

PLANNING COMMITTEE RULES
FOR
WIMBLEDON WEST
REVISED 10-14-83

The following rules, include those originally adopted April 8, 1983, and all amendments and changes thereto through October 14, 1983, all by unanimous vote of the Tanoan Community Association Planning Committee, organized pursuant to the Tanoan Community Master restrictions, shall apply to that real property known as the Wimbledon West Neighborhood, further described in Exhibit "A" which is attached to these Rules and incorporated herein by reference.

These Rules supplement the Tanoan Community Master Restrictions and are adopted by the Planning Committee for the purpose of further enhancing and perfecting the value, desirability, and attractiveness of the Wimbledon West Neighborhood.

Definitions contained in Article I of the Tanoan Community Master Restrictions are incorporated herein by reference.

PLANNING COMMITTEE APPROVAL

1. Any owner proposing to construct or reconstruct improvements or structures or to recolor, refinish or alter any part of the exterior of any improvement or to perform any work which requires a building permit to be issued by the City of Albuquerque and to further include landscaping and landscaping construction including ponds, waterfalls, statues, retaining walls, or other structural components, which are visible from any street or common area, shall apply to the Planning Committee for approval.

2. The owner shall make application for any such construction by submitting to the Planning Committee the following:

a. A completed application form provided by AMDEC at the time of purchase, which shall include the legal description of the property.

b. A complete set of construction drawings which identify construction materials and which address the following issues:

(1) Screening and location of Air Conditioning Unit(s), if roof-mounted on residences with flat roofs.

c. A site plan which shows the topography of the lot using contour lines which indicate any grade changes of more than one foot that will be caused by the construction. The site plan shall also locate and identify all construction including, but not limited to, storage sheds, pool houses, etc., roof overhang lines, and finished floor elevations, all setbacks at point of minimum distance to each property boundary, dimensions of lot boundaries, a directional indicator, all walks, drives, patios, decks, and walls and/or fences and their construction materials.

d. If deemed necessary by the Planning Committee, the following may be required as a part of the application:

(1) Colors and samples of exterior materials.

(2) Wall Sections.

(3) Roof plan.

(4) Details of exterior furnishings.

(5) The owner's proposed construction schedule.

(6) A drainage report prepared by a registered engineer.

(7) An architect's rendering showing the perspective view of the proposed construction. These renderings may be in pencil or ink line drawings.

(8) Landscaping plans to include location of sprinkler lines and/or sprinklers.

Each application for plan approval by the Planning Committee shall be accompanied by a Planning Committee review fee of \$ -0-.

3. Construction may not proceed after stem walls are completed until a survey of the lot showing completed stem walls is approved by the Planning Committee. If the stem wall survey is approved by the Planning Committee, construction may proceed. Owner understands and acknowledges that if the stem wall survey is not approved by the Planning Committee, owner may be required to remove and reconstruct stem walls according to the following Planning Committee Rules of Wimbledon West at Tanoan, as adopted. A stem wall survey will then be resubmitted for approval by the Planning Committee.

4. Planning Committee approval or disapproval shall be given in conformity with Section 3.06 of the Tanoan Community Master Restrictions.

ARCHITECTURAL DESIGN STANDARDS

5. Residential units constructed in Wimbledon West shall have a minimum of 1400 square feet of living area. Living area shall include heated and/or air conditioned areas and shall exclude garages, porches, patios, decks and breezeways.

6. No Residential unit, structure, or improvement shall exceed one story and shall be limited to a maximum height of seventeen feet (17') above the average grade of the lot as shown on the grading plan.

7. No structure or improvement, except where specifically permitted herein, shall be constructed:

a. Within twenty-five feet (25') from the front property line of the lot on lots One-B (1B) through Four-B (4B) inclusive, Eleven-B (11B) through Nineteen-B (19B) inclusive, Twenty-Four-B (24B) through Thirty-Two-B (32B) inclusive, Thirty-Seven-B (37B) through Forty-B (40B) inclusive, Forty-five-B (45B) and Forty-Six-B (46B). On Lots numbered Five-B (5B) through Ten-B (10B) inclusive, Twenty-B (20B) through Twenty-three-B (23B) inclusive, Thirty-Three-B (33B) through Thirty-six-B (36B) inclusive, Forty-one-B (41B) through Forty-four-B (44B) inclusive, and Forty-seven-B (47B) through Seventy-four-B (74B) inclusive, no structure or improvement, except where specifically permitted herein, shall be constructed within Twenty feet (20') from the front property line of the lot.

b. Within fifteen feet (15') from the rear property line of the lot. The garages on lots Forty-seven-B (47B) through Seventy-four-B (74B) inclusive, which face the alley, shall not be constructed within Twenty feet (20') from the rear property line of the lot. The garages on Lots numbered Forty-Seven-B (47B) through Seventy-Four-B (74B) inclusive, that are side entry garages, shall not be constructed within Fifteen feet (15') from the rear property line of the lot.

