

LA VIVEZA DE SANTA FE HOMEOWNERS' ASSOCIATION

Rules and Regulations

Adopted November 15, 2007

The establishment of the Rules and Regulations ("R&R") is provided for in the Amended By-Laws ("By-Laws") approved by the Owners at the Special Meeting of La Viveza de Santa Fe Homeowners' Association ("HOA") on November 15, 2007, and has been approved by the Architectural Review Board ("ARB") and the Board of Directors ("Board") of the HOA to become effective on the above stated adoption date.

In the event the R&R is in conflict with the By-Laws, the Declaration of Covenants and Restrictions, La Viveza de Santa Fe Subdivision ("Subdivision") or the Declaration of Covenants and Restrictions of Estancia Primera Community Services Association ("Governing Documents") those documents shall prevail. Capitalized words in the R&R shall have the meanings ascribed to them in the Governing Documents.

The R&R has been prepared to establish rules and regulations for the management of the HOA, development, construction and land use within the Subdivision, the review and enforcement of the procedures established and to aggregate such provisions from several sources into one document to facilitate the Owners' reference. The R&R does not attempt to list all of the rules and restrictions from all of the Governing Documents only those considered germane to day-to-day activities of Owners. Any Owner may apply to the ARB or the Board for permission to undertake a project not allowed or not covered in the R&R.

Application-The R&R applies to each Owner, and each Owner is responsible for the Owner's guests and tenants' abiding by the R&R. Notices of violations attributable to an Owner's guests or tenants shall be directed to the Owner, and fines attributable to such guests or tenants shall be assessed to the Owner.

Common Areas-No sustained or periodic use of the Common Areas shall be made without prior written approval of the Board.

Residential Use-The Subdivision shall be used only for residential purposes, and no part shall be used directly or indirectly for any business, professional or non-residential purpose including raising/trading animals, fish or Pets as a business, except for home occupations, as allowed by ordinance of the City of Santa Fe, if approved in writing by the Board. Nothing herein shall restrict the development or marketing of Lots. Lots shall not be further subdivided.

Signs- No sign of any kind pertaining to rental or leasing or the prospect of rental or leasing shall be placed or displayed in the Subdivision.

Use Restrictions-Nothing shall be done or kept on any portion of the Subdivision which will increase any rate of insurance, cancellation thereof, or that would be in violation of any law or ordinance.

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No portion of the Subdivision shall be used or maintained as a dumping ground for rubbish, trash or waste ("Waste"). No oil or other refuse shall be allowed to enter the storm drains. Waste shall be kept in sanitary containers concealed from the public except when placed for pickup. Waste shall only be placed at the curb the morning of trash pick-up. When leaving prior to the morning of trash pickup, Owners should arrange with a neighbor to handle the Waste or take the Waste to a city dumpster.

No building materials may be stored within the Subdivision except for such to be used in a construction project.

No noxious or unreasonably offensive activities shall be carried on, nor shall anything be done or placed on the Subdivision which could become a nuisance or cause unreasonable embarrassment, disturbance or annoyance to any Owner.

Vehicles-There shall be no encroachment of a vehicle allowed on any Common Area or encroachment on any undeveloped Lot or other than on driveways on a developed Lot without permission of the Board. Garages must not be used for any purpose that precludes the housing of the Owner's vehicle(s). Owners, tenants or occupants are expected to park vehicles in garage at most times and not park on driveways or on the street on a regular or frequently reoccurring basis. Owners of more than two cars may park in the Owner's driveway, provided such vehicle is in condition acceptable to the standards of the community as determined by the ARB and used on a regular basis. Owners' guests may park on an Owner's driveway on a regular basis for the duration of their visit. No U-Haul, trailers, boats, vans or similar vehicles may be parked on Owner's driveway or on the street on anything but a temporary or emergency basis. Overnight parking of such vehicles in driveways or on the street on a regular or frequently reoccurring basis is precluded.

