

**DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS
FOR SUNDANCE ESTATES SUBDIVISION**

THIS AMENDED AND RESTATED DECLARATION of Covenants and Restrictions is made in Santa Fe, New Mexico, effective as of July 1, 2020 by the Members of the Sundance Estates Homeowners Association (hereinafter, for convenience referred to as the "Owners" or "Members").

WITNESSETH THAT:

- A. The Members of the Sundance Estates HOA are owners of the real property described as the Sundance Estates Subdivision as shown on the subdivision plat of survey recorded in Plat Book 447, Pages 38 through 44, records of Santa Fe County (hereinafter referred to as the "Subdivision").
- B. By a vote of not less than two-thirds (2/3) of the eligible Lot Owners the Members hereby amend and record the *Declaration of Covenants and Restrictions for Sundance Estates Subdivision*, dated June 29, 2001, recorded in Plat Book 1781, Pages 698 through 717 records of Santa Fe County (hereinafter referred to as the "Declaration").
- C. The Members desire to adopt certain measures to sustain the aesthetic character, to promote harmonious residential design, and to protect and enhance property values within the Subdivision; and

WHEREAS, the Members desire and intend that the owners, tenants, mortgagees, occupants and other persons hereinafter acquiring any interest in the Subdivision shall at all times enjoy the benefits of, and shall hold their interests, subject to the rights and restrictions hereinafter set forth, all of which are declared to be in furtherance of a plan for the proper and beneficial use of the property within the Subdivision.

NOW THEREFORE, the Members declare, covenant and agree as follows:

**ARTICLE I
DECLARATION OF COVENANTS**

The Subdivision, and each Lot therein, shall be held, transferred, sold, occupied, and used solely in accordance with these Covenants, which shall run with the land and bind and inure to the benefit of all parties having or acquiring any right, title, or interest in the Subdivision, all for the purpose of enhancing and protecting the value, desirability and attractiveness of the Subdivision as a whole and enhancing the noncommercial residential quality of life within the Subdivision.

**ARTICLE II
PURPOSE OF COVENANTS**

In recognition of the natural beauty and high value of the lands within the subdivision, it is the purpose of this Declaration to protect and preserve these features, to provide for the development, improvement and use of the lots within the Subdivision in harmony with their natural environment as secluded residential sites, and to ensure, insofar as possible, that the Subdivision shall be developed, improved, and used for residential purposes, in such a fashion as to cause the least disturbance to and detract from the natural environment and the overall appearance of the Property from within and without.

ARTICLE III PERMITTED AND PROHIBITED USES OF PROPERTY

3.1 Future Subdivision

No portion of the property within the Subdivision may be subdivided or re-subdivided into any tracts, parcel or lot (herein collectively referred to as a "Lot or Lots") having an area of less than 2.5 acres.

3.2 Permitted Uses

(a) Permitted Structures. Upon each Lot there may only be erected:

1. One detached residential single-family dwelling having a minimum area of 2,000 square feet of interior heated space.
2. Each Lot must have a garage of sufficient size to accommodate at least two automobiles.
3. Improvements on a Lot may include a water well and well house, gates, walls, and retaining walls to prevent erosion or for re-vegetation, or other ancillary structures approved by the Architectural Control Committee (i.e. TV, dish antennas, patio structures, greenhouses, etc.). No other structures of any kind may be built or placed upon any Lot.

(b) Permitted Renting of Properties.

No dwelling shall be used as a boarding home or divided into apartments or rooms for rental purposes. This subsection does not prevent the rental or lease of the whole dwelling by the owner thereof, but no dwelling may be rented or leased for a period of less than 30 days. Any Lot Owner who enters into a lease permitted hereunder must have as a requirement thereof, a promise by the lessee that he or she is familiar with and has read these Covenants, together with a provision in said lease that the lessee's failure to obey these Covenants shall render said lease void upon thirty (30) days written notice thereof from the Association (defined below) to be forwarded pursuant to the provisions of this Declaration.

3.3 Prohibited Uses and Activities

- (a) Mobile Homes.** No prefabricated or mobile homes, even if proposed to be placed upon a non-mobile, permanent foundation, shall be permitted for any purpose anywhere on a Lot.
- (b) Guest House.** No guest house may be constructed upon a Lot.
- (c) Farming, Ranching, Agricultural Activities.** No farming, ranching or other agricultural activity shall be permitted within the Subdivision. A small vegetable garden, however, is permitted, provided that the garden is maintained exclusively within a fenced area or in such a way as not to be visible from the streets and the ground floor or any neighboring dwelling.
- (d) Hunting.** No hunting or discharge of firearms shall be permitted.
- (e) Animals.** No farm animals, including but not limited to horses, poultry, cows, goats and pigs, are permitted. House pets are permitted, provided that house pets shall be leashed or otherwise restrained while outside of a residence. House pets shall not be allowed to create noise or odor and shall be trained or restrained from interfering with other Lot Owners' quiet and peaceable enjoyment of their respective Lots.
- (f) Temporary Construction Structures.** No temporary or portable structures may be placed on any Lot within the Subdivision, except for such structures used in connection with the construction of a

dwelling. No such structures may be occupied as a dwelling. All temporary structures utilized during construction must be removed from the Lot within five (5) days after completion of construction.

(g) Noises and Offensive Activity. No illegal, obnoxious, or offensive activity shall be carried on within the Subdivision. Excessive or unreasonable noise or offensive odor from any Lot shall be prohibited. Nothing shall be done or placed within the Subdivision which may be or become a nuisance or cause unreasonable disturbance or annoyance to owners of neighboring Lots. No incinerators or other device for the burning of refuse shall be constructed, installed or used, except in conformity with law and approved by the Architectural Control Committee.

(h) Off-Road Vehicles. The use of off-road motorbikes, snowmobiles, un-muffled vehicles, dune buggies and all-terrain vehicles is prohibited within the Subdivision, unless approved by the Association.

(i) Windmills. Windmills are prohibited.

(j) Yard Appearance. No trash, garbage, refuse, debris, clippings from trees, lawns or shrubs may be dumped, thrown or allowed to accumulate on any land within the Subdivision, other than compost material that is enclosed and not offensive to others. There shall be no burning of any materials out of doors, except for the burning of natural materials for land clearance or fire control. All clotheslines, mechanical equipment, storage piles and similar objects must be concealed from view.

(k) Vehicles. No motor home, recreational vehicle, camper, trailer, boat, motorcycle or similar vehicle or facility, structure or recreational equipment shall be kept, maintained or placed within the subdivision, at any time, unless stored inside a garage or in a screened area approved by the Architectural Control Committee or the Association. A vehicle shall be deemed parked for storage if it is not driven out of or removed from the Subdivision within fifteen (15) days.

(l) No Lot shall be used for the purpose of mining, quarrying, drilling, boring or exploring for oil or hydrocarbons, minerals, rocks, gravel, earth or be used in any way inconsistent with these Declarations.

(m) Propane tanks and water storage tanks must conform to State of New Mexico regulations and must be underground or obscured from view from the ground floor of neighboring dwellings and from the street.

(n) No on-street parking shall be permitted on the private streets within the Subdivision. Owners of Lots shall provide adequate parking for residents and guests.

