

MESA DEL SOL COMMUNITY COMPANY USE RESTRICTIONS POLICY

WHEREAS, Mesa del Sol Community Company, Inc. (“Association”) has authority pursuant to Article XV of the Declaration of Covenants, Conditions, and Restrictions for Mesa del Sol Community Company, Inc. (the “Declaration”) and the Rules and Regulations for Mesa del Sol Community Company, Inc. (the “Rules”) to create, adopt, enforce, amend and repeal the rules set forth in the Bylaws, Declaration, DRB Rules and Policies for Mesa del Sol Community Company, Inc., as may be amended from time to time; and

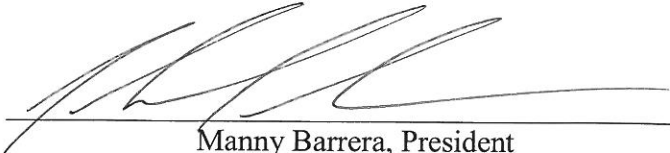
WHEREAS, the Board of Directors of the Association wishes to ensure compliance with the Association’s governing documents and to maintain, preserve, enhance, and protect the property values and assets of the Association,

NOW, THEREFORE, BE IT RESOLVED, that the following Use Restrictions are hereby adopted by the Board of Directors:

1. Animals. No animals, livestock, horses, insects or poultry of any kind shall be kept, raised or bred in the Association. Dogs, cats and other household pets in reasonable numbers may be kept, providing they are not kept, raised or bred for commercial or hobby breeding purposes. Such household pets, except cats, must be restrained on a leash or otherwise under the direct control of an individual when in Mesa del Sol Residential area of the Community Company. All City and County animal ordinances shall be complied with.
2. Diseases and Insects. No owner shall permit any thing or condition to exist upon any Lot or Tract in the Mesa del Sol Residential area of the Community Company which shall induce, breed or harbor infectious plant diseases or noxious insects.
3. Flagpoles. Owners are encouraged to use brackets mounted to the house or garage to display flags. Flagpoles are limited to a height of twenty-two (22) feet. Displayed flags must be maintained and not be torn or unsightly. Any torn, discolored or damaged flags must be removed and/or replaced. Homebuilders are allowed to use a maximum of three (3) flagpoles with a maximum height of twenty-two (22) feet each on a temporary basis at Model Homes in a subdivision in the Mesa del Sol Residential area of the Community Company. These will be removed once the model homes are sold.
4. Holiday Decorations. Holiday Decorations may be displayed no earlier than thirty (30) days prior to any given holiday and must be removed no later than 30 days after holiday. This applies to any and all decorations displayed on any lot or home, whether they are displayed outdoors or in the windows of the home.
5. Maintenance of Lawns and Plantings. Each owner of a Lot or Tract in the Mesa del Sol Residential area of the Community Company shall keep all shrubs, trees, hedges, grass and plantings of every kind located on his/her Lot or Tract neatly trimmed or mowed and shall keep all such areas properly cultivated and maintained and free of trash, weeds and other unsightly material.
6. Maintenance of Exterior of Home. The owner is responsible for continual building maintenance including but not limited to proper window covers, painting/restuccoing, replacing house numbers and repairing/replacing garage door damage in the Mesa del Sol Residential area within the Community Company.
7. Motor Vehicles. No automobile, motorcycle, motorbike or other motor vehicle shall be constructed, reconstructed or repaired upon any Lot, Tract or street in Mesa del Sol, and no inoperable vehicles, including but not limited to vehicles with flat tires, may be stored or parked on any such Lot, Tract or street, so as to be visible from a neighboring Property or to be visible from Common Areas or streets; provided, however, that the provisions of this section shall not apply to (i) emergency vehicle repairs; or (ii) temporary construction shelters or facilities maintained during, and used exclusively in connection with, the construction of any Improvement.

8. Nuisances; Construction Activities. No rubbish, debris, petroleum products or similar products of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot or Tract, and no obnoxious or offensive activity shall be carried on, nor shall anything be done or placed that may become a nuisance or cause unreasonable embarrassment, disturbance or annoyance to the other Owners in the enjoyment of their Lot or Tract or in their enjoyment of the Common Areas. Without limiting the generality of any of the foregoing provisions, no horns, whistles, firecrackers, bells or other sound devices, except security devices, shall be used or placed on any such property without prior approval of the Board. Normal construction activities and parking in connection with the building of Improvements on a Lot or Tract shall not be considered a nuisance or otherwise prohibited by the Declaration, but Lots and Tracts shall be kept in a neat and tidy condition during construction periods. Trash and debris shall not be permitted to accumulate, and supplies of brick, block, lumber and other building materials will be piled only in the vicinity of the construction site. The Board, in its sole discretion, shall have the right to determine the existence of any such nuisance.
9. Parking. Cars, pickups, passenger vans and other similar personal use vehicles of all Owners, Lessees and Residents are encouraged to be kept in garages, carports, and residential driveways of the Owner. Parking in the Alleys is not allowed and the Owner(s), Lessee(s) and Resident(s) will be subject to immediate towing at the sole expense of the Owner(s), Lessee(s) and Resident(s).
10. Solar. A satellite dish and/or solar panels may be installed, but only in such a way as to reduce the visual impact from your neighbors' or street view.
11. Trash Container and Collection. No garbage or trash shall be placed or kept on any Lot or Tract in the Mesa del Sol Residential area, except in covered containers of a type, size or style required by the City of Albuquerque. All rubbish, trash, or garbage shall be removed from the Lots or Tracts and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot or Tract. Lots and Tracts shall be kept in a neat and tidy condition during construction periods and trash and debris shall be placed in appropriate containers. Garbage or trash containers shall be placed at the curb no earlier than the evening before trash day and retrieved no later than the evening of trash day. Acceptable locations for garbage or trash containers are on the side of the residence beyond the garage door, inside the garage or behind your privacy fence. Storage of the containers must not be in front of the residence or driveway.
12. Trucks, Trailers, Campers and Boats. No mobile home, motor home, recreational vehicle, motorcycles, campers, trailers, boat, boat trailer, camper, camper shell, detached camper, hand glider, ultra light, all terrain vehicle, snowmobile, or similar facility vehicle or recreational equipment shall be kept, placed, or maintained within Mesa del Sol Residential area at any time, unless enclosed within a garage or within the side or rear yard so as to be screened from any street or the ground floor of neighboring homes. The provisions of this section shall not apply to (i) temporary construction trailers, shelters or facilities maintained during, and used exclusively in connection with, the construction of any work or improvement permitted by the Declaration; (ii) a recreational vehicle parked on the driveway or the street for a period not to exceed forty-eight (48) hours; and (iii) a guest's use of a recreational vehicle for period not to exceed seven (7) days. Notification of such parking must be reported to the Management Company.

The undersigned, by affixing his signature hereto, does hereby consent to, authorize, and approve the foregoing policy, in his capacity as the President of the Board of Directors of the Association, as of November 20, 2012.


Manny Barrera, President