

PLEASE READ THIS DISCLOSURE STATEMENT  
BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING

DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT IS INTENDED TO PROVIDE YOU WITH ENOUGH INFORMATION TO PERMIT YOU TO MAKE AN INFORMED DECISION ON THE PURCHASE OF LEASE OF PROPERTY DESCRIBED IN THIS STATEMENT. YOU SHOULD READ CAREFULLY ALL OF THE INFORMATION CONTAINED IN THIS STATEMENT BEFORE YOU DECIDE TO BUY OR LEASE THE DESCRIBED PROPERTY. YOU SHOULD BE AWARE OF THE FACT THAT VARIOUS STATE AGENCIES HAVE ISSUED OPINIONS ON BOTH THE SUBDIVISION PROPOSAL AND WHAT IS SAID IN THIS DISCLOSURE STATEMENT ABOUT THE PROPOSAL. THESE OPINIONS, WHETHER FAVORABLE OR UNFAVORABLE, ARE CONTAINED IN THIS DISCLOSURE STATEMENT AND SHOULD ALSO BE READ CAREFULLY.

THE BOARD OF COUNTY COMMISSIONERS HAS EXAMINED THIS DISCLOSURE STATEMENT TO DETERMINE WHETHER THE SUBDIVIDER CAN SATISFY WHAT HE HAS SAID IN THIS DISCLOSURE STATEMENT. HOWEVER, THE BOARD OF COUNTY COMMISSIONERS DOES NOT VOUCH FOR THE ACCURACY OF WHAT IS SAID IN THIS DISCLOSURE STATEMENT. FURTHERMORE, THIS DISCLOSURE STATEMENT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION BY EITHER THE COUNTY OR THE STATE. IT IS INFORMATIVE ONLY.

FINALLY, THE BOARD OF COUNTY COMMISSIONERS RECOMMENDS THAT YOU SEE THE PROPERTY BEFORE BUYING OR LEASING IT. HOWEVER, NEW MEXICO LAW PROVIDES THAT IF YOU DO NOT SEE THE PROPERTY PRIOR TO PURCHASING OR LEASING IT, YOU HAVE SIX MONTHS FROM THE TIME OF PURCHASE OR LEASE TO INSPECT THE PROPERTY. UPON INSPECTING THE PROPERTY, YOU HAVE THREE DAYS FROM THE DATE OF INSPECTION TO RESCIND THE TRANSACTION AND RECEIVE ALL OF YOUR MONEY BACK FROM THE SUBDIVIDER. YOU MUST GIVE THE SUBDIVIDER NOTICE IN WRITING OF YOUR INTENT TO RESCIND WITHIN THREE DAYS OF YOUR INSPECTION OF THE PROPERTY.

1. NAME OF SUBDIVISION

SKY COUNTRY ESTATES

2. NAME AND ADDRESS OF SUBDIVIDER

WESTERN BANK  
P. O. BOX 1709  
ALAMOGORDO, NEW MEXICO 88310

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING  
IN NEW MEXICO.

AUBREY DUNN JR.  
P.O. BOX 1709  
ALAMOGORDO, NEW MEXICO 88310

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

PRESENT	ANTICIPATED
362.364 ACRES	NONE

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE OR LEASE WITHIN  
SUBDIVISION.

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE OR LEASE WITHIN  
THE SUBDIVISION.

2.5 ACRES

7. PROPOSED RANGE OF SELLING OR LEASING PRICES

LOWEST AMOUNT	\$10,000.00	3.65	PARCEL SIZE
HIGHEST AMOUNT	\$54,000.00	27.875	PARCEL SIZE

8. FINANCING TERMS

(INTEREST) TO BE DETERMINED AT CLOSING.

(TIME PRICE DIFFERENTIAL)

(TOTAL COST - DOWN PAYMENT) \* SIMPLE INTEREST \* YEARS OF  
CONTRACT)

(AMOUNT PAID AS A DISCOUNT)

NONE

(SERVICE CHARGES)

STANDARD ESCROW FEE PLUS TAX

(PREMIUM FOR CREDIT LIFE OR OTHER LIFE INSURANCE IF IT IS A CONDITION FOR GIVING CREDIT)

NONE

(CLOSING COSTS)

SELLER TO PROVIDE TITLE INSURANCE.

SELLER TO PAY ORIGINAL ESCROW SET UP.

ALL OTHER CLOSING COSTS TO BE SPLIT EVENLY BETWEEN SELLER AND BUYER.

(ANY OTHER INFORMATION REQUIRED BY THE TRUTH IN LENDING ACT IF NOT SET FORTH ABOVE)

NONE

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

WESTERN BANK  
P.O. BOX 1709  
ALAMOGORDO, NEW MEXICO 88310

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

WESTERN BANK  
P.O. BOX 1709  
ALAMOGORDO, NEW MEXICO 88310

11. CONDITION OF TITLE

(STATEMENT OF CONDITION OF TITLE)

TITLE IS INSURABLE.

(NUMBER OF MORTGAGES)

NONE

(NAME OF EACH PERSON HOLDING A REAL ESTATE CONTRACT AS OWNER OF THE SUBDIVIDED LAND FOR WHICH THE SUBDIVIDER IS MAKING PAYMENTS AS A PURCHASER)

NONE

(STATEMENT OF ANY OTHER ENCUMBRANCES ON THE LAND)

NONE

(STATEMENT OF ANY OTHER CONDITIONS RELEVANT TO THE STATE OF TITLE)

NONE

12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD SUBJECTING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING ITS USE OR OCCUPANCY

SEE ATTACHED COPY OF RESTRICTIVE COVENANTS

13. ESCROW AGENT

(STATEMENT ABOUT WHETHER OR NOT THE SUBDIVIDER HAS ANY INTEREST OR FINANCIAL TIES WITH THE ESCROW AGENT)

NO ESCROW AGENT ASSIGNED.

