

U. S. of AMERICA to FRANCISCO ANTONIO GIJOBA, ET AL

F.L.C.
No. 109. N.H.

THE UNITED STATES OF AMERICA

To all to whom these presents shall come, Greeting:
Whereas, In accordance with the provisions of the Act of Congress approved March 3, 1891, entitled "An Act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," the claim of the heirs and legal Representatives of Francisco Antonio Gijoba, and Baltazar Trujillo has been duly established to private land grant known as the Gijoba Grant, situated in Townships twenty-four north of Range eleven and twelve east and Townships twenty-five north of Range eleven, twelve and thirteen east of the New Mexico Meridian, in the County of Taos, New Mexico, containing sixteen thousand three hundred and sixty-five and forty-five hundredths acres, according to the plat and Survey of said claim approved by the Court of Private Land Claims March 17, 1903, on file in the General Land Office being bounded and described as follows: on the east by the head of the irrigation ditch which lines with the boundary of the Pueblo of Taos, on the north by the River of said Pueblo which runs through the middle of the Pueblo, on the west by the Arroyo Hondo and on the south by the middle road which comes from Picuris. The court further declares and specifies that the points of the compass given in the foregoing description, although as set forth in the title papers in evidence do not accurately indicate the direction of the boundaries, and in order to avoid the possibility of mistake, that the land, confirmation of the claim for which is hereby made, is included within the following description: Beginning at the head of the irrigation ditch herein before referred to on the Rio del Pueblo, thence following said Rio del Pueblo to where it empties into the Rio Grande del Norte; thence following said Rio Grande del Norte to the mouth of the Arroyo Hondo; thence following said Arroyo Hondo to the point where the middle road which comes from Picuris, crosses said Arroyo; thence following said road to the point therein nearest to the said head of the irrigating ditch; and thence in a straight line to the place of beginning.

NOW KNOW YE, That the United States of America, in consideration of the premises, has given and granted, and by these presents Does Give and Grant, unto the said Heirs and Legal Representatives of Francisco Antonio Gijoba and Baltazar Trujillo, and to their heirs, the lands above described; To Have and To Hold the same together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging unto the said Heirs and Legal Representatives of Francisco Antonio Gijoba and Baltazar Trujillo, and to their heirs and assigns forever; Provided, That this grant shall not confer any right or title to any gold, silver, or quicksilver mines or minerals of the same; but all such mines and minerals shall remain the property of the United States, with the right of working the same, and that the said grant is made subject to all limitations and terms of the said Act of Congress of March 3, 1891.

IN TESTIMONY WHEREOF, I THEODORE ROOSEVELT, President of the United States of America have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington the twenty-sixth day of October in the year of our Lord One Thousand Nine Hundred and Eight and of the Independence of the United States to one hundred and thirty-third.

By the President - Theodore Roosevelt

By H.W. Young Secretary

H.D. Sanford Recorder of the General Land Office

SEAL.

Filed for record at 3:10 P.M. Dec. 10, 1908, recorded, Dec. 11, 1908

Samuel Esquivel, Recorder

By D. Martinez Deputy

Recorded in Book #28 - pages 228-229.

Pues habiendo sido así nuestra voluntad, otorgamos este reparto en el Rancho del condado de Taos, Territorio de N. M. este día 7 del mes de Marzo A.D. 1874, Miguel Casado por Maria Antonia Trujillo, Francisco Martinez y Labadi por Ma. Petra Trujillo.

Antonia S. Trujillo
Maria Claofe Trujillo

Aprobado por mí
Aniceto Valdez
Juez de Pruebas

Testifico:
Maximiano Romero
Escribano por su Diputado
Guillermo Martinez

(SELLO)

TERRITORY OF NEW MEXICO)
)SS.
COUNTY OF TAOS)

I, the undersigned clerk of the Probate Court & Ex-officio Recorder within and for the county of Taos, N. M., do hereby certify that the foregoing instrument was filed in my office for record on the 17th day of December, A.D. 1887 at 10 O'clock A.M. and was duly recorded this 13th day of February, A.D. 1888.

D. M. Salazar
P.C. & Ex-Officio Recorder

6 7
9 8

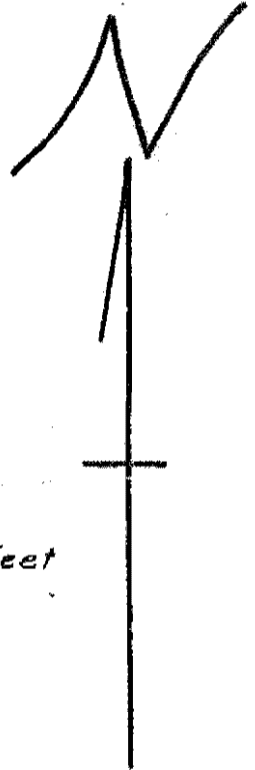
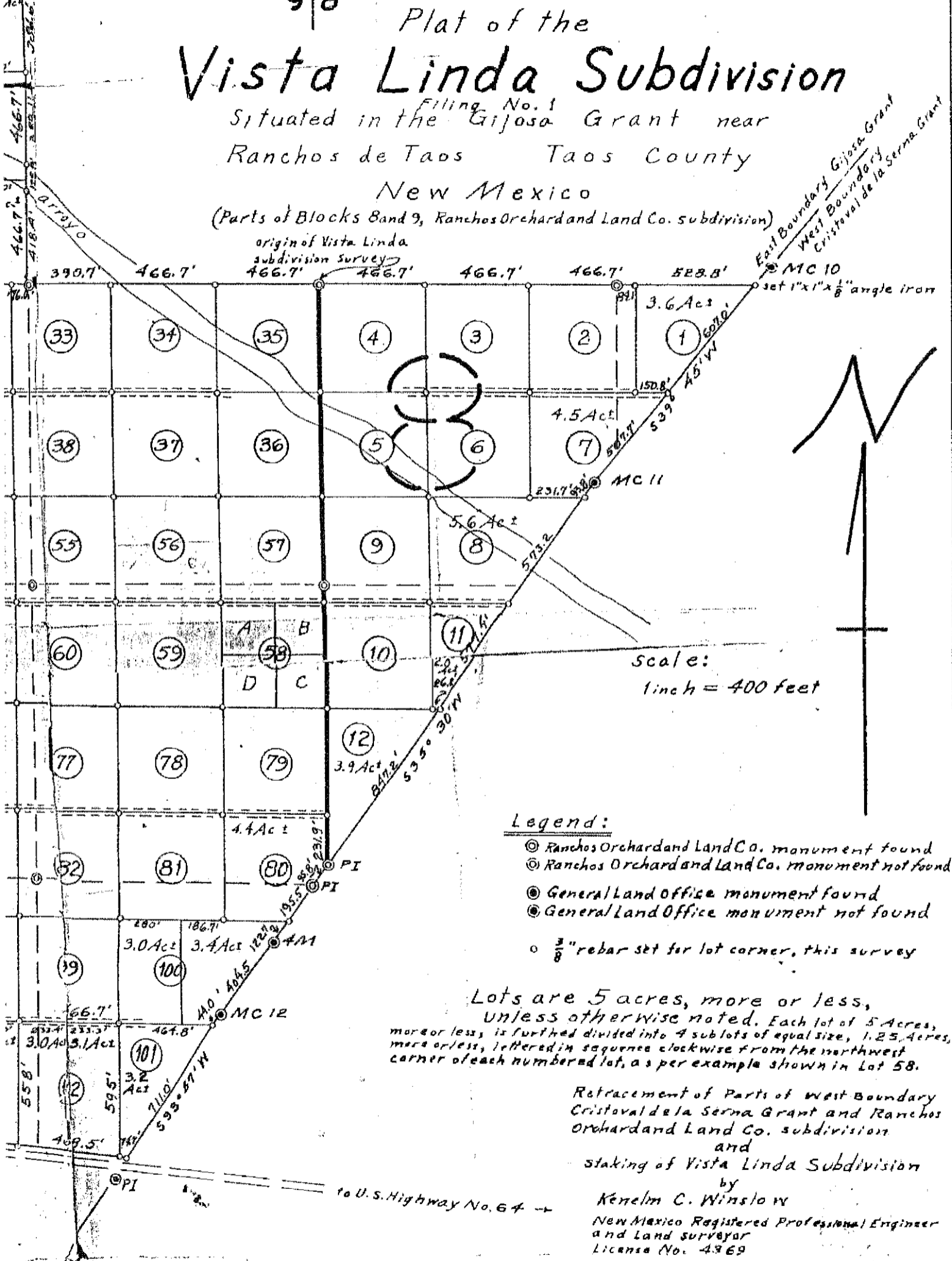
Plat of the Vista Linda Subdivision

Situated in the ^{Filing No. 1} *Gijosa Grant* near
Ranchos de Taos Taos County
New Mexico

(Parts of Blocks Band 9, Ranchos Orchard and Land Co. subdivision)

origin of Vista Linda
subdivision survey
466.7'

existing road



Scale:
1 inch = 400 feet

Legend:

- ⊙ Ranchos Orchard and Land Co. monument found
- ⊙ Ranchos Orchard and Land Co. monument not found
- ⊙ General Land Office monument found
- ⊙ General Land Office monument not found
- 3/8" rebar set for lot corner, this survey

Lots are 5 acres, more or less,
unless otherwise noted. Each lot of 5 Acres,
more or less, is further divided into 4 sublots of equal size, 1.25 Acres,
more or less, lettered in sequence clockwise from the northwest
corner of each numbered lot, as per example shown in Lot 58.

Retracement of Parts of West Boundary
Cristoval de la Serna Grant and Ranchos
Orchard and Land Co. subdivision
and
staking of Vista Linda Subdivision

by
Kenneth C. Winslow
New Mexico Registered Professional Engineer
and Land Surveyor
License No. 4969

Rev. 16 June 1970 *K.C. Winslow* 22 April 1970

APPROVED

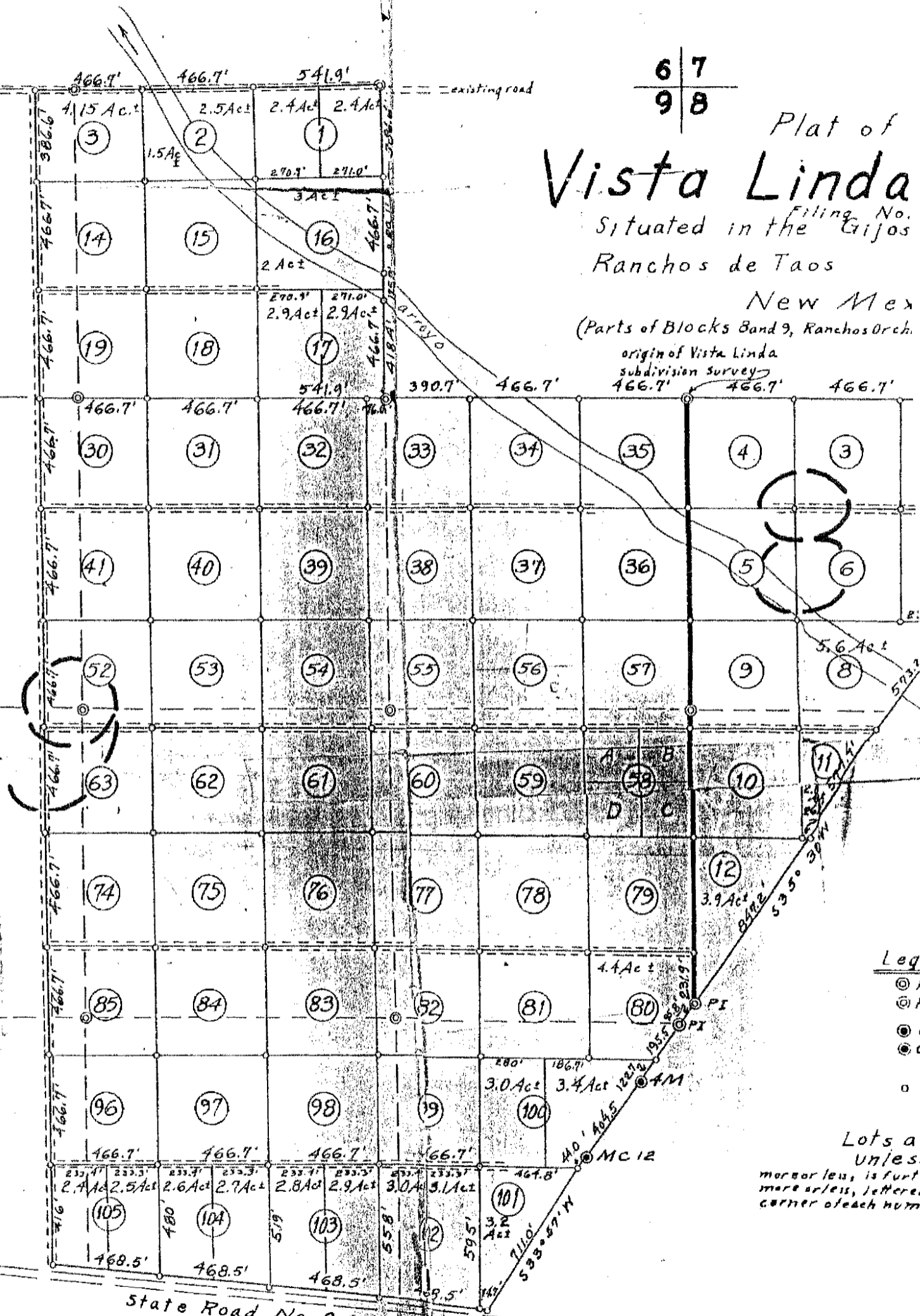
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Plat of Vista Linda

Situated in the Gijos
 Ranchos de Taos
 New Mex
 (Parts of Blocks 8 and 9, Ranchos Orch.)

origin of Vista Linda
 subdivision survey
 466.7' 466.7' 466.7'



- Leg.
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 ⊙ R
 ⊙ G
 ⊙ G

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 morbor less, is furth
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 corner of each numb

State Road No. 96

to U.S. Highway No. 67

Consent of Owner

Vista Linda Subdivision, Filing No. 1, a subdivision of Block B and a portion of Block 9, Plat of Ranchos Orchard and Land Co. in the Gijosa Land Grant, Taos County, New Mexico, is made with the free consent and in accordance with the desire of the under signed Owner and Proprietor of said land including perpetual dedication of roads 20 feet on each side of all numbered lot boundary lines and restrictive covenants running with the land as follows:

1. All lots shall be used for residential purposes only, and only one single family dwelling shall be erected on any one lot sold hereunder, except those lots otherwise zoned.
2. Structures erected on any of said lots shall be of a Pueblo style architecture with roofs not to exceed a 3 1/2 pitch, and shall contain not less than 1,000 square feet of floor space devoted to living purposes unless zoned otherwise than residential.
3. No outhouses (privies), or temporary house, trailer, camper, tent, garage or outbuilding, to be used as a residence, shall be erected on any lot, except that during the construction of a permanent improvement, necessary temporary buildings for the storage of materials may be erected and maintained by the person performing said permanent construction. Any new construction, alteration, or remodeling once commenced, shall be completed within one year of commencement.
4. Every building or structure shall comply with all State and County codes of regulations and requirements as set forth by the County of Taos, State of New Mexico; furthermore said buildings shall be set back from any street line no less than 30 feet from any side lot line no less than 20 feet, and from any rear lot line no less than 20 feet.
5. No wall, coping or solid fence exceeding 6 feet in height shall be erected on any lot.
6. No cattle, sheep, goats, pigs, rabbits, poultry or other livestock shall be kept raised or maintained on any lot with the exception of a horse or pony which may be kept in stable and corral on any lot one acre or larger in size. Said stable or corral shall be kept clean and sanitary, with removal of manure and refuse at least twice each month.
7. Each lot at all times shall be kept clean and sightly and no solid wastes, including old machinery, autos or other equipment may be permitted to accumulate or remain exposed on any lot so as to be visible from any road or neighboring lot.
8. All building plans must be submitted by owner for approval by a committee designated by the under signed Owner before any construction begins.
9. Each property owner shall reserve for dedication a minimum of 20 feet surrounding his property for the use of roads or utilities as required.
10. All restrictions contained herein shall constitute covenants running with the land and shall be binding upon owners, heirs, successors and assigns of any owner.

Attest
 _____ by Robert Barbey
 secretary President

State of Colorado)
) ss

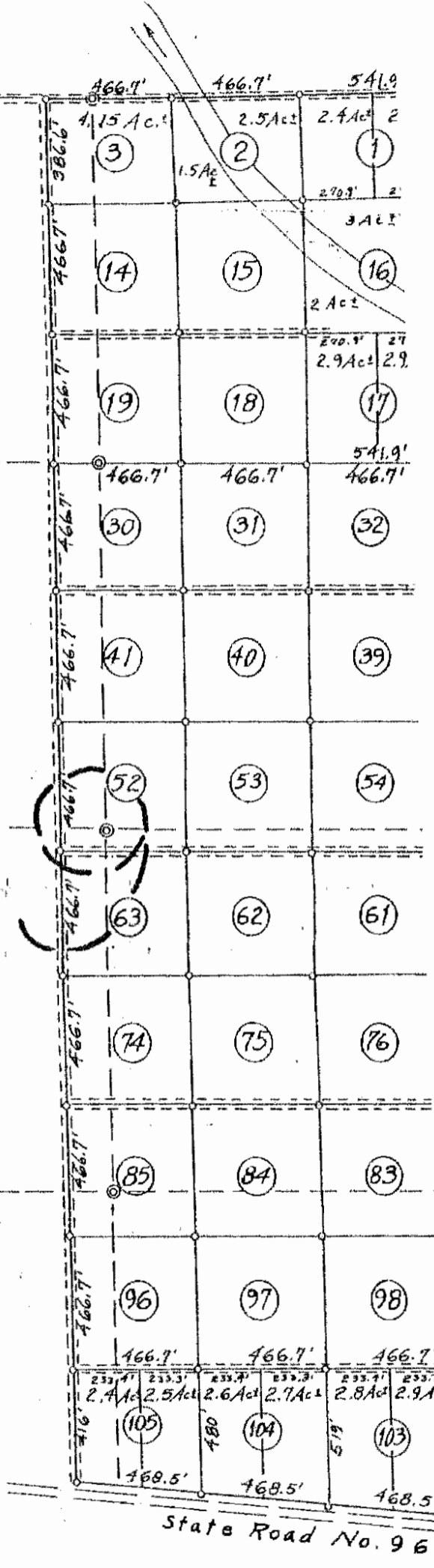
The foregoing Consent of Owner was acknowledged before me this 14 day of June 1970 by Robert Barbey, President of B BAR H Corporation, a Colorado corporation.

My commission expires
 Dec 20, 1977

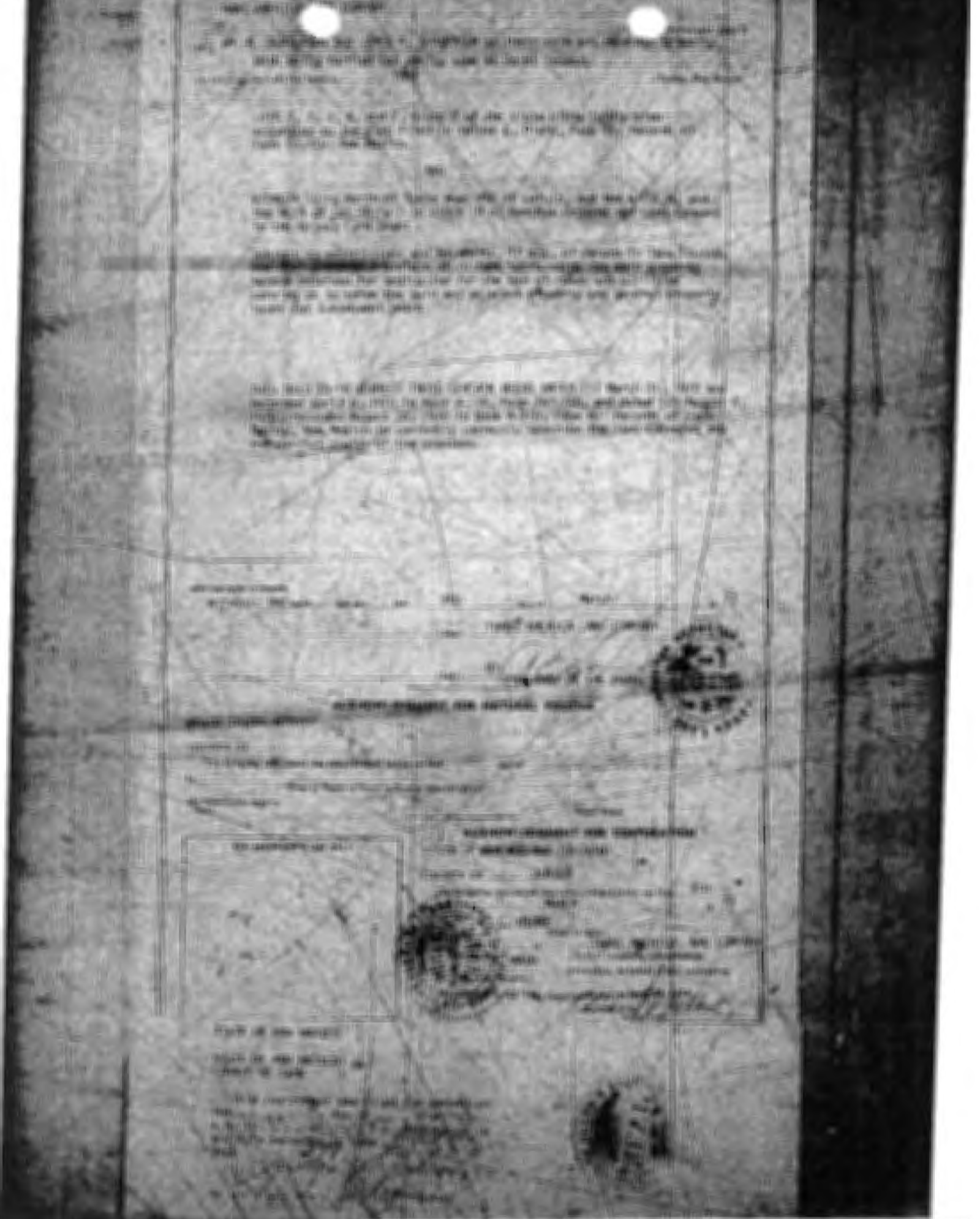
 Notary Public

*Just filed 4/24/1970
 in Volume 4, page 95 -
 Later refiled on 9/24/1970
 in Volume 5, page 15 with
 letter of approval from HSS Dept.*

← to Carson



State Road No. 96



A 128-579

Accommodation Recording July
no liability assumed by First/1st Title

VACATION OF EASEMENT FOR 2-TRACK ROAD

#268722

8-22-02

3:58 PM

Date: August 22, 2002

Grantor: MAYA DESIGN TAOS, LLC, a New Mexico limited liability company

Grantee: JOHN LANGFORD, single

Address: 7068 NDCBU
Taos, NM 87571

Description: A strip of land shown as a "2 Track Road," along the NORTHEASTERLY SIDE of TRACT 4A, as shown on the "Lot Line Adjustment Easement Vacation & Boundary Survey; Vista Linda Lots 4A, B, C, & D and Lots 5A, B, C, & D for Fred Fair," said plat being recorded in Cabinet B at page 55-B, records of Taos County, New Mexico.

Grantor's property is "TRACT 4A," of the Vista Linda Replat of Lots 4A, B, C & D, filed in Cabinet D, page 128-B, records of Taos County, New Mexico.

Grantee's property is "TRACT 4B," of the Vista Linda Replat of Lots 4A, B, C & D, filed in Cabinet D, page 128-B, records of Taos County, New Mexico.

For good and valuable consideration, Grantor and Grantee do hereby agree to ABANDON, RELINQUISH, AND VACATE the above-described easement for the "2 track road," in order to eliminate access to Grantee's property across Grantor's property by means of the above-described "2 Track Road," as it is shown on the referenced plat..

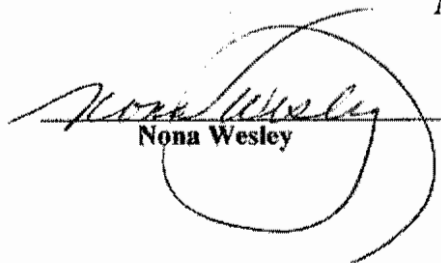
Grantor covenants that it is the owner of the easement tract described herein, which crosses Tract 4A and Tract 4B, and that it is entitled to abandon the easement described herein, with the concurrence of Grantees.

