

AND TO CORRECT TYPOGRAPHICAL ERRORS

AMENDED AND RESTATED

COVENANTS AND RESTRICTIONS

SANTA FE AIRPORT BUSINESS PARK

THIS DECLARATION, made this 20 day of February, 2013, by the following owners of Lots, representing eighty percent (80%) of the voting rights within the Santa Fe Airport Business Park, (hereinafter "Declarants")

WHEREAS, Declarants are the owners of certain real estate in Santa Fe County, more particularly described in Exhibit A attached hereto and incorporated herein by this reference (hereinafter sometimes referred to as "Santa Fe Airport Business Park"), and desire to impose the provisions of this Declaration on and subject all of such real estate to the covenants hereinafter stated for the purpose of protecting the value of and standards for improvements to said real estate; and

WHEREAS, Declarants desire that the terms of this Declaration shall run with the land and be binding upon and inure to the benefit of all parties having any right, title or interest in or to such real estate, or any part thereof, and their successors and assigns; and

WHEREAS, it is the desire to replace the original covenants adopted in 1995 in Book 1156, Pages 543-552 and the associated amendments with the Amended and Restated Covenants in order to reflect the change in administrative jurisdictions and better reflect current circumstances; and

WHEREAS, this Declaration incorporates five (5) amendments made to the original covenants recorded in the Office of the Santa Fe County Clerk, Santa Fe County, New Mexico in Book 1156, Pages 543-552 and the following amendments:

- Amendment 1: Book 1188 Page(s) 658-660
- Amendment 2: Book 1269 Page(s) 748
- Amendment 3: Book 1317 Page(s) 996
- Amendment 4: Book 1360 Page(s) 222
- Amendment 5: Book 1404 Page(s) 082-084; and

ARTICLE I
PURPOSE

Section 1.1 Purpose. The terms and provisions hereof are declared and agreed to be in furtherance of a plan for the subdivision, improvement, and sale of Property and Lots within the Santa Fe Airport Business Park. The purposes of this Declaration are to establish uniform standards of development and quality for the Santa Fe Airport Business Park, and to protect the value, attractiveness desirability of the lands therein and the improvements constructed thereon.

RECORDED TO ADD EXHIBITS
CLERK RECORDED 03/06/2013

STC CLERK RECORDED 03/06/2013

ARTICLE II

- (a) "Architectural Control Committee" - means the Architectural Control Committee created under Article 3 of these covenants.
- (b) "Building(s)" - means the main roofed and walled structure built on a site for permanent use, and all projections or extensions thereof.
- (c) "Common Areas" means those areas shown on a recorded plat used for vehicular access, consisting of portions of Constellation Drive, portions of Oliver Drive, all of Gooney Bird Way, all of Mallard Way, all of Avenger Way and central stormwater detention ponds.
- (d) "Declarants" means the undersigned Owners of Lots, its successors and assigns, representing eighty percent (80%) of the Owners of Lots within the Property.
- (e) "Easements" means easements shown on plats of record within the Property.
- (f) "Fence" means either a solid visual or security barrier with the preferred treatment for a solid fence being stucco or decorative block pilasters and treated wood and a wrought iron appearance being the preferred treatment for a security fence. Chain link fences are not permitted except during the construction of the building on the Lot.
- (g) "Front lot line" - means the boundary line of a building site which abuts upon any street, public or private.
- (h) "Front yard" - means the space extending from the public or private road easement to the front of a building. The width of the front yard is the entire width of the site, from side lot line to side lot line. All corner lots shall have one front yard; such front yard shall be located on Avenger Way, Gooney Bird or Mallard Way roads. Yards adjoining Oliver Drive and Constellation Drive shall be considered side yards.
- (i) "Improvement" - means and includes parking areas, loading areas, fences, walls, poles, signs, landscaping, and any structures or facilities of any kind or type.
- (j) "Landscape plan" - means a drawing showing all trees, shrubs, groundcover and underground sprinkler/irrigation systems, to be installed on the site.
- (k) "Lot" - means and refers to each of the Lots platted for fee simple ownership within the Subdivision, excluding those parcels retained under common ownership.
- (l) "Owner" - means the person or persons, partnership, corporation or other entity in which title to a Lot or other parcel within the Property is vested, as shown by the records of the County Clerk of Santa Fe, New Mexico, exclusive of the persons from whom the Declarant is acquiring the Property. Persons excluded from the term "Owner" are persons who are

- merely mortgagees, trustees or other beneficiaries under deeds of trust, or holders of indebtedness secured by a mortgage or deed of trust.
- (m) "Parking area" - means that area occupied by parking spaces together with adequate ingress, egress and circulation to the parking spaces.
 - (n) "Private road" - means any roadway maintained by the Lot Owners Association.
 - (o) "Property" - means and refers to all such existing properties and additions here to which are subject to this Declaration, or any Supplemental Declaration under these provisions and initially shall include the real property described in Exhibit A attached hereto and made a part hereof.
 - (p) "Public street" - means a right-of-way dedicated to the public as a public street.
 - (q) "Rear lot line" - means any property line opposite and most distant from the front lot line.
 - (r) "Rear yard" - means the space between the rear lot line and the rear of the building, extending the entire width of the Lot, from side lot line to side lot line.
 - (s) "Side lot line" - means any property line of a building site which is not a front lot line, but which extends to a front lot line.
 - (t) "Side yard" - means the space between a side lot line and the building.
 - (u) "Site(s)" - means a lot as shown and designated on the recorded plat of the Property, identified above, or on subsequent replats of any portion of the Property.
 - (v) "Street" - where not identified as a public street, includes both public streets and private roads.
 - (w) "Structure(s)" - means any improvement having either walls or a roof or both, and includes any building.
 - (x) "Subdivision" - means the real estate commonly known as the Land Division and Master Plat for Santa Fe Airport Business Park, recorded in the office of Santa Fe County Clerk, Santa Fe, New Mexico, Plat Book 301, Page(s) 014-015.