14. UTILITIES

(NAMES OF ENTITIES PROVIDING SERVICE)

TELEPHONE: PENASCO VALLEY TELEPHONE CO-OP INC. TELEPHONE SERVICE WILL NOT BE PROVIDED BY THE DEVELOPER. ALL ARRANGEMENTS FOR TELEPHONE SERVICE WILL BE BETWEEN THE INDIVIDUAL LOT OWNER AND THE TELEPHONE UTILITY COMPANY. INSTALLATION COSTS WILL BE AFFECTED BY NUMBER OF PHONES INSTALLED, AS WELL AS LOT LOCATION. THEREFORE, INSTALLATION COSTS ARE INDETERMINATE AT THIS TIME.

ELECTRICAL: OTERO COUNTY ELECTRICAL CO-OP INC. DUE TO INSTABILITY IN THE ENERGY MARKET, INSTALLATION RATES AND MONTHLY CHARGES FOR KILOWATT CONSUMPTION ARE SUBJECT TO VARIATION. MONTHLY CHARGES WILL VARY ACCORDING TO SIZE OF HOUSE, NUMBER OF APPLIANCES, AND HEAT LOSS RATIO. SUPPLIER SHOULD BE CONTACTED REGARDING CURRENT HOOK-UP COSTS AND ESTIMATED FEES PERTAINING TO PROPOSED DWELLING.

GAS: NATURAL GAS WILL NOT BE AVAILABLE BUT, GAS SERVICES WILL NOT BE PROVIDED. EACH LOT OWNER WILL HAVE TO MAKE ARRANGEMENTS. RATES AND CHARGES WILL VARY DUE TO ENERGY MARKETS AND INDIVIDUAL HOUSING. CONTACT SUPPLIER FOR FURTHER INFORMATION.

WATER: WATER WILL NOT BE FURNISHED. EACH LOT OWNER WILL HAVE THEIR OWN INDIVIDUAL WATER WELLS. COSTS ARE BASICALLY INDETERMINATE. DEPENDING ON DEPTH ACTUALLY REQUIRED. TYPE OF CASING, SIZE OF PUMP, AND TYPE OF PRESSURE SYSTEM. ESTIMATED COST FOR A 375 FOOT WELL CAN BE EXPECTED TO BE ABOUT \$7000.00 BASED ON 1990 PRICES. LOCAL WELL DRILLERS SHOULD BE CONTACTED FOR ESTIMATES.

SEWER: THE INDIVIDUAL LOT OWNER WILL FURNISH THEIR OWN LIQUID WASTE DISPOSAL SYSTEM. COSTS ARE BASICALLY INDETERMINATE, BASED ON LAND SLOPES AND SOIL CONDITIONS. SEPTIC TANK WITH LEACH FIELDS MAY NOT WORK ON ALL LOTS, HOLDING TANKS OR OTHER SEPTIC SYSTEMS MAY BE NEEDED. SOIL DEPTH AND RATE OF PERCULATION WILL BE NEEDED TO DETERMINE WHAT SYSTEM WILL WORK. LOCAL CONTRACTORS SHOULD BE CONTACTED FOR ESTIMATES.

15. INSTALLATION OF UTILITIES

WATER - NONE FURNISHED BY DEVELOPER.

ELECTRICITY - THE DEVELOPER, AT DEVELOPER'S COST WILL DELIVER POWER TO THE PROPERTY LINE, AT A POINT OF DEVELOPER'S CHOICE WITHIN ONE YEAR CLOSURE OF ESCROW ON A GIVEN PARCEL.

GAS - NONE FURNISHED

16. UTILITY LOCATION

(IF ALL UTILITIES ARE TO BE PROVIDED TO EACH PARCEL IN THE SUBDIVISION, PLEASE MAKE THAT STATEMENT HERE)

ELECTRIC POWER WILL BE PROVIDED TO EACH PARCEL BOUNDARY, NO GAS OR TELEPHONE SERVICE WILL BE PROVIDED.

(THE FOLLOWING UTILITIES WILL BE LOCATED UNDER GROUND)

NONE

(THE FOLLOWING WILL BE LOCATED OVERHEAD)

ELECTRIC

17. WATER USE

THE SUBDIVIDER WILL PROVIDE NO WATER AND WILL IMPOSE NO LIMIT ON WATER USE. THE STATE ENGINEER WILL GRANT A DOMESTIC WELL PERMIT UNDER SECTION 72-12-1 (NMSA) FOR HOUSE HOLD OR OTHER DOMESTIC PURPOSES AND FOR THE IRRIGATION OF NOT MORE THAN 1 ACRE OF NONCOMMERCIAL TREES, LAWN, OR GARDEN. THE PERMIT WILL LIMIT THE WATER DIVISION TO THREE ACRE-FEET PER ANNUM. CONTACT THE STATE ENGINEER'S OFFICE IN ROSWELL, NM FOR DETAILS.

18. AMOUNT OF WATER

N/A

19. WATER DELIVERY

N/A

20. WATER SYSTEM EXTENSION

N/A

21. LIFE EXPECTANCY OF THE WATER SUPPLY

LIFE EXPECTANCY OF A PROPERLY DRILLED WELL WOULD BE MORE THAN FORTY YEARS. THE LIFE OF ANY PARTICULAR WELL CANNOT BE ACCURATELY PREDICTED, NOR DOES THIS STATEMENT CONSTITUTE A GUARANTEE OF WATER.