Grantees covenant that they are the owners of the appurtenant tract described herein (Tract 4B) and that they are entitled to consent to the abandonment of the easement for the 2-track road.

Wherever the context requires, as used in this document the masculine gender shall include the feminine gender, and the singular shall include the plural.

SIGNED THIS 22 DAY OF August, 2002.

Maya Design Taos, LLC.


Nona Wesley

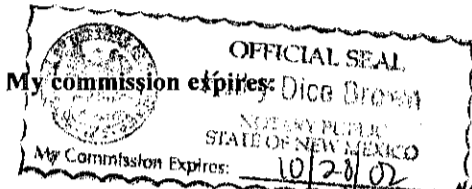

Felipe Rodriguez

John Langford
John Langford

ACKNOWLEDGMENT

State of New Mexico
County of TAOS

Signed before me, the undersigned authority, on this 21 day of August, 2002, by Nona Wesley, the President of Maya Design, LLC, a New Mexico limited liability company.



Kathy Dice Brown
Notary Public

ACKNOWLEDGMENT

State of New Mexico
County of TAOS

Signed before me, the undersigned authority, on this 22 day of Aug., 2002, by Felipe Rodriguez, the President of Maya Design, LLC, a New Mexico limited liability company.



Kathy Dice Brown
Notary Public

ACKNOWLEDGMENT

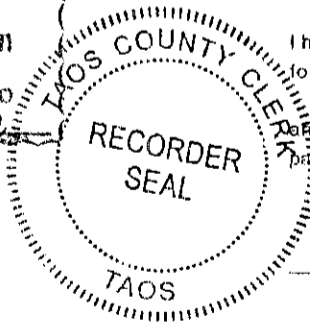
State of New Mexico
County of TAOS

Signed before me, the undersigned authority, on this 29 day of Aug., 2002, by John Langford, a single person.

My commission expires:

Kathy Dice Brown
Notary Public

COUNTY OF TAOS)
STATE OF NEW MEXICO)



I hereby certify that this Instrument was filed for record on the 22nd day of August, 2002 at 3:58 o'clock PM m. and was duly recorded in book h. 336 page 777-778 of the records of Taos County,

Witness my Hand and Seal of Office
Jeannette G. Rael
County Clerk, Taos County, N.M.

[Signature]
Deputy

Accommodation Recording Only
no liability assumed by First/In Title

VACATION OF EASEMENT FOR 2-TRACK ROAD

#268322
8-22-02
3:58 PM

Date: August 22, 2002
Grantor: MAYA DESIGN TAOS, LLC, a New Mexico limited liability company
Grantee: JOHN LANGFORD, single
Address: 7068 NDCBU
Taos, NM 87571

Description: A strip of land shown as a "2 Track Road," along the NORTHEASTERLY SIDE of TRACT 4A, as shown on the "Lot Line Adjustment Easement Vacation & Boundary Survey; Vista Linda Lots 4A, B, C, & D and Lots 5A, B, C, & D for Fred Fair," said plat being recorded in Cabinet B at page 55-B, records of Taos County, New Mexico.

Grantor's property is "TRACT 4A," of the Vista Linda Replat of Lots 4A, B, C & D, filed in Cabinet D, page 128-B, records of Taos County, New Mexico.

Grantee's property is "TRACT 4B," of the Vista Linda Replat of Lots 4A, B, C & D, filed in Cabinet D, page 128-B, records of Taos County, New Mexico.

For good and valuable consideration, Grantor and Grantee do hereby agree to ABANDON, RELINQUISH, AND VACATE the above-described easement for the "2 track road," in order to eliminate access to Grantee's property across Grantor's property by means of the above-described "2 Track Road," as it is shown on the referenced plat..

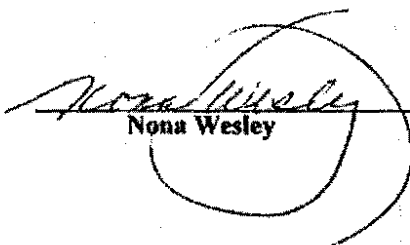
Grantor covenants that it is the owner of the easement tract described herein, which crosses Tract 4A and Tract 4B, and that it is entitled to abandon the easement described herein, with the concurrence of Grantees.

Grantees covenant that they are the owners of the appurtenant tract described herein (Tract 4B) and that they are entitled to consent to the abandonment of the easement for the 2-track road.

Wherever the context requires, as used in this document the masculine gender shall include the feminine gender, and the singular shall include the plural.

SIGNED THIS 22 DAY OF August, 2002.

Maya Design Taos, LLC.


Nona Wesley


Felipe Rodriguez

000777

Accommodation Only - No liability assumed by First New Mexico Title

#268321
8-22-02
3:55 PM

VACATION OF EASEMENT FOR 2-TRACK ROAD

Date: August 22, 2002
Grantor: STEPHEN DANIELS, single
Grantee: JOHN LANGFORD, single
Address: 7068 NDCBU
Taos, NM 87571

Description: A strip of land shown as a "2 Track Road," along the NORTHEASTERLY SIDE of TRACT 4C, as shown on the "Lot Line Adjustment Easement Vacation & Boundary Survey; Vista Linda Lots 4A, B, C, & D and Lots 5A, B, C, & D for Fred Fair," said plat being recorded in Cabinet B at page 55-B, records of Taos County, New Mexico.

Grantor's property, "TRACT 4C," of the Vista Linda Replat of Lots 4A, B, C & D, filed in Cabinet D, Page 128-B, records of Taos County, New Mexico.

Grantee's property, "TRACT 4B," of the Vista Linda Replat of Lots 4A, B, C & D, filed in Cabinet D, Page 128-B, records of Taos County, New Mexico.

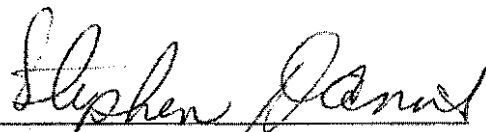
For good and valuable consideration, Grantor and Grantee do hereby agree to ABANDON, RELINQUISH, AND VACATE the above-described easement for the "2 track road," in order to eliminate access to Grantee's property across Grantor's property by means of the above-described "2 Track Road," as it is shown on the referenced plat..


Grantor covenants that he is the owner of the easement tract described herein, which crosses Tract 4C and Tract 4B, and that he is entitled to abandon the easement described herein, with the concurrence of Grantees.

Grantee covenants that he is the owner of the appurtenant tract described herein (Tract 4B) and that he is entitled to consent to the abandonment of the easement for the 2-track road.

Wherever the context requires, as used in this document the masculine gender shall include the feminine gender, and the singular shall include the plural.

SIGNED THIS 22 DAY OF Aug, 2002.


Stephen Daniels


John Langford

ACKNOWLEDGMENT

State of New Mexico
County of Taos

Signed before me, the undersigned authority, on this 22 day of August, 2002, by
Stephen Daniels.

[Signature]
Notary Public

My commission expires: Oct 10, 2004

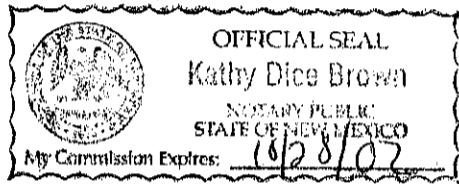
ACKNOWLEDGMENT

State of New Mexico
County of Taos

Signed before me, the undersigned authority, on this 27 day of Aug, 2002, by
John Langford.

[Signature]
Notary Public

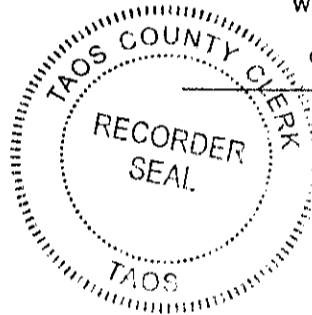
My commission expires:



COUNTY OF TAOS)
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
for record on the 22nd day of Aug, A.D.
2002 at 3:55 o'clock PM m.
and was duly recorded in book N 336
page 775-776 the records of Taos County,

Witness my Hand and Seal of Office
Jeannette G. Rael
County Clerk, Taos County, N.M.



[Signature]
Deputy

#192066
12/20/95
1:39

**ARTICLES OF ASSOCIATION
OF
VISTA LINDA ROAD MAINTENANCE ASSOCIATION**

In compliance with the requirements of Section 53-10-1, NMSA 1978 (1983 Repl.), et seq., the undersigned, all of whom are of lawful age, have this day voluntarily associated themselves together for the purpose of forming a non-profit, unincorporated association, and do hereby certify and adopt the following as the Articles of Association for the association:

ARTICLE I

The name of the association is VISTA LINDA ROAD MAINTENANCE ASSOCIATION, hereinafter called the "Association".

ARTICLE II

The principal office of the Association is located at P.O. Box 2671, Taos, NM 87571.

ARTICLE III

PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and is organized solely for non-profit purposes. The specific purposes for which it is formed are to provide for maintenance and repair of Vista Linda Road, said road being located within the Vista Linda Subdivision, Taos County, New

NOTARIAL PUBLIC STATE OF NEW MEXICO
My commission expires on 12/31/96
I hereby certify that the above is a true and correct copy of the original as the same appears in the records of the State of New Mexico.
Notary Public
[Signature]

00993

Mexico, and to promote the health, safety, and welfare of the residents and persons using said Vista Linda Road, and for this purpose to:

(a) Exercise all of the powers and privileges to perform all of the duties and obligations of the association as set forth in the By-laws of Vista Linda Road Maintenance Association, hereinafter called the "By-laws," as the same may be amended from time to time as therein provided, said By-laws being incorporated herein as if set forth at length;

(b) Fix, levy, collect, and enforce payment by any lawful means, all charges or assessment pursuant to the terms of the By-laws; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business;

(c) Acquire (by gift, purchase, or otherwise), hold, operate, maintain, sell, lease, transfer or otherwise dispose of personal property and any interest therein in connection with the affairs of the Association; including, but not limited to, construction, maintenance, and repair of roads, culverts, and drainage structures;

(d) Participate in mergers and consolidations with other associations or non-profit corporations organized for the same purposes, or annex additional residential road areas, provided that any such merger, consolidation,

§ All other provisions of the laws of the State of California relating to the powers and duties of the Board of Directors of the Vista Linda Road Maintenance Association shall apply to the Board of Directors of the Vista Linda Road Maintenance Association.

00994

or annexation shall be approved by the affirmative vote of two-thirds (2/3) of its members;

(e) Have and exercise any and all powers, rights, and privileges which an unincorporated association organized under the statutes of New Mexico by law may, now or hereafter, have or exercise.

ARTICLE IV

MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is within the Vista Linda Subdivision, as same is shown and designated on the plat thereof filed for record on April 24, 1970, in Volume 4 at page 95 and refiled September 24, 1970 in Volume 5 at page 15, records of Taos County, New Mexico, excluding sellers under real estate contracts and including purchasers under real estate contracts so long as such real estate contract is not in default, shall be eligible and qualified to become a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership of any individual shall terminate upon transfer of his or her interest in property within the subdivision.

ARTICLE V

VOTING RIGHTS

The Association shall have one (1) class of voting membership as defined in Article IV, above, and each member shall be entitled

NOTARIAL PUBLIC STATE OF NEW MEXICO
My commission expires on the 31st day of December, 1971.
I hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Taos, New Mexico.
Notary Public

00995

to one (1) vote for each lot owned and for which an assessment is paid (no more than one (1) vote per 1.25 acre lot or other irregular minimum size lot as defined in the Covenants and Restrictions for the Vista Linda Subdivision). When more than one person holds an interest in any lot, all such persons may be members of the Association, and the vote for such lot shall be exercised as the owners of such lot among themselves determine, but in no event shall more than one vote be cast with respect to any single 1.25 acre, or other minimum size, lot. Except as specifically described herein, a majority vote of the membership shall be sufficient to carry any proposed motion or resolution.

ARTICLE VI

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a board of five (5) directors, who shall be members of the Association. The number of directors may be changed by amendment of the By-laws of the Association. The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

1. David Dondero, P.O. Box 1498, Ranchos de Taos, NM 87557
2. Jim Pfeiffer, P.O. Box 1207, Ranchos de Taos, NM 87557
3. Billy Knight, P.O. Box 2008, El Prado, NM 87529
4. Kelan Emery, P.O. Box 2671, Taos, NM 87571
5. Anita Rodriguez, P.O. Box 1057, Ranchos de Taos, NM 87557

At the first annual meeting of the members they shall elect two (2) directors for a term of one year, and three (3) directors

NOTARIAL PUBLIC STATE OF NEW MEXICO
I, _____, County of _____, State of New Mexico, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.
Witness my hand and seal this _____ day of _____, 19____.

30996

for a term of two years; and at each annual meeting thereafter the members shall elect two or three directors for a term of three (3) years.

ARTICLE VII

DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of the members in good standing. Upon dissolution of the Association, other than incident to a merger or a consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for the purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any non-profit corporation, association, trust, or other organization to be devoted to such similar purposes.

ARTICLE VIII

DURATION

The Association shall exist perpetually, or, until such time as responsibility for maintenance of Vista Linde Road is assumed by the County of Taos, New Mexico.

ARTICLE IX

AMENDMENTS

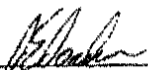
Amendment to these Articles shall require the assent of two-thirds (2/3) of the members in good standing. "Members in good

NOTARIAL PUBLIC STATE OF NEW MEXICO
My commission expires on 12/31/2011
I hereby certify that the foregoing is a true and correct copy of the original as the same appears on file in my office.
Notary Public for the State of New Mexico
My office is located at 1000 1/2 North 1st Street, Santa Fe, New Mexico 87501
My telephone number is 505-826-1111


00997

standing" shall be defined as members who have paid current all charges assessed against their respective lots.

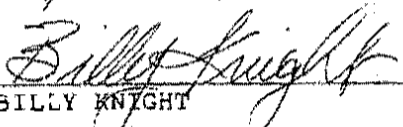
IN WITNESS WHEREOF, for the purpose of forming this Association under the laws of the State of New Mexico, we, the undersigned, constituting the persons forming this Association, have executed these Articles of Association this 27 day of November, 1995.



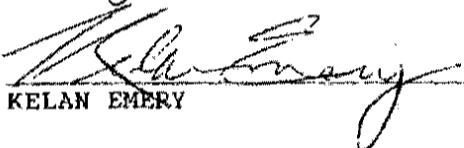
DAVID DONDERO



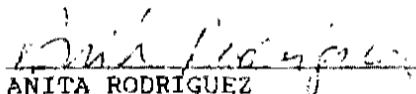
JIM PFEIFFER



BILLY KNIGHT



KELAN EMERY



ANITA RODRIGUEZ

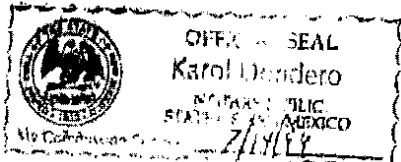
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ACKNOWLEDGMENT

STATE OF NEW MEXICO)
COUNTY OF TAOS) SS.

The foregoing instrument was acknowledged before me this 27
day of November, 1995, by DE DONDERO,
JIM PFEIFFER, BILLY KENIGHT, KELAN EMERY and
AVITA RODRIGUEZ, directors on behalf of
Vista Linda Road Maintenance Association.



Karl Dandero
Notary Public

My Commission Expires: 7/14/99

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
COUNTY OF TAOS) SS.

The foregoing instrument was acknowledged before me this _____
day of _____, 1995, by _____
_____, directors on behalf of Vista Linda Road Maintenance
Association.

Notary Public

My Commission Expires: _____

COUNTY OF TAOS)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
on the 20th day of Dec, A.D.
1995 at 1:30 o'clock P.m.
and was duly recorded in book 17-181
page 93-94 of the records of Taos County.

Witness my Hand and Seal of Office

Carmen M. Medina

County Clerk, Taos County, N.M.

Deputy 10999

Notary Public Seal

192922
1:50
1-18-86

**BY-LAWS
OF
VISTA LINDA ROAD MAINTENANCE ASSOCIATION**

ARTICLE I

NAME AND LOCATION

The name of the Association is Vista Linda Road Maintenance Association, hereinafter referred to as the "Association". The principal office of the Association shall be located at P.O. Box 2671, Santa Fe, NM 87501, but meetings of the members and directors may be held at such places within the state of New Mexico as may be designated by the board of Directors.

ARTICLE II

DEFINITIONS

1. "Association" shall mean and refer to Vista Linda Road Maintenance Association, its successors and assigns.

2. "Properties" shall mean and refer to that certain real property described in the plat for the Vista Linda Subdivision made and recorded on April 24, 1979 in Vol. 4 at page 95, and revised September 25, 1979 in Vol. 5 at page 15, all in the records of the County Clerk of Santa Fe County, New Mexico.

3. "Lot" shall mean and refer to any parcel of land shown upon the aforementioned recorded plats of the Properties, the area of which shall be 1.25 acres.

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4. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple interest to any Lot, but excluding sellers under real estate contract and including purchasers under real estate contract, but excluding those having such interest merely as security for the performance of an obligation.

5. "Member" shall mean and refer to those persons or entities who are members of the Association as provided in the Articles of Association of Vista Linda Road Maintenance Association.

ARTICLE III

MEETING OF MEMBERS

1. Annual Meetings. There shall be a meeting of the members on the first day of June of each year at 6 o'clock p.m. at the offices of Kelan Emery, Attorney at Law, 822-B Paseo del Pueblo Sur, Taos, New Mexico, or at such other place or time (such time shall not be more than sixty (60) days before or after the aforesaid date, as may be designated by written notice of the Board of Directors delivered to the Owners not less than fifteen (15) days prior to the date fixed for said meeting. At the annual meeting, the Board of Directors shall present an audit of the expenses, itemizing receipts and disbursements for the preceding calendar year, the allocation thereof to each Owner, and the estimated budget for the coming calendar year, and any other business which may properly be brought before the Association.

2. Special Meetings. Special meetings of the Members may be called at any time for the purpose of considering matters which require the approval of all or some of the Members, or for any other reasonable purpose. Said meeting shall be called by written notice, signed by a majority of the Board of Directors, or by the Members having one-third (1/3) of the total votes and delivered not less than fifteen (15) days prior to the date fixed for said meeting. Said notices shall specify the date, time, and place of the meeting, and the matters to be considered.

3. Notices. Any notice permitted or required to be delivered as provided herein may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered twenty-four (24) hours after a copy of same has been deposited in the United States mail, postage prepaid, addressed to each such member at the address given by such Member to the Association for the purpose of service of such notice or to the lot of such Member if no address has been given. Such address may be changed from time to time by notice in writing to the Association.

4. Quorum. The quorum requirements for any meeting shall be presence of the Members of fifty-one percent (51%) of the total votes in the Association.

5. Proxies. At all meetings of Members, each Member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary prior to the meeting. Every proxy shall be revocable and shall be automatically revoked upon conveyance by the Member of his shares. Any Member who has failed to pay any assessment

levied by the Association shall not be in good standing and shall not be allowed to cast his/her vote (s) or to participate in the meetings of Members until all assessments and interest, penalties, and fees thereon have been paid in full.

ARTICLE IV

BOARD OF DIRECTORS: SELECTION: TERM OF OFFICE

1. Number. The affairs of this Association shall be managed by a Board of five (5) Directors, who shall be Members of the Association.

2. Term of Office. At the first annual meeting, the Members shall elect two (2) directors for a term of one year, three (3) directors for a term of two years; and at each annual meeting thereafter the Members shall elect one or two directors (maintaining a total of five directors altogether) for a term of three years.

3. Resignation and Removal. Any Director may resign at any time by giving written notice to the remaining Directors. Any Director may be removed from the Board, with or without cause, by two-thirds (2/3) vote of all votes cast at a meeting of the Association called for this purpose. In the event of death, resignation, or removal of a director, his successor shall be selected by the remaining Members of the Board and shall serve until the next meeting of the Association, when another director will be elected.

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DATE 11/19/2001 BY 60322 UCBAW/STW

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4. Compensation. No director shall receive compensation for any service he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties, not to exceed \$10 unless pre-approved by the Board.

5. Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting of the directors which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same affect as though taken at a meeting of the directors.

ARTICLE V

NOMINATION AND ELECTION OF DIRECTORS

1. Nomination. Nomination for election to the Board of Directors may be made by any Member from the floor at the annual meeting. Such nominations may be made from among Members.

2. Election. Election to the Board of Directors shall be by secret written ballot at the annual meeting. At such election, the Members or their proxies may cast their votes in respect to each vacancy. The nominee receiving the largest number of votes for each vacancy shall be elected.

ARTICLE VI

MEETING OF DIRECTORS

1. Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly, without notice, at such place and hour as may be fixed from time to time by resolution of the Board.

2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two directors, after not less than three (3) days notice to each director.

3. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Each act or decision done or made by the Directors shall require the assent of a majority of the number of directors present at any meeting.

ARTICLE VII

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

1. Powers. The Board of Directors shall have power to:

a. Exercise for the Association all powers, duties, and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, or the Articles of Association;

b. Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from four (4) consecutive regular meetings of the Board of Directors and fill that vacancy; and

c. Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

d. Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association.

2. Duties. It shall be the duty of the Board of Directors to:

a. Cause to be kept a complete record of all its acts and affairs and to present a statement thereof to the members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the total votes of the membership;

b. Supervise all officers, agents, and employees of this Association, and to see that their duties are properly performed;

c. Set the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period.

d. Send written notice of each annual assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

e. Fix the amount of any special assessment against each Lot and send statements to each Owner as provided for therein; and

REPRODUCTION OF THIS DOCUMENT IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE BOARD OF DIRECTORS OF THE ASSOCIATION. THIS DOCUMENT IS THE PROPERTY OF THE ASSOCIATION AND IS TO BE KEPT IN CONFIDENCE. IT IS TO BE DESTROYED UPON THE DEATH OF THE MEMBER TO WHOM IT IS ISSUED.

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f. Send written notice of each special assessment to every Owner subject thereto at least thirty (30) days in advance of the due date.

g. Issue, or to cause an appropriate officer to issue, upon reasonable demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

h. Procure and maintain adequate liability and hazard insurance on property owned or maintained by the Association;

i. Cause all officers or employees having fiscal responsibilities to be bonded, if in the discretion of the Board of Directors such bond is deemed appropriate.

ARTICLE VIII

OFFICERS AND THEIR DUTIES

1. Enumeration of Officers. The officers of this Association shall be a president, vice-president, a secretary, and a treasurer, and such other officers as the Board of Directors may from time to time by resolution create, and who shall be members of the Association.

2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

3. Term. The officers of this Association, as enumerated in Article VIII, Paragraph 1 of these By-Laws, shall be elected annually by the Board from among their number and each shall hold office for one (1) year unless he/she shall sooner resign, or shall be removed, or otherwise disqualified to serve.

4. Special Officers. The Board may elect such other officers from the members as the affairs of the Association may require, each of whom shall hold office for such period, have such authority and perform such duties as the Board may, from time to time, determine.

5. Resignation and Removal. Any officer may be removed from office, with or without cause, by the Board. Any officer may resign at any time giving written notice to the Board. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise

specified therein, the acceptance of such resignation shall not be necessary to make it effective.

6. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces

7. Duties. The duties of the officers are as follows:

a. President. The president shall preside at all meetings of the members and Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all written instruments on behalf of the Association and shall co-sign all checks and promissory notes.

b. Vice-President. The vice-president shall act in the place and stead of the president in the event of his absence, inability, or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.

c. Secretary. The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their mailing address, and shall perform such other duties as required by the Board.

c. Treasurer. The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditure to be presented to the membership at its regular annual meeting.

ARTICLE IX

COMMITTEES

The Board of Directors may appoint committees as deemed appropriate in carrying out its purpose.

ARTICLE X

BOOKS AND RECORDS

The books, records, and papers of the Association, as well as the Articles of Association and By-Laws, shall at all times, during reasonable business hours, be subject to inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

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ARTICLE XI

ASSESSMENTS

As more fully provided in the Articles of Association, each member is obligated to pay to the Association annual and special assessments. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of ten percent (10%) per annum, and the Association may bring an action at law against the owner personally obligated to pay the same, and interest, costs, and reasonable attorneys' fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein.

ARTICLE XII

AMENDMENTS

1. These By-Laws may be amended, at an annual meeting or special meeting of the Members, by the affirmative two-thirds (2/3) vote of a quorum.