Owners are expected to obey all traffic laws, including posted speed limits, and to operate vehicles courteously and with respect to others at all times, and at no time operate a vehicle in a manner that would pose a threat or danger to any Owner, guest, tenant, occupant, Pet, wildlife, street structure or landscaping.

Exterior Maintenance-The Architectural Review Board shall be responsible for adherence to the exterior maintenance guidelines in this section. The Owner of each Lot shall maintain the facades and exterior aspects of all improvements on the Lot in first class order and repair and in substantially the same condition as prevailed when the improvements were newly constructed. Landscaping and vegetation on each Lot shall be neat, orderly and in healthy condition. Permanent landscaping and vegetation shall utilize plants indigenous or natural to northern New Mexico as approved by Estancia Primera Community Service Association. Driveways shall be maintained free of weeds and plants at all times.

Each residence shall use the following colors of exterior paints, stains:

- Stucco----- Buckskin
- Garage Doors ----- Buckskin

- Wood trim, balconies & porches ----- Mission Brown-semi-solid stain
- Front doors may vary in style and color if not visible from a public street, private street or any Common Area
- Drip Edge (metal trim) above the garage door shall be painted in a similar color (i.e. Mission Brown) as the fascia boards (stained wood)
- Vinyl weather strip and/or wood trim which surround the garage door shall be painted the same color (i.e. Buckskin) as the garage door

Lighting- Exterior garage/address security lighting over street addresses shall be on from dusk to dawn each night. All exterior lighting shall be indirect so as not to be a nuisance to any Owner, tenant or occupant nor directly visible from any residence, public street, private street or any Common Area.

Exterior Modifications-The Architectural Review Board shall be responsible for adherence to the exterior modifications guidelines in this section. No permanent development, construction, major modification, repair or decoration of any improvement within the Subdivision, no landscaping or alteration of the vegetation or topography within the Subdivision; and no other activity which affects the character, quality, appearance or value of the Subdivision shall be undertaken without prior written consent of the ARB except for activities that affect only the interior space within a residence including existing private patios and porches.

Owners contemplating construction or maintenance of any external radio, computer or television antenna, saucer or other communication device or equipment must consult with the ARB. No Owner shall maintain any equipment which interferes or impedes normal reception of radio, computer or television transmission signals upon or to other portions of the Subdivision.

No shed or other such building shall be permitted except during the term of and in conjunction with residential construction.

There shall be neither guest houses nor time-share interests allowed in the Subdivision. Rental of more than one residence shall be considered a business and must have Board approval.

There shall be no fences within thirty-five feet of any structure except for privacy fences. Fencing and gates shall blend with existing fences in Subdivision such as adobe style and coyote or combinations thereof. All fences must be approved in writing prior to construction by the ARB.

Garage doors shall be kept closed except when in use or opened up to 6" for ventilation purposes.

Owners shall not affix to any window opening visible from a public street, private street or any Common Area any non-transparent foil, paper or similar material or any material other than a neutral matching color.

There shall be no lawns in excess of 800 square feet. All lawns shall be of native low-water consuming grasses.

Owners shall not allow any shrub, hedge, tree or other landscaping to interfere with the view, solar access or privacy of any residential unit.

Art works visible from a public street, private street or any Common Area may not be installed without prior written approval of the ARB.

Pets-Owners may not have more than three pets (dog, cats, etc, or any combination) ("Pet") over ten weeks of age. All Pets shall be vaccinated, tagged and licensed as required by applicable local laws and regulations. The Owner shall be responsible for the immediate removal and clean-up of any Pet's waste in the Subdivision. All Pets on any Common Area, on the streets, sidewalks, or other area of the Subdivision except for enclosed yards and patios shall be under Owner's control except for a cat(s). No Pet shall be allowed to be a nuisance or to create noise or odor reasonably offensive to Owners, tenant or occupants.

Approval, Review and Enforcement- The Board or ARB decision on any requested project shall be provided to the Owner within 30 days of receipt of the approval request or any information subsequently requested by the ARB in conjunction with such project; otherwise Owner may assume the project has been approved. The ARB will grant approval based on whether the project conforms to applicable laws and the Governing Documents, does not detract from the character, quality, appearance or value or the utility or reasonable enjoyment of the area, and is adequately financed for construction, maintenance and repair.