(o) No insect infestation shall be permitted to persist in pinon trees within the Subdivision, and each Lot Owner shall control insect infestation by spraying or other legitimate means.

3.4 Site Development & Design Guidelines

(a) Building Envelopes. No construction activity shall occur outside of a building envelope without a variance approved by the Architectural Control Committee. It is the intent of this covenant that all terrain and vegetation outside the approved building envelope indicated for each Lot remain pristine, undisturbed and in a natural state.

A Lot Owner may apply to the Architectural Control Committee for a variance from the building restrictions described above, which are applicable to all Lots. The Architectural Control Committee may, in its discretion, grant a requested variance, provided the requested envelope variance would not: (i) unreasonably interfere with drainage patterns; (ii) violate setback requirements; (iii) result in excessive

cutting and filling; (iv) require excessive removal of native vegetation; (v) adversely impact another Lot within the Subdivision; or (vi) violate any of the provisions of these Covenants. The Architectural Control Committee may grant or deny any variance request in the exercise of its sole reasonable discretion.

- (b) Lot Setback. No structure shall be erected or placed within twenty-five feet (25') of any Lot line.
- (c) Gates. All gates on driveways shall be set back from the street or road right of way at least twenty-five feet (25').
- (d) Driveways. All driveways shall be surfaced by owners with compacted brown base course and/or gravel, and/or earth-toned concrete, and/or black asphalt to prevent dust, and maintained so as to reduce erosion and eliminate unsightly conditions.
- (e) Signs and Entries. All signs, mail boxes and entry structures/walls must be in keeping with the residential nature of the Property and must be approved by the Architectural Control Committee. Approval must be received prior to installation.
- (f) Exterior Lights. Bright, glaring exterior lights are prohibited. All lighting shall be subdued and not directed on any adjacent Lot. Site lighting shall be downshot and shielded. Motion detectors shall be oriented to prevent activation of lighting by movement beyond the Lot line of each Lot. Architectural Control Committee approval must be received before installation.
- (g) Septic Tanks. All septic tanks shall be constructed and operated to conform to the rules and regulations of the New Mexico Environmental Improvement Department and must be pumped out every two (2) years. Leach fields should be constructed in the flatter terrain areas generally located away from the building envelope, in conformance with State regulations.

3.5 Architecture

- (a) Architectural Style. All structures permitted within the Subdivision shall conform to southwestern architectural styles in keeping with architectural styles historically prevalent in the Santa Fe region (Spanish, Pueblo, or Territorial Architecture.) A structures architectural style is subject to review and approval by the Architectural Control Committee. Exterior materials will be materials which harmonize with the natural landscape and will withstand local dramatic changes, and may include stucco, stabilized adobe, stone or wood.
- (b) Color. The parapets, roofs and exteriors of all structures, including canales, metal vents, gutters, stove pipes, mechanical equipment, solar collectors, and the like, shall be painted or treated with a non-reflective application and shall be earth-colored, provided that 'white' or other colors may be used under a portal. Generally, dark colors should be used near ridges and more exposed areas.
- (c) Rooftop and Equipment. No pitched metal roofs are allowed in the Subdivision. Unless otherwise required by applicable building codes, no structure or device may be placed on a rooftop unless the same is essentially concealed from view by a roof line or parapet. This requirement shall be deemed to be met if the top of a rooftop device is six inches (6") below the roof or parapet lines. Any device with a height in excess thereof shall not be permitted, (chimney structures being the only exception, provided the top thereof is not in excess of three feet (3') above the parapet line). If rooftop devices or structures must be higher than six inches (6") below parapet line, solely due to applicable building codes, then these structures or devices must be enclosed in a pueblo style, chimney-like structure, the top of which shall not exceed three feet (3') above the parapet line.

(d) Height of Structures. For the purpose of this Section, height of structures means the vertical distance from any point on the upper surface of a building or structure to the natural grade or finished cut grade, whichever is lower, directly below that point.

1. The maximum height of any building or structure shall not exceed eighteen feet (18') to the tops of the surrounding parapets or roof peak, or shall not exceed the current zoning regulations (whichever is more restrictive.)
2. The vertical depth of fill materials from the natural grade, with or without retaining walls, shall be considered as a component of the building or structure. This depth shall be included in the determination of building height. Chimneys may extend two feet (2') beyond the height limitation.
3. In addition, on building sites where any portion of land has a natural slope of fifteen percent (15%) or greater, the height of any building or structure shall not exceed thirty feet (30') measured in a vertical plane from the highest parapet to the natural grade at the lowest point adjacent to the residence. No wall shall have an unbroken height of more than eighteen feet (18').
4. Retaining walls attached to but not directly supporting a building structure shall not exceed eight feet (8') in height, measured from the lowest natural grade adjacent to the wall. Any retaining wall over six feet (6') in height on the downhill side shall be softened by landscaping with trees and/or large shrubs. Retaining walls shall not exceed five feet (5') in height from finished grade on the uphill side of the wall.

(e) Variances to Provisions. The architectural restrictions enumerated in subsections (a), (b), (c) and (d) shall govern in all instances; provided a Lot Owner, in submitting his or her plans and specifications, may request of the Architectural Control Committee any reasonable and moderate variances. The Architectural Control Committee is hereby empowered to grant such a variance if, in its sole discretion, the proposal is sufficiently creative and innovative as to effectuate the purpose of these Declarations; that purpose being to enhance and protect the value, desirability and attractiveness of the property within the Subdivision as a whole, and to enhance the quality of life within the Subdivision.

(f) Site Walls. Exterior site walls may be made of natural stone or masonry, finished with an exterior stucco surface matching the color of the house. No wall, at any point, shall exceed eight feet (8') in height, and no freestanding retaining wall shall exceed six feet (6') in height. Wire or metal mesh fencing is prohibited. All walls on each Lot must be within the boundary of the building envelope established pursuant to the provisions of Section 3.4. No wall may be constructed until its written description and location are first submitted to and approved by the Architectural Control Committee.

(g) Building Facades. For all structures, no façade shall be more than forty feet (40') in length in a single plane. All facades with offsets of less than four feet (4') in depth are defined to be in a single plane.

(h) Solar Collectors, Antennas and Satellite dishes. Passive solar applications, or the orientation and design of the residence for maximum winter solar heat gain, will reduce the winter heating needs and will be encouraged. Insensitively positioned solar collectors can cause excessive glare and reflection, and can be approved only if they are integrated into the structure or landscaping and are not visible from neighboring properties. No antenna, solar collector or satellite dish may be erected on any Lot or structure without the Lot owner first submitting to the Architectural Control Committee a written description showing the proposed location and dimensions of the device intended to be installed, together with a schematic showing how the same is to be screened from view so as not to offend neighboring Lot Owners. No device described herein may be placed upon any Lot without Architectural Control Committee approval.