2. In the case of any conflict between the Articles of Association and these By-Laws, the Articles shall control.

ARTICLE XIII

MISCELLANEOUS

1. The Fiscal Year. The fiscal year of the Association shall begin on the first day of June and end on the 31st day of May of

ARTICLE XIII

MISCELLANEOUS

1. The Fiscal Year. The fiscal year of the Association shall begin on the first day of June and end on the 31st day of May of every year, except that the first fiscal year shall begin on the date of the inception of the association.

2. Indemnification of Board of Directors and Association. Each member of the Board of Directors or officer of the Association shall be indemnified by the Owners against all expenses and liabilities including attorneys' fees, reasonably incurred by or imposed upon them in connection with any proceeding to which they may be a party, or in which they may become involved by reason of their being or having been an officer or member of the Board of Directors, or any settlement thereof, whether or not they are a member of the Board of Directors or officer at the time such expenses are incurred except in cases wherein the officer or Board member is adjudged guilty of willful misfeasance or malfeasance in the performance of his duties; provided that in the event of a settlement the indemnification shall apply when the Board of Directors approves such settlement and reimbursement as being in the best interests of the Association.

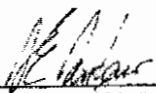
ARTICLE XIV

INTERESTED PARTIES

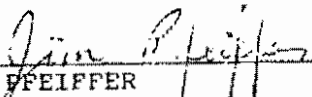
No transaction of the Association will be affected because a Member, Director, Officer, or Employee of the Association is

interested in the transaction. Such interested parties will be counted for quorum purposes, and may vote, when the Association considers the transaction. Such interested persons will not be liable to the Association for the party's profits, or the Association's losses from the transaction.

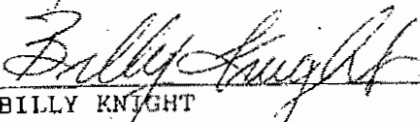
IN WITNESS WHEREOF, we being the initial Board of Directors of VISTA LINDA ROAD MAINTENANCE ASSOCIATION, having adopted these By-Laws of the Association, have hereunto set our hands this 21 day of November, 1995.



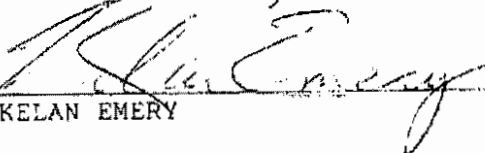
DAVID DONDERO



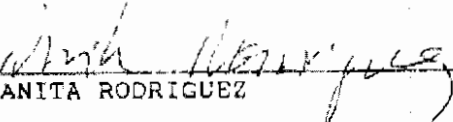
JIM PFEIFFER



BILLY KNIGHT



KELAN EMERY



ANITA RODRIGUEZ

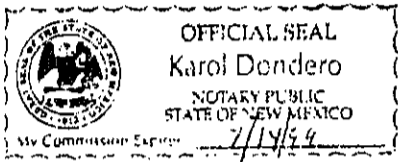
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ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF TAOS)

The foregoing instrument was acknowledged before me this 27
day of November, 1995, by DE POMERIO, Jim PHELIPPEL,
Billy KNIGHT, KELAN EMERY and ANITA RUIZQUIZ
_____, directors on behalf of Vista Linda Road Maintenance
Association.



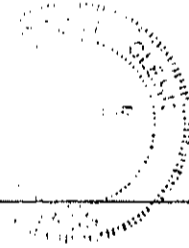
Karol Dondero
Notary Public

My Commission Expires: 7/18/94.

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF TAOS)

The foregoing instrument was acknowledged before me this _____
day of _____, 1995, by _____
_____, directors on behalf of Vista Linda Road Maintenance
Association.



Notary Public (STATE OF NEW MEXICO)

My Commission Expires: _____

I certify that this instrument was filed
on the 18 day of Jan A.D.
1996 at 1:50 o'clock P.m.
and was duly recorded in book M-182
page 692-706 records of Taos County.
Witness my Hand and Seal of Office

Carmen M. Medina
County Clerk, Taos County N.M.
Juan Valdez
Deputy
100706

ALL microphotographic copies of documents on this file shall
be of sufficient quality to be readable by the public. The
County Clerk's Office will not be responsible for the loss
of documents if they are not properly stored. Please do not
remove or alter the original document in any way.

**Declaration of Acceptance and Rejection
Of Road Dedications for the Vista Linda Subdivision
Taos County, New Mexico
By The Taos Board of County Commissioners**

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WHEREAS, the Vista Linda Subdivision is a residential subdivision located exclusively within the planning and platting jurisdiction of the County of Taos, State of New Mexico.

The Vista Linda Subdivision is a Subdivision of a portion of Block 8 and a portion of Block 9, Plat of Ranchos Orchard and Land Co., located in the Gijosa Land Grant, Taos County, New Mexico; and

WHEREAS, the Vista Linda Subdivision was approved by the Taos Board of County Commissioners on July 6, 1970, on the condition that the Final Plat of the Vista Linda Subdivision be signed and acknowledged by the owner of the Subdivision, B Bar H Corporation, and approved by the New Mexico Department of Health and Social Services; and

WHEREAS, on or before September 24, 1970, the Final Plat of the Vista Linda Subdivision was duly signed and acknowledged by the President and Secretary of the B Bar H Corporation and approved by the New Mexico Department of Health and Social Services. On September 24, 1970, the Final Plat of the Vista Linda Subdivision was then duly filed with the Office of the Taos County Clerk. A facsimile of the Final Plat of the Vista Linda Subdivision filed on September 24, 1970, is attached hereto and incorporated herein by reference as Appendix "A;" and

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WHEREAS, in order to obtain approval of the Vista Linda Subdivision by the Taos Board of County Commissioners, the subdivision owner, B Bar H Corporation, was required under the subdivision statutes then in effect in New Mexico to dedicate an accepted means of legal access from an existing public way to each lot within the Vista Linda Subdivision; and

WHEREAS, in satisfying this statutory requirement, the Final Plat of the Vista Linda Subdivision expressly provided as follows:

Vista Linda Subdivision, Filing No. 1, a Subdivision of Block 8 and a portion of Block 9, Plat of Ranchos Orchard and Land Co. in the Gijosa Land Grant, Taos County, New Mexico, is made with the free consent and in accordance with the desire of the undersigned Owner and Proprietor of said land including perpetual dedication of roads 20 feet on each side of all numbered lot boundary lines; and

WHEREAS, at the time the Final Plat of the Vista Linda Subdivision was approved and filed of record with the Taos County Clerk, there were certain subdivision and dedication statutes of the State of New Mexico then in force governing the creation of land subdivisions and the dedication of subdivision lands for public use as designated on the subdivision plat. One such statute provided as follows:

DEDICATION FOR PUBLIC USE. – The endorsement and filing of a plat is a dedication of the land designated on the plat for public use. Such land is public property. Fee vests in the county if the dedicated land lies outside the boundaries of a municipality.

Section 14-19-10, 1953 Comp. (Repl. Vol. 3, 1968), (Enacted by Laws 1965, Ch. 300, Section 14-19-10); and

WHEREAS, under New Mexico law, when the Final Plat of the Vista Linda Subdivision was endorsed and filed with the Taos County Clerk on September 24, 1970, the Dedicator, B Bar H

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Corporation, and its successors in interest in the Vista Linda Subdivision, became irrevocably bound by the perpetual dedication for public use of roads 20 feet on each side of all numbered lot boundary lines, as provided in the Final Plat of the Vista Linda Subdivision; and

WHEREAS, the County of Taos is not bound by this dedication under New Mexico law until the dedication is accepted, in whole or in part, by the Taos Board of County Commissioners, nor is the County of Taos bound to repair or maintain any dedicated roads unless and until that obligation is expressly assumed by the Taos Board of County Commissioners; and

WHEREAS, although the Taos Board of County Commissioners has approved the Final Plat of the Vista Linda Subdivision, the County has not formally accepted the roads dedicated in the Final Plat of the Vista Linda Subdivision, and until a formal acceptance or rejection of the road dedications is made by the Taos Board of County Commissioners, title to and lawful use by the public of the roads 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision will remain uncertain in light of the dedication statute quoted above; and

WHEREAS, in order to fully and finally resolve the issue of title to and lawful use by the public of roads 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision, the County of Taos, by and through its Board of County Commissioners, after providing notice to the public and having conducted a public hearing on the matter on April 26, 1999, and a second hearing on June 28, 1999, has decided to accept or reject the dedication of certain roads within the Vista Linda Subdivision as specifically set forth below.

NOW THEREFORE, the Taos Board of County Commissioners, by this Declaration of Acceptance and Rejection Of Road Dedications for the Vista Linda Subdivision, Taos County, New Mexico, does hereby formally accept or reject on behalf of the County of Taos the dedication of roads 20 feet on each side of all numbered lot boundary lines (a total right-of-way

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forty feet [40'] in width) within the Vista Linda Subdivision specifically and exclusively as follows:

1. Road Dedications Accepted or Rejected and Exceptions.

A. The forty foot (40') wide dedication of VISTA DEL OCASSO ROAD, from its intersection with County Road C-110 (formerly State Road No. 96 and formerly State Road 570) on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the north boundary line of the Vista Linda Subdivision is hereby accepted by the County of Taos, as more fully shown on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of the dedication of VISTA DEL OCASSO ROAD, from the "end point" to the north boundary of the Vista Linda Subdivision, is hereby expressly rejected.

B. The forty foot (40') wide dedication of VISTA LINDA ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to a centerline point one hundred feet (100') south of the north boundary line of the Vista Linda Subdivision, is hereby accepted by the County of Taos, as more fully shown on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B."

C. In addition to the acceptance of VISTA LINDA ROAD as set forth in subparagraph B of Paragraph 1, next above, the County of Taos also accepts a forty foot (40') wide by approximately one hundred foot (100') long road dedication for the following extension and realignment of VISTA LINDA ROAD: Commencing at the

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centerline point of VISTA LINDA ROAD one hundred feet (100') south of the north boundary line of the Vista Linda Subdivision, VISTA LINDA ROAD shall curve gently to the west and then proceed in a northerly direction along and within the eastern boundary of numbered Lot 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision to an end point intersecting the north boundary line of the Vista Linda Subdivision, maintaining throughout the length of the extension and realignment a width of forty feet (40'), all as more fully shown on the Plat of Roads for the Vista Linda Subdivision attached hereto and incorporated herein by reference as Appendix "B." Except as provided below, this north extension and realignment of VISTA LINDA ROAD shall be located upon a strip of land forty feet (40') in width and approximately one hundred feet (100') in length, bounded on the east by the east boundary line of numbered Lot 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision and running south to north commencing at the centerline point of VISTA LINDA ROAD one hundred feet (100') south of the north boundary line of the Vista Linda Subdivision, and continuing north to an "end point" intersecting the north boundary line of the Vista Linda Subdivision. This forty foot (40') wide by approximately one hundred foot (100') long strip of land has heretofore been perpetually dedicated to the County of Taos by a written instrument dated March 29, 1999, duly signed and acknowledged by the owners of numbered Lot 2, (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision, for themselves and their successors in interest. The County of Taos hereby accepts this perpetual dedication of land. To the extent necessary to accommodate the curvature to the west of the north extension and realignment of VISTA LINDA ROAD,

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the twenty foot (20') wide dedication of land running south to north along and within the west boundary of numbered Lot 1 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision is hereby accepted. The remainder of said twenty foot (20') wide dedication of land within the west boundary of said numbered Lot 1, approximately thirty feet (30') in length from the north boundary of the Vista Linda Subdivision is hereby rejected, all as more fully shown on the Plat of Roads for the Vista Linda Subdivision attached hereto and incorporated herein by reference as Appendix "B."

D. The forty foot (40') wide dedication of IRISH ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the intersection of IRISH ROAD with the east-west road between numbered Lots 32 and 17 is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of the dedication of IRISH ROAD, from the "end point" to the intersection of IRISH ROAD with the east-west road between numbered Lots 32 and 17, is hereby expressly rejected.

E. The forty foot (40') wide dedication of DOS ARROYOS ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the northern boundary of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of

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the dedication of DOS ARROYOS ROAD, from the "end point" to the northern boundary of the Vista Linda Subdivision, is hereby expressly rejected.

F. The forty foot (40') wide dedication of ALL OTHER NORTH-SOUTH ROADS not listed above which have been constructed, or which may be constructed in the future, in a north-south direction 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision and south of the large arroyo which runs from southeast to northwest across numbered Lots 8, 6, 5, 36, 35 and 34, commencing at a "beginning point" on the south no closer than one-hundred feet (100') distant from the east diagonal boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" ten feet (10') distant from the southern edge of the aforesaid arroyo is hereby accepted, except as set forth in the "EXCEPTIONS" contained in sub-paragraph H, below, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of the remaining portions of these north-south roads or future north-south roads, which are south of the aforesaid arroyo, is hereby expressly rejected. The County specifically rejects all road dedications that run within the walls and floor of the aforementioned arroyo and ten feet (10') in either direction from said arroyo. The entire length of West Romero Road, as same runs north and south through Vista Linda Subdivision between numbered Lots 2 and 7 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision) on the west side and numbered Lot 1 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision) on the east side is hereby accepted. The dedication of all other NORTH-SOUTH roads not listed above which have been constructed, or which may be constructed in the future, in a north-south direction, twenty feet (20') on

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each side of all numbered lot boundary lines within the Vista Linda Subdivision, and north of the large arroyo heretofore described, commencing at a "beginning point" on the south no closer than ten feet (10') distant from said arroyo and continuing in a northerly direction to the north boundary of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B."

G. The forty foot (40') wide dedication of ALL EAST-WEST ROADS which have been constructed, or which may be constructed in the future, in an east-west direction 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision, commencing at a "beginning point" on the east no closer than one-hundred feet (100') distant from the east boundary of the Vista Linda Subdivision and continuing in a westerly direction to an "end point" one-hundred feet (100') distant from the west boundary of the Vista Linda Subdivision is hereby accepted, except as specifically set forth in the "EXCEPTIONS" contained in sub-paragraph H, below, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of twenty feet (20') along the north boundary lines of numbered Lots 1, 2, 3 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision), 4, 35 and 34, as same runs in an east-west direction from West Romero Road on the eastern side of the Vista Linda Subdivision, commencing at a "beginning point" on the west not closer than ten feet (10') distant from the northern edge of the arroyo and continuing in an easterly direction to an "end point" one hundred feet (100') distant from the east diagonal boundary line of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda

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Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of the remaining portions of these east-west roads or future east-west roads, including the following "EXCEPTIONS," is hereby expressly rejected. The County specifically rejects all road dedications that run within the walls and floor of the aforementioned arroyo and ten feet (10') in either direction from said arroyo.

H. EXCEPTIONS. The forty-foot (40') wide dedication of portions of north-south and east-west roads or future north-south and east-west roads is hereby expressly rejected with respect to the following, to-wit:

- i. a 100-foot section of the east-west road between numbered Lots 104 and 97, equidistant from the eastern and western boundary lines of said numbered Lots;
- ii. a 100-foot section of the east-west road between numbered Lots 97 and 84, equidistant from the eastern and western boundary lines of said numbered Lots;
- iii. a 100-foot section of the east-west road between numbered Lots 75 and 62, equidistant from the eastern and western boundary lines of said numbered Lots;
- iv. a 100-foot section of the east-west road between numbered Lots 53 and 40, equidistant from the eastern and western boundary lines of said numbered Lots;
- v. a 100-foot section of the east-west road between numbered Lots 31 and 18, equidistant from the eastern and western boundary lines of said numbered Lots;
- vi. a 100-foot section of the east-west road between numbered Lots 15 and 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) equidistant from the eastern and western boundary lines of said numbered Lots;
- vii. a 100-foot section of the east-west road between numbered Lots 103 and 98, equidistant from the eastern and western boundary lines of said numbered Lots;

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- viii. a 100-foot section of the east-west road between numbered Lots 102 and 99, equidistant from the eastern and western boundary lines of said numbered Lots;
- ix. a 100-foot section of the east-west road between numbered Lots 98 and 83, beginning 20 feet from the western boundaries of said numbered lots;
- x. a 100-foot section of the east-west road between numbered Lots 76 and 61, beginning 20 feet from the eastern boundaries of said numbered lots;
- xii. a 100-foot section of the east-west road between numbered Lots 99 and 82, beginning 20 feet from the eastern boundaries of said numbered lots;
- xiii. a 100-foot section of the east-west road between numbered Lots 82 and 77, beginning 20 feet from the eastern boundaries of said numbered lots;
- xiv. a 100-foot section of the east-west road between numbered Lots 55 and 38, beginning 20 feet from the eastern boundaries of said numbered lots;
- xv. a 100-foot section of the east-west road between numbered Lots 4 and 5, beginning 20 feet from the western boundaries of said numbered lots;
- xvi. the entire length of the boundary line running north and south between the two lots within numbered Lot 105, except the northernmost twenty feet (20') thereof;
- xvii. the entire length of the boundary line running north and south between the two lots within numbered Lot 104;
- xviii. the entire length of the boundary line running north and south between the two lots within numbered Lot 103;
- xix. the entire length of the boundary line running north and south between the two lots within numbered Lot 102;
- xx. the entire length of the boundary line running north and south between the two lots within numbered Lot 100, except the northernmost twenty feet (20') thereof;

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- xxi. the entire length of the boundary line running north and south between the two lots within numbered Lot 17, except the northernmost and southernmost twenty feet (20') thereof;
- xxii. the entire length of the boundary line running north and south between the two lots within numbered Lot 1 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision), except the southernmost twenty feet (20') thereof;
- xxiii. the entire length of the east-west road between numbered Lots 78 and 59, except for the last 20 feet on either end of said road;
- xxiv. the entire length of the east-west road between numbered Lots 79 and 58, except for the last 20 feet on either end of said road;
- xxv. a 100-foot section of the north-south road between numbered Lots 79 and 12 beginning 20 feet from the north boundaries of said numbered lots.

I. Except as specifically accepted by the County hereinabove, the dedication of the entire length of the outer perimeter boundary of the Vista Linda Subdivision is hereby rejected. Nothing in this subparagraph shall be construed to impair in any manner the road dedications herein accepted by the County of Taos, including, the intersection of VISTA LINDA ROAD and County Road C-110 and the intersection of VISTA LINDA ROAD as realigned and the northern boundary of the Vista Linda Subdivision, where an adjoining thirty (30) acre tract of land owned by Petitioner ELIU E. ROMERO shall have lawful public access to VISTA LINDA ROAD.

J. The dedication of any road or future road 20 feet on each side of any numbered lot boundary line within the Vista Linda Subdivision not accepted in this Paragraph 11 shall be deemed rejected. The rejection of such dedicated roads by the County of Taos shall constitute a final and binding election by the County of Taos of its dedication rights under the Final Plat of the Vista Linda Subdivision. Henceforth, the County of Taos shall not build, nor authorize to be built any other public roads within the Vista Linda Subdivision except by condemnation or in a manner otherwise provided by law.

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K. The acceptance by the County of Taos of the road dedications described above and as indicated in Appendix "B" provides an accepted means of legal access from an existing public way to each lot within the Vista Linda Subdivision. This acceptance of road dedications by the County of Taos shall run with the land and be binding upon all owners of Lots in the Vista Linda Subdivision and their successors in interest.

L. The acceptance or rejection of road dedications by the County of Taos shall not affect the dedication of utility easements as provided in the Final Plat of the Vista Linda Subdivision.

M. To the extent Paragraph 9 of the restrictive covenants contained in the Final Plat of the Vista Linda Subdivision purports to dedicate to the public, or reserve for dedication to the public, roads interior to each numbered lot in the Vista Linda Subdivision, such dedication or reservation for dedication is hereby rejected by the County of Taos.

2. Title to Accepted Road Dedications and Public Use. With respect to those roads, future roads or portions thereof for which dedication has been accepted by the County of Taos, above, including VISTA LINDA ROAD as realigned, such land is public property, title in fee to such land is vested in the County of Taos and such roads shall be subject to public use as authorized by law. With respect to those roads, future roads or portions thereof for which the dedications have been accepted by the County of Taos, above, including VISTA LINDA ROAD as realigned, such acceptance shall not be considered to have effectively reduced the area within any lot for purposes of any regulation or restriction contained in the Final Plat of the Vista Linda Subdivision, or for purposes of any County regulations concerning minimum lot size for

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residential building, installation of septic systems or water well drilling. To the extent that any lot within the Vista Linda Subdivision may effectively be reduced in size as a result of the aforementioned acceptance of dedications to an area below minimum lot sizes set forth in either the Final Plat of the Vista Linda Subdivision or any County regulations ("Affected Lot"), the County of Taos hereby grants a variance to the owner of any such Affected Lot so that such Affected Lot shall be deemed to satisfy the minimum lot size requirements for building, installation of septic systems and drilling water wells. This provision shall apply to all Affected Lots within the Vista Linda Subdivision including, but not limited to, Number Lot 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision).

3. Rejected Road Dedications -- Private Property Subject To Final Plat of Vista Linda Subdivision. With respect to those roads, future roads or portions thereof for which dedication has been rejected by the County of Taos, above, such land is private property, subject, however, to such other rights, restrictions, reservations and obligations as may be contained in the Final Plat of the Vista Linda Subdivision filed with the Taos County Clerk on September 24, 1970. It is expressly acknowledged that the owners of real property within the Vista Linda Subdivision shall continue to enjoy private easement rights as specifically provided for in Paragraph 9 of the Restrictive Covenants on the Final Plat of the Vista Linda Subdivision.

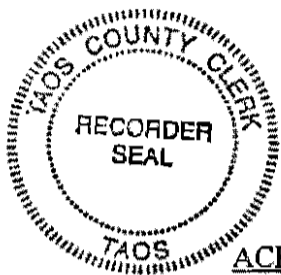
4. County of Taos Does Not Hereby Assume the Obligation to Maintain and Repair the Accepted Road Dedications. With respect to those roads, future roads or portions thereof for which dedication has been accepted by the County of Taos, above, the County of Taos does not by such acceptance assume the obligation to maintain or repair said roads, but reserves the right to determine if, when and the extent to which the County of Taos should undertake said obligation to maintain or repair said roads in the future.

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The foregoing Declaration of Acceptance and Rejection Of Road Dedications for the Vista Linda Subdivision, Taos County, New Mexico was APPROVED by the Taos Board of County Commissioners at its Meeting of June 28, 1999.

COUNTY OF TAOS, NEW MEXICO

By Manuel P. Trigueros
CHAIRPERSON
TAOS BOARD OF COUNTY COMMISSIONERS



COUNTY OF TAOS)
STATE OF NEW MEXICO)

ACKNOWLEDGMENT

I hereby certify that this instrument was filed
for record on the 9 day of Aug A.D.
19 99 at 1:21 o'clock P. m.
and was duly recorded in book M-266
page 672-685 records of Taos County.

Witness my Hand and Seal of Office
Jeannette G. Reel
County Clerk, Taos County, N.M.

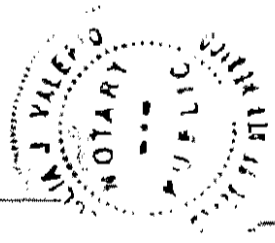
Jeannette G. Reel
Deputy

STATE OF NEW MEXICO)
COUNTY OF TAOS) ss.

On this 26th day of July, 1999, the foregoing instrument was duly acknowledged before me by the Taos Board of County Commissioners, acting through Manuel P. Trigueros, the Chairman of the Taos Board of County Commissioners.

Julie J. Valerio
NOTARY PUBLIC

My Commission Expires: 10-25-2001



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10-5-04
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**AMENDMENT TO DECLARATION OF ACCEPTANCE AND REJECTION
OF ROAD DEDICATIONS FOR THE VISTA LINDA SUBDIVISION TAOS
COUNTY, NEW MEXICO BY THE TAOS BOARD OF COUNTY
COMMISSIONERS**

WHEREAS, Taos County executed and filed for record a certain Declaration of Acceptance and Rejection of Road Dedications for the Vista Linda Subdivision on July 26, 1999 in Book M-216 pages 672-685, records of Taos County and;

WHEREAS, said Declaration accepted, on behalf of Taos County, certain dedicated roads within the Vista Linda Subdivision in fee simple title and;

WHEREAS, the acceptance of dedication in fee simple title was based upon a statutory definition of Dedication For Public Use within the New Mexico Subdivision Act 47-6-5 that was in effect only until July 1, 1996 and which provided as follows:

Dedication for Public Use. The endorsement and filing of a plat is a dedication of the land designated on the plat for public use. Such land is public property. Fee vests in the county if the dedicated land lies outside the boundaries of a municipality.