c. Within any side-yard setback as shown on the Final Grading Plan of Wimbledon West at Tanoan. Residences must be constructed Three and one-half feet (3 1/2') from one of the side property lines in accordance with the aforementioned Grading Plan and must maintain at least a Six and one-half foot (6 1/2') minimum side yard setback on the other side with the exception of lots numbered Forty-two-B (42B), Forty-seven-B (47B), Fifty-seven-B (57B), Fifty-eight-B (58B), and Seventy-four-B (74B), which shall maintain at least a Six and one-half foot (6 1/2') minimum side-yard setback on the interior side property line, in accordance with the aforementioned Grading Plan.

d. Within fifteen feet (15') of the said property line which abuts a street on a corner lot, but with the following exceptions:

(1). The Residence on lot One-B (1B) may be built on the side property line which abuts the common area;

(2). Garages of residences on corner lots, which garage faces the side street, shall not be built within twenty-five feet (25') of said property line which abuts a street on a corner lot.

e. There must be a minimum of at least Ten feet (10') between all structures.

f. In all cases, the location of all residences shall be located as shown on the aforementioned Grading Plan.

8. Every residential unit shall have a garage of at least a two-car capacity, but no more than three-car capacity. Garage doors shall be of the overhead design. Lots Forty-seven-B (47B) through Seventy-four-B (74B) inclusive, may not have garages which face the front property line.

9. Each residential unit must have a minimum of two (2) paved off-street parking spaces which may include the drive path from the street or alley to the garage.

10. Detached garages, sheds, or other buildings may be constructed on the lots, provided:

a. Such structures must be compatible to the residence in design and construction; and

b. Such structures' exterior appearance and siting on the lot must be consistent with the visual appearance of the dwelling unit.

11. The exterior appearance of the residence, and appurtenant structures and improvements, must be consistent with the high quality standards established for the Wimbledon West Neighborhood and the appearance must be consistent, compatible and complimentary to existing construction on adjacent lots and must have a definite commonly recognized architectural style which is carried out through attention to detail. Such detail to include, but not limited to, window treatment, brick coping and/or parapet walls.

CONSTRUCTION STANDARDS

12. Exterior finishes of all residences, structures, or improvements on the lots shall be stucco, brick, or slump block. Stuccoed exterior finishes must be colored either El Rey's "Navajo

White", "Cameo", "Sand", "Fawn", or "Buckskin", or an equivalent color. The color of any exterior finish shall be earthtone and in no case be lighter than "Navajo White" or darker than "Buckskin".

13. The roofing materials of all residential units, improvements, and other structures having pitched roofs which are visible from the street, the golf course, or common areas shall be red clay tile, red or brown concrete barrel shaped mission tile or wood shake. The red concrete tile shall be either Century's "Mission Red", Monier's #200 "Mission Red", or an equivalent color. If other concrete tile is used, a color sample and complete manufacturer's specifications for the brand and type must be first submitted to the Planning Committee for approval. No other roofing material will be allowed.

14. No reflective finishes (other than glass) shall be used on exterior surfaces (other than surfaces of hardware fixtures) including, but not limited to, the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes, equipment, mailboxes, and newspaper tubes.

15. Trim may be of wood (painted or stained natural earth tone colors), adobe, slumpblock, or brick (not to exceed three courses), painted Mexican tiles, clay tiles, black wrought iron, or cast ornamental coping.

16. Air conditioning, heating, and other machinery may be maintained in or on flat roof areas, provided they are screened by parapet walls and in such a manner that they are built into the basic lines of the parent structure to create an aesthetically pleasing appearance from adjoining properties, streets, and common areas, and must be shown in detail on the plans submitted to the Planning Committee. Air conditioning, heating and other machinery may not be maintained in or on roof areas of residences with pitched roofs.

17. Solar energy collectors shall be allowed only if constructed in such a manner that they are built into the basic lines of the parent structure to create an aesthetically pleasing appearance from adjoining properties, streets, and common areas, and must comply with the requirements of Paragraph 16.