ARTICLE III ARCHITECTURAL CONTROL COMMITTEE

3.01 ARCHITECTURAL CONTROL COMMITTEE. An "Architectural Control Committee" (hereinafter sometimes referred to as the "Committee") for the Subdivision is hereby established and consists of three (3) persons. The initial members of said Committee are:

Position 1: Henry Oliver III
Position 2: John P. Glenzinski
Position 3: Thomas N. Linton

The Board of Directors of the Association shall appoint the three (3) members of the Committee who shall then serve for the following terms: one (1), two (2) and three (3) years.

Position 1: until the 2014 annual meeting of members;
Position 2: until the 2015 annual meeting of members;
Position 3: until the 2016 annual meeting of members;

Upon the expiration of the term of any Committee member, the Board of Directors of the Association shall elect a successor to such position who shall serve for a period of three (3) years such that the terms of the Committee members are staggered. A Committee member shall serve until his or her term expires and a successor is duly elected and qualified, the member resigns, or is unable to serve, or the member is removed in the manner provided for the removal of directors in Section 6.03 of the Bylaws of the Association. Any vacancy in the Committee occurring before the end of a term shall be filled by a person appointed by the majority vote of the Board of Directors of the Association.

The affirmative vote of a majority of the members of the Committee shall be required for approval of any matter; provided, however that a majority of the members of the Committee may designate one member to act on behalf of the Committee.

3.02 Time for Approval. The Committee shall approve or disapprove all plans and requests within forty-five (45) days of the submission date. If the Committee fails to act on the submitted plans or request within the forty-five (45) days of this Article will have been deemed to have been fully complied with; however, this does not relieve the applicant of full compliance with the covenants.

3.03 Filing Fee. In connection with any submission and filing for plan approval, the Committee may require the Lot Owner to pay a filing fee sufficient to pay the Committee's costs and expenses incurred in having the materials so submitted and files examined by a person or firm designated by the Committee.

3.04 Review of Plans. In examining and considering the plans and materials as set forth in Sections 3.05 and 3.06 of this Article, the Committee may obtain the services of a person of firm and pay for same with the funds received by it pursuant to Section 3.03 of this Article.

3.05 Preliminary Design Review. Before submission of final plans as set forth in Section 3.06 of this Article, the Owner of any Lot ("Owner-Applicant") must submit to the Committee preliminary drawings to scale, indicating the location of the building on the Lot, parking, loading and storage areas, direction of drainage flow from the site, walkways, location of landscaping, and preliminary elevations of building facades with materials and colors noted on the plan. The Committee shall determine if the plans are in conformance with this Declaration and provide direction to the Owner-Applicant on the preparation of final drawings.

3.06 Design Approval. Prior to the commencement of construction of any Structure, or any construction activity, road building, excavation, site preparation, tree cutting, etc., on

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03/06/2013

any Lot, the Owner thereof (the "Owner-Applicant") must obtain approval by the affirmative vote of the Architectural Control Committee for a portion of the construction plans as follows:

(a) The Owner-Applicant must hand deliver to Declarants' representative, James W. Siebert and Associates, Inc., at 915 Mercer Street, Santa Fe, NM 87505 or other address as designated by the Declarant or the President, or designee, of the Santa Fe Airport Business Park the following items:

(i) two (2) sets of plans and specifications for such proposed improvements;

(ii) a topographical plat showing contour grades and the location of all improvements, walks, patios, driveways, fences, and walks; existing and post-construction grades shall be adequate in scope to determine constructed elevations and direction of drainage flow.

(iii) site drainage provisions shall be shown as well as cut and fill details of any appreciable change in Lot contours; extent of Lot covered by building, driveways, sidewalks and other land surface material shall be shown as a percentage of the total Lot area;

(iv) exterior elevations drawings to scale for all sides of the building(s);

(v) the exterior color scheme & description of materials to be used therefore, including roof treatment;

(vi) the landscaping plan, to scale, including walkways, fences, walls, elevation changes, watering systems, and ground cover;

(vii) parking areas and driveway plans;

(viii) exterior illuminations; include location and types;

(ix) description of interior fire protection systems, if any are proposed;

(x) address and telephone number for Owner-Applicant.

(b) No change in approved plans for elevations of structures, location of structures, driveways, or exterior color scheme and roof treatment shall be permitted unless such change has been approved by the Committee.

3.07 Limitation of Liability. The members of the Committee, jointly and separately, shall not be liable in damages to any person by reason of any act, failure to act, approve or disapprove or failure to exercise their powers conferred by these covenants and restrictions, and by the acquisition of title to any Lot in the Subdivision, and in consideration thereof, each such Owner thereby agrees not to file suit against the Committee or any member thereof, to recover damages in connection with any of the foregoing events.

3.08 City of Santa Fe Review. The review by the Committee does not supersede or replace the normal building permit review by the City of Santa Fe, nor is the Committee responsible for the compliance with the Santa Fe City Code.

