

AMENDMENT AND RESTATEMENT  
of  
BYLAWS OF LAS CASITAS CONDOMINIUM ASSOCIATION

Amendment and Restatement. This Amendment and Restatement of the Bylaws of Las Casitas Condominium Association amends and completely restates the Bylaws and all amendments thereof of Las Casitas Condominium Association now of record, so that it is no longer necessary to refer to any of them but this Amendment and Restatement of such Bylaws shall control, and shall be effective from the recording hereof in the office of the County Clerk of Dona Ana County, New Mexico.

1. Identity: These are the Bylaws of the unit owners of LAS CASITAS CONDOMINIUM ASSOCIATION, a Condominium organized under the Condominium Act of New Mexico and situated at 40 Las Casitas, Las Cruces, Dona Ana County, New Mexico. The condominium is located on the following described real estate in Dona Ana County, New Mexico:

A tract of land situate about three miles west of Las Cruces, Dona Ana County, New Mexico in the southeast portion of Tract 2 of the Mesilla Civil Colony Grant in T.23S., R.1E., N.M.P.M. of the U.S.C.L.O. Surveys and more particularly described as follows, to wit:

Beginning at a concrete monument at a point on the north line of Picacho Hills West (a 100 foot wide County road) for the southeast corner of the tract herein described. Having New Mexico State Plane Coordinates X-310, 627.74 feet and Y-476, 949.86 feet, whence a concrete monument at the southeast corner of the Mesilla Civil Colony Grant Tract No. 2 bears  $8.67^{\circ}25'45''E.$ , a distance of 3074.70 feet; thence from the place of beginning following Picacho Hills West around the arc of a curve to the left having a radius of 579.46 feet, an arc length of 183.11 feet, through a central angle of  $18^{\circ}06'20''$  and whose long chord bears  $N.42^{\circ}39'01''W.$ , 182.35 feet to the southeast corner of the tract; thence leaving Picacho Hills West  $N.40^{\circ}16'30''E.$ , 81.98 feet to a point of curvature; Thence around the arc of a curve to the right having a radius of 62.00 feet, an arc length of 32.17 feet, through a central angle of  $29^{\circ}43'30''$  and whose long chord bears  $N.55^{\circ}08'15''E.$ , 31.81 feet to a point of tangency; thence  $N.70^{\circ}00'00''E.$ , 29.29 feet to a point of curvature; thence around the arc of a curve to the left having a radius of 31.00 feet, an arc length of 21.44 feet, through a central

angle of  $39^{\circ}37'45''$  and whose long chord bears  $N.50^{\circ}11'08''E.$ , 21.00 feet to a point of tangency; thence  $N.30^{\circ}22'15''E.$ , 238.75 feet to an angle point; thence  $N.59^{\circ}37'45''W.$ , 16.93 feet to an angle point; thence  $E.30^{\circ}22'15''E.$ , 97.00 feet to a point on the northerly line of a 6.0643 acre tract for the northwest corner of this tract; thence  $S.59^{\circ}37'45''E.$ , 160.81 feet to an angle point; thence  $S.68^{\circ}42'20''E.$ , 272.61 feet to a concrete monument for the northeast corner of this tract; thence  $S.41^{\circ}27'30''W.$ , 297.55 feet to an iron rod at an angle point; thence  $S.70^{\circ}42'45''W.$ , 357.23 feet to the place of beginning, containing 3,8701 acres of land more or less. Description by B & M Surveys, Inc. October 1980.

The office of the Association is at 40 Las Casitas, Las Cruces, N. M. 88005 and the agent in charge thereof and upon whom process may be served is the Board of Directors.

The fiscal year of the unit owners of the Association shall be the calendar year.

2. Unit Owners Meetings: The unit owners shall hold meetings as follows:

a) The annual meeting of the unit owners shall be held at the office of the Association or at such other place as may be designated, at 7:00 PM, Mountain Standard Time, on the third Tuesday in January of each year for the purpose of electing Officer/Directors and transacting any other business authorized to be transacted by the unit owners. If that day is a legal holiday the meeting shall be held at the same hour on the next day which is not a legal holiday.

b) Special unit owners meetings shall be held whenever called by the President or Vice President or a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from unit owners entitled to cast one-third of the votes of all of the unit owners.

c) Notice of all unit owners meetings stating the time and place and the object for which the meeting is called shall be given by the President, Vice President or Secretary unless waived in writing. Such notice shall be in writing to each unit owner at his address as it appears on the records of the Association and shall be mailed not less than ten nor more than sixty days prior to the date of the meeting. Proof of such mailing shall be the affidavit of the person giving the notice. Notice of meeting may be waived before or after meetings.

d) A quorum at unit owners meetings shall consist of persons entitled to cast at least 1/3 of the votes of all the unit owners. If any meeting of the unit owners cannot be organized because a quorum has not attended, the unit owners who are present either in person or by proxy, may adjourn the meeting for at least ten days and adequate notice of the new date shall be given as described in subparagraph (c) of this paragraph.

e) In any meeting of unit owners, the owners of the units shall be entitled to cast one vote per unit. If a unit is owned by one person, his right to vote shall be established by the record title to his unit. If a unit is owned by more than one person, or is under lease, the person entitled to cast the vote for that unit shall be designated by a Certificate signed by all of the record owners of that unit and filed with the Secretary of The Board of Directors. If a unit is owned by a Corporation, the person entitled to cast the vote for the unit shall be designated by a Certificate of Appointment signed by the President or Vice President and attested by the Secretary or Assistant Secretary of the Corporation and filed with the Secretary of the Board of Directors. If a unit is owned by a Partnership, the person entitled to cast the vote for the unit shall be designated by a Certificate of Appointment signed by all of the Partners and filed with the Secretary of the Board of Directors. Such Certificates shall be valid until revoked, or until superseded by a subsequent Certificate, or until a change in the record ownership of the unit concerned. A Certificate designating the person entitled to cast the vote of a unit may be revoked by the owner of the unit by a revocation in writing filed with the Secretary of the Board of Directors.

f) Votes may be cast in person or by proxy. Proxies may be made by any person entitled to vote. Proxies shall be valid only for the particular meeting designated and must be filed with the Secretary of the Board of Directors before the appointed time of the meeting.

g) The order of business at annual meetings of the unit owners, and so far as practical at all other meetings of the unit owners shall be:

- (i) Assumption by the President, LAS CASITAS CONDOMINIUM ASSOCIATION as Chairman of the meeting