The ARB will tour the Subdivision at least twice annually to determine if the R&R is being adhered to. The ARB will report all enforcement actions and the conclusions of such Subdivision tours to the Board timely.

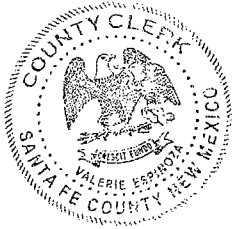
Violations, Complaints and Fines-The Board or the ARB as appropriate will notify Owner(s) of any perceived or actual violation of the R&R or the Governing Documents in a manner the Board or the ARB deems appropriate ("Notification"). The Notification will identify the violation and the appropriate corrective action to be taken to rectify the violation with a date for completion of the corrective action. The Owner will be given 30 days, or such other deadline as determined appropriate by the Board or the ARB, from the date of the Notification to instigate corrective action with a completion date satisfactory to the Board or the ARB. If the corrective action is not completed as expected, the Board upon review of the circumstances, may take all measures available under the R&R and Governing Documents including, but not limited to, correcting the situation and billing Owner(s) involved for the costs plus levy a fine(s). The Board will levy a fine under such circumstances of \$250.00 (and notify the Owner(s) by registered mail of such). An additional fine of \$250.00 will be levied for each additional 30 day period thereafter that the expected corrective action remains uncompleted.

Any Owner who has a complaint ("Complaint") may submit such Complaint in writing to the Board along with as much description as available or appropriate about the situation. The Board or the ARB at the direction of the Board if the Complaint falls under the jurisdiction of the ARB will review the Complaint and notify the complaining Owner within 30 days of receipt of the

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Complaint whether the Board or the ARB considers such Complaint to be a violation of the R&R or the Governing Documents. If the Board or the ARB is in agreement with the complaining Owner, the Complaint will be handled in the same manner as a violation described above.

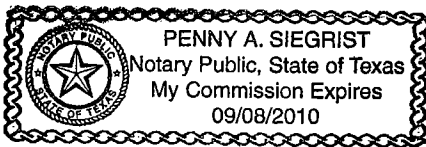
Any Owner disagreeing with the accusation of a violation or with a decision of the Board or the ARB or imposition of a fine by the Board may file with the Appeals Committee a written statement containing all relevant facts, data, opinions and any other materials or documentation setting forth the Owner's position on the matter and requesting a audience and hearing by the Appeals Committee. The Appeals Committee within 30 days shall make a recommendation as to the resolution of the matter to the Board with copy to the Owner. The Board will make the final decision as to the resolution of the matter and promptly inform the Owner by written notice of its decision which will be a final and binding determination. Recommendations of the Appeals Committee will be rejected by the Board only in the event of abuse of discretion or clear error.



LA VIVEZA DE SANTA FE HOMEOWNERS' ASSOCIATION, INC.

By Thomas A. Solak
President

SUBSCRIBED AND SWORN TO before me by the said Thomas A. Solak, President, on this 15 day of May, 2008



Penny A. Siegrist
Notary Public, State of Texas

By Andrew H. Stewart
Secretary

SUBSCRIBED AND SWORN TO before me by the said Drew Stewart, Secretary, on this 20th day of May, 2008

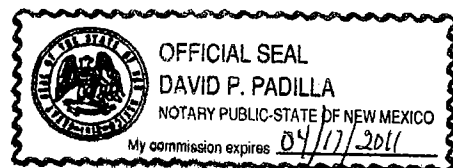
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

RULES & REGULATIONS
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I Hereby Certify That This Instrument Was Filed for Record On The 20TH Day Of May, A.D., 2008 at 09:51 And Was Duly Recorded as Instrument # 1526246 Of The Records Of Santa Fe County

David P. Padilla
Notary Public, State of New Mexico

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM



Deputy Valerie Espinoza