22. WELLS

NOTE: PROSPECTIVE OWNERS MUST PROVIDE THEIR OWN WELLS. INFORMATION FROM THE STATE ENGINEER'S OFFICE INDICATES THE MINIMUM DEPTH OF WATER MAY BE AS LITTLE AS 200 FEET TO A MAXIMUM WATER DEPTH OF 700 FEET. ESTIMATED AVERAGE DEPTH IS 450 FEET. THE RECOMMENDED WELL DEPTH IS 70-100 FEET BELOW STATIC WATER LEVEL.

FOR DOMESTIC PURPOSE, A 3-HP PUMP SET APPROXIMATELY 50 FEET BELOW THE STATIC WATER LEVEL SHOULD PROVIDE SUFFICIENT WATER FOR A SINGLE FAMILY DWELLING. THE ESTIMATED YIELDS OF WELLS COMPLETED TO RECOMMEND TOTAL DEPTH IS IN EXCESS OF 10 GPM.

THE FORMATION IS COMPRISED OF LIMESTONE, SANDSTONE, SILSTONE, DOLOMITE AND SHALE IN THE UPPER PART. REDBEDS, LIMESTONE, GYPSUM, AND DOLOMITE IN THE LOWER PART.

23. SURFACE WATER

N/A

24. STATE ENGINEER'S OPINION ON WATER

IT IS THE OPINION OF THE STATE ENGINEER THAT THE SUBDIVIDER'S WATER PROPOSAL AND DISCLOSURE STATEMENT CONFORM WITH COUNTY SUBDIVISION REGULATIONS.

25. WATER QUALITY

SEE ATTACHED COPY OF REPORT FROM WESTECH LABORATORIES INC., ON A WELL ON AJOINING PROPERTY TO THE WEST OF THIS SUBDIVISION.

26. ENVIRONMENTAL IMPROVEMENT DIVISIONS' S OPINION ON WATER QUALITY

IT IS THE OPINION OF THE ENVIRONMENTAL IMPROVEMENT DIVISION THAT THE SUBDIVIDER MEETS THE REQUIREMENTS OF DISCLOSING THOSE WATER QUALITY PARAMETERS THAT EXCEED OTERO COUNTY SUBDIVISION REGULATIONS. THESE PARAMETERS ARE SIMILAR TO VARIOUS OTHER WATER SYSTEMS IN OTERO COUNTY.

27. LIQUID WASTE DISPOSAL

THE DEVELOPER WILL FURNISH NO LIQUID WASTE DISPOSAL FACILITIES. INDIVIDUAL LOT OWNERS WILL BE RESPONSIBLE FOR PROVIDING AN EID APPROVED LIQUID WASTE DISPOSAL SYSTEM. THE MAJORITY OF GOOD BUILDING SITES WILL BE ON THE RIDGES WITH-IN THIS SUBDIVISION. THE RIDGES IN GENERAL HAVE SHALLOW TOP SOIL WITH LIMESTONE ROCKS UNDERLYING. THESE CONDITIONS MAY MAKE SOME LOTS EXPENSIVE OR UNACCEPTABLE FOR A SEPTIC SYSTEM, WITH LEACH FIELD, A HOLDING TANK OR SOME OTHER LIQUID WASTE DISPOSAL SYSTEM WILL HAVE TO BE USED. ALSO SEE ATTACHMENT FROM STATE EID OFFICE.

28. ENVIRONMENTAL IMPROVEMENT DIVISION' S OPINION ON LIQUID WASTE DISPOSAL

IT IS THE OPINION OF THE ENVIRONMENTAL IMPROVEMENT DIVISION THAT THE SUBDIVIDER CAN FULFILL HIS LIQUID WASTE DISPOSAL.

29. SOLID WASTE DISPOSAL

EACH TRACT OWNER WILL BE RESPONSIBLE FOR HIS OWN SOLID WASTE DISPOSAL AT AN APPROVED DISPOSAL SITE.

30. ENVIRONMENTAL IMPROVEMENT DIVISION' S OPINION ON SOLID WASTE DISPOSAL

IT IS THE OPINION OF THE ENVIRONMENTAL DIVISION' S THAT THE SUBDIVIDER CAN FULFILL HIS SOLID WASTE DISPOSAL PROPOSAL.

31. TERRAIN MANAGEMENT

SEE SUBDIVISION REPORT ON TERRAIN MANAGEMENT.

32. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

IT IS THE OPINION OF THE OTERO COUNTY SOIL AND WATER CONSERVATION DISTRICT THAT THE SUBDIVIDER'S PROPOSAL IS IN COMPLIANCE WITH OTERO COUNTY SUBDIVISION REGULATIONS.

33. SUBDIVISION ACCESS

(NAME OF NEAREST TOWN TO SUBDIVISION)

CLOUDCROFT, NEW MEXICO

(DISTANCE FROM TOWN TO SUBDIVISION)

6.8 MILES

(NAME OF HIGHWAY OF STATE ROAD OVER WHICH DISTANCE IS COMPUTED)

US HIGHWAY 82

(IF ACCESS TO SUBDIVISION IS AVAILABLE BY CONVENTIONAL VEHICLE, PLEASE STATE THAT FACT HERE. IF IT IS NOT, PLEASE STATE THAT FACT HERE)

ACCESS TO THE SUBDIVISION IS AVAILABLE BY CONVENTIONAL VEHICLE.

