

**THIRD AMENDMENT TO SUBSTITUTION OF  
RESTRICTIVE COVENANTS OF  
THUNDER MOUNTAIN ESTATES  
SANTA FE COUNTY, NEW MEXICO**

1324367

Know all men by these presents:

WHEREAS, on July 15, 1983 Substitution Restrictive Covenants of Thunder Mountain Estates were recorded in the office of the County Clerk, Santa Fe County, New Mexico in Book 466, Page 753; and

WHEREAS, said Substitution of Restrictive Covenants were superseded and replaced by the Amended Restrictive Covenants, recorded in the office of the County Clerk, Santa Fe County, New Mexico in Book 636, Page 669-683 on January 11, 1989;

WHEREAS, an Amendment to the Amended Restrictive Covenants of Thunder Mountain Estates was recorded in the office of the County Clerk of Santa Fe County, New Mexico on October 24, 1991, in Book 263, Pages 131-132; and

WHEREAS, a 2nd Amendment to Substitution of Restrictive Covenants of Thunder Mountain Estates was recorded February 8, 1994 in Book 1021, Page 890-891 of the records of Santa Fe County;

THEREFORE, said Amended Restrictive Covenants are hereby amended as follows:

Paragraph 12 shall be amended to read as follows:

12. Association Membership.

- a. Every person who is an owner of any lot in the Subdivision shall automatically be a member of the Association.
- b. Dues and Assessments. Dues and assessments shall be levied by the Association in accordance with the Association By-Laws.
- c. Voting. Every member of the Association shall be entitled to vote in accordance with the Association By-Laws.

Paragraph 13 shall be amended to read as follows:

13. Walls and Fences. Retaining walls shall be party walls placed on

the common property line between any two lots and shall not be removed by either lot owner without the written consent of the Association. Except for required retaining walls, the following requirements shall be applied to said fences or walls.

- a. No fence shall be constructed from chicken wire.
- b. No fence or wall may be erected, placed, altered, relocated, or removed without the written consent of the Association.
- c. Fences or walls, if constructed, must conform to the code requirements imposed by the Association so as to maintain the uniformity of appearance of the Subdivision.
- d. No wall or fence of solid construction is to encompass any lot in the Subdivision except for garden or yard areas and in such event, are not to exceed twenty percent (20%) of the perimeter of the lot.

Paragraph 27 shall be amended to read as follows:

27. The Association.

- a. The Association was incorporated as a non-profit corporation with Articles of Incorporation, By-Laws and organizational minutes. The Association was incorporated as Thunder Mountain Estates Property Owners Association on August 2, 1979. Every person who is an owner of any lot in the Subdivision shall automatically be a member of the Association. The current officers are: Eric D. Jones, President; Richard Kifer, Vice-President; Bill Shuert, 2nd Vice-President; Emmett Wilson, Secretary; Linda Shoemaker, Treasurer. The Association address is: Thunder Mountain Estates Property Owners Association, P.O. Box 372, Edgewood, NM 87015.
- b. Variances. The Association shall have the authority, on a case by case basis, to allow variances from requirements herein contained, where strict adherence to a requirement would create a hardship on lot owners or where a requirement cannot reasonably be met due to topography, location or shape of a particular lot.

The above Amendment to Restrictive Covenants regarding Paragraph 13 was adopted by majority vote of the property owners at an Association meeting held March 11, 1996, and the Amendments to Restrictive Covenants regarding Paragraphs 12 and

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27 were adopted by majority vote of the property owners at a meeting held on November 12, 1996.

IN WITNESS WHEREOF, the President and Secretary of THUNDER MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION have set their hand this 18 day of November, 1996.

THUNDER MOUNTAIN ESTATES  
PROPERTY OWNERS ASSOCIATION

By Eric Jones  
Eric Jones, President

ATTEST:

Emmett Wilson  
Emmett Wilson, Secretary

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

This Third Amendment to Substitution of Restrictive Covenants of Thunder Mountain Estates was signed before me on November 18, 1996 by **Eric Jones**, President, and **Emmett Wilson**, Secretary, of Thunder Mountain Estates Property Owners Association.



Linda K. Shaumaker  
Notary Public

My Commission Expires:  
1-18-00



COURT: \_\_\_\_\_  
STATE OF: \_\_\_\_\_ 965-155-928  
I hereby certify that this instrument was filed for record on the 20 day of Nov, A.D. 19 96, at 7:28 o'clock P.m. and was duly recorded in book 1324 page 367 of the records of Santa Fe County. Witness my Hand and Seal of Office  
Jona G. Armijo  
County Clerk, Santa Fe County, NM  
Mozzie Lujan