- (ii) Calling of the roll and certifying of proxies
- (iii) Proof of notice of meeting or waiver of notice
- (iv) Reading and disposal of minutes or any unapproved minutes of prior meetings
- (v) Report of the President
- (vi) Report of the Treasurer
- (vii) Reports of Committees
- (viii) Appointment of Inspectors of election by Chairman of the meeting
- (ix) Election of Officers/Directors
- (x) Unfinished business
- (xi) New business
- (xii) Adjournment

3. Officers/Directors: The affairs of the Association shall be managed by the Board of Directors.

a) The Board shall consist of not less than five Directors and no more than seven Directors. All Officers shall serve as Directors. The exact number of Directors will be determined and appointed by the Officers. Only one member of each unit may serve on the Board at any one time.

b) Election of Officers shall be conducted at the annual meeting of the unit members. A list of proposed nominations for Officers will be submitted by the Nominating Committee and additional nominations may be made from the floor. The election shall be by ballot (unless dispensed with by unanimous consent) and a plurality of votes cast, each person voting being entitled to cast the votes for as many nominees as there are vacancies to be filled. There shall be no cumulative voting.

c) The Officers will be as follows: The President, a Vice President, a Secretary and a Treasurer, all of whom shall be elected annually by the unit members at their annual meeting, and who may be removed by vote of the majority of the votes of the unit members at any meeting called for such purpose. Such vacancy in the Board of Directors so created shall

be filled by the unit members at the same meeting. Compensation of Officers, if any, shall be fixed by the Board of Directors.

d) Except as to vacancies provided by removal of Directors by unit members, vacancies in the Board of Directors occurring between annual meetings of unit members shall be filled by the Officers.

e) The Immediate Past President shall remain as a Director of the Association.

f) Each Director shall serve until their successor is duly elected or appointed and qualified, or until the Director resigns or is removed in the manner elsewhere herein provided.

g) The term of each Director shall begin on February 1, after each annual meeting.

h) The President shall be the chief executive officer of the Association and Board of Directors. In the inability of the President to serve, the Vice President shall be next in line to serve followed by the Immediate Past President. The President or successor shall have all of the powers and duties which are usually vested in the office of President, including, but not limited to, the power to appoint committees from among the Association members to assist in the conduct of the affairs of the Association.

i) The Vice President shall, in the absence or disability of the Secretary, exercise the powers and perform the duties of the Secretary. The Vice President and Immediate Past President shall also generally assist the President and exercise such other powers and perform such other duties as shall be prescribed by the Directors.

j) The Immediate Past President shall be the Chairman of the Nominating Committee.

k) The Secretary shall keep the minutes of all meetings of the Directors and of the Association. The Secretary shall attend to the giving, mailing, and serving of all notices to the Association members and Directors and other notices required by law. The Secretary shall keep the records of the Association and the Board of Directors, except those of the Treasurer, and shall perform all other duties incident to the office of Secretary and as may be required by the Directors or the President.

1) The Treasurer shall have custody of all financial records of the Association, including funds, securities and evidence of indebtedness. The Treasurer shall also assemble all documents necessary and arrange for an annual audit. The Treasurer shall keep the books of the Association in accordance with good accounting practices and shall perform all other duties incident to the office of Treasurer.

4. Directors Meetings: The Directors shall hold meetings as follows:

a) The organization of the newly elected Board of Directors shall be held within ten days of the annual meeting at such place and time as shall be fixed by the Officers at the meeting at which they were elected and no further notice of the organization meeting shall be necessary providing a quorum of the officers shall have been present at the annual meeting.

b) Regular meetings of the Board of Directors may be held at such times and places as shall be determined, from time to time, by a majority of the Directors. Notice of regular meetings shall be given to each Director, personally or by mail, telephone or otherwise at least three days prior to the date named for such meeting.

c) Special meetings of the Board of Directors may be called by the President and must be called by the Secretary at the written request of one-third of the Directors. Notice of the meeting shall be given personally or by mail, telephone or otherwise at least three days prior to the date named for each meeting, and shall state the time, place and purpose of the meeting.

d) A quorum of Directors meetings shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors, except where approval by a greater number of Directors is required by the Declaration of Association, herein called the Declaration, or these Bylaws. If at any meeting of the Board of Directors less than a quorum is present, the majority of those present may adjourn from time to time until a quorum is present. At any adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice.

e) The presiding officer at Board of Directors Meetings shall be the President.

f) The order of business at Board of Directors Meetings shall be:

- (i) Calling of roll
- (ii) Reading and disposal of unapproved minutes of Board of Directors Meetings.
- (iii) Reports of Officers and Committees
- (iv) Unfinished business
- (v) New business
- (vi) Adjournment

The President and Secretary shall sign previously approved minutes. All minutes shall indicate members present.

5. Powers and Duties of the Board of Directors: All of the powers and duties of the unit owners existing under the Condominium Act of New Mexico, the Declaration and these Bylaws shall be exercised exclusively by the Board of Directors, its agents, contractors or employees, subject only to approval by the unit owners when such approval is specifically required. Compensation of employees of the Association shall be fixed by the Board of Directors. A Director may be an employee of the Association, and a contract for management of the Association may be entered into by the unit owners.

6. Budget: As soon as insurance rates, utility rates and other expenses can be determined for each fiscal year, the Board of Directors shall adopt a budget for that fiscal year which shall include the estimated funds required to defray common expenses and improvements. Copies of the budget and proposed assessments shall be transmitted to each unit owner prior to the annual meeting. If the budget is subsequently amended, a copy of the amended budget shall be furnished to each unit owner.

7. Assessments: Assessments shall be made as follows:

a) Assessments against each unit owner for his share of the budget shall be made on or before December 20 preceding the year for which the assessment is made. Such assessment shall be due and payable in twelve monthly installments, the first of which shall be due and payable January 1 and successive installments on the first day of each month thereafter. The Board of Directors shall have the power to increase or decrease such assessment during the fiscal year for which the assessment is made as expenses may require. If an

annual assessment is not made as required, an assessment shall be presumed to have been made in the amount of the last preceding annual assessment. If the annual assessment proves to be insufficient, the budget and assessments may be amended at any time by the Board of Directors. If the budget and assessment is increased during a fiscal year the amount of the increase shall be paid in equal monthly installments over the unexpired portion of that calendar year. The Board may, in its discretion, waive or decrease the assessment of any unit owner for any part of the year during which his unit is not occupied. The Board may make assessments for the part of the year when a unit is occupied for only part of the year.