WHEREAS, the current and effective definition of Dedication for Public Use within the New Mexico Subdivision Act 47-6-5 reads as follows;

Dedication for Public Use: The final plat shall contain a certificate stating that the board of county commissioners accepted, accepted subject to improvement or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication.....

WHEREAS, by accepting fee simple title to the roads within Vista Linda Subdivision, the County holds title to property that has, for decades, been considered to be held in fee simple title by the lot owners within the Vista Linda Subdivision and;

WHEREAS, the amended definition of Dedication for Public Use does not require that title to the public roads within the Vista Linda Subdivision be vested in fee simple in the County.


NOW THEREFORE BE IT RESOLVED, that the Taos County Board of County Commissioners does hereby amend the Declaration of Acceptance and Rejection of Road Dedications for the Vista Linda Subdivision to exclude all references to Taos County accepting fee simple title to the roads within the Vista Linda Subdivision, and instead, Taos County does hereby accept dedication of the roads within the Vista Linda Subdivision for public use as those roads are described in the original Declaration.

The effect of this Amendment is that Taos County accepts for dedication a perpetual easement for ingress and egress in favor of the public through and over all of the roads described in the original Declaration as being accepted for dedication by Taos County. Taos County does not

accept the dedication in fee simple title, and therefore, title to the roads remains vested in the lot owners subject to the perpetual easement in favor of the public.

All other remaining provisions of the original Declaration remain in full force and effect.

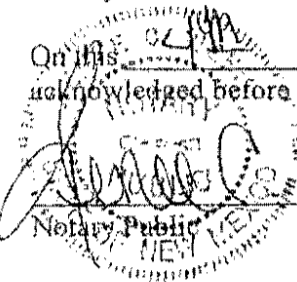
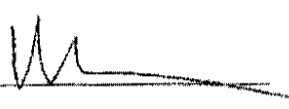
TAOS COUNTY BOARD OF COMMISSIONERS



Nicklos E. Jaramillo, Chairman

State of New Mexico)
)ss.
County of Taos)

On this 04th day of October, 2004 the foregoing instrument was acknowledged before me by the Nicklos E. Jaramillo, Taos County Commission Chairman.

Notary Public
NEW MEXICO

My Commission Expires: 12/18/07

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**Declaration of Acceptance and Rejection
Of Road Dedications for the Vista Linda Subdivision
Taos County, New Mexico
By The Taos Board of County Commissioners**

WHEREAS, the Vista Linda Subdivision is a residential subdivision located exclusively within the planning and platting jurisdiction of the County of Taos, State of New Mexico. The Vista Linda Subdivision is a Subdivision of a portion of Block 8 and a portion of Block 9, Plat of Rancho Orchard and Land Co., located in the Gijosa Land Grant, Taos County, New Mexico; and

WHEREAS, the Vista Linda Subdivision was approved by the Taos Board of County Commissioners on July 6, 1970, on the condition that the Final Plat of the Vista Linda Subdivision be signed and acknowledged by the owner of the Subdivision, B Bar H Corporation, and approved by the New Mexico Department of Health and Social Services; and

WHEREAS, on or before September 24, 1970, the Final Plat of the Vista Linda Subdivision was duly signed and acknowledged by the President and Secretary of the B Bar H Corporation and approved by the New Mexico Department of Health and Social Services. On September 24, 1970, the Final Plat of the Vista Linda Subdivision was then duly filed with the Office of the Taos County Clerk. A facsimile of the Final Plat of the Vista Linda Subdivision filed on September 24, 1970, is attached hereto and incorporated herein by reference as Appendix "A;" and

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WHEREAS, in order to obtain approval of the Vista Linda Subdivision by the Taos Board of County Commissioners, the subdivision owner, B Bar H Corporation, was required under the subdivision statutes then in effect in New Mexico to dedicate an accepted means of legal access from an existing public way to each lot within the Vista Linda Subdivision; and

WHEREAS, in satisfying this statutory requirement, the Final Plat of the Vista Linda Subdivision expressly provided as follows:

Vista Linda Subdivision, Filing No. 1, a Subdivision of Block 8 and a portion of Block 9, Plat of Ranchos Orchard and Land Co. in the Gijosa Land Grant, Taos County, New Mexico, is made with the free consent and in accordance with the desire of the undersigned Owner and Proprietor of said land including perpetual dedication of roads 20 feet on each side of all numbered lot boundary lines; and

WHEREAS, at the time the Final Plat of the Vista Linda Subdivision was approved and filed of record with the Taos County Clerk, there were certain subdivision and dedication statutes of the State of New Mexico then in force governing the creation of land subdivisions and the dedication of subdivision lands for public use as designated on the subdivision plat. One such statute provided as follows:

DEDICATION FOR PUBLIC USE. The endorsement and filing of a plat is a dedication of the land designated on the plat for public use. Such land is public property. Fee vests in the county if the dedicated land lies outside the boundaries of a municipality.

Section 14-19-10, 1953 Comp. (Repl. Vol. 3, 1968). (Enacted by Laws 1965, Ch. 300, Section 14-19-10); and

WHEREAS, under New Mexico law, when the Final Plat of the Vista Linda Subdivision was endorsed and filed with the Taos County Clerk on September 24, 1970, the Dedicator, B Bar H

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Corporation, and its successors in interest in the Vista Linda Subdivision became irrevocably bound by the perpetual dedication for public use of roads 20 feet on each side of all numbered lot boundary lines, as provided in the Final Plat of the Vista Linda Subdivision; and

WHEREAS, the County of Taos is not bound by this dedication under New Mexico law until the dedication is accepted, in whole or in part, by the Taos Board of County Commissioners, nor is the County of Taos bound to repair or maintain any dedicated roads unless and until that obligation is expressly assumed by the Taos Board of County Commissioners; and

WHEREAS, although the Taos Board of County Commissioners has approved the Final Plat of the Vista Linda Subdivision, the County has not formally accepted the roads dedicated in the Final Plat of the Vista Linda Subdivision, and until a formal acceptance or rejection of the road dedications is made by the Taos Board of County Commissioners, title to and lawful use by the public of the roads 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision will remain uncertain in light of the dedication statute quoted above; and

WHEREAS, in order to fully and finally resolve the issue of title to and lawful use by the public of roads 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision, the County of Taos, by and through its Board of County Commissioners, after providing notice to the public and having conducted a public hearing on the matter on April 26, 1999, and a second hearing on June 28, 1999, has decided to accept or reject the dedication of certain roads within the Vista Linda Subdivision as specifically set forth below.

NOW THEREFORE, the Taos Board of County Commissioners, by this Declaration of Acceptance and Rejection Of Road Dedications for the Vista Linda Subdivision, Taos County, New Mexico, does hereby formally accept or reject on behalf of the County of Taos the dedication of roads 20 feet on each side of all numbered lot boundary lines (a total right-of-way

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forty feet (40') in width within the Vista Linda Subdivision specifically and exclusively as follows:

I. Road Dedications Accepted or Rejected and Exceptions.

A. The forty foot (40') wide dedication of VISTA DEL OCASSO ROAD, from its intersection with County Road C-110 (formerly State Road No. 96 and formerly State Road 570) on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the north boundary line of the Vista Linda Subdivision is hereby accepted by the County of Taos as more fully shown on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of the dedication of VISTA DEL OCASSO ROAD, from the "end point" to the north boundary of the Vista Linda Subdivision, is hereby expressly rejected.

B. The forty foot (40') wide dedication of VISTA LINDA ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to a centerline point one hundred feet (100') south of the north boundary line of the Vista Linda Subdivision, is hereby accepted by the County of Taos, as more fully shown on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B."

C. In addition to the acceptance of VISTA LINDA ROAD as set forth in subparagraph B of Paragraph I, next above, the County of Taos also accepts a forty foot (40') wide by approximately one hundred foot (100') long road dedication for the following extension and realignment of VISTA LINDA ROAD: Commencing at the

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centerline point of VISTA LINDA ROAD one hundred feet (100') south of the north boundary line of the Vista Linda Subdivision, VISTA LINDA ROAD shall curve gently to the west and then proceed in a northerly direction along and within the eastern boundary of numbered Lot 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision to an end point intersecting the north boundary line of the Vista Linda Subdivision, maintaining throughout the length of the extension and realignment a width of forty feet (40'), all as more fully shown on the Plat of Roads for the Vista Linda Subdivision attached hereto and incorporated herein by reference as Appendix "B." Except as provided below, this north extension and realignment of VISTA LINDA ROAD shall be located upon a strip of land forty feet (40') in width and approximately one hundred feet (100') in length, bounded on the east by the east boundary line of numbered Lot 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision and running south to north commencing at the centerline point of VISTA LINDA ROAD one hundred feet (100') south of the north boundary line of the Vista Linda Subdivision, and continuing north to an "end point" intersecting the north boundary line of the Vista Linda Subdivision. This forty foot (40') wide by approximately one hundred foot (100') long strip of land has heretofore been perpetually dedicated to the County of Taos by a written instrument dated March 29, 1999, duly signed and acknowledged by the owners of numbered Lot 2, (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision, for themselves and their successors in interest. The County of Taos hereby accepts this perpetual dedication of land. To the extent necessary to accommodate the curvature to the west of the north extension and realignment of VISTA LINDA ROAD.

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the twenty foot (20') wide dedication of land running south to north along and within the west boundary of numbered Lot 1 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision is hereby accepted. The remainder of said twenty foot (20') wide dedication of land within the west boundary of said numbered Lot 1, approximately thirty feet (30') in length from the north boundary of the Vista Linda Subdivision is hereby rejected, all as more fully shown on the Plat of Roads for the Vista Linda Subdivision attached hereto and incorporated herein by reference as Appendix "B."

D. The forty foot (40') wide dedication of IRISH ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the intersection of IRISH ROAD with the east-west road between numbered Lots 32 and 17 is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of the dedication of IRISH ROAD, from the "end point" to the intersection of IRISH ROAD with the east-west road between numbered Lots 32 and 17, is hereby expressly rejected.

E. The forty foot (40') wide dedication of DOS ARROYOS ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the northern boundary of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of

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the dedication of DOS ARROYOS ROAD, from the "end point" to the northern boundary of the Vista Linda Subdivision, is hereby expressly rejected.

F. The forty foot (40') wide dedication of ALL OTHER NORTH-SOUTH ROADS not listed above which have been constructed, or which may be constructed in the future, in a north-south direction 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision and south of the large arroyo which runs from southeast to northwest across numbered Lots 8, 6, 5, 36, 35 and 34, commencing at a "beginning point" on the south no closer than one-hundred feet (100') distant from the east diagonal boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" ten feet (10') distant from the southern edge of the aforesaid arroyo is hereby accepted, except as set forth in the "EXCEPTIONS" contained in sub-paragraph H. below, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of the remaining portions of these north-south roads or future north-south roads, which are south of the aforesaid arroyo, is hereby expressly rejected. The County specifically rejects all road dedications that run within the walls and floor of the aforementioned arroyo and ten feet (10') in either direction from said arroyo. The entire length of West Romero Road, as same runs north and south through Vista Linda Subdivision between numbered Lots 2 and 7 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision) on the west side and numbered Lot 1 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision) on the east side is hereby accepted. The dedication of all other NORTH-SOUTH roads not listed above which have been constructed, or which may be constructed in the future, in a north-south direction, twenty feet (20') on

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each side of all numbered lot boundary lines within the Vista Linda Subdivision, and north of the large arroyo heretofore described, commencing at a "beginning point" on the south no closer than ten feet (10') distant from said arroyo and continuing in a northerly direction to the north boundary of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B."

G. The forty foot (40') wide dedication of ALL EAST-WEST ROADS which have been constructed, or which may be constructed in the future, in an east-west direction 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision, commencing at a "beginning point" on the east no closer than one-hundred feet (100') distant from the east boundary of the Vista Linda Subdivision and continuing in a westerly direction to an "end point" one-hundred feet (100') distant from the west boundary of the Vista Linda Subdivision is hereby accepted, except as specifically set forth in the "EXCEPTIONS" contained in sub-paragraph H, below, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of twenty feet (20') along the north boundary lines of numbered Lots 1, 2, 3 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision), 4, 35 and 34, as same runs in an east-west direction from West Romero Road on the eastern side of the Vista Linda Subdivision, commencing at a "beginning point" on the west not closer than ten feet (10') distant from the northern edge of the arroyo and continuing in an easterly direction to an "end point" one hundred feet (100') distant from the east diagonal boundary line of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda

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Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of the remaining portions of these east-west roads or future east-west roads, including the following "EXCEPTIONS," is hereby expressly rejected. The County specifically rejects all road dedications that run within the walls and floor of the aforementioned arroyo and ten feet (10') in either direction from said arroyo.

II EXCEPTIONS. The forty-foot (40') wide dedication of portions of north-south and east-west roads or future north-south and east-west roads is hereby expressly rejected with respect to the following, to-wit:

- i. a 100-foot section of the east-west road between numbered Lots 104 and 97, equidistant from the eastern and western boundary lines of said numbered Lots;
- ii. a 100-foot section of the east-west road between numbered Lots 97 and 84, equidistant from the eastern and western boundary lines of said numbered Lots;
- iii. a 100-foot section of the east-west road between numbered Lots 75 and 62, equidistant from the eastern and western boundary lines of said numbered Lots;
- iv. a 100-foot section of the east-west road between numbered Lots 53 and 40, equidistant from the eastern and western boundary lines of said numbered Lots;
- v. a 100-foot section of the east-west road between numbered Lots 31 and 18, equidistant from the eastern and western boundary lines of said numbered Lots;
- vi. a 100-foot section of the east-west road between numbered Lots 15 and 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) equidistant from the eastern and western boundary lines of said numbered Lots;
- vii. a 100-foot section of the east-west road between numbered Lots 103 and 98, equidistant from the eastern and western boundary lines of said numbered Lots;

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- viii. a 100-foot section of the east-west road between numbered Lots 102 and 99, equidistant from the eastern and western boundary lines of said numbered Lots.
- ix. a 100-foot section of the east-west road between numbered Lots 98 and 83, beginning 20 feet from the western boundaries of said numbered lots;
- x. a 100-foot section of the east-west road between numbered Lots 76 and 61, beginning 20 feet from the eastern boundaries of said numbered lots;
- xi. a 100-foot section of the east-west road between numbered Lots 54 and 39, beginning 20 feet from the eastern boundaries of said numbered lots;
- xii. a 100-foot section of the east-west road between numbered Lots 99 and 82, beginning 20 feet from the eastern boundaries of said numbered lots;
- xiii. a 100-foot section of the east-west road between numbered Lots 82 and 77, beginning 20 feet from the eastern boundaries of said numbered lots;
- xiv. a 100-foot section of the east-west road between numbered Lots 55 and 38, beginning 20 feet from the eastern boundaries of said numbered lots;
- xv. a 100-foot section of the east-west road between numbered Lots 4 and 5, beginning 20 feet from the western boundaries of said numbered lots;
- xvi. the entire length of the boundary line running north and south between the two lots within numbered Lot 105, except the northernmost twenty feet (20') thereof.
- xvii. the entire length of the boundary line running north and south between the two lots within numbered Lot 104;
- xviii. the entire length of the boundary line running north and south between the two lots within numbered Lot 103;
- xix. the entire length of the boundary line running north and south between the two lots within numbered Lot 102;
- xx. the entire length of the boundary line running north and south between the two lots within numbered Lot 100, except the northernmost twenty feet (20') thereof.

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- xxi. the entire length of the boundary line running north and south between the two lots within numbered Lot 17, except the northernmost and southernmost twenty feet (20') thereof;
- xxii. the entire length of the boundary line running north and south between the two lots within numbered Lot 1 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision), except the southernmost twenty feet (20') thereof;
- xxiii. the entire length of the east-west road between numbered Lots 78 and 59, except for the last 20 feet on either end of said road;
- xxiv. the entire length of the east-west road between numbered Lots 79 and 58, except for the last 20 feet on either end of said road;
- xxv. a 100-foot section of the north-south road between numbered Lots 79 and 12 beginning 20 feet from the north boundaries of said numbered lots.

I. Except as specifically accepted by the County hereinabove, the dedication of the entire length of the outer perimeter boundary of the Vista Linda Subdivision is hereby rejected. Nothing in this subparagraph shall be construed to impair in any manner the road dedications herein accepted by the County of Taos, including, the intersection of VISTA LINDA ROAD and County Road C-110 and the intersection of VISTA LINDA ROAD as realigned and the northern boundary of the Vista Linda Subdivision, where an adjoining thirty (30) acre tract of land owned by Petitioner ELIUE ROMERO shall have lawful public access to VISTA LINDA ROAD.

J. The dedication of any road or future road 20 feet on each side of any numbered lot boundary line within the Vista Linda Subdivision not accepted in this Paragraph I shall be deemed rejected. The rejection of such dedicated roads by the County of Taos shall constitute a final and binding election by the County of Taos of its dedication rights under the Final Plat of the Vista Linda Subdivision. Henceforth, the County of Taos shall not build, nor authorize to be built any other public roads within the Vista Linda Subdivision except by condemnation or in a manner otherwise provided by law.

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K The acceptance by the County of Taos of the road dedications described above and as indicated in Appendix "B" provides an accepted means of legal access from an existing public way to each lot within the Vista Linda Subdivision. This acceptance of road dedications by the County of Taos shall run with the land and be binding upon all owners of Lots in the Vista Linda Subdivision and their successors in interest

L The acceptance or rejection of road dedications by the County of Taos shall not affect the dedication of utility easements as provided in the Final Plat of the Vista Linda Subdivision

M To the extent Paragraph 9 of the restrictive covenants contained in the Final Plat of the Vista Linda Subdivision purports to dedicate to the public, or reserve for dedication to the public, roads interior to each numbered lot in the Vista Linda Subdivision, such dedication or reservation for dedication is hereby rejected by the County of Taos.

2. Title to Accepted Road Dedications and Public Use. With respect to those roads, future roads or portions thereof for which dedication has been accepted by the County of Taos, above, including VISTA LINDA ROAD as realigned, such land is public property, title in fee to such land is vested in the County of Taos and such roads shall be subject to public use as authorized by law. With respect to those roads, future roads or portions thereof for which the dedications have been accepted by the County of Taos, above, including VISTA LINDA ROAD as realigned, such acceptance shall not be considered to have effectively reduced the area within any lot for purposes of any regulation or restriction contained in the Final Plat of the Vista Linda Subdivision, or for purposes of any County regulations concerning minimum lot size for

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residential building, installation of septic systems or water well drilling. To the extent that any lot within the Vista Linda Subdivision may effectively be reduced in size as a result of the aforementioned acceptance of dedications to an area below minimum lot sizes set forth in either the Final Plat of the Vista Linda Subdivision or any County regulations ("Affected Lot"), the County of Taos hereby grants a variance to the owner of any such Affected Lot so that such Affected Lot shall be deemed to satisfy the minimum lot size requirements for building, installation of septic systems and drilling water wells. This provision shall apply to all Affected Lots within the Vista Linda Subdivision including, but not limited to, Number Lot 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision).

3. Rejected Road Dedications - Private Property Subject To Final Plat of Vista Linda Subdivision. With respect to those roads, future roads or portions thereof for which dedication has been rejected by the County of Taos, above, such land is private property, subject, however, to such other rights, restrictions, reservations and obligations as may be contained in the Final Plat of the Vista Linda Subdivision filed with the Taos County Clerk on September 24, 1970. It is expressly acknowledged that the owners of real property within the Vista Linda Subdivision shall continue to enjoy private easement rights as specifically provided for in Paragraph 9 of the Restrictive Covenants on the Final Plat of the Vista Linda Subdivision.

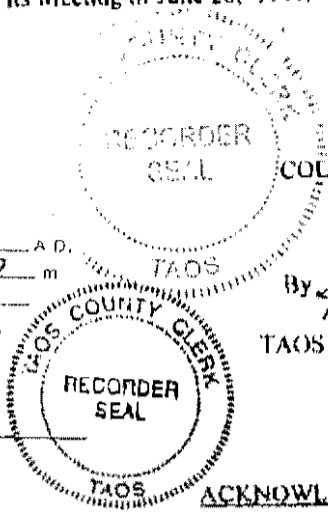
4. County of Taos Does Not Hereby Assume the Obligation to Maintain and Repair the Accepted Road Dedications. With respect to those roads, future roads or portions thereof for which dedication has been accepted by the County of Taos, above, the County of Taos does not by such acceptance assume the obligation to maintain or repair said roads, but reserves the right to determine if, when and the extent to which the County of Taos should undertake said obligation to maintain or repair said roads in the future.

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The foregoing Declaration of Acceptance and Rejection Of Road Dedications for the Vista Linda Subdivision, Taos County, New Mexico was APPROVED by the Taos Board of County Commissioners at its Meeting of June 28, 1999.

COUNTY OF TAOS)
STATE OF NEW MEXICO)



COUNTY OF TAOS, NEW MEXICO

I hereby certify that this instrument was filed
in the office of the County Clerk of Taos County,
New Mexico, on the 5th day of July, 1999, at
11:46 a.m. and was duly recorded in book
942-957 of the records of Taos County,
New Mexico, at the office of the County Clerk,
Taos County, N.M.
Deputy

By Manuel P. Squires
CHAIRPERSON
TAOS BOARD OF COUNTY COMMISSIONERS

COUNTY OF TAOS)
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
in the office of the County Clerk of Taos County,
New Mexico, on the 9th day of Aug. A.D.
1999, at 1:21 o'clock p.m.
and was duly recorded in book 942-957
page 622-625 records of Taos County,
New Mexico, at the office of the County Clerk,
Taos County, N.M.
Deputy

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
COUNTY OF TAOS)

On this 26th day of July, 1999, the foregoing instrument was duly acknowledged before me by the Taos Board of County Commissioners, acting through Manuel P. Squires, the Chairman of the Taos Board of County Commissioners.

Julie J. Valero
NOTARY PUBLIC

My Commission Expires: 10-25-2001



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COPY

EIGHTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF TAOS

95 JUL 22 AM 10:14

ELIU E. ROMERO,

Plaintiff,

vs.

NO. 97-397 CV

VISTA LINDA ROAD MAINTENANCE
ASSOCIATION, an unincorporated association,
VISTA LINDA HOMEOWNERS ASSOCIATION,
INC., a non-profit corporation, DAVID DONDERO,
KELEN EMERY and BILLY KNIGHT, individually
and in their representative capacities acting on behalf
of the VISTA LINDA ROAD MAINTENANCE
ASSOCIATION, and THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF TAOS,

Defendants

FINAL STIPULATED JUDGMENT

THIS MATTER came before the Court for hearing upon a Joint Motion of the parties seeking approval of a Settlement Agreement and requesting that the Court adopt and incorporate the terms of the Settlement Agreement in a Final Stipulated Judgment. All parties appeared at the hearing by and through their respective counsel of record. The Court has considered the terms of the Settlement Agreement, the circumstances giving rise to the dispute herein and has reviewed the applicable legal authorities governing the statutory dedications of land for public use. The Court finds that the Settlement Agreement, a true copy of which has been filed of record in this case, presents a fair, just and reasonable resolution of the issues presented in this

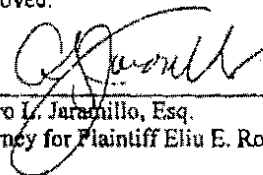
case concerning the statutory dedication of roads within the Vista Linda Subdivision, Taos County, New Mexico, and that such resolution is in accordance with New Mexico law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

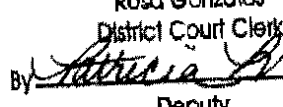
1. The Settlement Agreement entered into by and between the parties is fair, just and reasonable and is hereby approved by the Court.
2. The factual recitations contained in the Settlement Agreement are undisputed by the Parties and are hereby adopted by the Court.
3. The legal recitations contained in the Settlement Agreement are supported by New Mexico law and are hereby adopted by the Court.
4. The terms of the Settlement Agreement are hereby adopted by the Court as its Final Judgment in this case.
5. A certified copy of this Final Stipulated Judgment shall be filed and recorded in the land records of Taos County, New Mexico.
6. The parties, their members, successors and assigns are ordered to carry out the provisions of the Settlement Agreement.


