

FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR TIERRA VIVA SUBDIVISION, A SUBDIVISION IN
THE CITY OF ALBUQUERQUE
BERNALILLO COUNTY
STATE OF NEW MEXICO

WHEREAS, it is the desire of the undersigned owners of at least three quarters (3/4) of the lots in Tierra Viva Subdivision to amend the Declaration of Covenants, Conditions and Restrictions for Tierra Viva Subdivision, filed for record in the Office of the County Clerk of Bernalillo County on September 23, 1997 in Book 9726 at pages 2457-2494.

NOW, THEREFORE, Article 5, Section 5.04(f)(2) is amended to read as follows:

2. Liability Insurance: The Association shall procure and maintain comprehensive public liability insurance in an amount to be determined by the Board of the Association for bodily injury, death and property damage suffered by the public or any member and his family, guests, agents, employees or invitees occurring in, on or about the Common Areas. Such policy shall insure the members and the Association and its officers, directors, employees and agents. Such policy shall be issued by insurers of recognized responsibility authorized to do business within the State of New Mexico and shall require at least ten (10) days' prior written notice of cancellation or substantial modification (including cancellation for non-payment of premiums) to the Association and to any Mortgagee having a first lien against any Lot which is listed as a scheduled holder of such a first mortgage in the policy and to the City. The cost of such policy shall constitute a common expense of the Subdivision. Such insurance must not provide for contribution with regard to any policies of liability insurance carried individually by any Declarant.

All other provisions of the Declaration shall remain the same.

This agreement may be executed in counterparts, each of which shall be considered an original.

Owners of Lots 17-P2, 18-P2, 20-P2, 21-P2, 23-P2, 24-P2, 25-P2:


L. Michael Messina


Patricia A. Madrid Messina

Owner of Lots 1-P2 through 9-P2, 11-P2 through 16-P2, 30-P2 through 34-P2, 36-P2:

GCM, Inc.

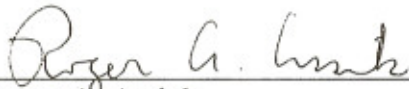
By: _____

Owner of Lot 28-P2



Ken Adams

Owners of Lot 22-P2:



Roger A. Assink



Anne H. Assink

Owner of Lot 26-P2:

Roylee Hedges

Owner of Lot 27-P2:
