

PROPERTY, BUILDING AND LAND USE RESTRICTIONS FOR VALLE ESCONDIDO
HOMEOWNER'S ASSOCIATION
September, 2001

1. APPLICABILITY

- A. Every person acquiring legal or equitable title to any lot or tract in Valle Escondido Subdivision will be required to become a member of Valle Escondido Homeowner's Association (VEHA). VEHA Bylaws and related information are available from the Architectural Building Committee. **IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO OBTAIN AND COMPLY WITH VEHA BYLAWS AND ALL RULES AND REGULATIONS.**
- B. Annual membership dues and all other fees, assessments, etc. are payable in the same year as construction begins. These costs are available from the Architectural Building Committee and are subject to change. All dues and fees must be current for construction to proceed. If these fees are past due, construction will be required to cease until fees are brought current.
- C. The original purchaser or subsequent owners of any lot shall accept the deed or contract subject to each and all of the restrictions and agree to comply with said restrictions.

2. PROCEDURES FOR BUILDING

- A. All plans, including any separate building or structure incidental to the single family dwelling (e.g. garage, workshop, etc.), must be submitted to the Architectural Building Committee and approved or disapproved by the Committee prior to beginning of construction. Said Architectural Building Committee may be contacted at 28 Lodge Road, Taos, New Mexico 87571.
- B. Such plans submitted to the Architectural Building Committee must have a plot plan showing location of the building on the lot, setback of the front property line, as well as side and rear set backs. The set of plans shall include architectural, mechanical, and electrical details, be approved by the State of New Mexico, have permits issued by Taos County. Building heights will be taken into consideration as to their visual impact on adjoining lots and must be approved by the Architectural Building Committee.
- C. The Architectural Building Committee shall have at least four members who shall unanimously approve all plans submitted to the Committee. When a unanimous decision cannot be reached, the Committee shall bring the plans to the Board of Directors for approval or disapproval.
- D. The Architectural Building Committee must notify the property owner of their action within thirty (30) days. All major changes in the approved plans must be resubmitted for Committee action.
- E. No individual Committee member can speak for or obligate the Committee or VEHA. Property owner approval must be in writing from the Committee or the VEHA Board of Directors.
- F. No VEHA Committee or Board action negates the property owner's responsibility to comply with State and Local law, ordinance or policy.

3. LAND USE AND IMPROVEMENTS

- A. There shall be only one cabin or single family residence per lot and that single family residence shall have a minimum of one thousand (1,000) square feet. Owners of multiple lots, or lots having been recently subdivided, requesting a second residence must submit plans and plot plans to the Architectural Building Committee for approval. This includes remodeling and changes to existing structures. Any use of multiple property through subdivision must comply with all VEHA rules and regulations.

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- B. No structure is to be built closer than 25 (twenty-five) feet from the front property line, nor closer than 7 (seven) feet from the side and back property line.
- C. No cement block may be used in construction except for the purpose of foundations and fireplaces, and any block construction shall be veneered with wood siding, stone, or stucco. This shall be addressed after review of probable house setting, taking into consideration lot and grading requirements.
- D. All electrical and other wiring shall be underground from the electric meter to the house.
- E. It is the intent of these restrictions to create and preserve a rustic appearance in Valle Escondido Subdivision. All buildings must be constructed of logs, native rock, simulated log siding (no log slabs), stained rough lumber, wood shingles, or wood siding. Earth-tone colors are required and must be approved by the Committee.
- F. The VE Architectural Building Committee may approve all other types of manufactured homes, modular homes, and kit homes. The VEHA Architectural Committee and the Board of Directors reserves the absolute authority to approve or disapprove all housing and other construction, or modifications of the land or appearance thereof. This is to include, but not limited to method of manufacture. No housing generally considered as mobile or rollaway will be considered for approval.
- G. No roof shall be covered with a corrugated galvanized material; however, a manufactured colored metal material, consistent with Valle Escondido approved colors, may be used. It is the intent of this restriction to permit propanel type roofing materials meeting these color requirements as approved by the Committee.
- H. All chimneys shall be equipped with adequate spark arrestors.
- I. The exterior of a structure must be completed within a period of one year.
- J. No trailer homes or camping shall be permitted except during the period of construction, such period to be limited to one year. The lot/work site is to be kept safe and tidy.
- K. Outhouses are prohibited on any lot except a toilet intended to be used during the construction of a home. This unit must be EID approved, maintained and its use limited to one year.
- L. No property shall be used for any purpose other than owner-residence property. No condominiums, townhouses, duplexes, or apartments shall be constructed in Valle Escondido Subdivision.
- M. It is recommended that a Legal Survey by a licensed New Mexico surveyor be taken prior to beginning construction. Any and all costs related to the building or improvement of any lot resulting from the lack of a Legal Survey, or for any other cause, are the responsibility of the property owner.

4. GENERAL RESTRICTIONS

- A. No domestic water well or other type well shall be drilled, constructed or utilized within the Subdivision as long as the member of Valle Escondido Homeowner's Association is connected to the Valle Escondido Water Association System. Any well drilled and in operation as of July 1, 1993 or any future well approved by the Board of Directors shall be exempt from this regulation.

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- B. Any and all major exterior changes (changes that are clearly not simple renovations or repairs) **MUST BE APPROVED BY** the Architectural Building Committee and are subject to these "Restrictions." Interior changes or modifications that alter the land, building or water use of the property **MUST LIKEWISE BE APPROVED**.
- C. In order to preserve the rustic natural appearance of Valle Escondido Subdivision, perimeter fencing shall be prohibited. The Architectural Building Committee must approve any and all fencing.
- D. Outdoor lighting shall be controlled so that it is not offensive. Lighting that creates a nuisance to another is prohibited.
- E. No owner of a property or any other person shall be permitted to store wrecked vehicles on a lot or on any street. Heavy equipment and construction type equipment and other vehicles not customarily associated with single family residence property are not permitted on the property or roads. Motor homes and recreational trailers of any type may only be kept on the property for short periods and may not occupied; long-term storage is not permitted. Any and all recreational vehicles and equipment must be kept in a safe and tidy fashion.
- F. All property, whether occupied or unoccupied, or any improvements thereon, shall at all times be maintained in such manner as to prevent their becoming unsightly by the accumulation of rubbish or debris thereon. The Valle Escondido Homeowner's Association, after due notification, shall have the right to enter such a lot for purposes of correction. Thirty days after the property owner has been notified in writing shall be considered due notification. Any costs incurred shall be billed to the property owner.
- G. No animals or livestock of any description, except a reasonable number of the usual household pets, shall be kept on any lot.

5. VARIANCES

- A. The Architectural building Committee may allow reasonable variances and adjustment of these restrictions in order to overcome practical difficulties and prevent unnecessary hardships; provided it is done with the **APPROVAL OF THE BOARD OF DIRECTORS** and that it is done in conformity with the intent and purpose set forth in this document.

6. REMEDIES

- A. The Valle Escondido Homeowner's Association may proceed by law to prevent the occurrence, continuation, or violation of any of these restrictions. No delay or failure to enforce these restrictions shall be interpreted as a waiver to these restrictions.
- B. Violation of these Restrictions will not be permitted. The Architectural Building Committee will review potential infractions from their observation and those brought by EVHA Members. The Committee will recommend sanctions/actions to the Board of Directors. The property owner must verify approval of any and all variances. If any property owners, after reviewing these Restrictions, notice they are in violation of the above, they must submit a request for a variance. The Architectural Building Committee is committed to enforcing these Restrictions.

7. AMENDMENTS TO PROPERTY AND BUILDING RESTRICTIONS

- A. Any additions, revisions or amendments to the Property and Building Restrictions must be in accordance with Article VII, Section 7 of the Valle Escondido Bylaws as revised and adopted July 2001.