

SECOND 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



Judy D. Woodward

Bern. Co.

AMND

R 23.00

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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 3 is amended to add Section 3.01. 1 to read as follows:

Section 3.01.1 Permitted uses: Notwithstanding the provisions of Section 3.01 "Permitted Uses of Property Within the Subdivision", nothing herein prevents any home occupation, provided:

- (a) The activity is clearly incidental and secondary to use of the premises for a dwelling.
- (b) Only members of the residing family are employed.
- (c) No stock in trade is manufactured, displayed, or sold on the premises, except a small stock of art objects and custom sewing created by a resident of the dwelling is allowed.
- (d) All business activities are conducted entirely indoors.
- (e) No more than 25% of the floor area of the dwelling is devoted to the home occupation. No more than 5% of the floor area of the dwelling is devoted to storing stock in trade.
- (f) There is no external evidence of the activity, such as commercial vehicles, inordinate vehicular traffic, outside storage, noise, dust, odors, noxious fumes, or other nuisances emitted from the premises.
- (g) Health care (including physicians, nursing homes, massage and the like) shall not be considered a permissive home occupation.
- (h) One related on-premise sign is permitted, provided:
 1. It does not exceed one square foot in area.
 2. It is a non-illuminated wall sign.

All other provisions of the Declaration shall remain the same.

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



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Owners of Lots 17-P2, 18-P2, 19-P2, 20-P2, 21-P2, 23-P2, 24-P2, 25-P2:


Michael Messina


Patricia A. Madrid Messina

Owner of Lots 1-P2 through 9-P2, 11-P2 through 16-P2, 30-P2 through 33-P2.

GCM, Inc.

By: 

Owner of Lots 34-P2 and 36-P2

Gary Padilla

Owner of Lot 28-P2

Ken Adams

Owners of Lot 22-P2:

Roger A. Assink



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Anne H. Assink

Owner of Lot 26-P2:

Roylee Hedges

Owner of Lot 27-P2:

Phillip C. Gonzales

Owner of Lot 29-P2:

Roger L. Perry

Jennifer B. Perry

Owner of Lot 35-P2:

M&C Homes, LLC

By: William L. Smyth



Judy D. Woodward Bern. Co. R2ND R 23.00

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STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 12 day of July 1999 by L. Michael Messina.



[Signature]
Notary Public

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 15 day of July 1999 by Patricia A. Madrid Messina.



[Signature]
Notary Public

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 12 day of July 1999 by L. Michael Messina, President of GCM, Inc., on behalf of said corporation.



[Signature]
Notary Public



STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Ken Adams.

My Commission Expires:

Notary Public

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Roger A. Assink.

My Commission Expires:

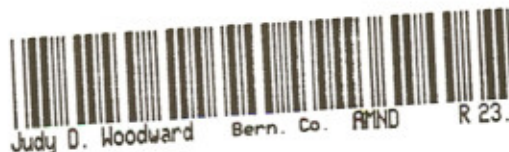
Notary Public

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Anne H. Assink.

My Commission Expires:

Notary Public



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STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Roylee Hedges.

My Commission Expires: _____
Notary Public _____

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Phillip C. Gonzales.

My Commission Expires: _____
Notary Public _____

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Roger L. Perry.

My Commission Expires: _____
Notary Public _____



Judy D. Woodward Bern. Co. AMND R 23.00

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STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Jennifer B. Peery.

My Commission Expires:

Notary Public

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 12 day of July 1999 by William Caniglia, Vice President of M&C Homes, LLC, on behalf of said limited liability company.



[Signature]
Notary Public

Owner of Lot 10-P2:

John F. Heck

Katherine J. Heck



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STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by John F. Heck.

My Commission Expires:

Notary Public

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Katherine J. Heck.

My Commission Expires:

Notary Public

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this ___ day of July 1999 by Gary Padilla.

My Commission Expires:

Notary Public



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