(IF THE PROPERTY IS ORDINARILY ACCESSIBLE IN ALL SEASONS AND UNDER ALL WEATHER CONDITIONS, PLEASE STATE SO. IF IT IS NOT, PLEASE STATE THAT FACT ALSO)

THE PROPERTY IS ORDINARILY ACCESSIBLE IN ALL SEASONS, AND UNDER MOST WEATHER CONDITIONS, EXCEPT HEAVY SNOW, WHICH IS COMMON DURING WINTER MONTHS.

34. STATE HIGHWAY DEPARTMENT'S OPINION OF ACCESS

NO OPINION HAS BEEN RECEIVED BY THE STATE HIGHWAY DEPARTMENT.

35. DEVELOPMENT

NO HOMES, RECREATION STRUCTURES, OR OTHER COMMUNITY IMPROVEMENTS NOT OTHERWISE SET FORTH IN THIS DISCLOSURE STATEMENT ARE PLANNED.

36. MAINTENANCE

(STATE THE OWNER'S MAINTENANCE AND CONSTRUCTION RESPONSIBILITIES)

THE DEVELOPER WILL CONSTRUCT AND MAINTAIN ALL ROADS WITHIN THE SUBDIVISION, UNTIL 51 PERCENT OF THE LOTS WITHIN THE SUBDIVISION ARE SOLD AT THAT TIME, ROAD MAINTENANCE WILL BECOME THE RESPONSIBILITY OF A LAND OWNERS ASSOCIATION OF PROPERTY OWNERS.

THE ROADS WITHIN THIS SUBDIVISION WILL REMAIN AS PRIVATE ROADS, OWNED JOINTLY BY PROPERTY OWNERS WITHIN SKY COUNTRY ESTATES, AND WILL NOT BE ACCEPTED OR MAINTAINED BY THE COUNTY OF OTERO.

ACCESS TO PROPERTY WITHIN THE SUBDIVISION IS DIFFICULT DURING PERIODS OF SNOW AND FREEZING WINTER CONDITIONS. PROSPECTIVE BUYERS SHOULD READ THE RESTRICTIVE COVENANTS AND LAND OWNERS ASSOCIATIONS RULES AND REGULATIONS, REGULATIONS AND RESPONSIBILITIES OF PROPERTY OWNERS WITHIN SKY COUNTRY ESTATES.

37. ADVERSE CONDITIONS

(STATE ANY ACTIVITIES OR CONDITIONS ADJACENT TO OR NEARBY THE SUBDIVISION SUCH AS BUT NOT LIMITED TO FEEDLOTS, CEMENT PLANTS AND LANDFILLS, WHICH WOULD SUBJECT THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING ITS USE OR OCCUPANCY)

38. RECREATIONAL CONDITIONS

(DESCRIBE ALL RECREATIONAL FACILITIES, ACTUAL AND PROPOSED, IN THE SUBDIVISION)

NO ADDITIONAL RECREATIONAL FACILITIES ARE PLANNED.

39. FIRE PROTECTION

CLOSEST FIRE PROTECTION IS JAMES CANYON FIRE DEPARTMENT, WHICH IS MANNED BY VOLUNTEERS. FROM SUBDIVISION TO JAMES CANYON FIRE STATION IT IS 1/2 MILE DOWN YOUNG CANYON TO HIGHWAY 82, 2 1/2 MILES.

40. POLICE PROTECTION

(INCLUDE HERE THE VARIOUS POLICE UNITS THAT WOULD PATROL THE SUBDIVISION)

THE CLOSEST POLICE DEPARTMENT IS IN CLOUDCROFT ABOUT 8 MILES WEST OF THE SUBDIVISION, BUT THE SUBDIVISION FALLS IN THE JURISDICTION OF THE OTERO COUNTY SHERIFF'S DEPARTMENT, AND NEW MEXICO STATE POLICE.



RESTRICTIVE COVENANT  
FOR  
SKY COUNTRY ESTATES

THE PROPERTY IS SUBJECT TO THE FOLLOWING RESTRICTIVE COVENANTS, AND GRANTEES BY SIGNING THE DEED IN THE SPACE PROVIDED BELOW HEREBY ACCEPTS AND ACKNOWLEDGES THESE RESTRICTIVE COVENANTS TO WIT:

1. ALL LOTS IN SKY COUNTRY SUBDIVISION SHALL BE FOR RESIDENTIAL PURPOSE ONLY. NO STRUCTURES SHALL BE ERECTED OTHER THAN SINGLE-FAMILY DWELLINGS AND REASONABLE STRUCTURES TO ACCOMMODATE SUCH DWELLING SHALL BE ALLOWED SUCH AS STORAGE BUILDINGS, PUMP HOUSE, CORRALS AND DETACHED GARAGES.
2. NO STRUCTURES SHALL BE ERECTED OR PERMITTED TO REMAIN ON ANY LOT NEARER THAN TWENTY (20) FEET TO THE FRONT AND REAR LOT LINES OR FIFTEEN (15) TO ANY SIDE LOT LINES FOR THE PURPOSE OF THESE COVENANTS, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS PART OF THE BUILDING. NO STRUCTURE SHALL BE BUILT THAT WILL OBSCURE SKY VIEW OF AN EXISTING OBSERVATORY.
3. NO DWELLING SHALL BE PERMITTED ON ANY LOT HAVING A GROUND FLOOR SQUARE FOOT AREA LESS THAN EIGHT HUNDRED (1200) SQUARE FEET OF HEATED LIVING SPACE, EXCLUDING PORCHES AND GARAGES.
4. NO TRAILERS, MOBILE HOMES, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUT BUILDING SHALL AT ANY TIME BE USED AS A RESIDENCE, TEMPORARY OR PERMANENT, NOR SHALL ANY RESIDENT OF A TEMPORARY CHARACTER BE ERECTED OR PERMITTED TO REMAIN, EXCLUDING TEMPORARY BUILDINGS OR TRAILERS USED DURING THE COURSE OF CONSTRUCTION. CONSTRUCTION TIME NOT TO EXCEED ONE YEAR FROM START OF CONSTRUCTION.
5. NO OBNOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. THE INTENT HEREIN INCLUDES, BUT IS NOT LIMITED TO, THE HARBORING OF ANY SPECIE(S) OF ANIMAL OR ANIMALS IN A MANNER WHICH IS OFFENSIVE TO OTHER LOT OWNERS THROUGH UNREASONABLE NOISE, VISION, SMELL, DAMAGE OR ANNOYANCE TO OTHER LOT OWNERS OR THEIR PROPERTY. NO MORE THAN ONE LARGE ANIMAL (DEFINED AS HORSE, COW, BULL, SHEEP OR GOAT,) PER TWO ACRES SHALL BE ALLOWED. SUCH ANIMAL SHALL BE

FENCED TO PROHIBIT THE ANIMAL FROM BEING WITHIN THIRTY (30) FEET TO ADJACENT LOT LINES OR EASEMENTS. NO SWINE SHALL BE ALLOWED.

6. ALL SYSTEMS, FACILITIES AND METHODS FOR THE HANDLING AND DISPOSAL OF REFUSE AND GARBAGE SHALL BE IN COMPLIANCE WITH STATE AND COUNTY HEALTH CODES AND REGULATIONS.

7. ALL CHIMNEYS, FLUES OR OTHER VENTS USED IN CONJUNCTION WITH OPEN FIRE HEATING SUCH AS FIREPLACES, SHALL BE EQUIPPED WITH SPARK ARRESTERS AND COMPLY WITH STATE BUILDING CODES.

8. THE BURNING OF BRUSH, TRASH OR OTHER MATERIAL MUST BE IN COMPLIANCE WITH THE FIRE REGULATIONS OF THE LINCOLN NATIONAL FOREST.

9. THE NATURAL TERRAIN AND TREES ARE TO REMAIN UNMOLESTED EXCEPT WHERE REQUIRED FOR CONSTRUCTION AND ACCESS TO THE PROPERTY AND DWELLING. LIVE TREES HAVING A DIAMETER OF TEN INCHES OR MORE MAY NOT BE REMOVED EXCEPT WHERE REQUIRED FOR CONSTRUCTION AND ACCESS.

10. NO COMMERCIAL ACTIVITY SHALL BE CONDUCTED ON ANY LOT OTHER THAN OCCUPATIONS OR PROFESSIONS CONDUCTED BY A MEMBER OF A FAMILY RESIDING UPON THE PREMISES WHEREIN SUCH ACTIVITIES ARE NOT A NUISANCE OR ANNOYANCE TO THE NEIGHBORHOOD AND PROVIDE THAT NO ELECTRICAL OR MECHANICAL EQUIPMENT, MACHINERY AND MATERIALS ARE USED IN A MANNER TO CREATE A NUISANCE OR DISTURBANCE TO THENCE NEIGHBORHOOD.

11. BUTANE TANKS AND WATER STORAGE TANKS MUST CONFORM TO STATE AND/OR COUNTY CODES AND MUST BE DISCREETLY LOCATED TO MINIMIZE PRECLUDE THEIR INTRUSIVE CHARACTERISTICS UPON THE VIEW OF OTHER PROPERTY OWNERS.

12. THERE SHALL BE NO HUNTING OR TRAPPING OF ANY SPECIES FOR CLASS OF WILDLIFE INDIGENOUS TO, OR MIGRATING THROUGH, THE AREA.

13. NO TRACT SHALL BE DIVIDED IN PARCELS OF LESS THAN TWO (2) ACRES IN SIZE.

14. NO LOT OWNER SHALL MAINTAIN OR KEEP ON THE PREMISES MORE THAN FOUR (4), FOUR-WHEELED VEHICLES ON THE PREMISES WHICH ARE NOT GARAGED, AND NO INOPERABLE EQUIPMENT OR MOTOR VEHICLE MAY BE

KEPT ON SAID PREMISES UNLESS SAID MOTOR VEHICLE OR EQUIPMENT IS GARAGED AND OUT OF SIGHT.

15. NO SIGNS WHATSOEVER WHICH ARE VISIBLE FROM NEIGHBORING PROPERTY OR SUBDIVISION ROADS SHALL BE ERECTED OR MAINTAINED ON ANY LOT EXCEPT:

A. SIGNS AS MAY BE REQUIRE BY LEGAL PROCEEDINGS;

B. DURING THE TIME OF CONSTRUCTION OF ANY RESIDENCE OR OTHER IMPROVEMENT, ONE JOB IDENTIFICATION SIGN NOT LARGER THAN THREE SQUARE FEET;

C. NOT MORE THAN ONE FOR SALE SIGN WHICH SHALL NOT BE LARGER THAN THREE SQUARE FEET;

D. ONE NAME AND ADDRESS SIGN WHICH SHALL NOT BE LARGER THAN THREE SQUARE FEET. THE COVENANTS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL D. (CONTINUED) PERSONS CLAIMING UNDER THEM, IF THE PARTIES HERETO, OR ANY OF THEM, OR THEIR HEIRS OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS OR RESTRICTIONS CONTAINED HEREIN, IT SHALL BE LAWFUL FOR THE PROPERTY OWNERS, THEIR SUCCESSORS OR ASSIGNS, IN SAID DEVELOPMENT OR SUBDIVISION TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT OR RESTRICTION AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION, INCLUDING REASONABLE ATTORNEY FEES FOR BRINGING SUCH ACTION. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WAY AFFECT. AFTER TEN (10) YEARS AFTER THE FILING DATE OF THESE RESTRICTIVE COVENANT MAY BE ALTERED, OR AMENDED OR REPEALED BY SEVENTY-FIVE PERCENT (75%) VOTE OF THE OWNERS OF A FEE OR THE EQUITABLE TITLE, WHEN PURCHASED UNDER A CONTRACT, WITH EACH OWNER BEING ENTITLED TO ONE (1) VOTE PER TWO (2) ACRES OF LAND OWNED. NO VOTE FOR FRACTIONAL INTEREST SHALL OCCUR. FOR EXAMPLE, IF ANY OWNER HAS 5.5 ACRES, THAT OWNER HAS TWO (2) VOTES. FOR THE PURPOSE OF DETERMINING OWNERSHIP, SUCH OWNERSHIP WILL BE DEEM TO HAVE VESTED UPON DELIVERY OF A DULY EXECUTED DEED OR CONTRACT TO THE GRANTEE OR VENDEE. THE LEGAL TITLE RETAINED BY VENDOR SELLING ON A CONTRACT SHALL NOT QUALIFY SUCH VENDOR AS AN OWNER WHEN MORE THAN ONE PERSON HOLDS SUCH OWNERSHIP IN A PARCEL, THE VOTE FOR SUCH PARCEL SHALL BE EXERCISED AS THEY MAY AMONG THEMSELVES DETERMINE, BUT IN NO EVENT SHALL MORE THAN ONE (1) VOTE PER TWO (2) ACRE BE CAST.

16. TO KEEP THE SUBDIVISION AS AN AREA FOR ASTRONOMICAL OBSERVATIONS; LIGHT POLLUTION SHALL BE KEPT TO A MINIMUM IN ANYWAY THAT IS POSSIBLE INCLUDING BUT NOT LIMITED TO THE FOLLOWING: OUTSIDE LIGHTING SHALL BE LIMITED TO LOW WATTAGE FIXTURES OF 60 WATTS OR LESS AND SHALL BE SHIELDED OR COVERED SUCH AS TO REFLECT LIGHTING DOWNWARD TO LIMIT LIGHT POLLUTION AND ENHANCE ASTRONOMICAL OBSERVATION. OUTSIDE LIGHTING SHALL BE LIMITED TO AREAS WHERE NEEDED FOR SAFETY PURPOSES. BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO THAT WINDOWS CAN BE SHUTTERED OR COVERED IN A MANNER TO RESTRICT LIGHT FROM THE INSIDE OF THE STRUCTURES FROM CREATING LIGHT POLLUTION THAT WOULD INTERFERE WITH ASTRONOMICAL OBSERVATIONS.

IN WITNESS WHEREOF, THE SAID OWNER HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS 31<sup>st</sup> DAY OF July, 19945.

SKY COUNTRY ESTATES

BY Aubrey Dunn Jr.  
AUBREY DUNN JR.



STATE OF NEW MEXICO )  
SS  
COUNTY OF OTERO

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 31<sup>st</sup> DAY OF July 1995.

Shelly R. Gitts  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 3.4.99



STATE OF NEW MEXICO } S.S.  
OTERO COUNTY

FILED FOR RECORD IN MY OFFICE  
This 29 day of August, 1995  
At 8:15 o'clock A M and duly recorded  
in Book No. 811 Page 262-265

the records of Otero County, New Mexico  
Wayne D. Quenton  
County Clerk, Otero County, New Mexico  
By Christina Deputy  
5678

AMENDMENT TO  
DISCLOSURE STATEMENT  
FOR  
SKY COUNTRY ESTATES

THIS AMENDMENT AMENDS THE DISCLOSURE STATEMENT FOR SKY COUNTRY ESTATES EXECUTED AUGUST 16, 1995, AND FILED OF RECORD WITH THE OTERO COUNTY CLERK AT BOOK 811, PAGES 252 THROUGH 261.

THE DISCLOSURE STATEMENT IS AMENDED AS FOLLOWS:

**NAME OF SUBDIVISION:**

Sky Country Estates

**2. NAME AND ADDRESS OF SUBDIVIDER:**

Sky Country Estates, LLC  
Prentice Blanscett, General Partner  
PO Box 517  
Cloudfcroft, NM 88317

**3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN NEW MEXICO:**

Prentice Blanscett  
PO Box 517  
Cloudfcroft, NM 88317

**4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED:**

<b>PRESENT</b>	<b>ANTICIPATED</b>
362.364 acres	None

**5. SIZE OF LARGEST PARCEL OFFERED FOR SALE OR LEASE WITHIN SUBDIVISION:**

27.875 acres

**6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE OR LEASE WITHIN SUBDIVISION:**

2.5 acres

**7. PROPOSED RANGE OF SELLING OR LEASING PRICES:**

Lowest Amount	\$16,425.00	3.65 acres
Highest Amount	\$100,000	27.875 acres

**8. FINANCING TERMS:**

Owner financing will be available by Sky Country Estates, LLC.