3.09 Effect of Approval by Committee. The approval or disapproval of the Committee must be issued in writing upon the request of the Owner-Applicant, and if approved, such approval shall be final and binding determination by the Committee that the submitted plans comply with the Bylaws, this Declaration, and any rules and regulations of the Association. When an approval is issued, the final binding determination of the Committee shall not be appealable by the Association or any Owner so long as it is made in good faith.

3.10 Variances The Committee may grant variances from compliance with any of the provisions of the Declaration (including the Architectural and Landscaping Guidelines) when, in its opinion and in its sole and absolute discretion, such variance will not impair or detract from the high quality development of the Property and/or is justified due to aesthetic considerations or unusual circumstances. Owners of Lots within the Park shall be notified by registered letter of the variance, specifying the variance(s) requested. The Owners of Lots shall have thirty (30) days from the date of the registered letter to send written comments on the Variance to the Committee. Variances need not be evidenced by a separate written instrument; the approval of plans by the Committee shall be deemed to be the automatic grant of a variance for any item in the submitted plans that do not conform with this Declaration. The granting of such variance shall not operate to waive or amend any of the terms and provisions of this Declaration applicable to the Lots for any purpose except as to the particular property and the particular matter covered by the variance, and such variance shall not be considered to establish a precedent or future waiver, modification or amendment of the terms and provisions thereof.

ARTICLE IV Regulation of Operations and Uses

4.01 Prohibited Uses. The following operations and uses shall not be permitted on any Lot subject to these restrictions:

- (a) Labor camps
- (b) Pumping, disposal or incineration of refuse or garbage
- (c) Fat rendering
- (d) Stockyards or slaughtering of animals

4.02 Determination of Uses Permitted land uses shall be determined by the underlying I-1, Light Industrial Zoning District.

4.03 Operational Regulations The following standards shall apply to all development within the Santa Fe Airport Business Park:

(a) Noise: At the property line, noise shall not exceed levels which cause a disturbance or nuisance to adjoining Lot owners.

(b) Vibration: Equipment creating earthshaking vibrations shall be set back a sufficient distance from lot lines and shall be so mounted as to eliminate vibrations hazard or nuisance beyond lot lines.

(c) Smoke: No operation shall discharge into the atmosphere any air contaminate producing a public nuisance or hazard beyond lot lines.

(d) Wastewater. Occupants must comply with City, State and Federal environmental laws and regulations. No underground storage tanks may be installed unless approved by the Committee and permitted by the New Mexico Environment Department.

(e) Odorous Matters: No facility shall emit odorous matter in such quantity as to be readily detectable on any point along lot lines.

(f) Glare or Heat: Any operation producing intense glare or heat shall be performed within enclosures to avoid creating a public nuisance or hazard along lot lines.

(g) Air Pollution: No industrial operation shall discharge into the air pollutants or contaminants sufficient to create a nuisance, and no processes which by their nature are likely to cause air pollution shall be undertaken or permitted unless there is available an adequate, economically feasible method of controlling the emission of contaminants, and such controls are applied.

ARTICLE V REGULATION OF BUILDING AND IMPROVEMENTS

5.01 Compliance with Local Codes. Improvements to each Lot shall comply with all applicable City of Santa Fe land use codes and regulations.

5.02 Design Standards. Building height, setbacks and maximum lot coverage are regulated by the Final Development Plan for Santa Fe Airport Business Park which is attached hereto and made a part hereof as Exhibit B. Alternative building setbacks are permitted, providing such building setbacks comply with the provisions of the Architectural and Landscape Standards.

5.03 Architectural and Landscape Guidelines. Architectural and Landscaping Guidelines have been prepared for the purpose of establishing uniform standards for the construction of Structures in the Santa Fe Airport Industrial Park, these are attached hereto and made a part hereof as Exhibit C. The Owner shall install landscape material as shown on the Final Landscape Plan attached hereto and made a part hereof as Exhibit D. Landscape material may be modified with approval of the Architectural Control Committee.

5.04 Drainage Requirements. Excluding the two lots at the north end of the Park and the two lots at the south end of the Park, or unless permitted by the Architectural Control Committee, the storm water runoff from all Lots shall drain to the street. Easements may be required by the Declarant(s) for drainage purposes. If the combined area of all hard surfaced material, (asphalt, roof, concrete, etc.) exceeds eighty percent (80%) of the Lot, the additional run-off created by the Improvements, above eighty percent (80%) must be detained or retained within the Lot. Access to the stormwater drainage pond on Lot 27 is granted across Lot 27 for the purpose of maintaining and repairing the storm water detention pond. This right of access shall not interfere with the right of the Owner of Lot 27 to development his/her property.

5.05 Temporary Structures. No temporary structure or temporary building shall be placed upon any Lot except with the prior written consent of the Committee. Temporary construction trailers will be permitted only during the active construction phase on each Lot.

5.06 Parking and Circulation. Vehicles shall be parked only in designated, parking spaces on the Lot served by such spaces. There shall be no on-street parking within the Property.

5.07 Pedestrian Circulation. Buildings and parking areas shall be designed so that pedestrian access shall be provided from parking areas to building entries. All sidewalks shall have a minimum unobstructed width of three feet.

5.08 Loading and Servicing Areas. Loading doors, docks, material hauling facilities, accessory structures and servicing areas shall be adequately screened with landscaping and/or fencing to minimize the effect of their appearance from streets or neighboring Lots. The Architectural Control Committee may modify these regulations where conflicts occur between the loading and service areas and traffic circulation needed to adequately provide ingress and egress to the loading and service areas.