- (i) Exterior Lighting. No exterior flood lights or street lamps shall be installed, operated or maintained on any Lot in such a manner that light therefrom is directed toward surrounding Lots, properties or roads. Site lighting shall be downshot and shielded. Motion detectors shall be oriented to prevent activation of lighting by movement beyond the Lot line of each Lot. Bright, glaring lights on roof tops, patios or elsewhere are prohibited.
- (j) Skylights and Windows. Skylights cannot be tinted or coated with reflective materials and cannot be located in a pitched roof. Windows cannot be tinted or coated with reflective material.
- (k) Repair of Structures. No building, object or structure on a Lot shall be permitted to fall into disrepair. Each such building, object or structure shall at all times be kept and maintained by the Lot Owner in good condition and repair, and adequately painted or otherwise finished. In the event that any building, object or structure is damaged or destroyed, then, subject to construction approval by the Architectural Control Committee, such building, object or structures where located shall be cleared and restored to a presentable and safe condition.
- (l) Swimming Pools. Swimming pools are prohibited.
- (m) Fire Protection. As a condition for construction, all residences will be required to be equipped with sprinklers for fire protection, in accordance with NFPA 130 Standards for the Installation of Sprinkler System in One- and Two-Family Dwellings.

3.6 Landscaping

- (a) Application. All areas disturbed during construction are to be re-vegetated. The minimum requirement is to re-vegetate utilizing native grasses and native trees, planted to equal the density and approximate size of vegetation in the surrounding natural areas. All proposed landscaping (including the destruction, removal, or transplanting of native vegetation) should first be described in writing or on a plan, which must be submitted to the Architectural Control Committee. The plan must meet the requirements of Paragraph 3.8 (a) for both initial landscaping and subsequent changes and additions. No such activity may commence without written approval from the Architectural Control Committee.
- (b) Lawns and Planting. No lawns in excess of 1,000 square feet shall be permitted, with grasses other than native grasses. Drought-resistant plantings are encouraged.
- (c) Trees. Trees that will exceed the height of thirty-five feet (35') at maturity will not be allowed on any Lot.
- (d) Topography & Natural Vegetation. The construction modification or addition shown on the plans submitted shall cause the least disturbance to and change in the natural topography and vegetation of the Lot, consistent with the reasonable use and enjoyment of said Lot. All construction within the property shall comply with the land use requirements of Santa Fe County.
- (e) Monumental Sculpture. The proposed placement of monumental sculpture visible from roads and other Lots within the Property shall not be permitted unless there is first submitted to the Architectural Control Committee a scaled depiction thereof for the Committee's review and approval before installation. The Architectural Control Committee shall have the absolute discretion to either approve or prohibit any monumental sculpture visible from roads and other Lots within the Subdivision, if the Committee, after due deliberation, determines that said sculpture would detract from, rather than

enhance, the residential nature of the Subdivision as a whole, or would otherwise affect a neighboring Lot owner's view.

3.7 Utility Lines All utility lines, including the water lines from shared wells and irrigation lines, must be buried underground, under the surface of the streets, roadways, cul de sacs within the Subdivision and the driveway from a street, road or cul de sac to the dwelling on a Lot. The Architectural Control Committee may grant reasonable and moderate variances from the restrictions imposed by this paragraph.

3.8 Construction Application and Submittals Before any Lot Owner shall commence building on any Lot within the Subdivision, the installation of, construction of, remodeling of, addition to, or alteration of any structure or improvement of whatsoever kind or nature; and before any person shall paint, repaint, texture or retexture or resurface any existing walls, there shall be submitted to the Architectural Control Committee for its review the following items:

- (a) Two (2) copies of a site and landscaping plan showing the entire Lot, building envelope, orientation, driveway, gates, utility trenches or excavation, fences, water consumption meter, septic tank and leach field, all walls and patios, decks, gardens, and the location of all other objects or structures, and all easements, including but not limited to water and utility lines. All landscaping elements shall be shown, and the species of vegetation and the sizes of trees and shrubs shall be listed.
- (b) Two (2) copies of a grading and drainage plan clearly indicating both natural and finish grades for at least fifty feet (50') surrounding each structure. Contours shall be shown at intervals not greater than two feet (2'). All driveways, paths, walls and other altered exterior areas must be shown. This plan must address all erosion potentials from all permitted structures and driveway runoff, and include water retention and ditch stabilization construction as necessary. All work must be in conformance with local zoning and must meet the Terrain Management Regulations for the County of Santa Fe.
- (c) The Lot Owner must certify in writing, upon the plans called for by this paragraph, that any and all excess fill removed for construction shall be taken off the Lot and not pushed down the Lot slopes or otherwise deposited or dumped anywhere upon the Lot or the property. Each Lot Owner, in addition to so certifying, must in fact cause all such fill and associated debris to be hauled off the Subdivision. In the event the plans described herein call for retaining walls, no earthwork or excavation activity of any kind may commence until the depicted retaining walls have first been completed. Failure to abide by this prescription shall immediately authorize the Architectural Control Committee, without notice, to direct all construction activity upon a Lot to cease until all such fill and debris is removed as required hereby.
- (d) Two (2) sets of floor plans of all levels, (with finished floor elevations relative to natural grade indicated). All rooms/spaces shall be clearly identified as to use. Materials of construction shall be indicated and doors, windows, steps, plumbing fixtures and the like shall be accurately shown. The minimum scale shall be 1/8" = 1', although 1/4" = 1' is preferred.
- (e) Two (2) sets of exterior elevations of all structures indicating finish materials. Both natural and finish grades at the perimeter of the structure must be clearly shown. The scale used shall be the same as the floor plan.
- (f) Two (2) complete building cross-sections perpendicular to each other, with finished floor elevations relative to natural grade indicated, explaining the relationships of interior volumes, (and therefore exterior massing), as clearly as possible. The scale used shall be the same or larger than the floor plan.

The Architectural Control Committee shall have the right and power to disapprove any plans, specifications and details if the Committee finds that such items are not in accord with the provisions of this Declaration, or if the design and color scheme submittal is not in harmony with the Subdivision or surrounding homes, or if the plans and specifications are incomplete.

3.9 Commencement of Construction Within one hundred twenty (120) days of written approval of the plans and specifications, a Lot Owner must commence construction of the single-family dwelling. Driveway culverts at the main access road must be installed prior to the initiation of improvements. Once begun, all exterior construction (including all site improvements and the revegetation of disturbed areas) must be complete within two hundred seventy (270) weather working days. In the event a Lot Owner obtains Architectural Control Committee approval but does not commence construction within one hundred twenty (120) days, his or her plans and drawings must be resubmitted to the Architectural Control Committee for re-approval before construction may commence. The dumping or deposit of fill dirt, construction refuse, trash, excess material anywhere within the Lot or property during and after the building or repair of any structure is strictly forbidden. During and after construction it shall be the lot owners' responsibility to keep his or her lot clean and free from debris, construction refuse, waste concrete, fill, dirt, trash, excess material and waste. Violation shall authorize the Architectural Control Committee to order a halt in construction, or to order a cleanup at the Lot owner's expense. For enforcement purposes, the Architectural Control Committee may require from the Lot Owner a damage deposit in the amount of two thousand dollars (\$2,000.00) to ensure compliance with these Covenants during the construction process. This deposit shall be refunded upon completion of all construction and a determination of compliance by the Architectural Control Committee with respect to all requirements of these Covenants.

After completion of any approved structures, Architectural Control Committee approval shall also be required for any further construction, exterior modification or addition to any structure on any Lot, and the same may not commence absent Committee approval.

3.10 Architectural Control Committee

(a) **Membership Qualifications.** The Architectural Control Committee shall consist of at least three persons, at least two-thirds (2/3) of whom shall be Owners of Lots in the Subdivision. No member of the Committee shall sit in consideration of plans for development of any Lot owned by him or her. When any member of the Committee is not qualified to sit for any reason, the remaining members shall designate a member pro tem to sit in his or her place. If more than two members are disqualified the Board of Directors of the Association shall designate sufficient members pro tem.

(b) **Fees.** A Lot Owner shall pay a review fee for examination and approval or disapproval of plans and specifications submitted for structures to be erected, or alterations to existing structures. A review fee of five hundred dollars (\$500.00) must accompany the submittal. The Architectural Control Committee may, on a showing of good cause at its option, waive its right to such expenses in any particular instance; and has the right to increase the standard review fee periodically, to cover the costs involved with project review. The Owner of the Lot shall also pay the costs of any survey or other professional inspection reasonably required by the Architectural Control Committee in order to determine compliance with the provisions of this Declaration.

(c) Limitation of Liability. Neither the Committee, the Board of Directors of the Association, nor any member thereof, shall be liable to the Association or to any Lot Owner for any damage, loss or prejudice suffered or claimed on account of:

1. The approval of any plans, drawings or specifications, whether or not defective.
2. The construction or performance of any work, whether or not made pursuant to approved plans, drawings or specifications.

3.11 Water Restrictions

Water use on all Lots within the Property is limited and restricted pursuant to water restrictive Covenants adopted apart from this document. It is the responsibility of each Lot Owner to obtain a copy of the water restrictive Covenants and to comply with all requirements therein.

3.12 Nuisances

No Lot Owner or guest, invitee, or lessee thereof shall permit anything to be done or kept upon a Lot that will obstruct or interfere with the rights of others owning Lots within the Property, or annoy others by unreasonable activities, nor shall any Lot Owner commit or permit any nuisance, or commit or suffer any illegal act to be committed upon his or her Lot. It is the responsibility of each Lot Owner to provide for proper storage of trash and weekly trash removal by a company licensed for solid waste disposal services.

Each Lot Owner shall comply with all decisions and directives of either the Architectural Control Committee or the Homeowners Association, as the case may be. The Architectural Control Committee, in its sole discretion, shall have the right to determine the existence of any unreasonable annoyance or nuisance under these Covenants, and should the same be found to exist, to abate and terminate the same.

3.13 Duties and Responsibilities of Lot Owners

Each Lot Owner shall be responsible for the maintenance and repair of his or her dwelling, his or her Lot and landscaping. Each Lot Owner shall be responsible for the construction of a crossing structure for his or her Lot's driveway crossing any ditch adjacent to any street. The Lot Owner is also responsible for any damage to a private street or other land adjacent to his or her Lot done by the Owner or any contractor or subcontractor during the course of construction of a dwelling, or for improvements on his or her Lot. Each Lot Owner shall maintain the native vegetation and landscaping on his or her Lot in a natural, neat and orderly manner.

ARTICLE IV ROADWAYS & TRAILS

4.1 Common Access Easements

The Members of the Sundance Estates HOA hereby grant to Owner(s) of each Lot within the Subdivision, and his or her guests and invitees, a non-exclusive easement over and across the area designated or shown on the Plat as roads, cul de sacs, or as "road easement" for ingress, egress and the installation of underground utilities (the "Roadway"). The non-exclusive easement granted hereby shall be appurtenant to each Lot and shall run with the land.

4.2 Common Trails Easement

The Members of the Sundance Estate HOA hereby grant to Owner(s) of each Lot within the Subdivision, and his or her guests and invitees, a non-exclusive easement over and across the area designated on the Plat as trail or

as a “trail easement for recreational uses such as walking, jogging and bicycling (the “Trails”). The non-exclusive easement granted hereby shall be appurtenant to each Lot and shall run with the land.

4.3 Roadway and Trail Maintenance

The Association shall maintain the Roadway in good condition and repair, in accordance with Santa Fe County Standards for a private or public road; free of snow ice and obstructions. Maintenance shall include snow removal and the maintenance of a general liability insurance policy covering the use of and maintenance activities on the Roadway. The Association shall maintain the Trail in a manner similar to that of the Roadway, except that the Association shall not be required to keep the trail free of snow and ice. The costs and expenses of maintaining the Roadway and Trail shall be included in the annual maintenance assessments and charges under Article VII.

ARTICLE V

MEMBERSHIP IN HOMEOWNERS ASSOCIATION

5.1 Membership

- (a) Every Owner of any Lot or tract within the Subdivision shall be a Member of the Sundance Estates Homeowner's Association (the "Association"), a New Mexico non-profit corporation. Membership shall be appurtenant to, and may not be separated from, ownership of any Lot or tract within the Subdivision.
- (b) The rights, duties, obligations and privileges of an Owner of a Lot or tract within the Subdivision, as a Member in the Association, shall be those set forth in, and shall be exercised and imposed, in accordance with the provisions of this Declaration, and the Articles of Incorporation and Bylaws of the Association.

5.2 Voting Rights

There shall be one class of members. Every Member shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lots, all such persons shall be members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

ARTICLE VI

ORGANIZATION, POWERS AND DUTIES OF HOMEOWNERS ASSOCIATION

6.1 Organization

The Association is organized as a non-profit corporation, charged with the duties and empowered with the rights set forth herein. A copy of the Articles of Incorporation of the Association is posted on the Association's website and provided to a prospective purchaser.

6.2 Governance

The Association's affairs shall be governed by this Declaration, and the Articles of Incorporation, and Bylaws of the Association. A copy of the Bylaws of the Association, which is subject to change, is posted on the Association's website and provided to a prospective purchaser.

6.3 Powers and Authority of the Association

The Association shall have all of the powers set forth in its Articles of Incorporation, together with its general powers as a non-profit corporation, and shall have the power and authority to do any and all things which are authorized, required or permitted under and by virtue of this Declaration, and to do and perform any and all acts which may be necessary or proper for or incidental to the exercise of any powers of the Association for the peace health, comfort, safety and general welfare of the Owners of Lots and tracts within the Subdivision. The Association shall act through its officers, directors and agents.

6.4 Maintenance Duties

The Association is specifically charged with the duty of maintaining all roads, trails, private and common drainage improvements, including individual ponds and check dams and common fire protection improvements within the Subdivision. The Association shall assess Lot Owners for the cost of maintaining improvements as set forth in this document.

ARTICLE VII

FUNDS, ASSESSMENTS AND COLLECTIONS

7.1 Creation of the Lien and Personal Obligation of Assessments

Each Owner of any Lot or tract within the Subdivision, by acceptance of a deed, and each real estate contract purchaser by execution of such real estate contract, is deemed to covenant and agree to pay to the Association:

- (a) Annual maintenance and common expense assessments or delinquency charge assessments;
- (b) Special assessments for capital improvements and legal fees, such assessments to be established and collected as hereinafter provided; and
- (c) All other fees or other monies due to the Association from an Owner.