b) If a unit owner shall be in default in the payment of an installment upon an assessment, the Board of Directors may accelerate the remaining installments of the assessment upon notice thereof to the unit owner, and thereupon the unpaid balance of the assessment shall become due and payable upon the date stated in the notice, but not less than ten days after delivery thereof to the unit owner, or not less than twenty days after mailing of such notice to him by registered or certified mail, which shall first occur. The Board of Directors shall have the option to add interest to the unpaid assessments.

c) The depository of the Association shall be such financial institution as shall be designated from time to time by the Board of Directors and in which the moneys of the Association shall be deposited. Withdrawal of moneys from such accounts shall be only by checks signed by such persons as are authorized by the Board of Directors.

d) An audit of the accounts of the Association shall be made annually by a Certified or Registered Public Accountant and a copy of the report shall be made available to each unit owner at the office of the Treasurer not later than April 1, of the year following the year for which the report is made. Said report may be seen at the office of the Treasurer.

e) Fidelity bonds may be required by the Board of Directors for all persons handling or responsible for funds of the unit owners. The amount of such bonds, if required, shall be determined by the Board of Directors, and the premiums on such bonds shall be paid by the Board of Directors and shall be common expenses.

8. Nominating Committee: The Nominating Committee shall consist of three members, the chairman of which shall be the Immediate Past President. The remaining members



shall be appointed by the Board of Directors. The Nominating Committee shall nominate at least one candidate for each office. The report shall be submitted to the Board of Directors thirty days prior to the annual meeting.

9. Committees: There shall be two standing committees:

- a) Buildings and Utilities
- b) Grounds

Other committees may be appointed by the Board of Directors.

10. Amendments: These Bylaws may be amended in the following manner:

a) A proposed amendment shall be included in the notice of any meeting at which a proposed amendment is to be considered and shall be circulated to all unit owners. Ratification shall be by ballot or at a special meeting.

b) An amendment may be proposed by either the Board of Directors or by a unit owner. All amendments must be approved by a majority of the votes of all unit owners.

c) No amendment shall discriminate against any unit owner unless the owner so affected shall consent thereto in writing. No amendment shall change any unit nor the share in the common areas and facilities appurtenant to any unit (except as provided in the Declaration in the event of expanding the Property by adding additional land, units and common elements) nor increase the owner's share of the common expenses, nor change the voting rights of members except as provided in the Declaration in the event of expansion of the Property by adding additional real estate, units and common elements) unless the record owner of the unit concerned and all record owners of liens thereon shall join in the execution of the amendment.

d) A copy of each amendment shall be certified by the President and Secretary as having been duly adopted and shall be valid and effective only when recorded in the office of the County Clerk of Dona Ana County, New Mexico.

The foregoing are adopted as the Bylaws of the unit owners and the Board of Directors of LAS CASITAS CONDOMINIUM ASSOCIATION a condominium association and shall be attached to and recorded with the Declaration of Condominium of LAS CASITAS CONDOMINIUM ASSOCIATION in the office of the County Clerk of Dona Ana County, New Mexico.

LAS CASITAS CONDOMINIUM ASSOCIATION

By Irving J. Wolf  
President

Jeremy Zitch  
Secretary

State of New Mexico )  
                                  : SS  
County of Dona Ana )

The foregoing instrument was acknowledged before me this 15th day of January 1991, by Irving J. Wolf President of LAS CASITAS CONDOMINIUM ASSOCIATION, on behalf of said Association.

Peggy Ann Seese  
Notary Public

My commission expires:

January 2, 1991  
January 2, 1991 Date

LAS CASITAS CONDOMINIUMS  
EXHIBIT B

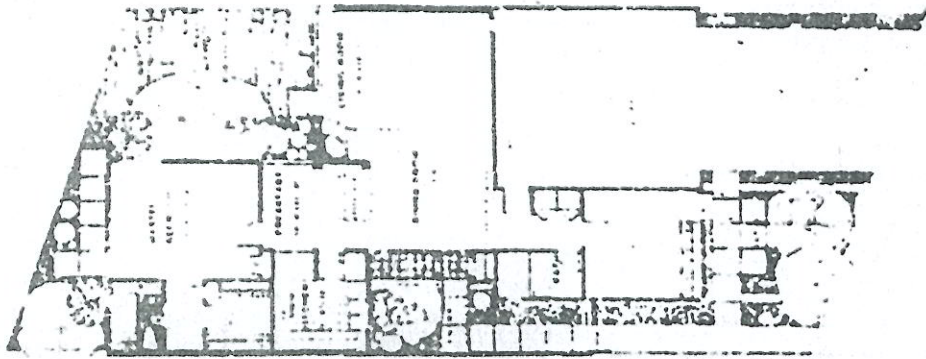


Exhibit B3 - ALEMAN Two bedrooms, 1743 sq. ft.(heated)  
Estimated value of \$79,350.00

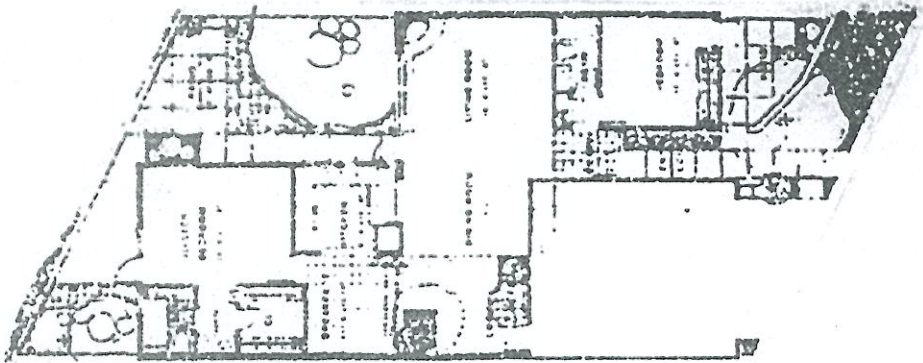


Exhibit B4 - SAN YSIDRO Two bedrooms, 1684 sq. ft.(heated)  
Estimated value of \$81,780.00