DISTRICT JUDGE

Approved:


Arturo L. Jaramillo, Esq.
Attorney for Plaintiff Elio E. Romero

I hereby certify that the foregoing pleading is a true and correct copy of same which has been filed in my office on the 19th day of July, 1999.
Dated this 19th day of January, 2005

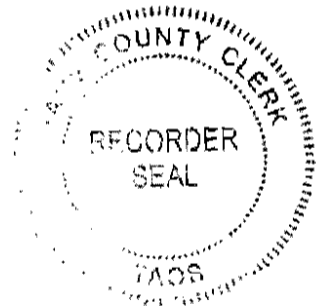
Rosa Gonzales
District Court Clerk
By 
Deputy



Kelan Emery, Esq.
Attorney for the Vista Linda Road
Maintenance Association and the Vista Linda
Homeowner's Association, Inc.



Robert D. Morrison, Esq.
Attorney for The Board of
County Commissioners of
The County of Taos



EIGHTH JUDICIAL DISTRICT COURT
 STATE OF NEW MEXICO
 COUNTY OF TAOS

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ELIU E. ROMERO,)
)
 Plaintiff,)
)
 vs.)
)
 VISTA LINDA ROAD MAINTENANCE)
 ASSOCIATION, an unincorporated association,)
 VISTA LINDA HOMEOWNERS ASSOCIATION,)
 INC., a non-profit corporation, DAVID DONDERO,)
 KELEN EMERY and BILLY KNIGHT, individually)
 and in their representative capacities acting on behalf)
 of the VISTA LINDA ROAD MAINTENANCE)
 ASSOCIATION, and THE BOARD OF COUNTY)
 COMMISSIONERS OF THE COUNTY OF TAOS,)
)
 Defendants)

NO. 97-397 CV

I hereby certify that the foregoing pleading is a true and correct copy of same which has been filed in my office on the 10th day of July, 1999
 Dated this 17th day of January, 2005
 Rosa Gonzales
 District Court Clerk
 By [Signature]
 Deputy

MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND FOR ENTRY OF FINAL STIPULATED JUDGMENT

COMES NOW the Plaintiff, ELIU E. ROMERO, with the concurrence of all other parties to this action, and moves the Court, after notice and hearing: (1) to approve the Final Settlement Agreement that has been entered into by the parties to this action, a copy of which is attached hereto as Exhibit "A," and (2) to enter a Final Stipulated Judgment in accordance with the terms of the Settlement Agreement. In support of his Motion, the Plaintiff states:

1. The Parties to this action, after engaging in discovery and lengthy negotiations, have entered into a Settlement Agreement, a copy of which is attached hereto as "Exhibit A." The Settlement Agreement is subject to the approval of the Court.
2. After providing due notice to all interested persons, and following two public hearings conducted by the Taos Board of County Commissioners on April 26, 1999 and June 28, 1999, the



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Settlement Agreement was approved and executed by the Taos Board of County Commissioners on behalf of the County of Taos on June 28, 1999.

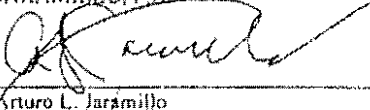
3. The parties to this action have agreed, subject to the approval of this Court, that a Stipulated Judgment entered pursuant to and in accordance with the terms of the Settlement Agreement will clarify and confirm the status of all roads within the Vista Linda Subdivision for public and/or private use and will result in a just, reasonable and final resolution of the legal disputes presented in this action.

4. The parties to this action have agreed to submit the Settlement Agreement to the Court with the request that the Court: (1) grant a hearing to consider approval of the Settlement Agreement, (2) approve the Settlement Agreement and (3) enter a Stipulated Judgment adopting the Agreement as the Judgment of the Court and ordering the parties, their members and successors in interest to recognize and carry out its terms and conditions.

NOW, THEREFORE, the Plaintiff, with the concurrent of all other parties to this action, pray that the Court, after hearing, approve the Settlement Agreement attached hereto as Exhibit "A" and enter a Stipulated Judgment pursuant to and in accordance with the terms of the Settlement Agreement.

Respectfully submitted,

JONES, SNEAD, WERTHEIM, WENTWORTH
& JARAMILLO, P.A.


By Arturo L. Jaramillo
Post Office Box 2228
Santa Fe, New Mexico 87504-2228
505-982-0011

Attorneys for Plaintiff Elie E. Romero

TAOS COUNTY
ELAINE S. MONTANO, CLERK
000301029
Book 475 Page 782
3 of 44
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BY DIANAD

Joined in and approved:

TELEPHONIC APPROVAL GIVEN 7-16-99
KELAN EMERY
Post Office Box 2671
Taos, New Mexico 87571-2671
505-738-7997

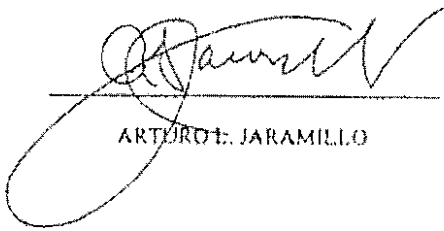
Attorney for Defendants Vista Linda
Road Maintenance Association, Vista
Linda Homeowners Association, Inc.,
David Dondero, Kelen Emery and
Billy Knight.

Joined in and approved:

TELEPHONIC APPROVAL GIVEN 7-16-99
ROBERT DALE MORRISON
2014 Central Ave. SW
Albuquerque, New Mexico 87104-1404
505-247-2066

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 1999, I served a copy of the foregoing Motion by first class mail, postage prepaid, addressed to counsel of record Kelan Emery, Esq., at Post Office Box 2671, Taos, New Mexico 87571-2671, and Robert Dale Morrison, Esq., at 2014 Central Ave. SW, Albuquerque, New Mexico 87104-1401.


ARTURO E. JARAMILLO

EIGHTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF TAOS

ELIU E. ROMERO,)
)
 Plaintiff,)
)
 vs.) NO. 97-397 CV
)
 VISTA LINDA ROAD MAINTENANCE)
 ASSOCIATION, an unincorporated association,)
 VISTA LINDA HOMEOWNERS ASSOCIATION,)
 INC., a non-profit corporation, DAVID DONDERO,)
 KELEN EMERY and BILLY KNIGHT, individually)
 and in their representative capacities acting on behalf)
 of the VISTA LINDA ROAD MAINTENANCE)
 ASSOCIATION, and THE BOARD OF COUNTY)
 COMMISSIONERS OF THE COUNTY OF TAOS,)
)
 Defendants)

SETTLEMENT AGREEMENT

WHEREAS, plaintiff ELIU E. ROMERO ("ROMERO"), brought this action for declaratory judgment and injunctive relief on November 12, 1997, against the VISTA LINDA ROAD MAINTENANCE ASSOCIATION, an unincorporated association, and DAVID DONDERO, KELEN EMERY and BILLY KNIGHT, individually and in their representative capacities acting on behalf of the VISTA LINDA ROAD MAINTENANCE ASSOCIATION, seeking, among other things, to enjoin defendants from obstructing or otherwise interfering with Plaintiff's lawful use of a public road commonly known as VISTA LINDA ROAD; and

WHEREAS, by Order of the Court entered June 19, 1998, the VISTA LINDA HOMEOWNER'S ASSOCIATION, INC., was joined as a party defendant in this action; and



WHEREAS, by Order of the Court entered November 24, 1998, the COUNTY OF TAOS, by and through the TAOS BOARD OF COUNTY COMMISSIONERS was joined as a party to this action; and

WHEREAS, effective upon Court approval of this Settlement Agreement, a Settlement Agreement has been reached by ROMERO and the COUNTY OF TAOS with Defendants DONDERO, EMERY and KNIGHT, whereby Stipulated Dismissals of Defendants DONDERO, EMERY and KNIGHT will be submitted to the Court for approval and entry; and

WHEREAS, the Plaintiff has alleged in this action that under certain statutory provisions then in force in the State of New Mexico, the approval of the Vista Linda Subdivision by the Taos Board of County Commissioners on July 6, 1970, and the filing of the Final Plat of the Vista Linda Subdivision with the Taos County Clerk on September 24, 1970, dedicated to public use all roads 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision, including, VISTA LINDA ROAD; and

WHEREAS, certain of the defendants have filed an answer to the Complaint herein denying Plaintiff's entitlement to the relief sought in this action, asserting various affirmative defenses and contending that all roads within the Vista Linda Subdivision, including VISTA LINDA ROAD, are private roads; and

WHEREAS, the parties to this action have, subject to approval of the Court, determined that a Stipulated Judgement entered pursuant to and in accordance with the terms of this Settlement Agreement (hereinafter referred to as "the Agreement,") will clarify and confirm the status of all roads within the Vista Linda Subdivision for public or private use and will result in a just, reasonable and final resolution of the dispute presented in this action; and

WHEREAS, the parties have agreed to submit this Agreement to the Court with the request that the Court consider and approve the Agreement, enter a Stipulated Judgement adopting the Agreement as the Judgment of the Court and order the parties, their members and successors in interest to recognize and carry out its terms and conditions.

NOW, THEREFORE, subject to the approval of the Court, and in consideration for the mutual obligations undertaken hereunder, the parties agree as follows:

1. The Vista Linda Subdivision is a residential subdivision located exclusively within the planning and platting jurisdiction of the County of Taos, State of New Mexico. It is a Subdivision of Block 8 and a portion of Block 9, Plat of Ranchos Orchard and Land Co., located in the Gijosa Land Grant, Taos County, New Mexico.
2. The Vista Linda Subdivision was approved by the Taos Board of County Commissioners on July 6, 1970, on the condition that the Final Plat of the Vista Linda Subdivision be signed and acknowledged by the owner of the Subdivision, B Bar H Corporation, and approved by the New Mexico Department of Health and Social Services.
3. On or before September 24, 1970, the Final Plat of the Vista Linda Subdivision was duly signed and acknowledged by the President and Secretary of the B Bar H Corporation and approved by the New Mexico Department of Health and Social Services. On September 24, 1970, the Final Plat of the Vista Linda Subdivision was then duly filed with the Office of the Taos County Clerk. A facsimile of the Final Plat of the Vista Linda Subdivision is attached hereto and incorporated herein by reference as Appendix "A."

4. In order to obtain approval of the Vista Linda Subdivision by the Taos Board of County Commissioners, the subdivision owner, B Bar H Corporation, was required under the subdivision statutes then in effect in New Mexico to dedicate an accepted means of legal access from an existing public way to each lot within the Vista Linda Subdivision.

5. In satisfying this statutory requirement, the Final Plat of the Vista Linda Subdivision expressly provided as follows:

Vista Linda Subdivision, Filing No. 1, a Subdivision of Block 8 and a portion of Block 9, Plat of Rancho Orchard and Land Co. in the Gijosa Land Grant, Taos County, New Mexico, is made with the free consent and in accordance with the desire of the undersigned Owner and Proprietor of said land including perpetual dedication of roads 20 feet on each side of all numbered lot boundary lines

6. At the time the Final Plat of the Vista Linda Subdivision was approved and filed of record with the Taos County Clerk, there were certain subdivision and dedication statutes of the State of New Mexico then in force governing the creation of land subdivisions and the dedication of subdivision lands for public use as designated on the subdivision plat. One such statute provided as follows:

DEDICATION FOR PUBLIC USE - The endorsement and filing of a plat is a dedication of the land designated on the plat for public use. Such land is public property. Fee vests in the county if the dedicated land lies outside the boundaries of a municipality.

Section 14-19-10, 1953 Comp. (Repl. Vol. 3, 1968), (Enacted by Laws 1965, Ch. 300, Section 14-19-10).

7. Under New Mexico law, when the Final Plat of the Vista Linda Subdivision was endorsed and filed with the Taos County Clerk on September 24, 1970, the Dedicator, B Bar H Corporation, and its successors in interest in the Vista Linda Subdivision, became irrevocably

bound by the perpetual dedication for public use of roads 20 feet on each side of all numbered lot boundary lines, as provided in the Final Plat of the Vista Linda Subdivision.

8. The County of Taos, however, is not bound by this dedication under New Mexico law until the dedication is accepted, in whole or in part, by the Taos Board of County Commissioners, nor is the County of Taos bound to repair or maintain any dedicated roads unless and until that obligation is expressly assumed by the Taos Board of County Commissioners.

9. Although the Taos Board of County Commissioners approved the Final Plat of the Vista Linda Subdivision, the County has not formally accepted the roads dedicated in the Final Plat of the Vista Linda Subdivision. Until a formal acceptance or rejection of the road dedications is made by the Taos Board of County Commissioners, title to and lawful use by the public of the roads 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision will remain uncertain in light of the dedication statute quoted above, and this circumstance will continue to give rise to disputes and litigation such as the one presented in this case.

10. In order to fully and finally resolve the issue of title to and lawful use by the public of roads 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision, the County of Taos, by and through its Board of County Commissioners, after providing notice to the public and having conducted a public hearing on the matter, has decided and agreed to accept or reject the dedication of certain roads within the Vista Linda Subdivision as specifically set forth in Paragraph 11, below.

11. The Taos Board of County Commissioners does hereby formally accept or reject on behalf of the County of Taos the dedication of roads 20 feet on each side of all numbered lot

boundary lines (a total right-of-way forty feet (40') in width) within the Vista Linda Subdivision specifically and exclusively as follows:

- A. The forty foot (40') wide dedication of VISTA DEL OCASSO ROAD, from its intersection with County Road C-110 (formerly State Road No. 96 and formerly State Road 570) on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the north boundary line of the Vista Linda Subdivision is hereby accepted by the County of Taos, as more fully shown on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of the dedication of VISTA DEL OCASSO ROAD, from the "end point" to the north boundary of the Vista Linda Subdivision, is hereby expressly rejected.
- B. The forty foot (40') wide dedication of VISTA LINDA ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to a centerline point one hundred feet (100') south of the north boundary line of the VISTA LINDA SUBDIVISION, is hereby accepted by the County of Taos, as more fully shown on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B."
- C. In addition to the acceptance of VISTA LINDA ROAD as set forth in subparagraph B of Paragraph 11, next above, the County of Taos also accepts a forty foot (40') wide by approximately one hundred foot (100') long road dedication for the following extension and realignment of VISTA LINDA ROAD: Commencing at the centerline point of VISTA LINDA ROAD one hundred feet (100') south of the north

boundary line of the Vista Linda Subdivision, VISTA LINDA ROAD shall curve gently to the west and then proceed in a northerly direction along and within the eastern boundary of numbered Lot 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision to an end point intersecting the north boundary line of the Vista Linda Subdivision, maintaining throughout the length of the extension and realignment a width of forty feet (40'), all as more fully shown on the Plat of Roads for the Vista Linda Subdivision attached hereto and incorporated herein by reference as Appendix "E". Except as provided below, this north extension and realignment of VISTA LINDA ROAD shall be located upon a strip of land forty feet (40') in width and approximately one hundred feet (100') in length, bounded on the east by the east boundary line of numbered Lot 2 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision and running south to north commencing at the centerline point of VISTA LINDA ROAD one hundred feet (100') south of the north boundary line of the Vista Linda Subdivision, and continuing north to an "end point" intersecting the north boundary line of the Vista Linda Subdivision. This forty foot (40') wide by approximately one hundred foot (100') long strip of land has, prior to the date of this Settlement Agreement, been perpetually dedicated to the County of Taos by a written instrument dated March 29, 1999, duly signed and acknowledged by the owners of numbered Lot 2, (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision, for themselves and their successors in interest. The County of Taos hereby accepts this perpetual dedication of land. To the extent necessary to accommodate the curvature to the west of the north extension and realignment of VISTA LINDA ROAD, the twenty foot (20') wide dedication of land

running south to north along and within the west boundary of numbered Lot 1 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision) of the Vista Linda Subdivision is hereby accepted. The remainder of said twenty foot (20') wide dedication of land within the west boundary of said numbered Lot 1, approximately thirty feet (30') in length from the north boundary of the Vista Linda Subdivision is hereby rejected, all as more fully shown on the Plat of Roads for the Vista Linda Subdivision attached hereto and incorporated herein by reference as Appendix "B."

D. The forty foot (40') wide dedication of IRISH ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the intersection of IRISH ROAD with the east-west road between numbered Lots 32 and 17 is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of the dedication of IRISH ROAD, from the "end point" to the intersection of IRISH ROAD with the east-west road between numbered Lots 32 and 17, is hereby expressly rejected.

E. The forty foot (40') wide dedication of DOS ARROYOS ROAD, from its intersection with County Road C-110 on the south boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" one-hundred feet (100') distant from the northern boundary of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The remainder of

the dedication of DOS ARROYOS ROAD, from the "end point" to the northern boundary of the Vista Linda Subdivision, is hereby expressly rejected.

F. The forty foot (40') wide dedication of ALL OTHER NORTH-SOUTH ROADS not listed above which have been constructed, or which may be constructed in the future, in a north-south direction 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision and south of the large arroyo which runs from southeast to northwest across numbered Lots 8, 6, 5, 36, 35 and 34, commencing at a "beginning point" on the south no closer than one-hundred feet (100') distant from the east diagonal boundary line of the Vista Linda Subdivision and continuing in a northerly direction to an "end point" ten feet (10') distant from the southern edge of the aforesaid arroyo is hereby accepted, except as set forth in the "EXCEPTIONS" contained in sub-paragraph H, below, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of the remaining portions of these north-south roads or future north-south roads, which are south of the aforesaid arroyo, is hereby expressly rejected. The County specifically rejects all road dedications that run within the walls and floor of the aforementioned arroyo and ten feet (10') in either direction from said arroyo. The entire length of West Romero Road, as same runs north and south through Vista Linda Subdivision between numbered Lots 2 and 7 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision) on the west side and numbered Lot 1 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision) on the east side is hereby accepted. The dedication of all other NORTH-SOUTH roads not listed above which have been constructed, or which may be constructed in the future, in a north-south direction, twenty feet (20') on

each side of all numbered lot boundary lines within the Vista Linda Subdivision, and north of the large arroyo heretofore described, commencing at a "beginning point" on the south no closer than ten feet (10') distant from said arroyo and continuing in a northerly direction to the north boundary of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B."

G. The forty foot (40') wide dedication of ALL EAST-WEST ROADS which have been constructed, or which may be constructed in the future, in an east-west direction 20 feet on each side of all numbered lot boundary lines within the Vista Linda Subdivision, commencing at a "beginning point" on the east no closer than one-hundred feet (100') distant from the east boundary of the Vista Linda Subdivision and continuing in a westerly direction to an "end point" one-hundred feet (100') distant from the west boundary of the Vista Linda Subdivision is hereby accepted, except as specifically set forth in the "EXCEPTIONS" contained in sub-paragraph H, below, as more fully indicated on the Plat of Roads for the Vista Linda Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of twenty feet (20') along the north boundary lines of numbered Lots 1, 2, 3 (within Block 8 of the Ranchos Orchard and Land Co. Subdivision), 4, 35 and 34, as same runs in an east-west direction from West Romero Road on the eastern side of the Vista Linda Subdivision, commencing at a "beginning point" on the west not closer than ten feet (10') distant from the northern edge of the arroyo and continuing in an easterly direction to an "end point" one hundred feet (100') distant from the east diagonal boundary line of the Vista Linda Subdivision is hereby accepted, as more fully indicated on the Plat of Roads for the Vista Linda

Subdivision, attached hereto and incorporated herein by reference as Appendix "B." The dedication of the remaining portions of these east-west roads or future east-west roads, including the following "EXCEPTIONS," is hereby expressly rejected. The County specifically rejects all road dedications that run within the walls and floor of the aforementioned arroyo and ten feet (10') in either direction from said arroyo.

H. EXCEPTIONS. The forty-foot (40') wide dedication of portions of north-south and east-west roads or future north-south and east-west roads is hereby expressly rejected with respect to the following, to-wit:

- i. a 100-foot section of the east-west road between numbered Lots 104 and 97, equidistant from the eastern and western boundary lines of said numbered Lots;
- ii. a 100-foot section of the east-west road between numbered Lots 97 and 84, equidistant from the eastern and western boundary lines of said numbered Lots;
- iii. a 100-foot section of the east-west road between numbered Lots 75 and 62, equidistant from the eastern and western boundary lines of said numbered Lots;
- iv. a 100-foot section of the east-west road between numbered Lots 53 and 40, equidistant from the eastern and western boundary lines of said numbered Lots;
- v. a 100-foot section of the east-west road between numbered Lots 31 and 18, equidistant from the eastern and western boundary lines of said numbered Lots;
- vi. a 100-foot section of the east-west road between numbered Lots 15 and 2 (within Block 9 of the Rancho Orchard and Land Co. Subdivision) equidistant from the eastern and western boundary lines of said numbered Lots;
- vii. a 100-foot section of the east-west road between numbered Lots 103 and 98, equidistant from the eastern and western boundary lines of said numbered Lots;

- viii. a 100-foot section of the east-west road between numbered Lots 102 and 99, equidistant from the eastern and western boundary lines of said numbered Lots;
- ix. a 100-foot section of the east-west road between numbered Lots 98 and 83, beginning 20 feet from the western boundaries of said numbered lots;
- x. a 100-foot section of the east-west road between numbered Lots 76 and 61, beginning 20 feet from the eastern boundaries of said numbered lots;
- xi. a 100-foot section of the east-west road between numbered Lots 54 and 39, beginning 20 feet from the eastern boundaries of said numbered lots;
- xii. a 100-foot section of the east-west road between numbered Lots 99 and 82, beginning 20 feet from the eastern boundaries of said numbered lots;
- xiii. a 100-foot section of the east-west road between numbered Lots 82 and 77, beginning 20 feet from the eastern boundaries of said numbered lots;
- xiv. a 100-foot section of the east-west road between numbered Lots 55 and 38, beginning 20 feet from the eastern boundaries of said numbered lots;
- xv. a 100-foot section of the east-west road between numbered Lots 4 and 5, beginning 20 feet from the western boundaries of said numbered lots;
- xvi. the entire length of the boundary line running north and south between the two lots within numbered Lot 105, except the northernmost twenty feet (20') thereof;
- xvii. the entire length of the boundary line running north and south between the two lots within numbered Lot 104;
- xviii. the entire length of the boundary line running north and south between the two lots within numbered Lot 103;
- xix. the entire length of the boundary line running north and south between the two lots within numbered Lot 102;
- xx. the entire length of the boundary line running north and south between the two lots within numbered Lot 100, except the northernmost twenty feet (20') thereof;
- xxi. the entire length of the boundary line running north and south between the two lots within numbered Lot 17, except the northernmost and southernmost twenty feet (20') thereof.

- xxii. the entire length of the boundary line running north and south between the two lots within numbered Lot 1 (within Block 9 of the Ranchos Orchard and Land Co. Subdivision), except the southernmost twenty feet (20') thereof;
- xxiii. the entire length of the east-west road between numbered Lots 78 and 59, except for the last 20 feet on either end of said road;
- xxiv. the entire length of the east-west road between numbered Lots 79 and 58, except for the last 20 feet on either end of said road;
- xxv. a 100-foot section of the north-south road between numbered Lots 79 and 12 beginning 20 feet from the north boundaries of said numbered lots.

I. Except as specifically accepted by the County hereinabove, the dedication of the entire length of the outer perimeter boundary of the Vista Linda Subdivision is hereby rejected. Nothing in this subparagraph shall be construed to impair in any manner the road dedications herein accepted by the County of Taos, including, the intersection of VISTA LINDA ROAD and County Road C-110 and the intersection of VISTA LINDA ROAD as realigned and the northern boundary of the Vista Linda Subdivision, where an adjoining thirty (30) acre tract of land owned by Petitioner ELIU E. ROMERO shall have lawful public access to VISTA LINDA ROAD.

J. The dedication of any road or future road 20 feet on each side of any numbered lot boundary line within the Vista Linda Subdivision not accepted in this Paragraph I shall be deemed rejected. The rejection of such dedicated roads by the County of Taos shall constitute a final and binding election by the County of Taos of its dedication rights under the Final Plat of the Vista Linda Subdivision. Henceforth, the County of Taos shall not build, nor authorize to be built any other public roads within the Vista Linda Subdivision except by condemnation or in a manner otherwise provided by law.

K. The acceptance by the County of Taos of the road dedications described above and as indicated in Appendix "B" provides an accepted means of legal access from an

existing public way to each lot within the Vista Linda Subdivision. This acceptance of road dedications by the County of Taos shall run with the land and be binding upon all owners of Lots in the Vista Linda Subdivision and their successors in interest.

L. The County of Taos shall prepare, execute and separately record in the land records of Taos County a "Declaration of Acceptance of Road Dedications" confirming acceptance of the road dedications recited above and reflected on Appendix "B."

M. The acceptance or rejection of road dedications in this Agreement by the County of Taos shall not affect the dedication of utility easements as provided in the Final Plat of the Vista Linda Subdivision.

N. To the extent Paragraph 9 of the restrictive covenants contained in the Final Plat of the Vista Linda Subdivision purports to dedicate to the public, or reserve for dedication to the public, roads interior to each numbered lot in the Vista Linda Subdivision, such dedication or reservation for dedication is hereby rejected by the County of Taos.

12. With respect to those roads, future roads or portions thereof for which dedication has been accepted by the County of Taos in Paragraph 11, above, including VISTA LINDA ROAD as realigned, such land is public property, title in fee to such land is vested in the County of Taos and such roads shall be subject to public use as authorized by law.

13. With respect to those roads, future roads or portions thereof for which dedication has been rejected by the County of Taos in Paragraph 11, above, such land is private property, subject, however, to such other rights, restrictions, reservations and obligations as may be contained in the Final Plat of the Vista Linda Subdivision filed with the Taos County Clerk on September 24, 1970. It is expressly acknowledged that the owners of real property within the

Vista Linda Subdivision shall continue to enjoy private easement rights as specifically provided for in Paragraph 9 of the Restrictive Covenants on the Final Plat of the Vista Linda Subdivision.

14. With respect to those roads, future roads or portions thereof for which dedication has been accepted by the County of Taos in Paragraph 11, above, the County of Taos does not by such acceptance assume the obligation to maintain or repair said roads, but reserves the right to determine if, when and the extent to which the County of Taos should undertake said obligation to maintain or repair said roads in the future.

15. In consideration for the mutual obligations contained herein, the VISTA LINDA ROAD MAINTENANCE ASSOCIATION, or its successor, agrees that to the extent its members use VISTA LINDA ROAD, as realigned, to access their respective lots within the Vista Linda Subdivision, the Association shall reasonably maintain and repair said road or portions of said road until such time as the County of Taos may determine to undertake said obligation in the future.

16. It is contemplated by the parties to this Settlement Agreement that Plaintiff, ELIU E. ROMERO ("ROMERO"), will submit for consideration by the Taos Board of County Commissioners an application for approval of a residential subdivision consisting of not more than twenty-four (24) residential lots located on thirty acres owned by ROMERO adjoining the north boundary line of the Vista Linda Subdivision. The proposed subdivision, if approved, may be known as the "MESA ENCANTADA SUBDIVISION." The MESA ENCANTADA SUBDIVISION shall be accessed exclusively from County Road C-110 via VISTA LINDA ROAD as realigned, a public road. The extension and realignment of VISTA LINDA ROAD, as described above, is specifically intended to provide lawful public access to the proposed MESA ENCANTADA SUBDIVISION.

17. In consideration for the mutual obligations contained herein, and subject to ROMERO first obtaining final approval from the Taos Board of County Commissioners to proceed with construction and sale of lots in the MESA ENCANTADA SUBDIVISION (or such other name as may be given to the subdivision of ROMERO'S property), ROMERO agrees as follows:

A. Upon approval of the MESA ENCANTADA SUBDIVISION by the Taos Board of County Commissioners, ROMERO, at his own cost and expense, shall extend, grade and improve VISTA LINDA ROAD, as realigned, from its intersection with County Road C-110 to the north boundary line of the Vista Linda Subdivision, including the construction of an arroyo crossing near the north end of VISTA LINDA ROAD. The extension, realignment and improvement of VISTA LINDA ROAD, including the arroyo crossing, shall be constructed by ROMERO in compliance with engineering drawings and specifications to be prepared by a New Mexico registered professional engineer and approved by the County of Taos. The drawings and specifications shall include speed limit signs and speed bumps, where appropriate. The extension and realignment of VISTA LINDA ROAD, as completed, shall be located within the dedicated forty-foot (40') wide right-of-way described and accepted above.

B. ROMERO, at his own cost and expense, shall contemporaneously with the extension, realignment and improvement of VISTA LINDA ROAD, grade VISTA DEL OCASSO ROAD, IRISH ROAD and DOS ARROYOS ROAD in the Vista Linda Subdivision, to the extent these roads presently exist, so as to achieve a relatively smooth and relatively level twenty-foot wide driving surface. The maintenance and repair of these three roads shall remain the responsibility of the owners of lots within the Vista

Linda Subdivision who utilize these roads to access their respective lots. ROMERO shall have no continuing responsibility to repair or maintain these three roads.

C. ROMERO agrees to impose a restrictive covenant in the Final Plat of the MESA ENCANTADA SUBDIVISION, and in the deeds to each of the twenty-four (24) lots to be sold in the MESA ENCANTADA SUBDIVISION, pursuant to which each lot owner and his or her successors in interest, shall agree to pay a quarterly or annual fee to the VISTA LINDA ROAD MAINTENANCE ASSOCIATION, or its successor, representing the proportionate cost of maintaining and repairing VISTA LINDA ROAD. The quarterly or annual fee shall be determined by the VISTA LINDA ROAD MAINTENANCE ASSOCIATION, or its successor, but shall be no greater or less than the proportionate quarterly or annual fee assessed other lot owners within the Vista Linda Subdivision who use VISTA LINDA ROAD for access to their respective lots. This quarterly or annual fee shall be discontinued if and when the County of Taos agrees to assume the maintenance and repair of VISTA LINDA ROAD.

D. ROMERO agrees to impose a restrictive covenant in the Final Plat of the MESA ENCANTADA SUBDIVISION, and in the deeds to each of the twenty-four (24) lots to be sold in the MESA ENCANTADA SUBDIVISION, pursuant to which each lot owner and his or her successors in interest, shall agree not to further subdivide any lot nor grant or permit any easement or right-of-way through their respective Lot in the proposed MESA ENCANTADA SUBDIVISION. Further, all roads within MESA ENCANTADA SUBDIVISION shall be private roads.

E. ROMERO shall record with the Taos County Clerk a deed from Salvador Aguirre and Loyola Aguirre to ELIU R. ROMERO, relinquishing any right of way easement that

may have been reserved by the Aguirres in that certain Warranty Deed from Salvador Aguirre and Loyola Aguirre to Eliu E. Romero, dated June 11, 1993, relating to the tract of land on which the MESA ENCANTADA SUBDIVISION is proposed to be constructed.

F. Performance of the obligations undertaken by ROMERO in Paragraphs 17 A through 17 E, above, are expressly conditioned upon ROMERO first obtaining final approval from the Taos Board of County Commissioners to proceed with construction and sale of lots in the proposed MESA ENCANTADA SUBDIVISION (or such other name as may be given to the subdivision of ROMERO'S property). Nothing in this Agreement requires the Taos Board of County Commissioners to grant such approval. The application for approval of the MESA ENCANTADA SUBDIVISION shall be considered by the Taos Board of County Commissioners upon its own merits.

18. The parties hereto acknowledge that the right of any lot owner to further subdivide or otherwise encumber lots within the Vista Linda Subdivision shall be limited by the restrictions contained in the Final Plat of the Vista Linda Subdivision, filed September 24, 1970 with the Taos County Clerk, a facsimile of which is attached hereto as Appendix "A." This provision shall not affect the right of any lot owner to lease, mortgage or pledge as collateral any lot within the Vista Linda Subdivision.

19. With respect to those roads, future roads or portions thereof for which the dedications have been accepted by the County of Taos in Paragraph 11, above, including VISTA LINDA ROAD, as realigned, such acceptance shall not be considered to have effectively reduced the area within any lot for purposes of any regulation or restriction contained in the Final Plat of the Vista Linda Subdivision, or for purposes of any County regulations concerning minimum lot size

for residential building, installation of septic systems or water well drilling. To the extent that any lot within the Vista Linda Subdivision may effectively be reduced in size as a result of the aforementioned acceptance of dedications to an area below minimum lot sizes set forth in either the Final Plan for the Vista Linda Subdivision or any County regulations ("Affected Lot"), the County of Taos and the Defendants herein hereby grant a variance to the owner of any such Affected Lot so that such Affected Lot shall be deemed to satisfy the minimum lot size requirements for building, installation of septic systems and drilling water wells. This provision shall apply to all Affected Lots within the Vista Linda Subdivision including, but not limited to, Number Lot 2 (within Block 9 of the Rancho Orchard and Land Co. Subdivision).

20. The VISTA LINDA ROAD MAINTENANCE ASSOCIATION, or its successor, and its members, and the VISTA LINDA HOMEOWNER'S ASSOCIATION, INC., or its successor, and its members, hereby agree not to oppose or encourage others to oppose the application for approval of the MESA ENCANTADA SUBDIVISION (or such other name as may be given to the subdivision of ROMERO'S property), limited to twenty-four (24) residential lots. These parties reserve, however, their right to oppose any other additional development in this area of Taos County that would further increase the traffic, noise, dust or other environmental burden on VISTA LINDA ROAD as realigned, or otherwise impact the residents of the Vista Linda Subdivision. Taos County hereby acknowledges that safety and environmental concerns are such that the County shall not in the future permit additional traffic on VISTA LINDA ROAD other than traffic associated with access to lots within the Vista Linda Subdivision and the MESA ENCANTADA SUBDIVISION, if said subdivision is approved by the County of Taos.

21. The VISTA LINDA ROAD MAINTENANCE ASSOCIATION, or its successor, and its members and the VISTA LINDA HOMEOWNER'S ASSOCIATION, INC., or its successor,

and its members hereby agree to remove the barriers they constructed across VISTA LINDA ROAD and agree not to interfere in the future with ROMERO's lawful use of VISTA LINDA ROAD as may be approved by the Taos Board of County Commissioners.

22. ROMERO hereby agrees to fully release the VISTA LINDA ROAD MAINTENANCE ASSOCIATION, or its successor, and its members, and the VISTA LINDA HOMEOWNER'S ASSOCIATION, INC., or its successor, and its members and the COUNTY OF TAOS from any and all claims that he asserted or may have asserted in this litigation arising out of or relating in any manner to the blockage of VISTA LINDA ROAD or any interference with ROMERO'S use or planned use of VISTA LINDA ROAD occurring prior to the date of this Agreement.

23. The VISTA LINDA ROAD MAINTENANCE ASSOCIATION, or its successor, and its members, and the VISTA LINDA HOMEOWNER'S ASSOCIATION, INC., or its successor, and its members hereby agree to fully release ROMERO and THE COUNTY OF TAOS from any and all claims or counterclaims that they asserted or could have asserted in this litigation arising out of the use or planned use of VISTA LINDA ROAD occurring prior to the date of this Agreement.

24. A list of the members of the VISTA LINDA ROAD MAINTENANCE ASSOCIATION is attached hereto as Appendix "C." Said list is incorporated herein by reference as if fully set forth in this Settlement Agreement. A list of the members of the VISTA LINDA HOMEOWNER'S ASSOCIATION, INC. is attached hereto as Appendix "D." Said list is incorporated herein by reference as if fully set forth in this Settlement Agreement.

25. The parties to this Agreement agree to bear their own costs and attorneys fees in connection with this litigation and the costs of effectuating this Agreement.

26. The parties agree that upon approval of this Agreement by the Court, a Stipulated Final Judgment adopting this Agreement shall be entered by the Court.

ENTERED INTO this 28th day of July, 1999, by and between the following parties.


ELIU E. ROMERO

THE VISTA LINDA ROAD
MAINTENANCE ASSOCIATION, an
unincorporated association,

By 
THOMAS J. REA

Its _____
PRESIDENT


THE VISTA LINDA HOMEOWNER'S
ASSOCIATION, INC., a New Mexico
Corporation,

By 
WILLIAM J. KNIGHT

Its _____
PRESIDENT

TAOS COUNTY
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COUNTY OF TAOS, NEW MEXICO

By 
CHAIRPERSON
TAOS BOARD OF COUNTY
COMMISSIONERS

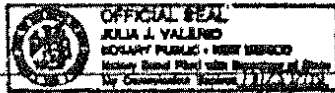
ACKNOWLEDGMENT

STATE OF NEW MEXICO)
COUNTY OF TAOS) ss.

On this 28th day of June, 1999, the foregoing instrument was acknowledged before me by The County of Taos, New Mexico, through the Taos Board of County Commissioners, by Manuel P. Juarez, Chairman of the Taos Board of County Commissioners.

Julia J. Valencio
NOTARY PUBLIC

My Commission Expires:



TAOS COUNTY
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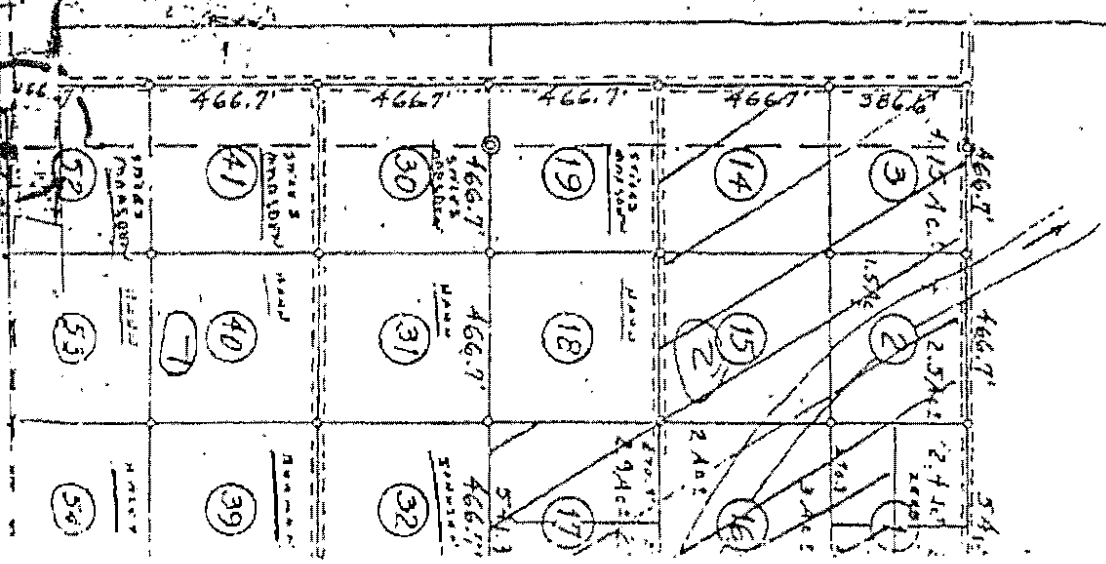
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APR 20 2005

General of Order

Vita Linda Subdivisions, Flying No. 1, a subdivision of Block 8 and portion of Block 59, Part of Ranchar Orchard and Land Co. in the Gila, Land Grant, Taos County, New Mexico, in compliance with the provisions and conditions with said land under signed and in accordance with said conditions under signed and proprietor of said land including perpetual dedication of roads and easements shall be numbered as follows:

1. All lots shall be numbered for subdivision purposes only and only for the purpose of recording the same in the public records.
2. The number of lots in any one block shall be the same as the number of lots in any other block in the subdivision.
3. The number of lots in any one block shall be the same as the number of lots in any other block in the subdivision.
4. Every building or structure shall comply with all state and federal laws and regulations and shall be subject to the same as any other building or structure in the subdivision.
5. No person shall be allowed to use any lot for any purpose other than that for which it was originally intended.
6. No person shall be allowed to use any lot for any purpose other than that for which it was originally intended.
7. No person shall be allowed to use any lot for any purpose other than that for which it was originally intended.
8. No person shall be allowed to use any lot for any purpose other than that for which it was originally intended.
9. No person shall be allowed to use any lot for any purpose other than that for which it was originally intended.
10. No person shall be allowed to use any lot for any purpose other than that for which it was originally intended.



BY: [Signature] COUNTY CLERK

TAOS COUNTY
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Secretary _____ by _____ President _____
 State of NEW MEXICO) ss
 County of TAOS

The foregoing Consent of Owner was
 acknowledged before me this 24 day of
 June 1970 by Robert Barrboy, President of
 B B R H Corporation, a Colorado corporation.

My commission expires
 Oct. 25, 1977

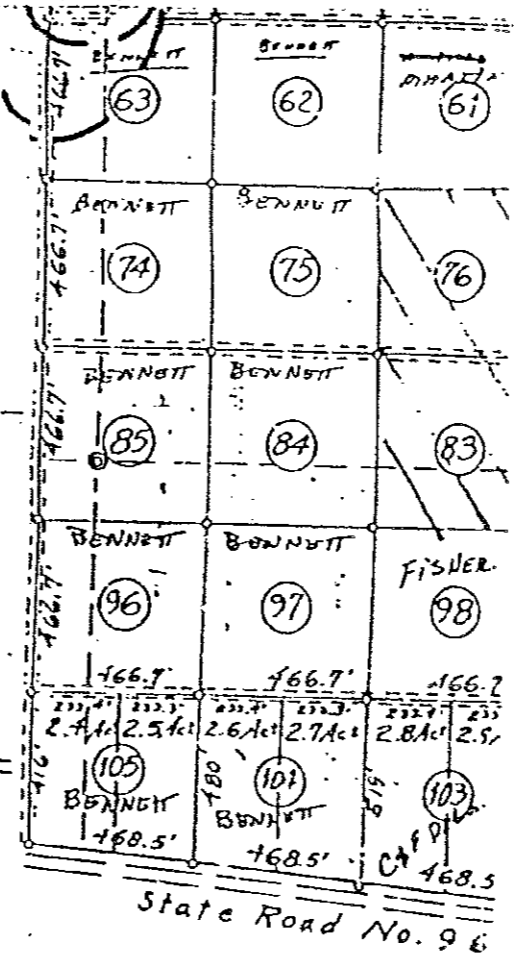
 Notary Public

STATE OF NEW MEXICO) ss.
 COUNTY OF TAOS
 This instrument was filed for
 record on the 24 day of June
 A. D. 1970 at 10:00 o'clock P. M.
 and duly recorded in book 475
 Page 812
Elaine S. Montano
 County Clerk & Recorder

CF-12-B PP 6 STA

FILED
 JUN 24 1970

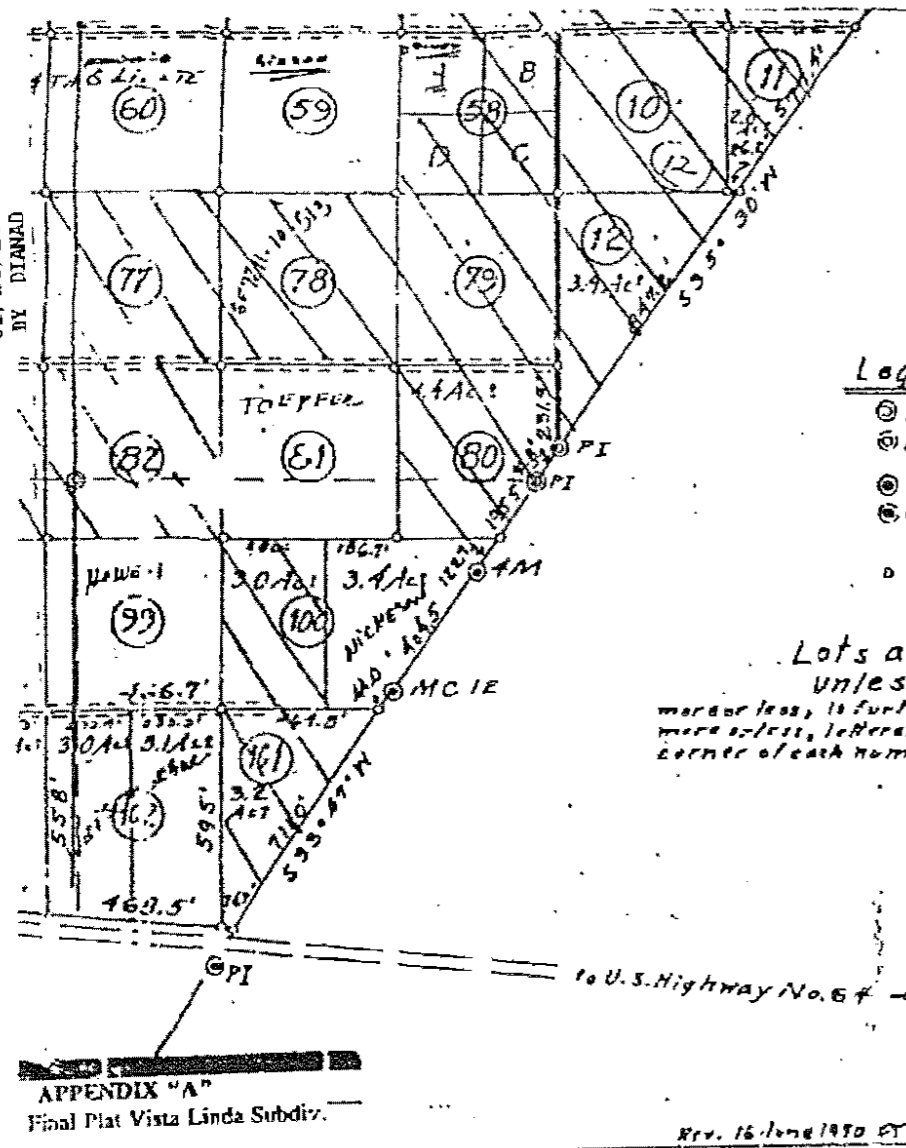
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EXHIBIT

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Scale:
 1 inch = 400 feet

Legend:

- ⊙ Rancho Orchard and Land Co. monument to
- ⊙ Rancho Orchard and Land Co. monument not found
- ⊙ General Land Office monument found
- ⊙ General Land Office monument not found
- 3/8" rebar - set for lot corner, this survey

Lots are 5 acres, more or less,
 unless otherwise noted. Each lot of 5 acres
 more or less, is further divided into 4 sublots of equal size, 1.25
 more or less, lettered in sequence clockwise from the northwest
 corner of each numbered lot, as per example shown in Lot 56.

Retracement of Parts of West Bound
 Cristoval de la Sierra Grant and Rancho
 Orchard and Land Co. subdivision
 and
 Staking of Vista Linda Subdivision
 by
 Kenneth C. Winslow
 New Mexico Registered Professional Engineer
 and Land Surveyor
 License No. 4369

APPENDIX "A"
 Final Plat Vista Linda Subdiv.

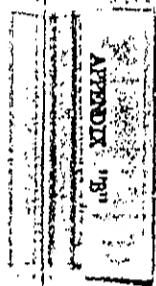
Rev. 16 June 1980 052777 K.C. Winslow 22 April 1981

MicroServices, Inc.

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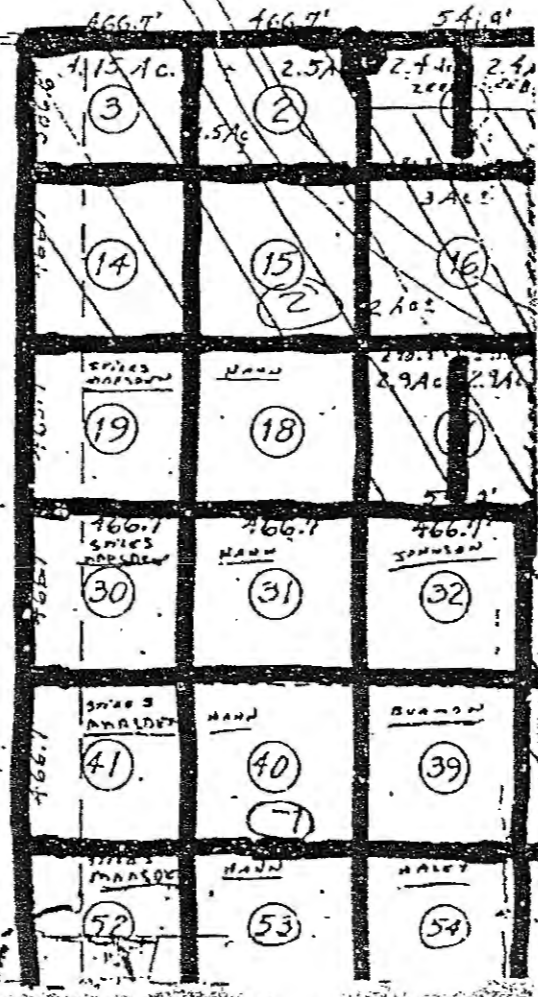
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Consent of Owner

Yuta Linda Subdivision, Filing No. 1, a subdivision of Block C and a portion of Block D, Plat of Ranchos Orchard and Land CO. in the Gijeta Land Grants, Taos County, New Mexico, is made with the free consent and in accordance with the desire of the undersigned owner and proprietor of said land including perpetual dedication of roads 20 feet on each side of all numbered lot boundary lines and restrictive covenants running with the land as follows:

1. All lots shall be used for residential purposes only and only one single family dwelling shall be erected on any one lot said hereafter, except those lots otherwise named.
2. Structures erected on any of said lots shall be of a Pueblo style architecture with roofs not to exceed a 3:12 pitch and shall contain not less than 1,000 square feet of finished floor area devoted to living purposes unless noted otherwise residential.
3. No outhouses (springs), or temporary house, trailer, camper, tent, garage or other building to be used as a residence shall be erected on any lot, except that during the construction of a permanent main building, necessary temporary buildings for the storage of materials may be erected and maintained by the person performing said permanent construction. Any new construction, alteration or remodeling once commenced, shall be completed within one year of commencement.
4. Every building or structure shall comply with all State and County codes, regulations and requirements as set forth by the County of Taos, State of New Mexico. Furthermore, said buildings shall be set back from any street line no less than 30 feet, from any side lot line no less than 20 feet, and from any rear lot line no less than 20 feet.
5. No wall, fence or solid fence exceeding 6 feet in height shall be erected on any lot.
6. No cattle, sheep, goats, pigs, rabbits, poultry or other livestock shall be kept raised or maintained on any lot with the exception of a horse or pony which may be kept in stable and corral on any lot and here or there in six (6) inch stalls. Corral shall be kept clean and sanitary with removal of manure and refuse at least twice each month.
7. Each lot at all times shall be kept clean and sightly and no solid wastes, including old machinery, cars or other equipment may be permitted to accumulate or remain exposed on any lot so as to be visible from any road or neighboring lot.
8. All building plans must be submitted by owner for approval by a committee designated by the undersigned owner before any construction begins.
9. Each property owner shall reserve for dedication a minimum of 20 feet surrounding his property for the use of roads or utilities as required.
10. All restrictions contained herein shall constitute covenants running with the land and shall be binding upon owners, heirs, successors and assigns of any owner.



Witness my hand and the seal of said County at Taos, New Mexico, this 15th day of January, 2005.

(B. Bar. H. Corporation)

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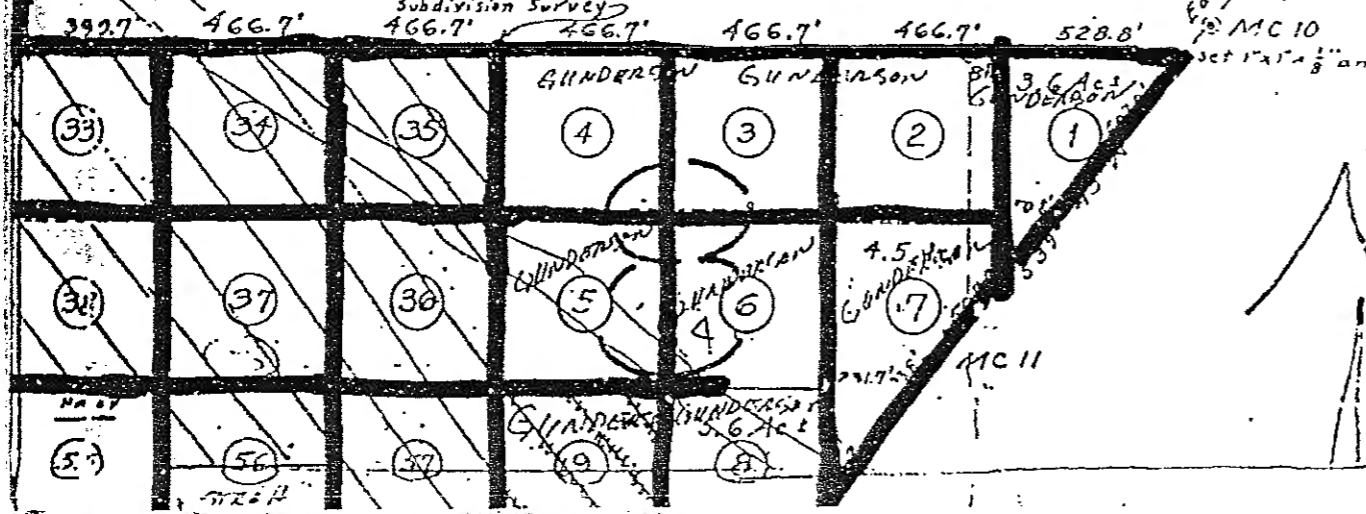
67
93

Plat of the Vista Linda Subdivision

Situated in the ^{Filing No. 1} Gijosa Grant near
Ranchos de Taos Taos County
New Mexico

(Parts of Blocks Band 9, Ranchos Orchard and Land Co. subdivision)

origin of Vista Linda
subdivision survey



East Boundary Gijosa
West Boundary
Cultural



Secretary _____
 President _____

State of _____
 County of _____ } ss

The foregoing Consol of Owner was
 acknowledged before me this 1st day of
 June 1990 by Robert Barbey, President of
 O L & H Corporation, a Colorado corporation.
 My commission expires
 01/20/2005

Notary Public

STATE OF NEW MEXICO } No.
 COUNTY OF TAOS

This instrument was filed for
 record on the 2nd day of June
 A. D. 1990 at _____ o'clock P.
 and duly recorded in book Vol. 475
 Page 818

by _____
 County Clerk & Recorder

1990 JUN 2 11 11 AM

Chas. B. P. 578

State Ford No. 96

63 BENNETT	62 BENNETT	61 BENNETT
74 BENNETT	75 BENNETT	76 BENNETT
85 BENNETT	84 BENNETT	83 BENNETT
96 BENNETT	97 BENNETT	98 FISLER

Facsimile F

Appendix "C"

Membership List of the Vista Linda Road Maintenance Association

<u>MEMBER NAME</u>	<u>LOT NO.</u>	<u>MEMBER NAME</u>	<u>LOT NO.</u>
Bachtel, Douglas and Nancy	75a, b	Marsden, Josephine and Dorian	41a, d
Bettini, Mauro and Linda	32c	Martinez, Diana	31b
Byggerstaff, Joe and Rita	32a	McIntyre, William and Jeanne	62a, b
Branch, James and Darlene	54d	Messner, Reto and Bettina	75b
Burns, Vincent and Jean	18a, b, c, d	Miera, Thomas	39b
Carey, Elizabeth (Betsy)	41c	Morales, Nancy	54b
Castoria, Mary Ellen & Bette	52c	Morris, Sawmie	40d
Dondero, Dave and Karol	63a, b, c, d	Muirhead, Rowena	61b
Ehrlich, Barbara	98d	Muzkar, Louis and Debra	87c
Elgin, Billy F.	62b	Porter, Jim and Linda	19d
Emery, Kalan and Mary	61c	Randall Corporation (John & Pat)	2, 3, 14, 15
Fritta, Roger and Susanne	74a	Ree, Jerry	81a
Gestelum, Art and Lillian	104b	Renfro, Thomas	61d
Genst, Thomas & Mary Ann	41b	Renison, William and Mary	78a, b, c, d & 83a, b
Gonzales, Joe and Fidela	103a, b, c, d & 104c	Ritter, Frank	17
Hartman, Thomas and Rochelle	52a	Rodriguez, Anita	39a
Hayes, Judith	53a, b, c, d	Shores, Clyde and Jane	52d
Henschel, Hal and Doreen	74b	Stevens, Jean	39c
Hoer, Komelia	17b, c	Stiny, Andy and Mary Shriver	40c
Huntley, Michael	30c	Thomas, Bill and Barbara	98a
Jameson, Robert and Liz	54a	Trust, David Bates	40a
Knight, Billy and Lynn	40b	Turner, Robert and Madonna	52b
Kull, William and Ermilinda	18a, b, c, d	Valerio, John and Jeannie	31c
Leschinsky, Dennis	31a, d	Winters, Todd and Lisa	75c

Appendix "D"

Membership List of the Vista Linda Homeowners Association, Inc.

MEMBER NAME	LOT NO.	MEMBER NAME	LOT NO.
Allday, Mary Ann	54c	Dondero, Dave and Karol	63a, b, c, d
Bachtel, Douglas and Nancy	75a, b	Dulski, Jerome and Jeanne	96b
Bacon, Gladys	101a, b	Egle, John and Mary	96c
Bakwin, Diedra and John Lapin	57a, b, d	Ehrlich, Barbara	98d
Balsamo, Joseph and Beatrice	85b	Elgin, Billy F.	62b
Bates, David	40a	Emery, Kelan and Mary	81c
Baucus, Bill and Caroline	84c	Espinosa, David and Christine	
Bell, Paul and Diane	81c	Fair, Fred & Gunderson, W&J	1, 2, 4, 5, 6, 7, 8
Benson, K.C.	79b	Fair, Fred & Gunderson, W&J	9b, 3a, d
Bettini, Mauro and Linda	32c	Fresquez, Ronald and Josephine	78c, d
Biggerstaff, Joe and Rita	32a	Fritts, Roger and Susanne	74a
Blair, Douglas and Tim Cleusa	3a, c	Gastelum, Art and Lillian	104b
Blenkenhorn, Tom	74c, d	Gerst, Thomas & Mary Ann	41b
Branch, James and Darlene	54d	Goldberg, Den and Barbara	62d
Buchanan, Larry and Susan	84a, b & 58c	Gonzales, Joe and Fidela	103a, b, c, d 104c
Burns, Vincent and Jean	16a, b, c, d	Graham, Douglas	100a
Carry, Elizabeth (Betsy)	41c	Grisby, Bill and Mary	58a
Carter, Wayne	78b	Grosvenor, Devis	85d
Castoria, Mary Ellen & Bette	52c	Grunthal, Bill and Donna Marie	85c
Coca, Grace	102c	Ham, Dan	81d
Coca, Jr., Robert	102b	Hamilton, Sandra & Walker, Su	98c
Cohen, Fred R.	105c	Hartman, Thomas and Rochelle	52a
Cooper, Marty Beth	59b	Hayes, Judith Ann	53a, b, c, d

Appendix "D"

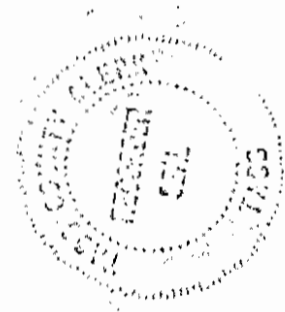
Membership List of the Vista Linda Homeowners Association, Inc.

<u>MEMBER NAME</u>	<u>LOT NO.</u>	<u>MEMBER NAME</u>	<u>LOT NO.</u>
Henschel, Hal and Doreen	74b	Medina, Adelmo and Beatrice	34 a, b, c, d, & 35a, d
Herbert, Robert	80a, b, c, d	Medina, Efran A.	35a, b, c, d
Hoer, Kornelia	17b, c	Medina, Francis	35b, c
Howard, Joel and Howard Turner	32d	Messmer, Bettina and Josy	75b
Huntley, Michael	30c	Mondragon, Ernest	88a
Jamason, Robert E. and Liz	54a	Morales, Nancy	54b
Johnson, Marv	82c	Morris, Jeff and Donna	87a
Jones, Deb and Mike	3a	Morris, Sawnie	40d
Kieft, Barbara and Donald Maxcy	78a	Morrow, Roger	58c
Knight, Billy and Lynn	40b	Mosley, Douglas and Naomi	9a, 87d
Kroger, Robert	88b	Muirhead, Rowena	81b
Kull, William and Ermilinda	18a, b, c, d	Muzikar, Louis and Debra	87c
Lackey, Matthew and Rachel	58d	Naylor, Catherine	102a, d
Larkin, Bob	77a, b, c, d & 82b	Ode, Barbara & Barbara Gayem	55a, b, c, d
La Strange, Ed	81c	Owens, James	30d
Little, Bruce & Linda & W. Hunt	33a, b, c, d	Painter, Lori and Paul	59d
Lowe, Maurice and Mary C.	60a, b, c, d	Pfeiffer, Vicki	9c
Marden, Josephine and Dorian	41a, d	Porter, Jim and Linda	19d
Martinez, Diana	31b	Randall, John and Pat	2, 3, 14, 15
Mayberry, William and Roberta	82a	Raye, Margaret	30a
McArthur, Bruce and Thomas	100b, c	Rea, Jerry	81a
McIntyre, William and Jeanne	62a, b	Reichwein, Diana and Charles	63
McLean, D. Andrew and Karen	105a	Renfro, Thomas	61d

Appendix "D"

Membership List of the Vista Linda Homeowners Association, Inc.

<u>MEMBER NAME</u>	<u>LOT NO.</u>	<u>MEMBER NAME</u>	<u>LOT NO.</u>
Renison, William and Mary	76a, b, c, d & 83a, b	Thiele, Robert and Juliette	58(c&d ?)
Richards, Jeffrey and E. Alden	96a, d	Thomas, Bill and Barbara	88a
Ritter, Frank	17a, d	Thompson, Vivian	59a
Rodriguez, Anita	39a	Tomashot, Teresa & Greg	84d
Romanoski, Al and Kate	104d	Totaro, Susan and Tom	39d
Rubenstein, Carol	57d	Trautman, David and Linda	85a
Sayne, Michael	19a, b	Trujillo, Jose and Doris	10b, c, d & 11 & 12
Shores, Clyde and Jane	52d	Turner, Robert and Madonna	52b
Sisneros, Clarence and Olivia	56a, b & 37a, b, c, d	Valerio, John and Jeannie	31c
Smith, Tracy and Joseph	105b	Velasquez, Gloria Ann	1a, b, c, d
Sowanich, Paul	89b	Vinella, Tony	79b & 89c
Stehr, Irene & Thomas Andrews	100a, d	Weber, Steve	10a
Stevens, Joan	39c	Williams, Lynn	38a, b, c, d
Stevens, Joan	82c, d	Yellen, Arthur	79c, d
Stiny, Andy and Mary Shriver	40c	Yellen, Wendy and Pamela	79c, d
Tamayo, Charlene	79a	Zacharias, L, J.K., Schoen	18c



DEDICATION

233262
1:25
8-9-99

Randall Lumber Company, Inc., now known as EPR Enterprises, Inc., a New Mexico corporation, for consideration paid, the receipt and sufficiency of which is hereby acknowledged, hereby dedicates to the County of Taos, New Mexico, a strip of land as described below for the purpose of a public roadway, reserving unto the above-named Grantor, its successors and assigns, a reversionary interest in said roadway in the event the public and/or the Grantee ever cease using said real estate for a road, said dedicated roadway being located in the County of Taos, New Mexico, within the Vista Linda Subdivision as same is depicted in the Final Plat of said subdivision, recorded September 24, 1970, in Volume 5, Page 15, of the plat records of Taos County, New Mexico, and being more fully described as follows, to-wit:

A strip of land forty feet (40') in width and approximately one hundred feet (100') in length, bounded on the east by the east boundary line of numbered Lot 2 (within Block 9 of the Ranchos Orchard and Land Company Subdivision) of the Vista Linda Subdivision and running south to north commencing at the centerline point of Vista Linda Road one hundred feet (100') south of the north boundary line of the Vista Linda Subdivision, and continuing north to an "endpoint" intersecting the north boundary line of the Vista Linda Subdivision.

The Dedication made hereinabove shall not be considered to have effectively reduced the area within the aforesaid Lot 2 for purposes of any regulation or restriction contained in the Final Plat of the Vista Linda Subdivision, or for purposes of any County regulations concerning minimum lot size for residential building, installation of septic systems, or water well drilling. To the extent that said Lot 2 may have been effectively reduced in size as a result of this Dedication to an area below minimum lot sizes set forth in either the Final Plat of the Vista Linda Subdivision or any County regulations, by acceptance of this Dedication the County of Taos hereby grants

000686

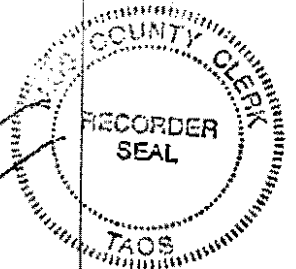
variance to the above-named Grantor, and its successors in interest, so that said Lot 2 shall be deemed to satisfy the minimum lot size requirements for building, installation of septic systems, and water well drilling.

IN WITNESS WHEREOF the Corporation has hereto set its hand and seal this

29th day of March, 1999.

RANDALL LUMBER COMPANY, INC.,
now known as EPR ENTERPRISES, INC.,
a New Mexico corporation


JOHN A. RANDALL, Treasurer

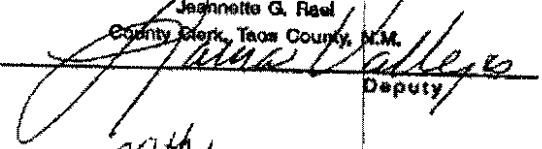


COUNTY OF TAOS)
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
for record on the 9 day of Aug A.D.
19 99 at 1:25 o'clock P m.
and was duly recorded in book M-216
1286 of the records of Taos County.

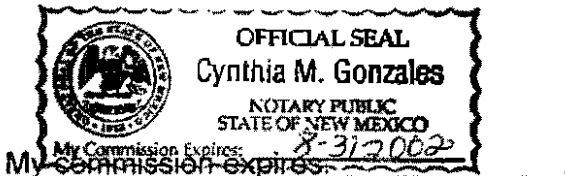
CORPORATE ACKNOWLEDGMENT

Witness my Hand and Seal of Office
Jeannette G. Reel
County Clerk, Taos County, N.M.


Deputy

STATE OF NEW MEXICO)
) SS.
COUNTY OF TAOS)

The foregoing instrument was acknowledged before me this 29th day of March, 1999,
by John A. Randall, Treasurer of EPR Enterprises, Inc., a New Mexico corporation, on behalf
of said corporation.



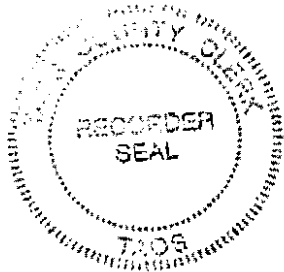

NOTARY PUBLIC

COUNTY OF TAOS)
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
for record on the 9 day of Aug A.D.
19 99 at 2:34 o'clock P m.
and was duly recorded in book M-216
page 320345 of the records of Taos County.

Witness my Hand and Seal of Office
Jeannette G. Reel
County Clerk, Taos County, N.M.


Deputy



000687

NOTICE OF HOMEOWNER ASSOCIATION

(Pursuant to the New Mexico Homeowner Association Act of 2013)

1. Vista Linda Homeowners Association, Inc.
PO Box 2392, Ranchos de Taos, NM 87557
2. Recording data filed in the office of the Taos County County Clerk: Plat Record,
4/22/1970.
3. HOA Articles of Incorporation: 9/19/1996.
4. HOA Bylaws: 9/29/1996.
5. Secretary of State Entity number: 1819366.

Date: 21st day of February, 2017.

Filed on behalf of the Vista Linda Homeowners Association, Inc.

Name and position:

Russell Martenson, President, Board of Directors

Russell Martenson, President, Board of Directors

Acknowledged before me this 21st day of February, 2017.

[Signature]

Notary Public

My commission expires on 3/25/2019.





OFFICE OF
THE STATE CORPORATION COMMISSION

CERTIFICATE OF INCORPORATION

OF

VISTA LINDA HOMEOWNER'S ASSOCIATION, INC.

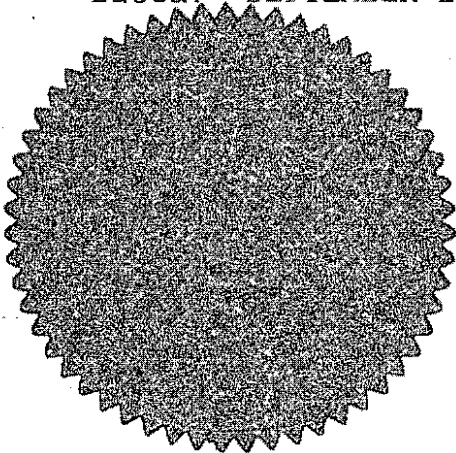
1819366

The State Corporation Commission certifies that duplicate originals of the Articles of Incorporation attached hereto, duly signed and verified pursuant to the provisions of the NONPROFIT CORPORATION ACT (53-8-1 to 53-8-99 NMSA 1978) have been received by it and are found to conform to law.

Accordingly, by virtue of the authority vested in it by law, the State Corporation Commission issues this Certificate of Incorporation and attaches hereto a duplicate original of the Articles of Incorporation.

Dated: SEPTEMBER 19, 1996

In Testimony Whereof, the State Corporation Commission of the State of New Mexico has caused this certificate to be signed by its Chairman and the Seal of said Commission to be affixed at the City of Santa Fe

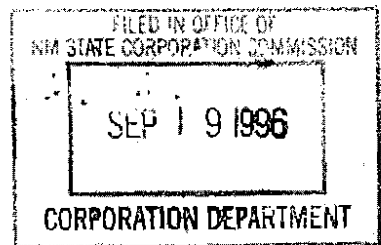


Gloria Iustiani

Chairman

Anette Arada

Director



Articles of Incorporation

for

VISTA LINDA HOMEOWNER'S ASSOCIATION, INC.,

a New Mexico non-profit Corporation

ARTICLE ONE - NAME:

The name of this corporation is The Vista Linda Homeowner's Association, Inc.

ARTICLE TWO - PERIOD OF DURATION OF CORPORATE EXISTENCE

The period of duration of the corporation shall be perpetual.

ARTICLE THREE - PURPOSE:

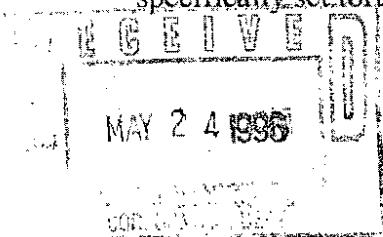
The Corporation is organized under the New Mexico Non-Profit Corporation Act and for all lawful purposes, including, but not limited to, compliance and enforcement of the deed restrictions and restrictive covenants of the Vista Linda Subdivision, Taos County, NM, and the promotion of the health, safety, general welfare, and civic interests of the association's members.

ARTICLE FOUR - MEMBERSHIP :

- Section 1. There shall be one class of membership in the Corporation
- Section 2. Any owners of real estate within the boundaries of said Vista Linda Subdivision shall be eligible for membership.
- Section 3. Membership in good standing shall consist of written application upon forms supplied by the corporation together with current status of said member with regard to payment of any and all dues and assessments

ARTICLE FIVE - GENERAL POWERS :

The Corporation shall have all of the general powers authorized by New Mexico Law, as specifically set forth at NMSA 53-8-5.



5 a 600

ARTICLE SIX - VOTING:

Voting privileges of the membership on any matter properly before them shall consist of one vote per total legal entity owning any land within the territorial boundaries of the Vista Linda Subdivision, regardless of whether said entity owns said land in either multiple or single parcels.

ARTICLE SEVEN - BOARD OF DIRECTORS:

Establishment of Board. The affairs of the Corporation shall be run by a Board of Directors constituted as follows herein.

Section 1. Establishment of Initial Board. There is hereby established an Initial Board of Directors comprised of the Seven persons hereinafter set forth, who shall serve until the Organizational meeting of the general membership.

Section 2. At said meeting there shall be elected by cumulative voting a Board of Directors which shall consist of two Director positions whose term of office shall expire at the annual membership meeting in odd numbered years, and three additional Director positions whose term of office shall expire at the annual membership meeting occurring in even-numbered years.

Section 3. Change in Number of Directors. A change in the number of Directors shall be made only by Amendment to these Articles of Incorporation.

Section 4. Election to Fill Vacancies. At each subsequent annual membership meeting, existing vacancies of the Board of Directors shall be filled by cumulative voting of the members in good standing.

Section 5. Membership of Initial Board. The following persons have consented to serve on the initial Board of Directors, for terms expiring at the Organization meeting of the general membership:

Kelan Emery, whose address is P. O. Box 2671, Taos, New Mexico, 87571

Billy Knight, whose address is P. O. Box 2008, El Prado, NM 87529,

Jan Rea, whose address is P. O. Box 1918, Ranchos de Taos, NM 87557,

Judy Johnson, whose address is P. O. Box 2045, Ranchos de Taos, NM 87557,

Catherine Naylor, whose address is P. O. Box 20, Taos, NM, 87571,

Adelmo Medina, whose address is P. O. Box 2765, Taos, NM, 87571, and

Bill Thomas, whose address is P. O. Box 1747, Ranchos de Taos, NM 87557.

ARTICLE EIGHT - REGISTERED AGENT:

The registered agent of the Corporation is Lee Deschamps, Attorney at Law, whose mailing address is P. O. Box 909, Ranchos de Taos, NM, 87557, and whose physical address is #9 Camino de Los Arroyos, Ranchos de Taos, NM, 87557, telephone (505) 751-1112.

ARTICLE NINE - SPECIAL MEETINGS OF THE MEMBERSHIP:

Special meetings of the membership may be called by Notice signed either by the President or any three (3) Directors or by at least fifteen (15%) percent of the members in good standing. Said notice shall be delivered as required by law and no less than ten (10) calendar days prior to said special meeting and shall set forth the specific purpose for which said special meeting is called.

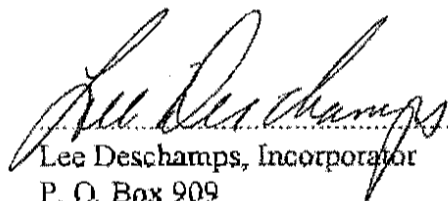
ARTICLE TEN - AMENDMENT:

Any amendment of these Articles or of the Corporation By-laws may occur only at a special meeting of the membership called for that specific purpose upon no less than thirty (30) days notice, or at a regularly scheduled meeting of the membership, and at which regular or special meeting at least twenty (20%) percent of the membership are present and by a vote of at least sixty five (65%) percent of those voting on such amendment.

ARTICLE ELEVEN - ADDRESS OF CORPORATION:

The Mailing Address of the Corporation is P. O. Box 909, Ranchos de Taos, NM, 87557, and its physical address is #9 Camino de Los Arroyos, Ranchos de Taos, NM, 87557, telephone (505) 751-1112.

Dated: April 2, 1996.

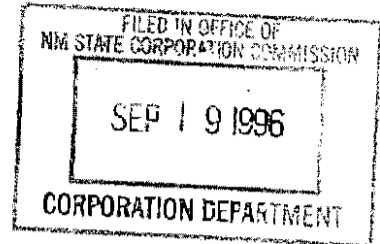

Lee Deschamps, Incorporator
P. O. Box 909
#9 Camino de Los Arroyos
Ranchos de Taos, NM, 87557

**AFFIDAVIT OF ACCEPTANCE OF APPOINTMENT
BY DESIGNATED INITIAL REGISTERED AGENT**

To: The STATE CORPORATION COMMISSION
STATE OF NEW MEXICO

STATE OF New Mexico

COUNTY OF TAOS



On this 18th day of SEPTEMBER, 1996, before me a Notary Public in and for the State and County aforesaid, personally appeared LEE DESCHAMPS, who is to me known to be the person and who acknowledged to me that the undersigned individual/corporate entity does hereby accept the appointment as the Initial Registered Agent of THE VISTA LINDA HOMEOWNER'S ASSOCIATION, INC.

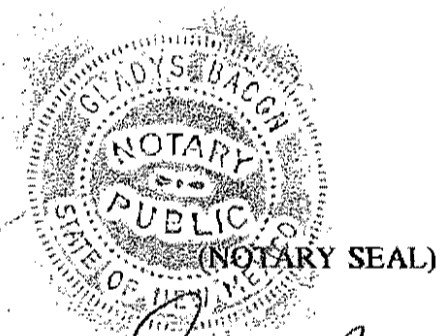
the corporation which is named in the annexed Articles of Incorporation, and which is applying for a Certificate of Incorporation pursuant to the provisions of the New Mexico Nonprofit Corporation Act.

Lee Deschamps
Registered Agent's Signature (Individual)

OR

Registered Agent's Corporate Name

By _____
Signature of Agent's President/Vice President



Gladys Bacon
NOTARY PUBLIC

My Commission Expires: 10/4/99

Vista Linda Neighborhood Association

Amendment One to Articles of Incorporation

Article Four -- Section 3.

The current wording is deleted and the following wording substituted:

Each legal entity as described in Article Six below shall be entitled to one membership upon tender of dues within sixty (60) days of notice of dues payable.

Approved at annual meeting September 13, 2009

Newell E. Boughton Jr. -- President Newell E. Boughton Jr.
Luis Alvarez -- Secretary Luis Alvarez Jr.

BY LAWS

for

VISTA LINDA HOMEOWNERS ASSOCIATION, INC.

a New Mexico non-profit Corporation

- 1.) **ANNUAL MEETING:** shall be conducted by the President and held on the third Sunday of September of each and every year.
PLACE: in Taos County, NM, *400 Avenida de la Tierra*
TIME: at 7:00 p.m.
QUORUM: A quorum for said meeting shall consist of members holding 15% of the votes entitled to be cast on any matters to be voted upon represented in person or by proxy.
- 2.) **MEMBERSHIP DUES:** shall be in the amount of \$25.00 annually, due no later than September 1 each year. Dues shall be prorated or members joining at any other time of the year.
400 Avenida de la Tierra
- 3.) **VOTING:**
 - A.) **Absentee Voting for Directors:** Absentee voting by postal mail for election of Directors or any other matter authorized by the Directors is specifically authorized herein should the Board of Directors so authorize at least thirty (30) days prior to such vote. In such event, ballots shall be mailed in individual envelopes with First Class postage affixed thereto, to all members requesting ballots who are then in good standing on the fifteenth (15th) day prior to said election.
 - B.) **Opening and tallying of Absentee Ballots:** Said ballots shall be opened and counted immediately after the in person vote is taken on the given matter.
- 4.) **PROXY:** Any member in good standing and any Director may vote by written proxy upon any matter properly before them.
- 5.) **BOARD OF DIRECTORS:** shall consist of the number of Directors set forth in the Articles of Incorporation.
- 6.) **DIRECTORS MEETINGS:** shall be open to the public at all times, shall be held in Taos County New Mexico, and shall be held at least annually within fifteen (15) following the general membership meeting and at such other times and upon such notice as the Board shall determine.
- 7.) **QUORUM:** A quorum of the Board of Directors shall consist of 60% of the members of the Board, exclusive of vacancies.
- 8.) **OFFICERS:** The Board of Directors shall from time to time appoint Officers to conduct the day-to-day affairs of the Corporation. The Offices shall consist of a President, Vice President, Secretary, and Treasurer, and such other positions as the Board may from time to time determine. One

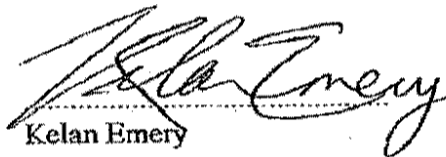
or more offices may be held by the same person, if consistent with law and if the Board so determines. Any general member in good standing selected by the Board, including any individual member of the Board, is eligible to be officers.

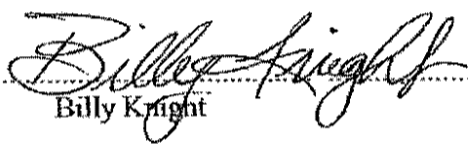
9.) **DUTIES OF OFFICERS:** The duties of officers shall be those determined from time to time by Resolution of the Board of Directors, except that the Books and records of the Corporation shall be kept in the care, custody and control of the Secretary of the Corporation.

10.) **COMMITTEES:** The Board may from time to time appoint such Committees, for such purposes, and with such powers, as the Board shall determine are appropriate for the conduct of the affairs of the Corporation.

11.) **AMENDMENT:** These bylaws may be amended by a 60% majority of the votes cast at any regular or special meeting of either the Board of Directors or of the Membership of the Corporation.

The foregoing By Laws are unanimously adopted, approved and accepted by the Board of Directors, as evidenced by their respective signatures hereto, and effective this 29th day of ~~April~~^{Sept.}, 1996.


Kelan Emery


Billy Knight


Jan Rea

.....
Judy Johnson

.....
Catherine Naylor

.....
Adelmo Medina


Bill Thomas

Amendment One to By Laws of the Vista Linda Homeowners Association, Inc.

**In accordance with Article Ten of the Articles of Incorporation
The Board of Directors, with a quorum present approved the following amendment on
November 23, 2009:**

Paragraph 1 is hereby changed to read:

ANNUAL MEETING: Shall be conducted by the President and held during the month of September of every year at such time and place as the Board of Directors shall designate. Written notice shall be mailed to eligible voters at least thirty (30) day in advance of the meeting.

QUORUM: A quorum for said meeting shall consist of members represented in person or by proxy holding 15% of the votes entitled to be cast on any matters to be voted upon.

Paragraph 2 is hereby changed to read \$50.00 in lieu of 25.00 presently stipulated.

Vista Linda Covenants

1. All lots shall be used for residential purposes only and only one single family dwelling shall be created on any one lot sold hereunder except those lots otherwise zoned.
2. Structures erected on any of said lots shall be of a Pueblo style architecture with roofs not to exceed a 3:12 pitch, and shall contain not less than 1,000 square feet of floor space devoted to living purposes unless zoned other than residential.
3. No outhouses (privies), or temporary house trailer, camper, tent, garage or out building, to be used as a residence shall be erected on any lot, except that during the construction of a permanent improvement necessary temporary building for the storage of material may be erected and maintained by the person performing said permanent construction. Any new construction, alteration or remodeling once commenced, shall be completed within one year of commencement.
4. Every building or structure shall comply with all State and County Codes, regulations and requirements as set forth by the County of Taos, State of New Mexico; furthermore said buildings shall be set back from any street line no less than 30 feet; from any side lot line no less than 20 feet, and from any rear lot line no less than 20 feet.
5. No wall, coping or solid fence exceeding 6 feet in height shall be erected on any lot.
6. No cattle, sheep, goats, pigs, rabbits, poultry or other livestock shall be kept, raised or maintained on any lot with the exception of a horse or a pony which may be kept in stable and corral on any lot one acre or larger in size. Said stable or corral shall be kept clean and sanitary with removal of manure and refuse at least twice each month.
7. Each lot at all times shall be kept clean and sightly and no solid wastes, including old machinery, autos or other equipment may be permitted to accumulate or remain exposed on any lot so as to be visible from any road or neighboring lot.
8. All building plans must be submitted by owner for approval by a committee designated by the undersigned owner before any construction begins.
9. Each property owner shall reserve for dedication a minimum of 20 feet surrounding his property for the use of roads or utilities as required.
10. All restrictions contained herein shall constitute covenants running with the land and shall be binding upon owners, heirs, successors and assigns of any owner.

Unless otherwise noted, each lot of 5 acres more or less is further divided into 4 sublots of equal size, 1.25 (unreadable) more or less, lettered in sequence clockwise from the northwest corner of each numbered lot, as per example shown in Lot 58.

(The above covenants are copied from the handwritten plat of Vista Linda Subdivision revised 16 June 1970.

Consent of Owner

Vista Linda Subdivision, Filing No. 1, a subdivision of Block B and a portion of Block 9, Plat of Ranchos Orchard and Land Co. in the Gijosa Land Grant, Tazewell County, New Mexico, is made with the free consent and in accordance with the desires of the undersigned Owner and Proprietor of said land including perpetual dedication of roads 20 feet on each side of all numbered lot boundary lines and restrictive covenants running with the land as follows:

1. All lots shall be used for residential purposes only and only one single family dwelling shall be erected on any one lot sold hereunder, except those lots otherwise zoned.
2. Structures erected on any of said lots shall be of a Pueblo style architecture with roofs not to exceed a 9/12 pitch. And shall contain not less than 1,000 square feet of floor space devoted to living purposes unless said other than residential.
3. No outhouses (privies), or temporary house, trailer, campers, tents, garage or other buildings, to be used as a residence, shall be erected on any lot, except that during the construction of a permanent improvement, necessary temporary buildings for the storage of materials may be erected and maintained by the person performing said permanent construction. Any new construction, alteration, or remodeling once commenced, shall be completed within one year of commencement.
4. Every building or structure shall comply with all State and County codes, regulations, and requirements as set forth by the County of Tazewell, State of New Mexico; furthermore said buildings shall be set back from any street line no less than 20 feet, from any side lot line no less than 20 feet, and from any rear lot line no less than 20 feet.
5. No wall, piping or solid fence exceeding 6 feet in height shall be erected on any lot.
6. No cattle, sheep, goats, pigs, rabbits, poultry or other livestock shall be kept raised or maintained on any lot with the exception of a horse or pony which may be kept in a stall and corral on any lot and acre or larger in size. Said stalls or corral shall be kept clean and sanitary, with removal of manure and refuse at least twice each month.
7. Each lot at all times shall be kept clean and tightly and no solid wastes, including old machinery, autos or other equipment may be permitted to accumulate or remain exposed on any lot so as to be visible from any road or neighboring lot.
8. All building plans must be submitted by owner for approval by a committee designated by the undersigned Owner before any construction begins.
9. Each property owner shall reserve for dedication a minimum of 20 feet surrounding his property for the use of roads or utilities as required.
10. All restrictions contained herein shall constitute covenants running with the land and shall be binding upon owners, heirs, successors and assigns of any owner.

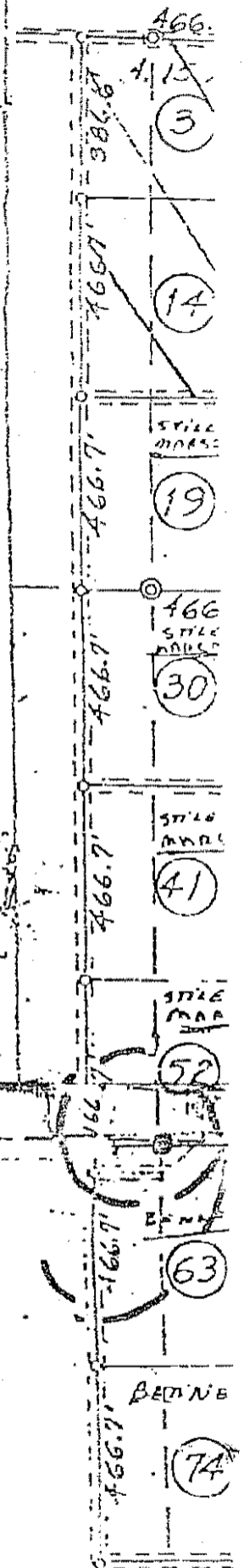
Witness my hand and seal of office this 11th day of June 1970 at the County of Tazewell, State of New Mexico.

Alfred Secretary
B. BAR H Corporation by Robert Barbey President

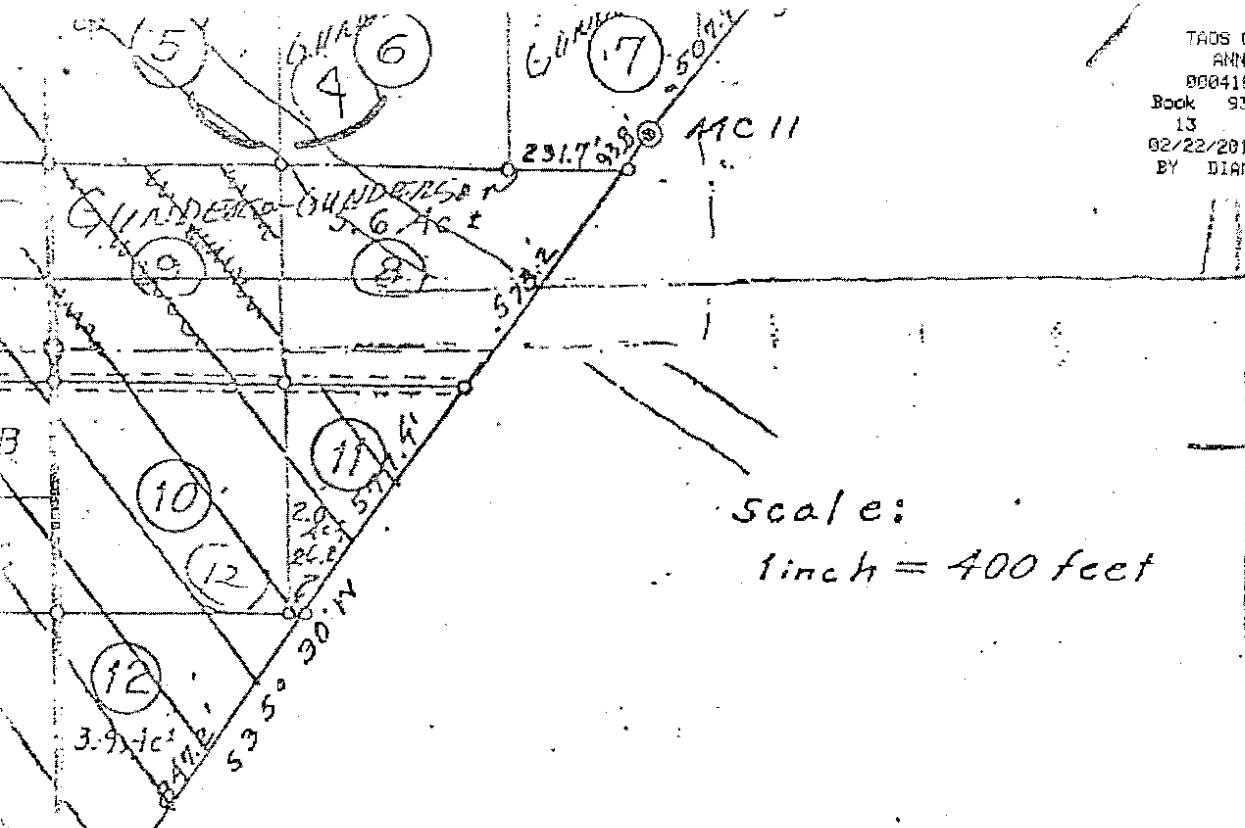
State of New Mexico)
 County of Tazewell) ss

The foregoing Consent of Owner was acknowledged before me this 11th day of June 1970 by Robert Barbey, President of B BAR H Corporation, a Colorado corporation.

My commission expires
 Oct 26, 1973



TAZEWELL COUNTY
 ANNA MARTINEZ, CLERK
 Book 939 Page 71
 02/22/2017 04:00:43 PM
 BY DIANAD



scale:
 1 inch = 400 feet

Legend:

- ⊙ Ranchos Orchard and Land Co. monument found
- ⊙ Ranchos Orchard and Land Co. monument not found
- ⊙ General Land Office monument found
- ⊙ General Land Office monument not found
- $\frac{3}{8}$ " rebar set for lot corner, this survey

Lots are 5 acres, more or less,
 unless otherwise noted. Each lot of 5 acres
 more or less, is further divided into 4 sublots of equal size, 1.25
 more or less, lettered in sequence clockwise from the northwest
 corner of each numbered lot, as per example shown in Lot 5.

Retracement of Parts of West Bound
 Cristoval de la Serna Grant and Ran
 Orchard and Land Co. subdivision
 and
 staking of Vista Linda Subdivision

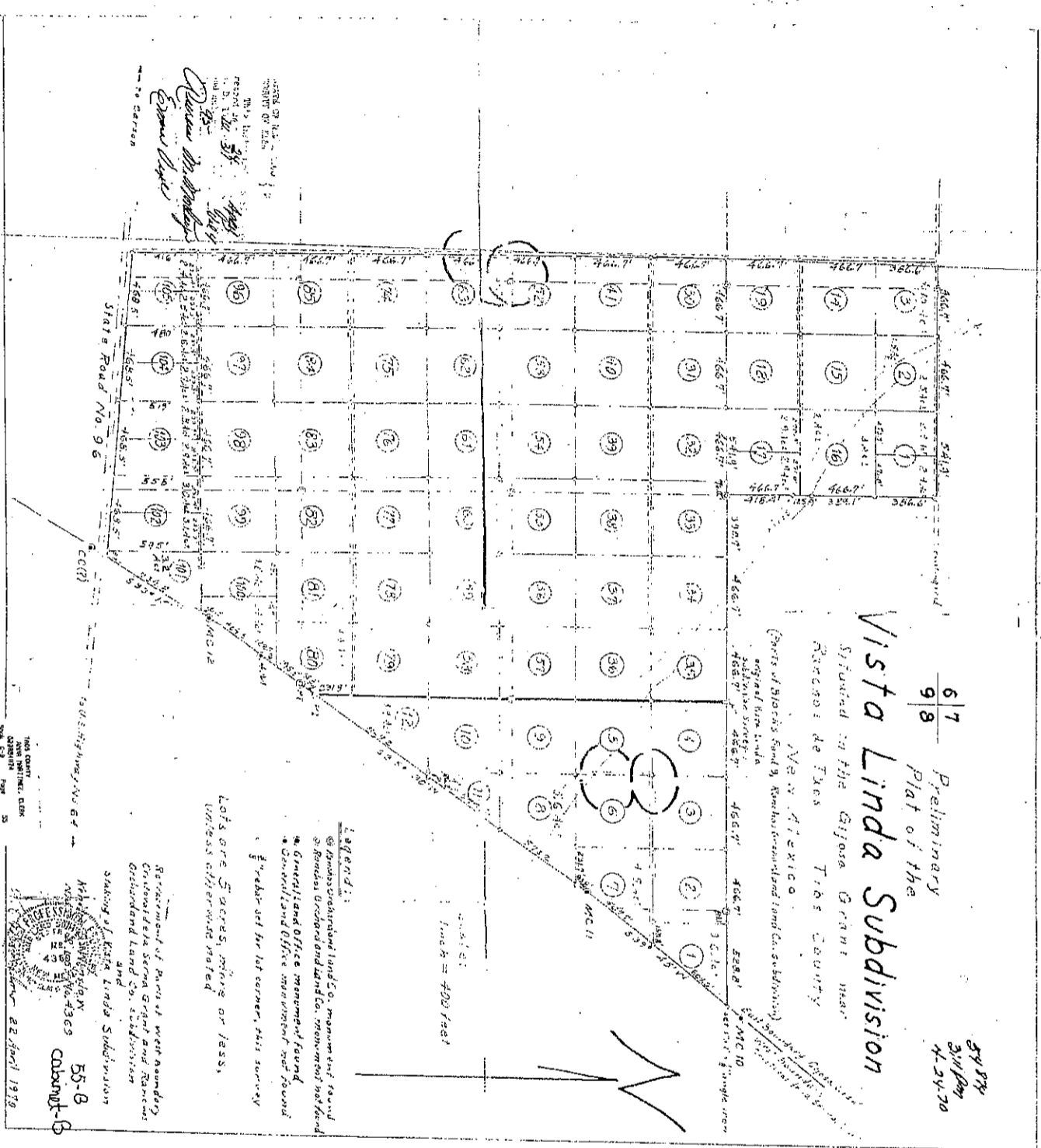
by
 Kenelm C. Winslow

New Mexico Registered Professional Eng.
 and Land surveyor
 License No. 4369

to U.S. Highway No. 64 →

REV. 16 June 1970 *exm*

K. C. Winslow 22 April 1971



6/7
 9/8 Preliminary
 Plat of the
 Vista Linda Subdivision

Found in the Gijosa Grant near
 Rancho de Tias Tias County
 New Mexico
 (Parts of Block 9, Rancho de Tias Land Co. Subdivision)
 Original Run, Linda
 Addition Survey
 Surveyed by
 M.C. 10

LEGEND:

- ① Rancho de Tias Land Co. monument found
- ② Rancho de Tias Land Co. monument not found
- ③ Rancho de Tias Land Co. monument not found
- ④ Rancho de Tias Land Co. monument not found
- ⑤ Rancho de Tias Land Co. monument not found
- ⑥ Rancho de Tias Land Co. monument not found
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- ㊾ Rancho de Tias Land Co. monument not found
- ㊿ Rancho de Tias Land Co. monument not found

Survey of Vista Linda Subdivision
 Surveyed by
 M.C. 10
 February 22, 1979

STATE OF NEW MEXICO
 COUNTY OF TAOS
 I, Anna Martinez, Clerk
 do hereby certify that the
 above is a true and correct
 copy of the original
 filed in my office on
 the 22nd day of February
 1979.

TAOS COUNTY
 ANNA MARTINEZ, CLERK
 State of New Mexico
 22 Feb 1979

Vista Linda Homeowners Association - ANNUAL BUDGET
PO Box 2392, Ranchos de Taos, NM 87557
vlna87557@gmail.com
<https://sites.google.com/site/vistalindaneighborhood>

Beginning Balance	\$10,000.00
Revenues	
Homeowners Assn Dues	\$4,500.00
Road Assessments	\$28,000.00
Social Event	\$700.00
TOTAL REVENUE:	\$33,200.00
Expenses	
Administrative Costs	-\$300.00
Road Improvement	-\$28,000.00
Snow Plowing	-\$2,000.00
Road Signs	-\$200.00
Social Event	-\$700.00
Emergency Expense Fund	-\$2,000.00
TOTAL EXPENSES:	-\$33,200.00
Ending Balance	\$10,000.00