The annual, special, and delinquency assessments, together with interest, costs and reasonable attorneys' fees, shall be a charge on the Lot and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorneys' fees, shall also be the personal obligation of the person or entity who was the Owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to successors or assigns in title unless expressly assumed by them.

7.2 Purpose of Assessments

The assessments levied by the Association shall be used exclusively to promote the privacy, safety, and welfare of the residents of the Subdivision and the owners of Lots and tracts within the Subdivision, and to maintain private streets, roadways, easements, trails, private and common drainage improvements, and common fire protection improvements within the Subdivision.

7.3 Maximum Annual Assessment

The annual assessment shall be determined by the Board of Directors of the Association. The Board of Directors may elect to have the annual assessment paid in annual, semi-annual, quarterly or monthly installments.

7.4 Notice and Quorum for any Action Authorized Under Sections 6.3 and 6.4.

Written notice of any meeting of members of the Association which is required for the purpose of taking any action under Section 6.1 shall be sent to all members, in the manner provided by the Bylaws of the Association.

7.5 Date of Commencement of Annual Assessments: Due Dates

The Board of Directors of the Association shall fix the amount of the annual assessment against each Lot, at least 30 days in advance of the annual assessment. Written notice of the annual assessment shall be sent to every Lot Owner subject thereto. The due dates shall be established by the Board of Directors of the Association. The Association shall, upon demand and for a reasonable charge, furnish a certificate signed by an officer of the Association, setting forth whether the assessments on a specific Lot have been paid.

7.6 Effect of Non-payment of Assessments: Remedies of the Association

Any assessment not paid within 30 days after the due date shall bear interest from the due date at the rate of ten percent (10%) per annum. The Board of Directors of the Association may do any or all of the following:

- (a) File a lien for any unpaid assessment by recording an affidavit of such fact in the office of the County Clerk of Santa Fe County, New Mexico;
- (b) Bring an action at law against the Lot Owner personally obligated to pay the same; or
- (c) Foreclose the lien against Lot Owner's Lot or Lots.

In the event any of the foregoing actions are taken by the Association, the Lot Owner shall be obligated to pay to the Association reasonable attorney's fees and necessary costs incurred by the Association in enforcing its rights and taking such action. No Lot Owner may waive or otherwise escape liability for the assessments provided for herein by abandonment of his Lot.

7.7 Subordination of the Lien to Mortgages

The lien of the assessments provided herein shall be subordinate to the lien of any first mortgage granted by an Owner of a Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to foreclosure of a first mortgage, or any proceeding in lieu thereof, shall extinguish the line of such assessment as to payments, which become due prior to such sale or transfer. No such sale, transfer or foreclosure of first mortgage, or proceeding in lieu thereof, shall relieve such Lot Owner from liability for any assessments thereafter becoming due, or from the lien thereof.

7.8 Right of Access

The Association or its agents may enter upon any Lot when necessary and in connection with any maintenance or construction for which the Association is responsible. Such entry shall be made with as little inconvenience to the Lot Owners as practicable, and any damage caused thereby shall be repaired by the Association out of the common expense fund.

ARTICLE XIII
GENERAL PROVISIONS

8.1 Enforcement

The Owners of any Lot within the Subdivision shall have the right to enforce by a proceeding at law or in equity, all restrictions, Covenants and reservations now or hereafter imposed by the provisions of this Declaration. Every act or omission whereby any restriction, condition or covenant of these Declarations is violated in whole or in part, is hereby declared to be and to constitute a nuisance, and may be enjoined or abated by the Association or the Lot Owners. Notwithstanding anything contained to the contrary, only the Association acting through its duly authorized agents or employees, may enforce by self-help these Declarations. Delay or failure by any property Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. The Lot Owners, or any party purchasing any part of the property, may proceed at law or in equity to prevent the violation of any of the restrictions herein above set forth. The Lot Owners shall not be liable for damages of any kind, to any party, for failing to enforce any of the restrictions. No breach of any of the provisions of these Declarations shall cause any forfeiture of title or rescission or bestow any right of rescission or bestow and right of reentry whatsoever. Any party suing to enforce this Declaration shall be entitled to reasonable Attorneys' fees and costs.

8.2 Severability

In the event that any one or more of the restrictions, Covenants and conditions contained herein shall be void by a court of competent jurisdiction, all remaining restrictions, Covenants and conditions contained herein shall remain in full force and effect.

8.3 Successors

Any Grantee of a deed or contract purchaser acquiring an interest in any tract of the real estate shall, upon the acceptance of such deed or execution of such contract, become bound by the restrictions, Covenants and conditions contained herein; and he, her, heirs, personal representatives, successors and assigns shall keep, observe and comply with the restrictions contained herein.

8.4 Term

The Covenants, conditions and restrictions of this Declaration shall run with and bind the land indefinitely, except that this Declaration may be terminated or amended, at any time, by an instrument agreed to by not less than two-thirds ($\frac{2}{3}$) majority of Lot Owners. Any such amendment must be recorded in the same manner as this Declaration. If not so amended or terminated these Declarations shall be continued.

8.5 Variances

The Board acting through the Association, hereby reserve the right, in their sole discretion, to grant a reasonable variance or adjustment of these Covenants, conditions and restrictions in order to overcome practical difficulties and prevent unnecessary hardships arising by reason of the application of the restrictions contained herein. Such variance or adjustments shall be granted only in case the granting thereof shall not be materially detrimental or injurious to the properties or improvements of the neighborhood, and shall not defeat the general intent and purpose of those restrictions. The right retained by this section may be exercised by the Board of Directors of the Association or the Architectural Control Committee.

8.6 Recording

Any modification or amendment hereof shall be reduced to writing, signed by the property owners, or properties owners', successors or assigns, acknowledged, and recorded in the Office of the Clerk of Santa Fe County, New Mexico.

8.7 Severability

Invalidation of any one of these Covenants, conditions, or restrictions by judgment or a court order shall in no way affect any other provision, which shall remain in full force and effect.

8.8 Notices

Sundance Estates Homeowners Association
P.O. Box 31083
Santa Fe, New Mexico 87594-1083

8.9 Effect

This Amended and Restated Declaration supersedes the Initial Declaration and all Amendments in its entirety and are effective as of July 1, 2020.

IN WITNESS WHEREOF, the Members of the Sundance Estates Homeowners Association have caused this Declaration to be signed as of the date first above written. The undersigned hereby certify that acknowledgement pages attached as Exhibit A are true and correct signatures of the Sundance Estates subdivision Lot Owners who approved the Revised Amendment, with the 42 Lot Owners Members representing more than 66% of the eligible Lot Owners.

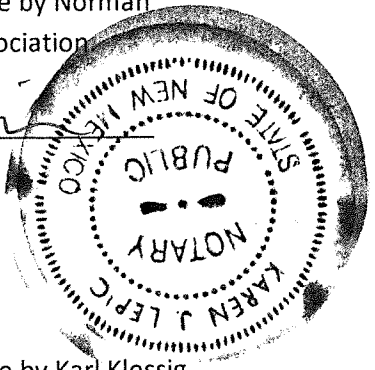
By [Signature]
Name NORMAN VUYLSTEKE
President

By [Signature]
Name KARL K. KLESSIG
Secretary

ACKNOWLEDGEMENTS

STATE OF NEW MEXICO
COUNTY OF SANTA FE

On this 25th day of June 2020, the foregoing instrument was acknowledged before me by Norman Vuyksteke, President of the Sundance Estates Homeowners Association, a New Mexico Association.

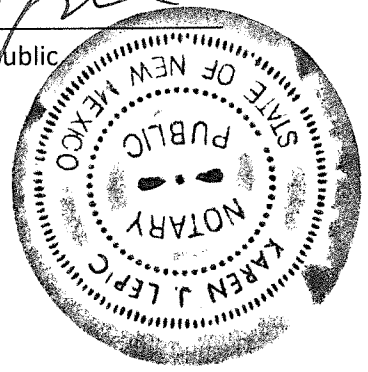
[Signature]
Notary Public


My commission expires:

January 30, 2022

On this 25th day of June 2020, the foregoing instrument was acknowledged before me by Karl Klessig, Secretary of the Sundance Estates Homeowners Association, a New Mexico Association.

STATE OF NEW MEXICO
COUNTY OF SANTA FE

[Signature]
Notary Public


My commission expires:

January 30, 2022

EXHIBIT A

Attached are the Lot Owner Signature pages



COUNTY OF SANTA FE }	DECLARATION COVENANTS
STATE OF NEW MEXICO } ss	PAGES: 61
I Hereby Certify That This Instrument Was e-Recorded for Record On The 25TH Day Of June, A.D., 2020 at 02:27:00 PM And Was Duly Recorded as Instrument # 1919981 Of The Records Of Santa Fe County	
	Witness My Hand And Seal Of Office Geraldine Salazar
Deputy - EQUITANA	County Clerk, Santa Fe, NM

e-Recorded 1919981 06/25/20 SFC

Time to Vote!

From: Denise Shreeve <dbshreeve@gmail.com>
To: Shreeve Denise
Subject: Time to Vote!  
Date: May 1, 2020 9:58 AM

Dear Sundance Estates HOA Member,

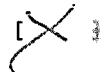
It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

Please remember that only one vote is allowed per Lot, and your vote must be received by midnight on May 14th. Local Lot Owners can deposit their ballots in the metal box that will be secured by the mailboxes by Monday afternoon, May 4th. Those of you who are out of town should mail your completed ballots to the Sundance Estates HOA, P.O. Box 31083, Santa Fe, NM 87594-1083, allowing a few days for snail mail. If we do not get at least 41 YES votes we will be unable to make any changes to our CC&Rs for another ten years, so please participate!

You have two voting options:

- You can print and sign this Ballot and return it to the locked Votes Box located by the mailboxes.
- If you have difficulty printing the Ballot you can contact any Board member and they will provide you with a paper ballot to sign and deposit in the Votes Box.

YES, I am in favor of the proposed changes.

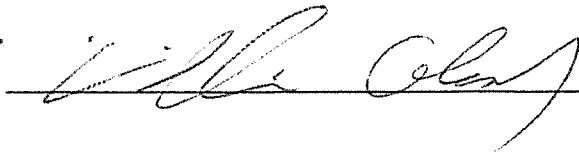


NO, I am opposed to the proposed changes.

[]

Your Lot Address: 2 WHITE BEAR CT

Signature:



Printed Name:

WILLIAM GLASSLEY

Date:

~~April~~ May 1, 2020

e-Recorded 1919981 06/25/20 SFC

Dear Sundance Estates HOA Member,

It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

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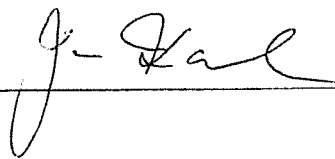
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- If you have difficulty printing the Ballot you will find blank ballots in the Ballot Box, or contact any Board member and they will provide you with a paper ballot to sign and deposit.

YES, I am in favor of the proposed changes. ☒

NO, I am opposed to the proposed changes. ☐

Your Lot Address: 56 Star Dancer Trail

Signature: 

Printed Name: Jan Kaulen

Date: 05/17/2020

May 15, 2020

Dear Sundance Estates HOA Members

We need your vote! Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

YES, I am in favor of the proposed changes.



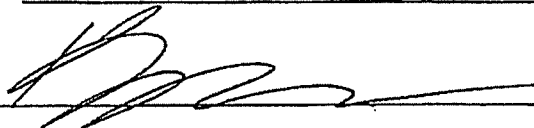
NO, I am opposed to the proposed changes.



Your Lot Address:

5 SUNDANCE DRIVE

Signature:



Printed Name:

KRISTA TYRA

Date:

5/15/2020

Dear Sundance Estates HOA Member,

It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address:

18 Sundance Dr.

Signature:

[Signature]

Printed Name:

Ted L. Barber

Date:

5/18/2020

May 15, 2020

Dear Sundance Estates HOA Members

We need your vote! Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs effective as of July 1, 2020. The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address:

64 SUNDANCE RD.

Signature

Doretha S. Moore

Printed Name:

DORETHA S. MOORE

Date:

5/16/2020

Dear Sundance Estates HOA Member,

It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 44 Sundance Dr

Signature: Beth LeBron

Printed Name: Beth LeBron

Date: 5/14/2020

Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes.



NO, I am opposed to the proposed changes.

[]

Your Lot Address: 7 Crossroads Ct

Signature: 

Printed Name: BURTON A. LELAND

Date: 5.13.2020

Time to Vote!  

From: Denise Shreeve (dbshreeve@gmail.com)

To: dbshreeve@gmail.com

Date: Friday, May 1, 2020, 09:59 AM MDT

Dear Sundance Estates HOA Member,

It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

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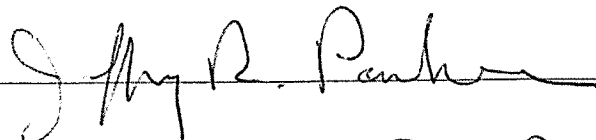
YES, I am in favor of the proposed changes.



NO, I am opposed to the proposed changes.



Your Lot Address: 52 Sundance Dr.

Signature: 

Printed Name: Jeffrey R. Parker

Date: 5/1/20



Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes ☒ N

NO, I am opposed to the proposed changes. ☐

Your Lot Address: 30 Standancer TRAIL

Signature: Joel a DeLisa

Printed Name: Joel A. DeLISA

Date: 05/12/2020

From: Denise Shreeve dbshreeve@gmail.com
Subject: Time to Vote!
Date: May 1, 2020 at 9:59 AM
To: Shreeve Denise dbshreeve@gmail.com

e-Recorded 1919981 06/25/20 SFC

Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes.

☒

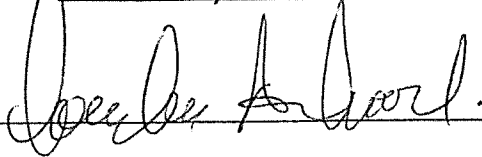
NO, I am opposed to the proposed changes.

☐

Your Lot Address:

A EAGLE DANCER CT

Signature:



Printed Name:

DOUGLAS A DWORKIN

From: Denise Shreeve dbshreeve@gmail.com
Subject: Time to Vote!
Date: May 1, 2020 at 9:59 AM
To: Shreeve Denise dbshreeve@gmail.com

e-Recorded 1919981 06/25/20 SFC

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address:

16 SUNDANCE DR.

Signature:

Douglas A. Dworkin

Printed Name:

DOUGLAS A. DWORKIN

2 VOTES

Dear Sundance Estates HOA Member,

It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

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YES, I am in favor of the proposed changes. ☒ +more

NO, I am opposed to the proposed changes. ☐

Your Lot Address:

13 Sundance Court

Signature:

Marilyn Durkee

Printed Name:

MARILYN DURKEE

Date:

5-2-2020

8 Sundance Court

Dear Sundance Estates HOA Member,

It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 38 STAR DANCER TRAIL

Signature: Philip Ward

Printed Name: PHILIP WARDE

Date: 5/12/2020

From: Denise Shreeve dbshreeve@gmail.com
 Subject: Time to Vote!
 Date: May 1, 2020 at 9:59 AM
 To: Shreeve Denise dbshreeve@gmail.com

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You have two voting options:

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- If you have difficulty printing the Ballot you can contact any Board member and they will provide you with a paper ballot to sign and deposit in the Votes Box.

YES, I am in favor of the proposed changes.



NO, I am opposed to the proposed changes.

[]

Lot 10

Your Lot Address: 20 White Bear Trl

Signature: Sudie Beierschmitt

Printed Name: Sudie Beierschmitt

Date: 5/3/20

Stock Colt

From: Denise Shreeve <dbshreeve@gmail.com>
Sent: Friday, May 01, 2020 9:59 AM
To: Shreeve Denise
Subject: Time to Vote! 
Attachments: 4.16.20 draft DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS.pdf

Dear Sundance Estates HOA Member,

It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

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☒ YES, I am in favor of the proposed changes.

☒

☐ NO, I am opposed to the proposed changes.

☐

Your Lot Address:

58 SUNDANCE DRIVE, SF

Signature:

DB Shreeve

Printed Name: STOCKTON COLT

Date: May 1, 2020

Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 7 Soaring Eagle Ct

Signature: Barbara Vuylsteke

Printed Name: BARBARA VUYLSTKE

Date: 5.4.20

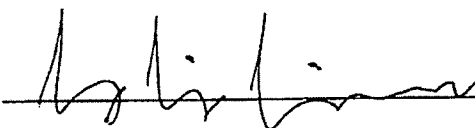
YES, I am in favor of the proposed changes.

☒ x 2

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 9 and 6 CROSSROADS COURT

Signature: 

Printed Name: MARY M WOLLMERING

Date: 7 MAY 2020

pdf

4.16.20 dra...TIONS.pdf

297 KB

From: **Denise Shreeve** dbshreeve@gmail.com
 Subject: **Time to Vote!**
 Date: **May 1, 2020 at 9:59 AM**
 To: **Shreeve Denise** dbshreeve@gmail.com

Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 70 STAR DANCER TRAIL

Signature: *Suzanne Bremer*

Printed Name: SUZANNE BREMER

Date: MAY 1 - 2020



Tim King

From: Denise Shreeve <dbshreeve@gmail.com>
Sent: Friday, May 1, 2020 9:59 AM
To: Shreeve Denise
Subject: Time to Vote! 📧 ✍️
Attachments: 4.16.20 draft DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS.pdf;
 Untitled attachment 00030.html

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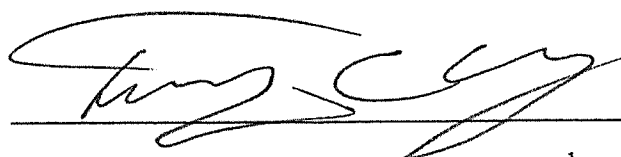
YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 62 Star Dancer Trail

Signature: 

Printed Name: Timothy C. King

Date: 5/2/2020

Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes. ☒ [X]

NO, I am opposed to the proposed changes. ☐ []

Your Lot Address: 4 SUNDANCE CT.

Signature: 

Printed Name: MANUEL BELLO

Date: MAY 11TH 2020

From: Denise Shreeve dbshreeve@gmail.com
Subject: Time to Vote!
Date: May 1, 2020 at 11:59 AM
To: Shreeve Denise dbshreeve@gmail.com

e-Recorded 1919981 06/25/20 SFC

Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes.

✓

NO, I am opposed to the proposed changes.

[]

Your Lot Address: 81 Sundance and 87 Sundance (2 votes)

Signature: Katia Schwarz

Printed Name: KATIA P. SCHWARZ

Date: 5/12/20



4.16.20 draft

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YES, I am in favor of the proposed changes.



NO, I am opposed to the proposed changes.

[]

Your Lot Address: 90 SUNDANCE DRIVE

Signature: *Karl Klessig*

Printed Name: KARL K KLESSIG

Date: MAY 6, 2020

Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address:

7 SUNDANCE COURT LOT 4 BLOCK 4

Signature:

Gabriel D Garcia

Printed Name:

GABRIEL D GARCIA

Date:

5-12-2020

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 48 Sundance

Signature: Mark K. Schumann

Printed Name: Mark K. Schumann

Date: 5/11/2020



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YES, I am in favor of the proposed changes. ☒

NO, I am opposed to the proposed changes. ☐

Your Lot Address: 3 SOARING EAGLE CT.

Signature: D. Misconish /

Printed Name: DAVE MISCONISH

Date: 5/6/20

From: Denise Shreeve dbshreeve@gmail.com
 Subject: Time to Vote!
 Date: May 1, 2020 at 9:59 AM
 To: Shreeve Denise dbshreeve@gmail.com

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 4 White Bear Ct.

Signature: Susan Larson

Printed Name: SUSAN LARSON

Date: May 1, 2020



4.16.20 draft
 DECL...NS.pdf



Don Bernard <dmbarnard3@gmail.com>

Time to Vote!

1 message

Denise Shreeve <dbshreeve@gmail.com>
 To: Shreeve Denise <dbshreeve@gmail.com>

Fri, May 1, 2020 at 10:58 AM

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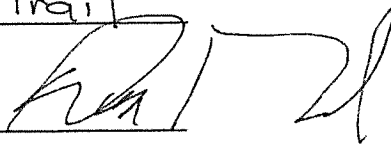
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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐Your Lot Address: 52 Star Dancer TrailSignature: Lark Chapin Printed Name: Lark Chapin Don LERNARDDate: 1 May 2020

From: Denise Shreeve dbshreeve@gmail.com
 Subject: Time to Vote!
 Date: May 1, 2020 at 9:59 AM
 To: Shreeve Denise dbshreeve@gmail.com



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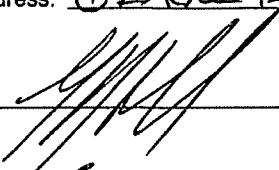
YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: GEASLE DANCER CT.