5.09 Storage Area. All materials, supplies, merchandise, equipment, company-owned vehicles or similar items shall be stored in enclosed, covered buildings or on a Lot within enclosed fenced areas. For the land encompassed by Lots 1,2,3,4 and 5 as shown on the plat recorded in the Office of the Santa Fe County Clerk in Book 626 Page(s) 30-31, outdoor display of merchandise shall be permitted without the necessity of a screening wall, screening landscaping or fence. This display area shall not exceed thirty (30) percent of the total lot area. This area that is exempted from the merchandise screening requirement shall be maintained in a neat and orderly manner.

5.10 Utilities. Other than for street lighting, existing overhead utility lines, and future electrical lines, all pipes lines and other facilities for utilities and all lines and conduits of any type hereafter installed for the transmission of audio and visual signals shall be located beneath ground or within an enclosed structure, except that certain overhead lighting and utility appurtenances (including telephone pedestals, utility meters, irrigation systems, backflow preventers, transformers and switching devices) may be located above the ground.

5.11 Completion of Structure. All improvements on the Lot, including landscaping, must be completed within one (1) year of commencement of construction. The Committee may permit one (1), one (1) year extension after the one (1) year time frame, where special and unique circumstances necessitate such an extension.

5.12 Garbage and Trash. No refuse, garbage, trash or scrap lumber or metal, and no grass, shrub or tree clippings, and no plant waste, compost, bulk materials or debris of any kind shall be disposed on any Lot except within an enclosed structure or container approved in writing by the Committee or unless appropriately screened from view, in a manner acceptable to the Committee, except that any refuse container containing such materials may be placed outside at such times as may be reasonably necessary to permit garbage or trash pickup.

Before during and after construction of any Improvement the storage of construction materials, supplies and equipment shall be done in a neat and orderly manner by the pertinent Owner or his agents.

5.13 Maintenance of Building and Sites. Owners shall maintain the appearance and repair of all building exteriors, fences.

5.14 Special Fencing and Wall Setbacks. No fence or wall shall be constructed within the building setback line on Oliver Road on Lots 14, 18, 22 and 27. The limitations of fencing and wall treatment in this area are more fully set forth in the Architectural and Landscape Guidelines under "Fences and Walls".

ARTICLE VI
LOT OWNERS' ASSOCIATION

6.01 The Association. The Santa Fe Airport Business Park Lot Owners' Association has been duly incorporated and organized according to New Mexico law pursuant to the Articles of Incorporation and Bylaws attached hereto as Exhibits E and F respectively and incorporated herein by this reference (hereinafter collectively referred to as the "Articles and Bylaws"). The membership of the Association, powers and duties of members, and power and duties of the Association are specified in the Articles and Bylaws. The Association has the duties, among others, to maintain the Easements, Common Areas and common facilities such as roads and drainage improvements.

In the event that the Association, as a corporate entity, loses its corporate powers or is dissolved, a non-profit, unincorporated association shall forthwith and without further action or notice, be formed and shall succeed to all rights and obligations of the Association hereunder until a qualified nonprofit corporation is formed. Said unincorporated association's affairs shall be governed by the laws of the state of New Mexico, and to the extent not inconsistent therewith, by the Declaration, the Articles of Incorporation and the Bylaws, respectively, as if they were created for the purpose of governing the affairs of an unincorporated association.

The President and Secretary of the Association, or any three (3) members of the Board of Directors, may execute, acknowledge and record a certificate of identity stating the names of all of the members of the then current Board and the then current Architectural Control Committee. The most recently recorded affidavit shall be conclusive evidence of the identity of the persons then compromising the Board and Architectural Control Committee in favor of any person relying thereon in good faith.

The Association shall prepare an annual operating statement reflecting the money received by the Association and the expenditures of the Association for each fiscal year and distribute such statement to each member and each Mortgagee upon request. The Association shall take such action, whether or not expressly authorized by the By-laws and Articles, as may reasonably be necessary to enforce or carry out the purposes of this Declaration.

ARTICLE VII
DECLARANTS' RIGHTS & RESERVATIONS

7.01 Declarants' Rights to Grant and Create Easements. Declarants shall have and hereby reserves the right to grant or create temporary or permanent easements and rights-of-way for access, utilities, drainage, water and other purposes incident to development, construction or sale within the Property, located in, on, under, over and across:

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(a) Common Areas, provided that such easements and rights-of-way do not unreasonably interfere with the rights of Owners.

7.02 Promotion and Marketing of Property. Declarants agree that Henry Oliver III, the developer of the Park reserves the right to the reasonable use of Lots owned by Henry Oliver III for the purpose in connection with the development, construction, promotion, marketing, sale and leasing of the Property, by erecting and maintaining advertising and signage on lots owned by Henry Oliver III, necessary in connection with the development, construction, promotion, marketing, sale and leasing of parcels of the Property.

7.03 Sale or lease of Lots. Owners have the right to erect signs for the purpose of sale or lease of their Lot or buildings. For sale signs shall be removed promptly after the sale of the Lot.

ARTICLE VIII GENERAL PROVISIONS

8.01 Enforcement. The Board, Declarant and any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by a party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

8.02 Notices. Any notices required or permitted to be delivered to the respective addressee or upon deposit of the same in the United States mails, postage prepaid, certified or registered mail, return receipt requested, an addressed to the Owners at the respective addresses as shown in records maintained by Declarant(s) or Association. Any Owner may change his address by giving notice thereof to Declarant(s) at c/o: James W. Siebert and Associates Inc., at 915 Mercer Street, Santa Fe, New Mexico 87505, or other address as may be authorized by the Board.

8.03 Severability. Invalidity of any provision of this Declaration by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

8.04 Amendment. The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years; provided, however, that Owners holding at least of sixty-six and two-thirds (66 2/3%) of the voting power of the Association may, by executing and acknowledging an appropriate instrument not more than one (1) year and not less than ninety (90) days prior to the expiration of any ten (10) year extension period thereafter, release the land subject hereto from all of the restrictive covenants contained in this Declaration, or may, at any time, change, amend, modify or revise any of said restrictive covenants, except as prohibited herein. Every amendment must be recorded in the Office of County Clerk, Santa Fe County, New Mexico. No amendment may be adopted that requires an Owner to modify any existing improvements or established business operations in any manner, or if adopted, such amendments may only be enforced prospectively against future Owners or future improvements.

8.06 Binding Effect. This Declaration shall be binding upon and shall inure to the benefit of Declarant, the Owners, and their respective heirs, successors and assigns and shall run with the land.

8.07 Notice. Any notice required to be given to an Owner under this Declaration is effective if actually received by that Owner. Notice required to be given to an Owner shall be deemed to have been given and received on the first business day following the date such notice is deposited in the U.S. Mail, postage prepaid, certified, return receipt requested. Notice shall be addressed to the person or persons to whom the Owner or Declarant sold the lot, at the address stated in the contract pursuant to which such Lot was sold.

8.08 Assignments of Declarants' Rights and Duties. Any and all of the rights, powers and reservations of Declarant(s) herein contained may be assigned to any person, corporation or association which will assume the duties of the Declarant pertaining to the particular rights, powers and reservations assigned, and upon such assignment, have the same rights, obligations and duties as are given and assumed by Declarant herein. The term "Declarant(s)" includes all such assignees and their heirs, successors and assigns.

8.09 Covenants Running with the Land. All restrictions, conditions, covenants and agreements contained herein shall, as to the Owner of each parcel, his heirs, successors and assigns, operate as covenants running with the land effective as of the date of this Declaration, as amended and restated.

8.10 Constructive Notice and Acceptance. Every person who now or hereafter owns or acquires any right, title or interest in or to any portion of said property is and shall be conclusively deemed to have consented and agreed to every covenant, condition and restriction contained herein, whether or not any reference to this Declaration is contained in the instrument by which the person acquired an interest in the property.

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RECORDED
03/06/2013

IN WITNESS WHEREOF, Declarant has executed this Declaration this 12th day of February, 2013

By: Henry Oliver III
Henry Oliver III, Family Limited Partnership
Lots 1, 2, 3, 4, 5, 27A and 26

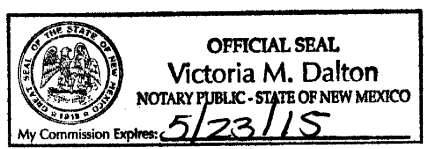
ACKNOWLEDGEMENTS

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

The foregoing instrument was duly acknowledged before me this 12 day of February, 2013, by Henry Oliver III, Family Limited Partnership.

Victoria M. Dalton
Notary Public

My Commission Expires: 5/23/15



IN WITNESS WHEREOF, Declarant has executed this Declaration this 12th day of February, 2013

By: [Signature]
Avenger Way LLC
John P. Glenzinski
Lots 23A & 24

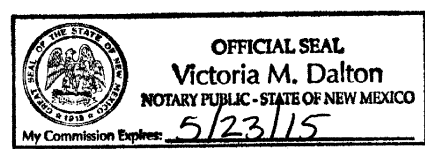
ACKNOWLEDGEMENTS

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

The foregoing instrument was duly acknowledged before me this 12th day of February, 2013, by John P. Glenzinski.

[Signature]
Notary Public

My Commission Expires:
5/23/15



REC'D CLERK RECORDED 03/06/2013

IN WITNESS WHEREOF, Declarant has executed this Declaration this 18th day of February, 2013

By: [Signature]
G. Bird Way LLC
Moo Thorpe, Managing Member
Lots 6, 7, 8 & 9

ACKNOWLEDGEMENTS

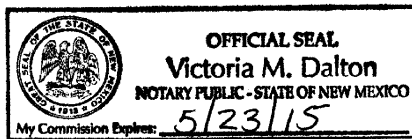
STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS.

The foregoing instrument was duly acknowledged before me this 18th day of February, 2013 by Moo Thorpe.

[Signature]
Notary Public

My Commission Expires:

5/23/15



STC CLERK RECORDED 03/06/2013

FILED
CLERK
RECORDED
03/06/2013

IN WITNESS WHEREOF, Declarant has executed this Declaration this _____ day of _____, 2013

By: _____
Mallard Office Warehouse LLC
Lloyd Martinez, President
Tract A, Formerly Lots 16 & 17

ACKNOWLEDGEMENTS

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

The foregoing instrument was duly acknowledged before me this _____ day of _____, 2013, by Lloyd Martinez, President

My Commission Expires: _____
Notary Public _____

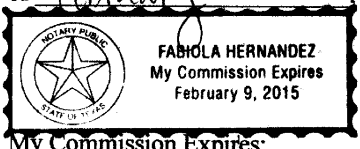
IN WITNESS WHEREOF, Declarant has executed this Declaration this 15 day of February, 2013

By: John Cadenhead
Santa Fe Propane
John Cadenhead, VP
Lot 22

ACKNOWLEDGEMENTS

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

The foregoing instrument was duly acknowledged before me this 15 day of February, 2013, by John Cadenhead.



