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**DECLARATION OF
RIO OESTE SUBDIVISION COVENANTS,
CONDITIONS AND RESTRICTIONS**

A Declaration of Covenants, Conditions and Restrictions for the Creation and Maintenance of a Planned Residential Development.

THIS DECLARATION is made as of April 12, 2004 by Rio Oeste Development LLC, a New Mexico limited liability company, with respect to that certain real Property situate in Bernalillo County, New Mexico and more particularly described as follows:

Lots 1-P1 through 6-P1, inclusive, Block 1; Lots 1-P1 through 8-P1, inclusive, Block 2; Lots 1-P1 through 21-P1, inclusive, Block 3; Lots 1-P1 through 12-P1, inclusive, Block 4; of RIO OESTE SUBDIVISION, as the same is shown on the Plat thereof recorded in the Bernalillo County, New Mexico real estate records on December 10, 2003 IN BOOK 2003C, Page 371 as Document No. 2003220427, and contiguous public streets, and/or Property or easement to the extent that the Association has a beneficial interest in, or an obligation regarding the contiguous Property ("Property").

It is hereby declared that all of the described Property is subject to this Declaration which is for the purpose of creating and maintaining a planned residential development on the described Property and for the improvement and protection of the value, desirability and attractiveness of the described Property.

It is the purpose of this Declaration to create a planned unit residential development consisting of forty-seven (47) single family dwellings with each dwelling to be located on an individually owned lot on public streets, and with portions of the Property being maintained by the Rio Oeste Homeowners' Association for the benefit of the Home Owners (defined below).

This Declaration shall run with the described Property and shall be binding upon and inure to the benefit of Grantor, the Association, each Owner of the described Property or any part of it, and each successor in interest of Grantor, the Association, and any such Owner.



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ARTICLE 1
Definitions

Unless the context otherwise specifies or requires, the terms defined in this Article 1 shall have the meanings as defined in this Article for the purposes of this Declaration and these Restrictions.

Section 1.01: Architectural Control Committee.

The terms "Architectural Control Committee" or "Committee" shall mean the architectural control committee created pursuant to Article 8 below.

Section 1.02: Association.

The term "Association" shall mean the Rio Oeste Homeowners Association, Inc., a New Mexico non-profit corporation described in the Article below entitled, "Organization, Powers and Duties of the Association", and any predecessor or successor unincorporated association.

Section 1.03: Board.

The term "Board" shall mean the Board of Directors of the Association and the governing body of any predecessor or successor unincorporated association.

Section 1.04: City.

The term "City" means the City of Albuquerque, a New Mexico municipal corporation.

Section 1.05: County.

The term "County" means Bernalillo County, a political subdivision of the State of New Mexico.

Section 1.06: Common Area.

The term "Common Area" shall mean those portions of public right-of-way, easement areas, and the exterior surface of Perimeter Walls facing Coors Boulevard and Via Corta del Sur, which the Association has declared that it will maintain for the benefit of Owners within Rio Oeste Subdivision. The portions of public right of way to be maintained as Common Area include the landscape areas within the Coors Boulevard right of way adjacent to Lots 10-P1 through 16-P1 in Block 3 and the Coors right of way adjacent to Tract A; the landscape areas within the Via Corta del Sur right of way adjacent to Lots 1-P1 through 6-P1 in Block 1 and adjacent to



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