(INTEREST) To be determined at time of offer

(TIME PRICE DIFFERENTIAL)

(TOTAL COST - DOWN PAYMENT) \* SIMPLE INTEREST \* YEARS OF CONTRACT

(AMOUNT PAID AS A DISCOUNT) None

UN 001 24 413

**(SERVICE CHARGES)** Standard Escrow fee plus tax

**(PREMIUM FOR CREDIT LIFE OR OTHER LIFE INSURANCE IF IT IS A  
CONDITION FOR GIVING CREDIT)** None

**(CLOSING COSTS)** Seller to provide Title Insurance

**(ANY OTHER INFORMATION REQUIRED BY THE TRUTH IN LENDING ACT IF  
NOT SET FORTH ABOVE)** None

**9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE:**

Western Bank  
PO Box 1709  
Alamogordo, NM 88310

**10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE:**

Sky Country Estates, LLC  
Prentice Blanscett, General Partner  
PO Box 517  
Cloudcroft, NM 88317

**11. CONDITION OF TITLE:  
(STATEMENT OF CONDITION OF TITLE)**

Title is insurable.

**(NUMBER OF MORTGAGES AND HOLDER)**

Western Bank  
PO Box 1709  
Alamogordo, NM 88310

**(NAME OF EACH PERSON HOLDING A REAL ESTATE CONTRACT AS OWNER  
OF THE SUBDIVIDED LAND FOR WHICH THE SUBDIVIDER IS MAKING  
PAYMENTS AS A PURCHASER)**

None

**(STATEMENT OF ANY OTHER ENCUMBRANCES ON THE LAND)**

None

**(STATEMENT OF ANY OTHER CONDITIONS RELEVANT TO THE STATE OF  
TITLE)**

None

**12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD  
SUBJECTING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS  
AFFECTING ITS USE OR OCCUPANCY:**

See attached copy of Restrictive Covenants

**ESCROW AGENT:  
(STATEMENT ABOUT WHETHER OR NOT THE SUBDIVIDER HAS ANY  
INTEREST OR FINANCIAL TIES WITH THE ESCROW AGENT)**

No Escrow Agent assigned.

**14. UTILITIES:  
(NAMES OF ENTITIES PROVIDING SERVICE)**

**TELEPHONE:**

Penasco Valley Telephone Cooperative Inc. Telephone service will not be provided by the developer. All arrangements for telephone service will be between the individual lot owner and the telephone utility company. Installation costs will be affected by the number of phones installed, as well as lot location. Therefore installation costs are indeterminate at this time.

**ELECTRICAL:**

Otero County Electric Cooperative, Inc. Due to instability in the energy market, installation rates and monthly charges for kilowatt consumption are subject to variation. Monthly charges will vary according to size of house, number of appliances, and heat loss ratio. Supplier should be contacted regarding current hook-up costs and estimated fees pertaining to proposed dwelling.

**GAS:**

Natural gas will not be available. Gas Services will not be provided. Each lot owner will have to make arrangements. Rates and charges will vary due to energy markets and individual housing. Contact supplier for further information.

**WATER:**

Water will be furnished by subdividers. Water system will meet all county and state regulations. Sky Country Property Owners Association will have power to regulate the water fees, repair and maintenance of water system. Initial water fees to be as follows: \$60 per year if not hooked up to system, \$200 per year if hooked up to system. Each lot owner shall be responsible for their own water system requirements from installed water line to their land or building site.

**SEWER:**

The individual lot owner will furnish their own liquid waste disposal system. Costs are basically indeterminate, based on land slopes and soil conditions. Septic tank with leach fields may not work on all lots. Holding tanks or other septic systems may be needed. Soil depth and rate of percolation will be needed to determine what system will work. Local contractors should be contacted for estimates.

**15. INSTALLATION OF UTILITIES:**

**WATER:**

The installation of the water lines will run down the road easement in front of each lot. Each lot owner will be responsible for the installation of water to their building site from water line located in road easement. Maintenance and fees for water system will be responsibility of Sky Country Property Owner's Association. Water shall be provided to entire subdivision in three separate phases of development. Phase I shall consist of Lots

I through 15; 50 through 53; 55 through 68 (totaling 33 lots). Phase II shall consist of Lots 16 through 39 and Lot 54. Phase III shall consist of Lots 40 through 49. Water well and storage tank locations for Phase II and III to be determined prior to marketing of said lots.

**GAS: None furnished**

**ELECTRICITY:**

The developer, at developer's cost will deliver power to the property line, at a point of developer's choice within one year closure of escrow on a given parcel.

16. **UTILITY LOCATION:  
(IF ALL UTILITIES ARE TO BE PROVIDED TO EACH PARCEL IN THE  
SUBDIVISION, PLEASE MAKE THAT STATEMENT HERE)**

Electric power and telephone service will be provided in road easement only. No gas will be provided.

**(THE FOLLOWING UTILITIES WILL BE LOCATED UNDER GROUND)  
Water and telephone service**

**(THE FOLLOWING UTILITIES WILL BE LOCATED OVERHEAD)  
Electric service.**

17. **WATER USE:**

For domestic use only. (Restriction to mostly household and animals.)

18. **AMOUNT OF WATER:**

Initially water will not be metered. The water will be regulated by the Sky Country Property Owner's Association.

19. **WATER DELIVERY:**

Well providing water for Phase I is located on Lot 68. Water is pumped to 25,000 gallon storage tank located on Lot 9 for distribution to all lots in Phase I. Water well and storage tank location for Phase II and III to be determined prior to marketing of said lots. Water delivery system shall meet all state regulation requirements.