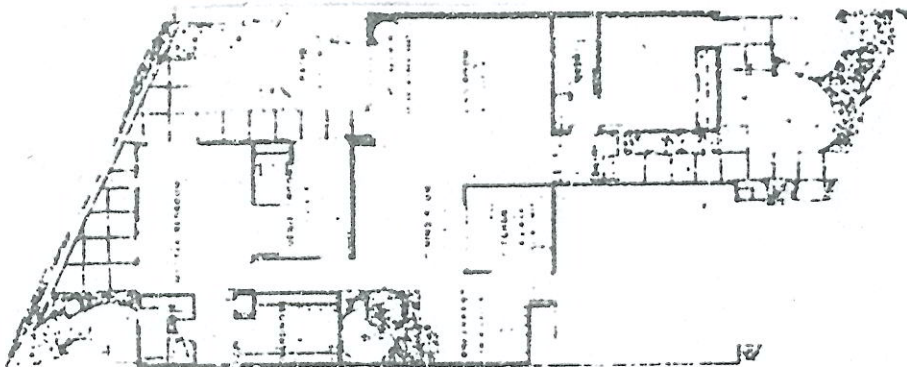


Exhibit B5 - SANTA FE Two bedroom.c/den, 1821 sq. ft.(heated)  
Estimated value of \$87,945.00

EXHIBIT B (cont)

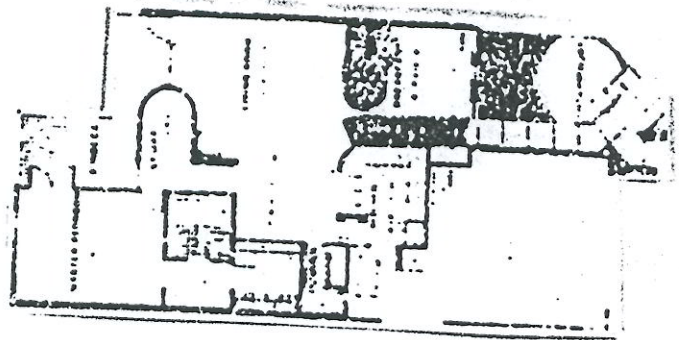
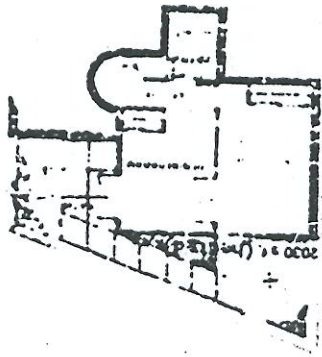


Exhibit B6 - FRAY CRISTOBAL Two bedrooms/den, 2030 sq. ft.(heated)  
Estimated value of \$94,560.00

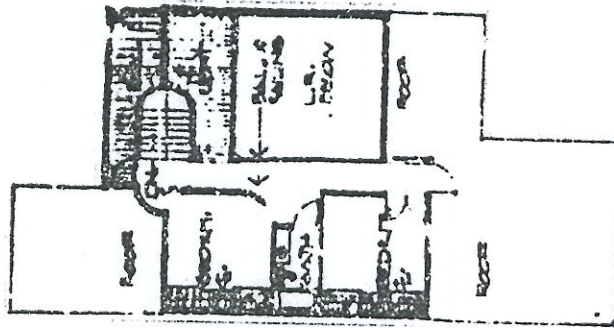
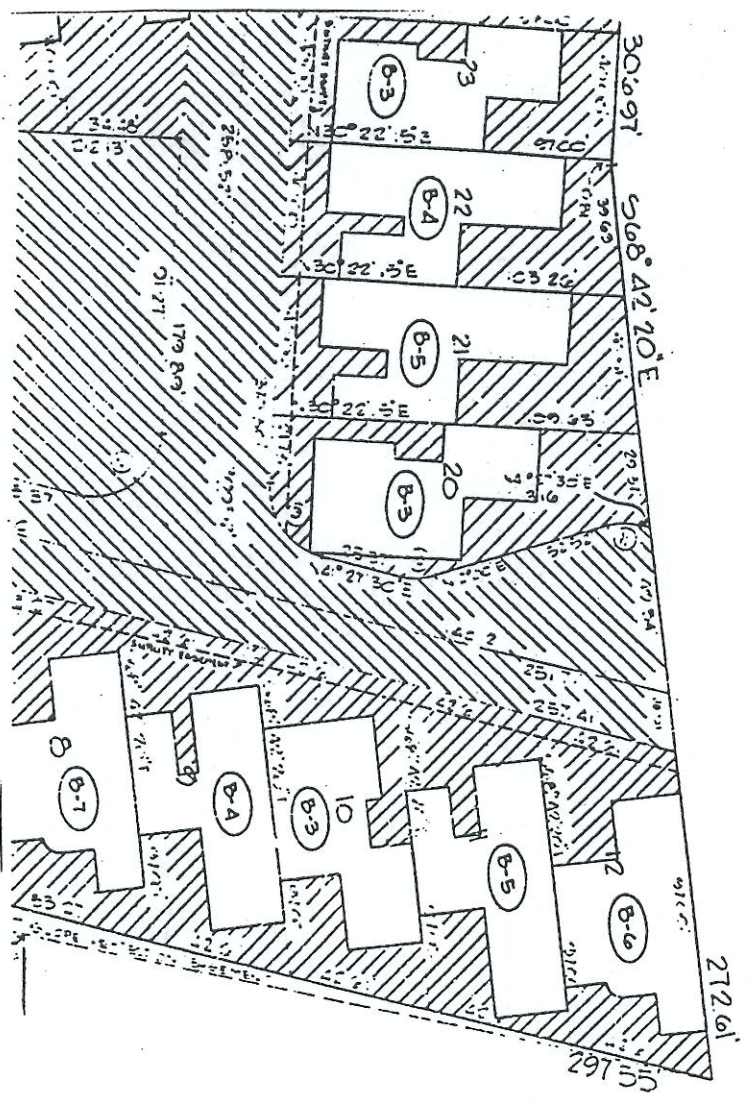


Exhibit B7 - FRAY CRISTOBAL Two bedrooms/den, 2030 sq. ft.(heated)  
Estimated value of \$94,560.00  
This floor plan is Fray Cristobal  
with the 2nd floor upstairs as opposed  
to downstairs as in Exhibit B6

(The declarant reserves the right to make changes in these floor plans  
and also the lots upon which each floor plan is to be built.)

# PICACHO HILLS a Ana County, New Mexico

November 1980  
CORRECTED NOVEMBER 20, 1981



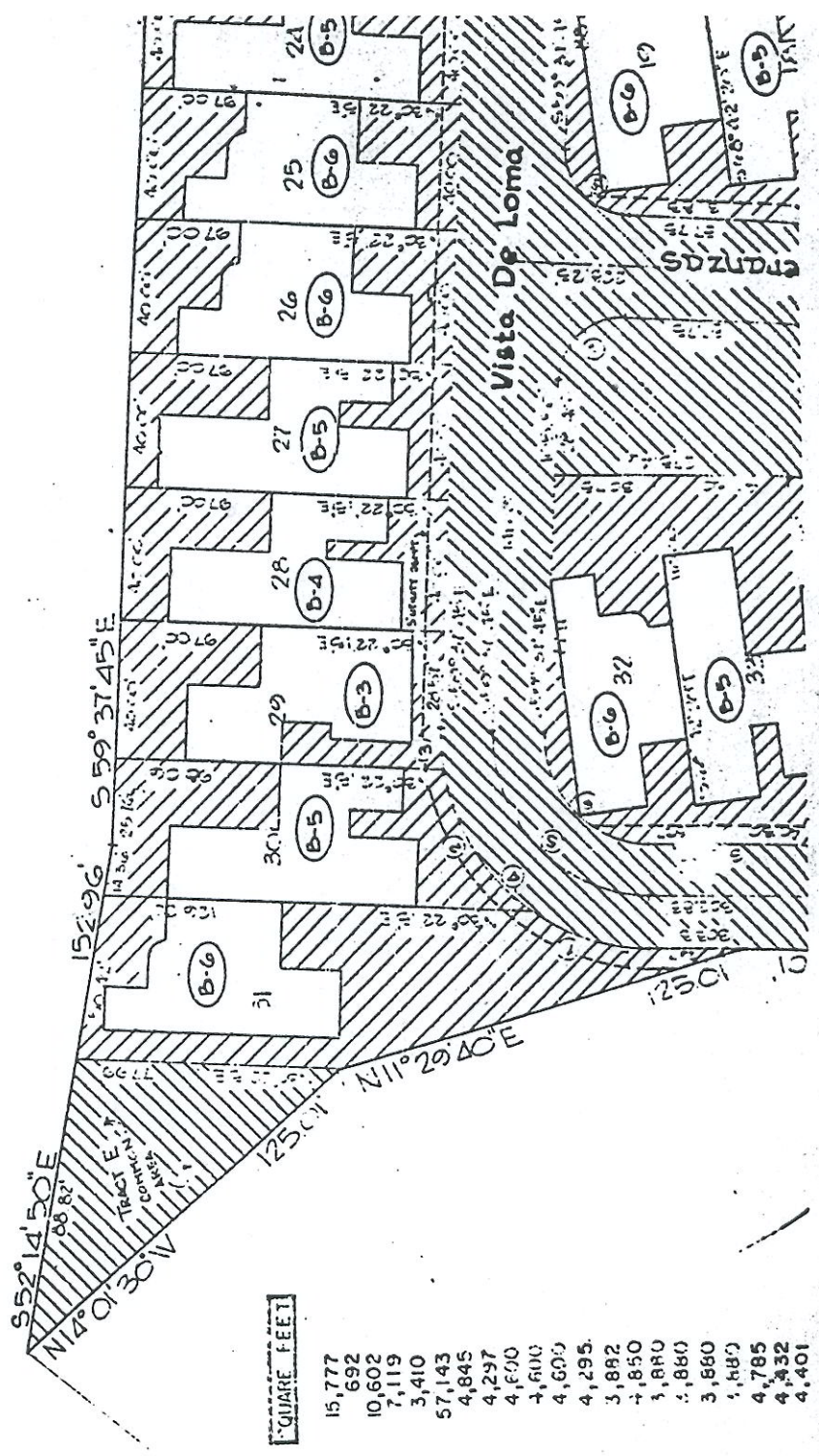
LEGEND

EXHIBIT	(B-3)	→	ALEMÁN PLAN (1745 #)
EXHIBIT	(B-4)	→	SAN YSIDRO PLAN (1684 #)
EXHIBIT	(B-5)	→	SANTA FE PLAN (1621 #)
EXHIBIT	(B-6)	→	FRAY CRISTOBAL-A PLAN (2050 #)
EXHIBIT	(B-7)	→	FRAY CRISTOBAL-B PLAN (2050 #)
		→	COMMON AREA
		→	LIMITED COMMON AREA
LOTS 1-7	→	BUILDING ONE	
LOTS 8-12	→	BUILDING TWO	
LOTS 13-19	→	BUILDING THREE	
LOTS 20-31	→	BUILDING FOUR	
LOTS 32-39	→	BUILDING FIVE	
LOTS 1-26	→	PHASE I	
LOTS 27-39	→	PHASE II	

# LAS CASITAS

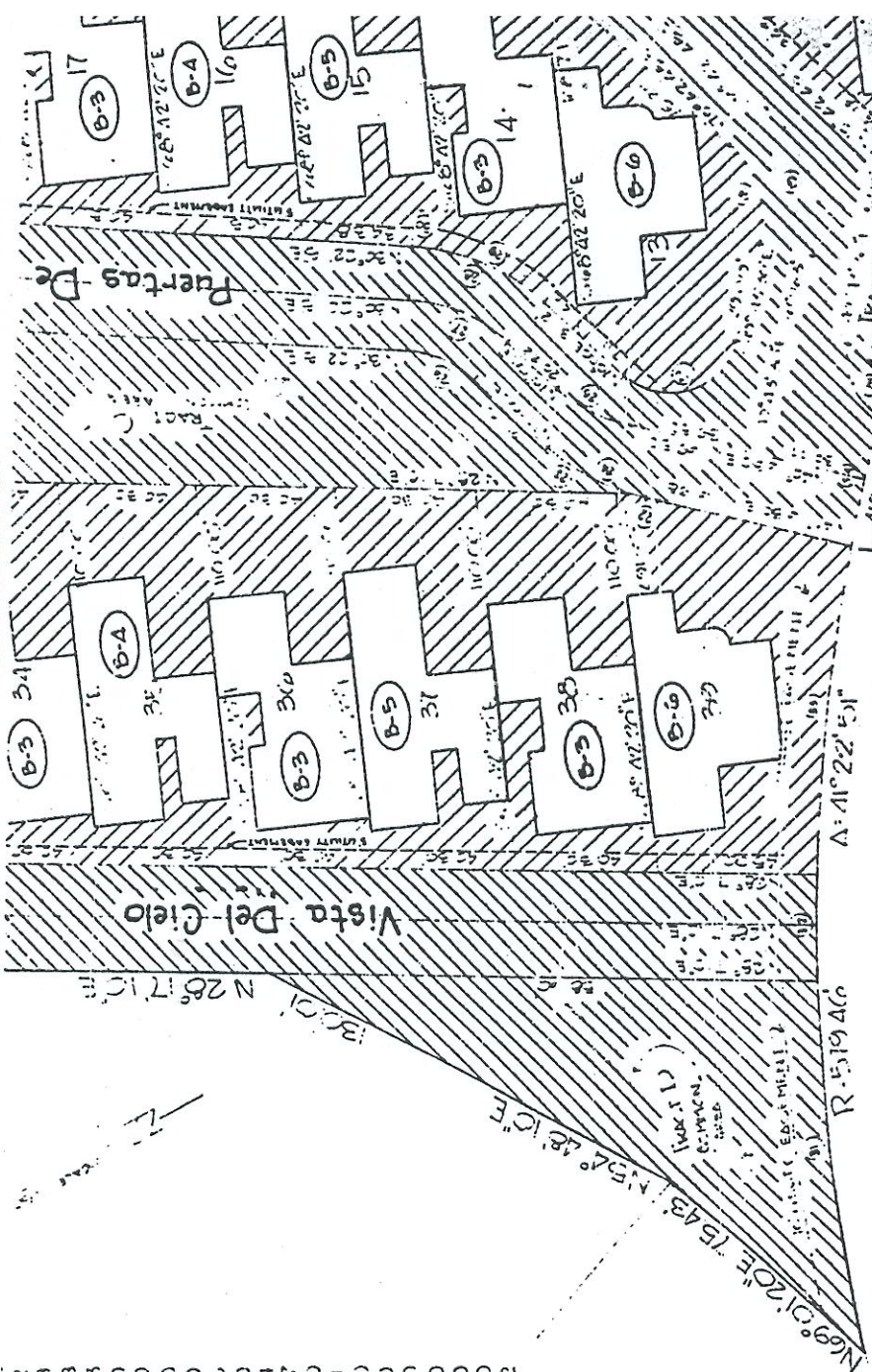
West of Las Cruces, Do

Scale: 1"=50'

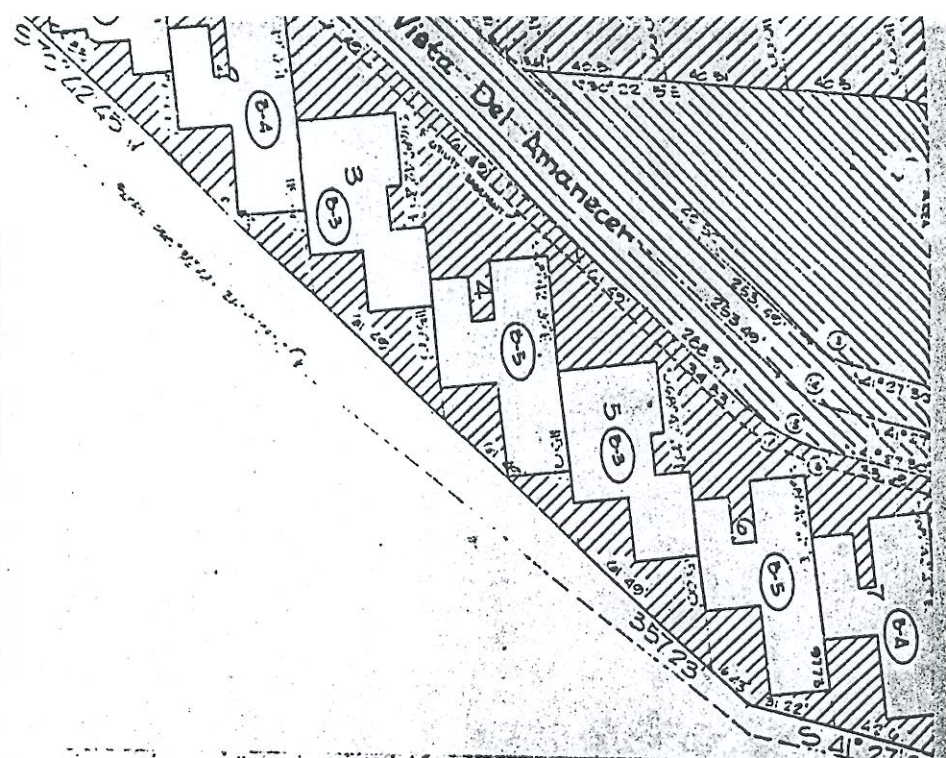


PARCEL	LOT AREAS	ACRES	SQUARE FEET
TRACT A		0.3622	15,777
TRACT B		0.0159	692
TRACT C		0.2434	10,602
TRACT D		0.1634	7,119
TRACT E		0.0783	3,410
STREETS		1.3118	57,143
LOT 1		0.1112	4,845
LOT 2		0.0987	4,297
LOT 3		0.1056	4,600
LOT 4		0.1056	4,600
LOT 5		0.1056	4,600
LOT 6		0.0986	4,295
LOT 7		0.0891	3,882
LOT 8		0.1113	4,850
LOT 9		0.0831	3,680
LOT 10		0.0831	3,680
LOT 11		0.0891	3,880
LOT 12		0.0891	3,880
LOT 13		0.1098	4,785
LOT 14		0.1017	4,332
LOT 15		0.1010	4,401

LOT 19	0.1056	4,602
LOT 20	0.0971	4,318
LOT 21	0.0975	4,258
LOT 22	0.0975	4,003
LOT 23	0.0891	3,830
LOT 24	0.0891	3,880
LOT 25	0.0891	3,880
LOT 26	0.0891	3,880
LOT 27	0.0891	3,880
LOT 28	0.0891	3,880
LOT 29	0.0891	3,880
LOT 30	0.0891	3,880
LOT 31	0.1545	6,200
LOT 32	0.0937	4,081
LOT 33	0.1011	4,400
LOT 34	0.1011	4,400
LOT 35	0.1011	4,400
LOT 36	0.1011	4,400
LOT 37	0.1011	4,400
LOT 38	0.1011	4,400
LOT 39	0.1288	5,612



PICACHO HILLS WEST (DONA ANA COXINI K&ND)



NOTE: THE DECLARANT RESERVES THE RIGHT TO CHANGE FLOOR PLANS IN SEQUENCE OF BUILDING IN ALL PHASES.

BOTSFORD LAND SURVEYING, INC.  
 142 S Water Street  
 LAS CRUCES, NM 88001



CURVE NO	RADIUS	CENTRAL ANGLE	ARC LENGTH	TANGENT LENGTH	CHORD LENGTH	CHORD BEARING	CHORD CURVE NO
1	62.00	35°30'51"	38.43	19.85	37.81	S 45°33'51" W	1
2	62.00	43°25'32"	49.15	25.95	47.88	S 87°02'03" W	2
3	62.00	10°37'26"	11.50	5.77	11.48	N 64°56'28" W	3
4	62.00	92°05'05"	99.65	64.30	89.26	N 7°01'42" E	4
5	31.00	92°05'05"	74.73	48.22	66.95	N 74°19'42" E	5
6	31.00	92°05'05"	49.82	32.15	44.63	N 74°19'42" E	6
7	20.00	90°00'00"	31.42	20.00	28.28	S 14°37'45" E	7
8	20.00	90°00'00"	31.42	20.00	28.28	S 14°37'45" E	8
9	20.00	78°05'45"	27.55	16.46	25.42	S 80°54'55" W	9
10	20.00	29°27'30"	10.28	5.26	10.17	S 26°43'45" W	10
11	20.00	29°27'30"	10.28	5.26	10.17	S 26°43'45" W	11
12	20.00	101°05'15"	35.29	24.30	30.88	S 09°05'08" E	12
13	31.00	29°15'15"	15.83	8.09	15.66	S 56°05'07" W	13
14	46.50	29°15'15"	23.74	12.14	23.49	S 56°05'07" E	14
15	62.00	29°15'15"	31.66	16.18	31.31	S 56°05'07" W	15
16	62.00	08°30'15"	3.20	4.61	9.19	N 45°42'37" E	16
17	62.00	20°45'00"	22.46	11.35	22.33	N 60°20'15" E	17
18	31.00	59°33'45"	32.23	17.74	30.80	N 79°30'23" W	18
19	46.50	59°33'45"	48.34	26.61	46.19	S 79°30'23" E	19
20	20.00	45°47'07"	15.98	8.45	15.56	N 26°49'56" W	20
21	20.00	119°43'30"	41.29	34.45	34.59	N 10°08'15" E	21
22	62.00	03°28'14"	3.76	1.88	3.76	S 42°00'37" W	22
23	62.00	26°15'16"	28.41	14.46	28.15	S 56°52'22" W	23
24	62.00	29°43'30"	32.17	16.45	31.81	N 55°08'15" E	24
25	46.50	29°43'30"	24.12	12.34	23.86	S 55°08'15" W	25
26	31.00	39°37'45"	21.44	11.17	21.02	S 50°11'08" W	26
27	46.50	39°37'45"	32.16	16.75	31.53	S 50°11'08" W	27
28	62.00	39°37'45"	42.88	22.34	42.02	S 50°11'08" W	28
29	62.00	33°54'46"	38.70	18.90	36.16	S 53°02'37" E	29
30	62.00	05°42'59"	6.19	3.10	6.18	N 33°13'45" E	30
31	579.46	10°43'26"	108.46	54.39	108.30	N 62°45'17" W	31
32	579.46	03°03'58"	31.01	15.51	31.01	N 62°45'17" W	32
33	579.46	09°29'07"	95.93	48.07	95.82	N 56°28'44" W	33
34	579.46	07°21'30"	74.42	37.26	74.37	N 48°01'26" W	34
35	579.46	04°19'01"	42.14	21.98	42.15	N 42°15'40" W	35
36	579.46	06°34'49"	56.51	33.31	56.51	N 36°15'15" W	36

STATE OF NEW MEXICO, COUNTY OF DONA ANA, ss:

I hereby certify that this instrument was filed for records:

Rec. No. 812 Bk 259 Pg 82-124 Records of Misc.

RUBEN CEBALLOS - DONA ANA COUNTY CLERK  
 By: Rma Olla DEPUTY

1.16.91  
 4:18 am

RETURN TO: NA Nallo  
 ADDRESS: 31 1/2 Cap Canitas  
Las Cruces 88005  
will pick up

(COUNTY CLERK SEAL)

Restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such restrictions violate 42 USC 3604(G)



**AMENDMENTS TO THE AMENDMENT AND RESTATEMENT  
OF DECLARATION OF CONDOMINIUM OF  
LAS CASITAS CONDOMINIUMS, INC.,  
DATED JANUARY 15, 1991**

The definition of "general common areas and facilities" contained in Paragraph 2 (Definitions) is amended to read as follows:

"General common areas and facilities means the swimming pool, the land designated as "general common areas" shown in Exhibit A filed herewith, easements, the rock walls inside and around the perimeter of the Property, and the common roadways, accessways, roadways (streets) and parking areas, and otherwise as provided by law, except limited common areas and facilities as defined below."

Paragraph 3(c), which describes "common areas and facilities," is amended to read as follows:

"Description of common areas and facilities: The common areas and facilities are the swimming pool, roads and real estate designated as "general common area" on the Plot Plans, Exhibit A and Exhibit B filed herewith, the common grounds, driveways, parking areas, walks and walkways, and the chattels and supplies used for the maintenance of the common areas and facilities. Easements for utility purposes over all of the real estate designated as "general common area" on the Plot Plans, Exhibit A and Exhibit B filed herewith."

Paragraph 4(b)(5) is amended by deleting the second paragraph thereof, which starts out "Notwithstanding the above, the Board will ...," to read as follows:

"Notwithstanding anything set forth hereinabove, the Unit Owner will maintain all exposed exterior wall surfaces (including exposed atrium wall surfaces), exposed entryway roofs, gates/doors leading into exposed entryways from the street, canals, front and entryway light housings associated with their individual units. The Board will maintain all rock walls, stucco and/or wood walls and gates which bond/connect common areas."

The following paragraph is added to Paragraph 4, to wit:

"d) Responsibility for Foundations, Exterior Walls and Roofs of Unit Buildings: Notwithstanding anything else herein contained, it is specifically provided that the individual Unit Owner is responsible for the repair, replacement and maintenance of the foundations, exterior walls and roofs of their individual unit."

Restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such restrictions violate 42 USC 3604(C)

AFFIDAVIT AND CERTIFICATE

STATE OF NEW MEXICO )

: ss.

County of Dona Ana )

I, William S. Clarkford, being duly sworn, upon my oath, state and certify that I am the President of LAS CASITAS CONDOMINIUM ASSOCIATION and that the following AMEMDMENTS TO THE AMENDMENT AND RESTATEMENT OF DECLARATION OF CONDOMINIUM OF LAS CASITAS CONDOMINIUMS, INC, DATED JANUARY 1, 1991 have been approved by the members of the Board of the LAS CASITAS CONDOMINIUM ASSOCIATION and the unit owners of LAS CASITAS CONDOMINIUMS by a favorable vote of more than three-fourths of all unit owners having voting rights, by means of a mailed ballot specifically for this purpose as of the 2 day of June, 1997.

Aaron E. Dearing  
Notary Public

My commission expires  
March 3, 2001  
Date

State of N. Mex., Co. of Dona Ana, ss  
RECEPTION NO. 12705 I hereby  
certify that this instrument was filed  
for record and duly recorded on.

JUN 02 1997

at 4:41 o'clock P M on  
Book 97 Page 309 of the  
Records of said County  
Rita Torres, County Clerk  
BY [Signature] DEPUTY



Amended Las Casitas Condominium Association Bylaws changes  
passed January 19, 1993.

Page 1 - Unchanged

Page 2 - Paragraph 2a), line 5 - Delete "Officer/"

Page 3 - Unchanged

Page 4 - Replace existing page 4 with page 4a

Page 5 - Replace existing page 5 with page 5a

Page 6 - Replace existing page 6 with page 6a

Page 7 - Line 1 - delete "f)" and insert "e)"

Page 8 - Unchanged

Page 9 - Line 3 - delete "office." and insert "board  
vacancy."

Page 11 - Please add

Restrictions indicating a preference, limitation or  
discrimination based on race, color, religion, sex,  
handicap, familial status, or national origin are  
hereby deleted to the extent such restrictions  
violate 42 USC 3604(C)

- (ii) Calling of the roll and certifying of proxies
- (iii) Proof of notice of meeting or waiver of notice
- (iv) Reading and disposal of minutes or any unapproved minutes of prior meetings
- (v) Report of the President
- (vi) Report of the Treasurer
- (vii) Reports of Committees
- (viii) Appointment of Inspectors of election by Chairman of the meeting
- (ix) Election of Officers/Directors
- (x) Unfinished business
- (xi) New business
- (xii) Adjournment

3. Officers/Directors: The affairs of the Association shall be managed by the Board of Directors.

a) The Board shall consist of seven Directors. Six shall be elected and the seventh shall be the Immediate Past President. The terms of three elected members of the Board shall expire annually. The term of office for board members will be two years except for the initial election when three of the six nominees shall be elected for one year. No Director shall serve more than two consecutive terms. Only one member of each unit may serve on the Board at any one time.

b) Election of Officers shall be conducted at the annual meeting of the unit members. A list of proposed nominations for Officers will be submitted by the Nominating Committee and additional nominations may be made from the floor. The election shall be by ballot (unless dispensed with by unanimous consent) and a plurality of votes cast, each person voting being entitled to cast the votes for as many nominees as there are vacancies to be filled. There shall be no cumulative voting. Board members may be removed by majority vote of the unit members at any meeting called for such a purpose. The vacancy in the Board so created shall be filled by the unit members at the same meeting. Compensation of Officers, if any, shall be fixed by the Board.

c) Immediately following the annual meeting the new Board will convene to elect a President, Vice President, Secretary and Treasurer from among the Board members.

d) Except as to vacancies provided by removal of Directors by unit members, vacancies in the Board of Directors occurring between annual meetings of unit members shall be filled by the Board.

e) The Immediate Past President shall remain as a Director of the Association.

f) Each Director shall serve until their successor is duly elected or appointed and qualified, or until the Director resigns or is removed in the manner elsewhere herein provided.

g) The term of each Director shall begin on February 1, after each annual meeting.

h) The President shall be the chief executive officer of the Association and Board of Directors. In the inability of the President to serve, the Vice President shall be next in line to serve followed by the Immediate Past President. The President or successor shall have all of the powers and duties which are usually vested in the office of President, including, but not limited to, the power to appoint committees from among the Association members to assist in the conduct of the affairs of the Association.

i) The Vice President shall, in the absence or disability of the Secretary, exercise the powers and perform the duties of the Secretary. The Vice President and Immediate Past President shall also generally assist the President and exercise such other powers and perform such other duties as shall be prescribed by the Directors.

j) The Immediate Past President shall be the Chairman of the Nominating Committee.

k) The Secretary shall keep the minutes of all meetings of the Directors and of the Association. The Secretary shall attend to the giving, mailing, and serving of all notices to the Association members and Directors and other notices required by law. The Secretary shall keep the records of the Association and the Board of Directors, except those of the Treasurer, and shall perform all other duties incident to the office of Secretary and as may be required by the Directors or the President.

1) The Treasurer shall have custody of all financial records of the Association, including funds, securities and evidence of indebtedness. The Treasurer shall also assemble all documents necessary and arrange for an annual audit. The Treasurer shall keep the books of the Association in accordance with good accounting practices and shall perform all other duties incident to the office of Treasurer.

4. Directors Meetings: The Directors shall hold meetings as follows:

a) Regular meetings of the Board of Directors may be held at such times and places as shall be determined, from time to time, by a majority of the Directors. Notice of regular meetings shall be given to each Director, personally or by mail, telephone or otherwise at least three days prior to the date named for such meeting.

b) Special meetings of the Board of Directors may be called by the President and must be called by the Secretary at the written request of one-third of the Directors. Notice of the meeting shall be given personally or by mail, telephone or otherwise at least three days prior to the date named for each meeting, and shall state the time, place and purpose of the meeting.

c) A quorum of Directors meetings shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors, except where approval by a greater number of Directors is required by the Declaration of Association, herein called the Declaration, or these Bylaws. If at any meeting of the Board of Directors less than a quorum is present, the majority of those present may adjourn from time to time until a quorum is present. At any adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice.

d) The presiding officer at Board of Directors Meetings shall be the President.

The foregoing changes are adopted as amendments to the Bylaws of the unit owners and the Board of Directors of LAS CASITAS CONDOMINIUM ASSOCIATION a condominium association and shall be attached to and recorded with the Declaration of Condominium and Bylaws of LAS CASITAS CONDOMINIUM ASSOCIATION in the office of the County Clerk of Dona Ana County, New Mexico.

LAS CASITAS CONDOMINIUM ASSOCIATION

By Fred J. George  
President

Wanda Della Zama  
Secretary

State of New Mexico )  
                                  : SS  
County of Dona Ana )

The foregoing instrument was acknowledged before me this 19th day of January 1993, by Fred J. George President of LAS CASITAS CONDOMINIUM ASSOCIATION, on behalf of said Association.

Dorothy Ann Maxwell  
Notary Public

My commission expires:  
July 3, 1995  
Date

State of N. Mex., Co. of Dona Ana, ss  
RECEPTION NO. 1399 I hereby  
certify that this instrument was filed  
for record and duly recorded on.

JAN 22 1993

at 1:11 o'clock P M is M/S  
Book 284 Page 760 of the 64  
Records of said County,  
County Clerk  
BY [Signature] DEPUTY

