition of issuance of a permit, reinterment or disposition, any action that unduly interferes with the owner's use of the land.

F. Permits for the excavation of any human burial discovered in the course of construction or other land modification may be issued by the committee with the concurrence of the state archaeologist and the state historic preservation officer on an annual basis to professional archaeological consultants or organizations.

G. Except when the committee requires as a condition of the permit that any object or artifact associated with a human burial be reinterred or disposed of with that burial, that object or artifact shall be the property of the person owning the land on which that burial is located.

H. Any object or artifact and any human burial excavated or removed from an unmarked burial ground in violation of this section shall be forfeited to the state and shall be lawfully disposed of or reinterred in accordance with regulations issued by the state historic preservation officer; provided that no object or artifact so forfeited shall ever be sold by the state; and provided further that any object or artifact removed from the land without the owner's consent and in violation of this section shall be returned to the lawful owner consistent with Subsection G of this section.

I. The state historic preservation officer shall issue regulations with the concurrence of the state medical investigator for the implementation of this section.

Signed this 11th day of December, 2002 by Travis C & Alep Sue Hill Hooser.

Travis C Hooser Alep Sue Hill Hooser

Sealed before me this 11th day of December.

Dale Parkhi, Notary Public

My Commission expires: April 18, 2004
Archaeological Survey of Tierra Verde Subdivision - Eidenbach

STATE OF NEW MEXICO, County of Otero, ss, Filed for record in my office this 11th day of December, 2002, at 2:25 clock P.M. and duly recorded in Book 1050 Page 51 of the Records of said county. Mary D. Quintana County Clerk Deanne Redford Deputy

13155