20. **WATER SYSTEM EXTENSION:**

Water system extension shall meet all state regulation requirements.

21. **LIFE EXPECTANCY OF THE WATER SUPPLY:**

Life expectancy of a properly drilled well would be more than fifty years. The life of any particular well cannot be accurately predicted.

**WELLS:**

See attached well report for well located on Lot 68.  
The formation is comprised of limestone, sandstone, siltstone, dolomite and shale in the upper part. Redbeds, limestone, gypsum, and dolomite in the lower part.

**23. SURFACE WATER:**

N/A

**24. STATE ENGINEER'S OPINION ON WATER:**

It is the opinion of the State Engineer that the subdivider's water proposal and disclosure statement conform with county subdivision regulations.

**25. WATER QUALITY:**

See attached copy of report from Westech Laboratories, Inc. On a well on adjoining property to the west of this subdivision. Water quality will meet all state regulation requirements.

**26. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON WATER QUALITY:**

It is the opinion of the Environmental Improvement Division that the subdivider meets the requirements of disclosing those water quality parameters that exceed Otero County Subdivision regulations. These parameters are similar to various other water systems in Otero County.

**27. LIQUID WASTE DISPOSAL:**

The developer will furnish no liquid waste disposal facilities. Individual lot owners will be responsible for providing an EID approved liquid waste disposal system. The majority of good building sites will be on the ridges within this subdivision. The ridges in general have shallow top soil with limestone rocks underlying. These conditions may make some lots expensive or unacceptable for a septic system, with leach field. A holding tank or some other liquid waste disposal system will have to be used. Also see attachment from State EID office.

**28. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON LIQUID WASTE DISPOSAL:**

It is the opinion of the Environmental Improvement Division that the subdivider can fulfill his liquid waste disposal requirements.

**29. SOLID WASTE DISPOSAL:**

Each tract owner will be responsible for his own solid waste disposal at an approved disposal site.

30. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON SOLID WASTE DISPOSAL:

It is the opinion of the Environmental Improvement Division that the subdivider can fulfill his solid waste disposal proposal.

31. TERRAIN MANAGEMENT:

See subdivision report on terrain management.

32. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT:

It is the opinion of the Otero County Soil and Water Conservation District that the subdivider's proposal is in compliance with Otero County Subdivision regulations.

33. SUBDIVISION ACCESS:

(NAME OF NEAREST TOWN TO SUBDIVISION)

Cloudcroft, New Mexico

(DISTANCE FROM TOWN TO SUBDIVISION)

6.8 miles

(NAME OF HIGHWAY OR STATE ROAD OVER WHICH DISTANCE IS COMPUTED)

US Highway 82

(IF ACCESS TO SUBDIVISION IS AVAILABLE BY CONVENTIONAL VEHICLE, PLEASE STATE THAT FACT HERE. IF IT IS NOT, PLEASE STATE THAT FACT HERE)

Access to the subdivision is available by conventional vehicle.

(IF THE PROPERTY IS ORDINARILY ACCESSIBLE IN ALL SEASONS, AND UNDER ALL WEATHER CONDITIONS, PLEASE STATE SO. IF IT IS NOT, PLEASE STATE THAT FACT ALSO)

The property is ordinarily accessible in all seasons, and under most weather conditions, except heavy snow, which is common during winter months.

34. STATE HIGHWAY DEPARTMENT'S OPINION OF ACCESS:

No opinion has been received by the State Highway Department.

35. DEVELOPMENT:

No homes, recreation structures, or other community improvements not otherwise set forth in this disclosure statement are planned.

**MAINTENANCE:**

**(STATE THE OWNER'S MAINTENANCE AND CONSTRUCTION RESPONSIBILITIES)**

The developer will construct and maintain all roads within the subdivision, until 51 percent of the lots within the subdivision are sold. At that time, road maintenance will become the responsibility of Sky Country Estates Property Owners Association.

The roads within the subdivision will remain as private roads, owned jointly by property owners within Sky Country Estates, and will not be accepted or maintained by the County of Otero.

Access to property within the subdivision is difficult during periods of snow and freezing winter conditions. Prospective buyers should read the restrictive covenants and land owners association rules and regulations. Regulations and responsibilities of property owners within Sky Country Estates.

**37. ADVERSE CONDITIONS:**

**(STATE ANY ACTIVITIES OR CONDITIONS ADJACENT TO OR NEARBY THE SUBDIVISION SUCH AS BUT NOT LIMITED TO FEEDLOTS, CEMENT PLANTS, AND LANDFILLS, WHICH WOULD SUBJECT THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING ITS USE OR OCCUPANCY)**

None

**38. RECREATIONAL CONDITIONS:**

**(DESCRIBE ALL RECREATIONAL FACILITIES, ACTUAL AND PROPOSED, IN THE SUBDIVISION)**

No additional recreational facilities are planned.

**39. FIRE PROTECTION:**

Closest fire protection is James Canyon Fire Department, which is manned by volunteers. From subdivision to James Canyon Fire Station it is 1/4 mile down Young Canyon to Highway 82 and 2 1/2 miles east on Highway 82 to the fire station.

**40. POLICE PROTECTION:**

The closest police department is in Cloudcroft about 7 miles west of the subdivision, but the subdivision falls in the jurisdiction of the Otero County Sheriff's Department and New Mexico State Police.

**41. PUBLIC SCHOOLS:**

**(NAME OF NEAREST ELEMENTARY SCHOOL)**

Cloudcroft Elementary School located in Village of Cloudcroft.

