

**First Amendment  
to the  
Declaration of Covenants and Restrictions for Cresta Homeowners' Association**

This First Amendment to Declaration of Covenants and Restrictions for Cresta Homeowners' Association (the "First Amendment") is made effective as of the date of recordation in the records of Santa Fe County, New Mexico.

Recitals

A. The Declaration of Covenants and Restrictions for Cresta Homeowners' Association, dated May 4, 1983 was recorded in Book 462, page 275, records of Santa Fe County, New Mexico and amended by that certain Amendments to Declaration of Covenants and Restrictions of Cresta Homeowners' Association recorded on January 6, 2011 as Instrument No. 1622300, records of Santa Fe County, New Mexico (collectively, the "Declaration").

B. The Declaration approved that certain plat recorded in the office of the clerk of Santa Fe County, New Mexico on October 21, 1981, in Plat Book 107, page 22, Instrument No, 486,756 (the "Original Plat") subdividing Tract J described therein into twenty-four (24) lots (the "Property") subject to the Declaration.

C. Subsequently, four of the lots within the Property were consolidated into two lots but the Declaration has not been amended to approve the amended lot configurations nor the reduction in the number of lots within the Property to twenty-two lots.

D. The lot owners of Cresta Homeowners' Association approved this Amendment to Declaration this 22<sup>nd</sup> day of December 2020 by a vote of 22 to 2 *BC RM*

NOW THEREFORE, the Declaration is amended as follows:

Amendment

1. Consolidation of Lots 23 and 24. Pursuant to the plat recorded in Book 354, page 24, as Instrument No. 971635, records of Santa Fe County, New Mexico, Lots 23 and 24 were consolidated into Lot 23 and will now be treated as a single lot. A copy of the lot consolidation plat is attached hereto as Exhibit A.

2. Consolidation of Lots 9 and 14. Pursuant to the plat recorded in Book 855, page 5, as Instrument No. 1897137, records of Santa Fe County, New Mexico, Lots 9 and 14 were consolidated into Lot 14-A and will now be treated as a single lot. A copy of the lot consolidation plat is attached hereto as Exhibit B.

3. Amendment to the number of Lots. All references to twenty-four lots or twenty-four in the Declaration shall be amended to twenty-two (22).

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4. Amendment to Section 5.5(a). Section 5.5(a) of Article V is hereby amended as follows:

5.5(a) Method of Determining Assessment. Prior to the beginning of each fiscal year, the Association shall prepare a budget of the total estimated operating expenses of the Association for said fiscal year. The budget shall estimate all expenses, based upon the actual services to be undertaken by the Association, and each Owner shall be assessed a share of the total required, determined as follows:

(i) Lots Nos. 8, 11, 12, 13, 14-A, 15, 16, 17, 18, 19, 20, 21, 22, and 23, as such Lots front on a private street (Paseo Cresta), shall share a proportionate cost of maintaining that private street, as indicated on Exhibit "A" to the Declaration together with one single lot situated in Cumbre Vista by recorded agreement for a total of 15 lots.

(ii) All Lots shall each bear a 1/22 share of the general assessments.

5. Amendment. Except as herein above amended, the Declaration is and remains in full force and effect.

6. Certificate. The undersigned President and Secretary of Cresta Homeowners' Association hereby certify that the foregoing First Amendment to the Declaration has been approved by resolution voted on at a duly called meeting of the Members, by all of the lot owners of the Lots in the property.

**Cresta Homeowners' Association**

By: Barbara Chamberlin  
Barbara Chamberlin,  
Its: President

ATTESTED:

By: Roger Hamilton  
Roger Hamilton  
Its: Secretary



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COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
FIRST AMENDMENT  
PAGES: 5

I Hereby Certify That This Instrument Was Filed for Record On The 28TH Day Of December, 2020 at 10:52:54 AM And Was Duly Recorded as Instrument # 1938594 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar  
Deputy Mr Gallegos County Clerk, Santa Fe, NM

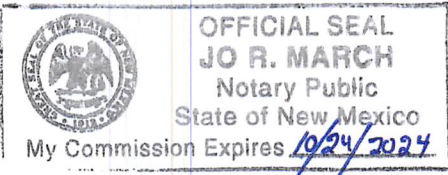
**ACKNOWLEDGMENT**

STATE OF NEW MEXICO        )  
  )ss  
COUNTY OF SANTA FE        )

This instrument was acknowledged before me on December 23 2020, Barbara Chamberlin, President and Roger Hamilton, Secretary.

Jo R. March  
Notary Public

My Commission Expires: 10/24/2024



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