Fabiola Hernandez
Notary Public

My Commission Expires: Feb 9, 2015

IN WITNESS WHEREOF, Declarant has executed this Declaration this 14th day of Feb., 2013

By *Lloyd Martinez*
Mallard Office Warehouse LLC
Lloyd Martinez, President
Tract A, Formerly Lots 16 & 17

ACKNOWLEDGEMENTS

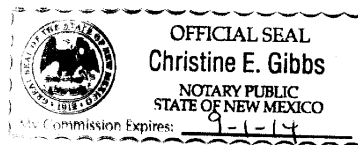
STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS.

The foregoing instrument was duly acknowledged before me this 14th day of February, 2013, by Lloyd Martinez, President

Christine E. Gibbs
Notary Public

My Commission Expires:

9-1-14



REC'D CLERK RECORDED 03/06/2013

IN WITNESS WHEREOF, Declarant has executed this Declaration this 12th day of February, 2013

By: 
JSW LLC
Steven Wyner, Managing Member
Lot 11

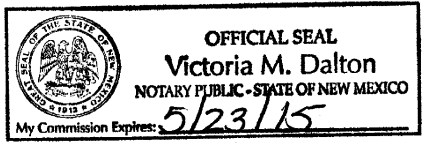
ACKNOWLEDGEMENTS

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

The foregoing instrument was duly acknowledged before me this 12th day of February, 2013, by Steven Wyner


Notary Public

My commission expires:
5/23/15



FILED
STC CLERK
RECORDED
03/08/2013

IN WITNESS WHEREOF, Declarant has executed this Declaration this 13 day of February, 2013

By: [Signature]
Airport Park Associates, Inc
Collector Cars of Santa Fe, Inc
Thomas N. Linton, President
Lots 10, 15 & 19

REC'D CLERK RECORDED 03/08/2013

ACKNOWLEDGEMENTS

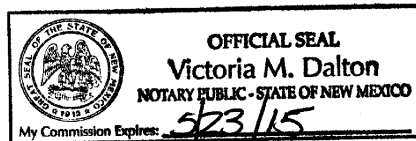
STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS.

The foregoing instrument was duly acknowledged before me this 13th day of February, 2013, by Tom N. Linton

[Signature]
Notary Public

My Commission Expires:

5/23/15



IN WITNESS WHEREOF, Declarant has executed this Declaration this 19th day of February, 2013

By: Scott Chapman
Scott Chapman
Lot 21

ACKNOWLEDGEMENTS

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

The foregoing instrument was duly acknowledged before me this 19th day of February, 2013, by Scott Chapman.

Victoria M. Dalton
Notary Public

My Commission Expires:

5/23/15



REC'D CLERK RECORDED 03/06/2013

SFC CLERK RECORDED 03/06/2013

IN WITNESS WHEREOF, Declarant has executed this Declaration this 12th day of February, 2013

By: Simone Koutsouflakis
LADAH LLC
Simone Koutsouflakis, Managing Member
Lot 18

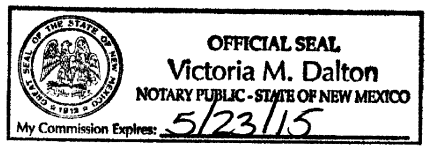
ACKNOWLEDGEMENTS

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

The foregoing instrument was duly acknowledged before me this 12th day of February, 2013, by Simone Koutsouflakis.

Victoria M. Dalton
Notary Public

My Commission Expires:
5/23/15



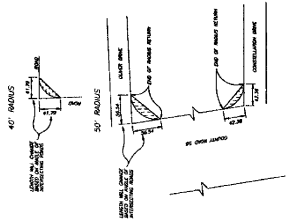
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

AMENDED & RESTATED COV
PAGES: 20

I Hereby Certify That This Instrument Was Filed for
Record On The 20TH Day Of February, 2013 at 01:47:37 PM
And Was Duly Recorded as Instrument # 1697060
Of The Records Of Santa Fe County