Signature: 

Printed Name: GEORGE CHAPPELL

Date: 5/5/20



From: Denise Shreeve dbshreeve@gmail.com
 Subject: Time to Vote!
 Date: May 1, 2020 at 9:59 AM
 To: Shreeve Denise dbshreeve@gmail.com



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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 7 EAGLE DANCER CT

Signature: [Handwritten Signature]

Printed Name: GEORGE CHAPPELL

Date: 5/5/20



4.16.20 draft
 DECL...NS.pdf



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YES, I am in favor of the proposed changes. ☒

NO, I am opposed to the proposed changes. ☐

Your Lot Address: 3 Star Dancer Trl.

Signature: Nancy A. Parker

Printed Name: NANCY A. PARKER

Date: May 8, 2020



Holly Redmond <redholly@gmail.com>

Time to Vote! 4

1 message

Denise Shreeve <dbshreeve@gmail.com>
To: Shreeve Denise <dbshreeve@gmail.com>

Fri, May 1, 2020 at 9:58 AM

Sundance Estates HOA Member.

It's time to vote! As a Lot Owner in good standing you are eligible to vote in elections conducted by the HOA. Previously you were sent an annotated copy of the existing CC&Rs with changes that are recommended by the Board in order to update and record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs is attached below.) The changes reflect that the original Declarant (the developer of the subdivision) is no longer legally involved with the HOA/subdivision, nor has any rights to any of the public space in the subdivision. There is also a change that allows HOA Members to make necessary future CC&R updates with a two-thirds super majority vote.

Please remember that only one vote is allowed per Lot, and your vote must be received by midnight on May 14th. Local Lot Owners can deposit their ballots in the metal box that will be secured by the mailboxes by Monday afternoon, May 4th.

Those of you who are out of town should mail your completed ballots to the Sundance Estates HOA, P.O. Box 31083, Santa Fe, NM 87594-1083, allowing a few days for snail mail. If we do not get at least 41 YES votes we will be unable to make any changes to our CC&Rs for another ten years, so please participate!

You have two voting options:

- You can print and sign this Ballot and return it to the locked Votes Box located by the mailboxes.
- If you have difficulty printing the Ballot you can contact any Board member and they will provide you with a paper ballot to sign and deposit in the Votes Box.

YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐Your Lot Address: 65 Sundance DRSignature: Holly F. RedmondPrinted Name: Holly F. RedmondDate: 5/1/20

From: Denise Shreeve dbshreeve@gmail.com
 Subject: Time to Vote!
 Date: May 1, 2020 at 9:59 AM
 To: Shreeve Denise dbshreeve@gmail.com

Dear Sundance Estates HOA Member,

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 41 Sundance Dr.

Signature: Howard J. Gershon

Printed Name: HOWARD GERSHON

Date: 5/4/20



4.16.20 draft
 DECL...NS.pdf



Michael Floyd <michaelfloydbuilder@gmail.com>

Time to Vote! 🗳️ ✍️

1 message

Denise Shreeve <dbshreeve@gmail.com>
 To: Shreeve Denise <dbshreeve@gmail.com>

Fri, May 1, 2020 at 9:58 AM

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YES, I am in favor of the proposed changes.



NO, I am opposed to the proposed changes.

[]

Your Lot Address: LOT 14, 43 STAR DANCER TRIL.

Signature:

Printed Name:

MICHAEL FLOYD

DATED — MAY 1, 2020

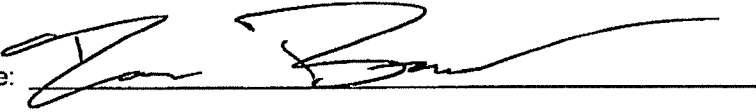
YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 9 Sundance Dr. Santa Fe, NM 87506

Signature: 

Printed Name: Ian Bond

Date: 5/2/2020

 **4.16.20 draft DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS.pdf**
290K

e-Recorded 1919981 06/25/20 SFC



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You have two preferred voting options:

- You can print and sign this Ballot and return it to the locked Ballot Box located by the mailboxes.
- If you have difficulty printing the Ballot you can contact any Board member and they will provide you with a paper ballot to sign and deposit in the Ballot Box.

YES, I am in favor of the proposed changes. ☒

NO, I am opposed to the proposed changes. ☐

Your Lot Address: 11 Sundance Dr.

Signature: R H Metchick

Printed Name: Robert H. Metchick

Date: 5/10/20



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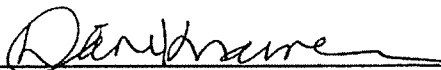
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- If you have difficulty printing the Ballot you can contact any Board member and they will provide you with a paper ballot to sign and deposit in the Votes Box.

YES, I am in favor of the proposed changes. ☒

NO, I am opposed to the proposed changes. ☐

Your Lot Address: 36 Star Dancer Trail

Signature: 

Printed Name: Mark + Diane Kramer

Date: 5/11/2020

From: Denise Shreeve dbshreeve@gmail.com
Subject: Time to Vote!
Date: May 1, 2020 at 9:59 AM
To: Shreeve Denise dbshreeve@gmail.com

Dear Sundance Estates HOA Member,

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☒ YES, I am in favor of the proposed changes.



☐ NO, I am opposed to the proposed changes.

[]

Your Lot Address:

9 Soaring Eagle Ct

Signature:

Denise B Shreeve

Printed Name:

Denise B. Shreeve

Date:

5-1-20



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You have two voting options:

- You can print and sign this Ballot and deposit it in the locked Ballot Box located by the mailboxes.
- If you have difficulty printing the Ballot you will find blank ballots in the Ballot Box, or ask any Board member and they will provide you with a paper ballot to sign and deposit.

YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 53 STARDANCER TRAIL

Signature: Catherine Dwork

Printed Name: DON & CATHERINE DWORK

Date: 5.14.20

From: Denise Shreeve dbshreeve@gmail.com 
Subject: Time to Vote!  
Date: May 1, 2020 at 11:59 AM
To: Shreeve Denise dbshreeve@gmail.com

Dear Sundance Estates HOA Member,

It's time to vote! As a Lot Owner in good standing you are eligible to vote in electio were sent an annotated copy of the existing CC&Rs with changes that are recomm record our current CC&Rs, effective as of July 1, 2020. (A copy of the draft CC&Rs i the original Declarant (the developer of the subdivision) is no longer legally involv rights to any of the public space in the subdivision. There is also a change that allo CC&R updates with a two-thirds super majority vote.

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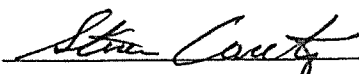
 YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 72 SUNDANCE DRIVE

Signature: 

Time to Vote! 🗳️

Denise Shreeve <dbshreeve@gmail.com>

Fri 5/1/2020 5:59 AM

To: Shreeve Denise <dbshreeve@gmail.com>

1 attachments (290 KB)

4.16.20 draft DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS.pdf

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YES, I am in favor of the proposed changes.

☒

NO, I am opposed to the proposed changes.

☐

Your Lot Address: 5 Eagle Damcan Ct.

5/1/2020

Signature:

J. Stephen Athens

Mail - J. Stephen Athens - Outlook

Printed Name:

J. Stephen Athens

Date:

May 1, 2020

e-Recorded 1919981 06/25/20 SFC