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

TYPICAL VISIBILITY TRIANGLE



NO STRUCTURE OR LANDSCAPE
GREATER THAN THREE (3) FEET
IN HEIGHT IS PERMITTED WITHIN
THE VISIBILITY TRIANGLE

APPROVED BY THE BOARD OF
ZONING COMMISSION AT THEIR MEETING
OF 7-24-11

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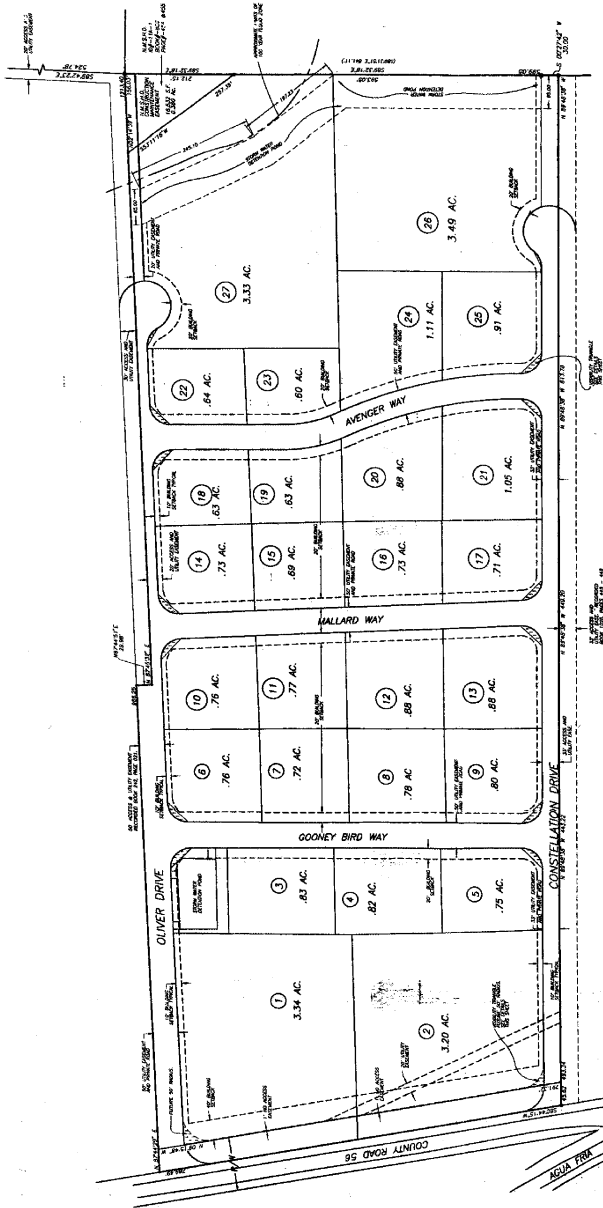
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NOTE:

EXCEPT FOR LOTS 2 & 26,
NO DRIVEWAY ACCESS IS
PERMITTED FROM
PRIVATE ROAD AND UTILITY EASEMENTS
EXCEPT FOR LOTS 1 & 27.
NO DRIVEWAY ACCESS IS PERMITTED
FROM AVENGER DRIVE.

NOTE:

LOTS 26 & 27 WILL BE SERVED BY
AN ANIMAL CUL-DE-SAC AND THE
DESIGN OF SUCH SYSTEMS MUST BE APPROVED
BY THE NEW MEXICO ENVIRONMENT DEPT.

SITE DATA:

NUMBER OF LOTS: 27
SMALLEST LOT: .63 AC. (DOES NOT INCLUDE
PRIVATE ROAD AND UTILITY EASEMENTS)
LARGEST LOT: 3.49 AC. (DOES NOT INCLUDE
PRIVATE ROAD AND UTILITY EASEMENTS)
AVERAGE LOT SIZE: 1.47 AC.
TRACT SIZE: 39.79 AC.

BUILDING STANDARDS:

BUILDING SETBACKS:
REAR YARD: 10' OR AS
REQUIRED BY THE UNIFORM
BUILDING CODE
FRONT YARD: AS SHOWN ON PLAN
SIDE YARD: 5' OR AS REQUIRED
BY THE UNIFORM BUILDING CODE
MAXIMUM BUILDING HEIGHT: 35'
MAXIMUM LOT COVERAGE: 30%
MAXIMUM HARD SURFACED AREA
PERMITTED WITHOUT ON-SITE
SEWERAGE: 10,000 SQ. FT. FLOOR
SIZE OF TOTAL LOT AREA
SEWER, WITH THE EXCEPTION OF
LOT 27, SHALL BE CONNECTED TO
THE SEWER LINE LOCATED IN THE
PRIVATE ROADWAYS. WATER, NO
PRIVATE WELLS ARE PERMITTED
ON ANY LOT.



901,692
75.12 3/21/12
CITY OF SANTA FE
PLANNING DEPARTMENT
PLANNING COMMISSION
300 N. MEXICO ST., SUITE 200
SANTA FE, NM 87501
505.988.3100
City Clerk: Mary K. Hargrave
City Attorney: David J. Hargrave

CITY OF SANTA FE	
DATE	JUN 1999
TIME	1:00 PM
SANTA FE AIRPORT BUSINESS PARK	
JAMES W. SIEBERT	
NO RECORDS, INC.	
310 W. WILSON STREET - SANTA FE, NM 87501-2001	
CITY USE	

BIBIHXE

SFC CLERK RECORDED 03/06/2013

EXHIBIT C

ARCHITECTURAL AND LANDSCAPE GUIDELINES

Colors

Wall colors are restricted to earth tones. Dark chocolate browns are not permitted. Two accent colors may be used per building face, provided the sum of the two accent colors does not exceed thirty percent (30%) of each building elevation. The accent colors shall be compatible with the primary building color. Off white may be used on walls under portals and one accent color may be used on door, window and portal trim.

The mix of color is intended to enhance the building facade. Colors which create a check board pattern or other similar design which draw attention to the building for advertising purposes are not permitted.

Approval by the Committee of the design and color scheme submitted with the plans shall be final. If an Owner leases its Lot to a national or regional retailer that utilizes a common color scheme and trademarks across all of its locations, such retailer shall be permitted to change the design of the improvements on the Lot from the originally approved design, without Committee approval, in order to incorporate any future changes to its common scheme and trademarks.

Material

Stud and stucco, cement block and metal materials are permitted on the exterior of buildings within the Park. Exterior wall or roof material, other than normal window glazing, which is reflective in nature, shall not be permitted.

Low maintenance should be a major consideration when selecting the exterior materials for the building. A mix of materials is encouraged when they are blended for architectural effect and are accomplished in an aesthetically pleasing manner.

Design

To avoid the uniformity of a box or rectangular configuration, office areas, which are smaller than the main building and attached to the main building are recommended. These attached additions to the building may have differing materials and colors from the main building. If different materials or colors are chosen they shall be aesthetically compatible.

Building Requirements

Building height, setbacks and lot coverage are designated on the Final Development Plan. The development of any lot shall conform to the building requirements set forth on this plan.

Roofs

Shallow or steep pitched roofs are permitted. Steep pitched roofs (greater than 1:2 or one foot (1') of rise per two feet (2') of roof length measured perpendicular to the crown of the roof) shall be consistent with Northern New Mexico architectural styles.

Unpainted corrugated steel roofing if acid etched to accelerate rusting and lower reflectivity may be used on pitched roofs. Built up roofing may only be used on flat roofs. Fiberglass roofs and asphalt shingles are not allowed. All roof-mounted mechanical equipment shall be screened from view by parapet walls constructed as part of the structures, or screening walls. Screening walls shall reflect and complement the architecture of the building to which they belong. All screening shall be the height of the mechanical equipment, at a minimum.

Vents and non-mechanical protrusions through the roof, which are not shielded by parapet or screening walls, shall be painted to match the color of roof.

Glazing

Glazing shall not exceed fifty percent (50%) of any building facade. Reflective glass or tinting placed on the glass which creates a glare is not permitted. It is required that a glazed surface be set back a minimum of two feet from the edge of all building corners.

Refuse Collection Areas

Refuse collection areas shall be effectively designed to contain all refuse generated on the site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure.

Refuse enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the buildings on the site.

Refuse collection areas should be located upon the lot in a manner which provides clear and convenient access to refuse collection vehicles and thereby minimizes wear and tear on on-site driveways and off-site roadways.

Fences and Walls

With the exceptions noted in this paragraph, perimeter fencing is permitted. The Architectural Control Committee must approve the location, type and design of all fences and walls. No fencing is permitted within the building setback along the east side of Oliver Drive, for any lot with frontage along Oliver Drive and north of Mallard. This fence and wall setback is required to insure the unimpeded flow of storm water on the east side of Oliver Drive north of Avenger Way.

No fence or wall shall exceed a height of eight feet (8') unless otherwise approved in writing by the Architectural Control Committee.

Metal or wood slates inserted in chain link fences are not permitted.

Drainage

Two storm water detention ponds have been provided in the park for the purpose of temporarily storing the drainage from the site created by the development of the Park. These detention ponds are designed to accommodate run-off from each lot, providing the hard surface cover (roofs, walks, asphalt driveways) does not exceed eighty percent (80%) of the total area. If the hard surface coverage exceeds eighty percent (80%), the owner/developer of the subject lot shall secure the service of a professional engineer licensed in the State of New Mexico to calculate the additional run-off and design a detention pond capable of accommodating the additional run-off.

The owners/developers of lots 1, and 2 are required to construct their own detention ponds capable of temporarily storing the run-off caused by development of these lots. These ponds shall be designed by a professional engineer licensed in the State of New Mexico. Notwithstanding the previous sentence, either the Association or the Committee may grant permission (either in a separate writing or through the approval of plans submitted by an Owner-Applicant) for the Owners of Lot 1 or 2, or both of them, whether in the Lots current configuration or as they are reconfigured in the future, to utilize the Common Area detention pond located to the north of Lot 1. If requested by the Owner, the Association shall provide a document in recordable form evidencing such Owner's right to use the Common Area detention pond.

Grading

The Architectural Control Committee must approve the grading on any lot prior to commencement of construction. The architect, engineer or designer shall refer to the grading plan prepared by Tierra Engineering when preparing the grading plan for any lot. The Architectural Control Committee will make the plan available upon request.

Exterior Lighting

Exterior lighting is governed by the City of Santa Fe land use regulations.

Parking

Parking is governed by the City of Santa Fe land use regulations.

Landscaping

The minimum planting material for each lot shall conform to the Final Landscape Plan. Additional planting is required to supplement this minimum standard required by the City of Santa Fe land use regulations. In no case shall the installed landscaping be less than shown on the Final Landscape Plan. Modification to the final landscape plan may be approved by the Architectural Control Committee.

Landscape standards shall comply with the City of Santa Fe land use regulations.

Use of drip irrigation and mulches is required to reduce the watering requirement and ensure the survival of the plant material. The plans submitted to the Architectural Control Committee shall indicate the method for irrigating all landscaped areas.

Signs

Erection or placement of any sign shall conform to the City of Santa Fe land use regulations.



COUNTY OF SANTA FE
STATE OF NEW MEXICO) ss

AMENDED & RESTATED COV
PAGES: 23

I Hereby Certify That This Instrument Was Filed for
Record On The 21st Day Of February, 2013 at 09:39:25 AM
And Was Duly Recorded as Instrument # 1697143
Of The Records Of Santa Fe County

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

REC'D CLERK RECORDED 03/06/2013



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

AMENDED & RESTATED COV
PAGES: 26

I Hereby Certify That This Instrument Was Filed for
Record On The 6TH Day Of March, 2013 at 10:13:04 AM
And Was Duly Recorded as Instrument # **1698420**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy *Geraldine Salazar* County Clerk, Santa Fe, NM

SFC CLERK RECORDED 03/06/2013