18. A four inch (4") tolerance by reason of mechanical variance of construction is hereby automatically allowed for any distance requirements imposed by these Planning Committee Rules. **HOWEVER, NO TOLERANCES BY REASON OF MECHANICAL VARIANCE WILL BE ALLOWED CONCERNING THE CONSTRUCTION OF ANY PORTION OF A STRUCTURE OR IMPROVEMENT CONSTRUCTED ON ANY PROPERTY LINE AND/OR EASEMENT LINE.**

19. EASEMENTS AND RIGHT-OF-WAYS: All areas of the numbered lots within WIMBLEDON WEST AT TANOAN, reserved for the installation, removal, repair, and maintenance of utilities (electric, telephone, gas, cable television, water, sewer, drainage, and other utility services), including overhead, underground, buried and all other types of lines, pipes, conduits, wires, cables and all other means of providing utility services are reserved and are designated as utility easements on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042.

a. All Easements and Right-of-Ways Include Right of Ingress and Egress. All easements and right-of-ways of whatever type which are shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042, shall include the right of ingress to and egress from such easements and right-of-ways over, upon, or under any part of WIMBLEDON WEST AT TANOAN, for the purpose of installing, removing, repairing, and maintaining utilities, trimming or removing of interfering trees or shrubs, and any other purpose or activity related to the purpose for which such easements and right-of-ways may be used.

b. No Construction or Obstacle on Any Type of Easement or Right-of-Way. No residence, obstacle, or other type of construction shall be erected, placed, altered, or permitted to remain upon any numbered lot within WIMBLEDON WEST AT TANOAN, which is the subject of any type of easement or right-of-way reserved herein, and as shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042, which would in any way interfere with the use of such easement or right-of-way; nor shall any trees, shrubs, hedges or other landscaping be planted or permitted to remain in place, or to remain untrimmed, which would interfere with the use of any easement or right-of-way shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042.

c. Side Yard Easements. The undersigned do hereby dedicate, declare, and impose those certain private, exclusive, surface side-yard easements, Three and one-half feet (3 1/2') in width along the Easterly, Southeasterly, Southerly, Southwesterly, or Northeasterly, respectively, Three and one-half feet (3 1/2') of the following numbered lots, running parallel and located adjacent to the property line of each of the following numbered lots, from the front to the rear of each of the following numbered lots, for the purpose of enabling the dominant owner thereof (the owner of the adjoining lot) to use and enjoy the surface of the land within the side-yard easement, subject to the covenants contained herein, which numbered lots, across which the side-yard easements are dedicated, declared and imposed hereby, are as follows:

Numbered lots across the EASTERLY three and one-half feet (3 1/2') of which the side-yard easements are dedicated, declared and imposed hereby:

Lots numbered Ten-B (10B) through Twenty-one-B (21B) inclusive, Thirty-Five-B (35B) through Forty-B (40B) inclusive, Forty-eight-B (48B) through Fifty-one-B (51B) inclusive, Fifty-two-B (52B) through Fifty-six-B (56B) inclusive, Fifty-nine-B (59B) through Sixty-five-B (65B) inclusive, Sixty-six-B (66B) through Seventy-three-B (73B) inclusive, all of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042.

Numbered lots across the SOUTHEASTERLY Three and one-half feet (3 1/2') of which the side-yard easements are dedicated, declared and imposed hereby:

Lots numbered Eight-B (8B), Nine-B (9B), Thirty-three-B (33B), and Thirty-four-B (34B), all of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042.

Numbered lots across the SOUTHERLY Three and one-half feet (3 1/2') of which the side-yard easements are dedicated, declared and imposed hereby:

Lots numbered Twenty-three-B (23B) through Thirty-two-B (32B) inclusive, all of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042.

Numbered lots across the SOUTHWESTERLY Three and one-half feet (3 1/2') of which the side-yard easements are dedicated, declared and imposed hereby:

Lots numbered Two-B (2B) through Seven-B (7B) inclusive, Twenty-two-B (22B), and Forty-three-B (43B) through Forty-six-B (46B) inclusive, all of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042.

Numbered lots across the NORTHEASTERLY Three and one-half feet (3 1/2') of which the side-yard easements are dedicated, declared and imposed hereby:

Lot numbered Forty-one-B (41B), of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042.

(i). With the exception of the privacy walls, return walls and the ordinary projections from the residences in the original construction thereof, the easement areas shall be kept clear and unobstructed to provide open access for the servient owner of the side-yard easement (the owner of the numbered lot across which the side-yard easement is dedicated, declared and imposed hereby). No building or improvement of any type shall be installed or constructed within the Three and one-half foot (3 1/2') easement area, nor shall anything be piled or leaned against the privacy wall or residence adjacent to the easement area, except return walls, patio floors or slabs and landscaping.

(ii). The servient owner of the side-yard easement shall have the right to enter upon the easement area to the extent such entry is reasonably necessary to carry out the resurfacing, repainting, or repair of the exterior surface of the privacy wall or residence, including the projections from the residence, or to perform any work necessary for the maintenance and rebuilding or restoration of his property. Such right of entry shall be exercised in such a manner as to interfere as little as is reasonably possible with the possession and enjoyment of the easement area by the dominant owner thereof and shall be

preceded by reasonable notice whenever the circumstances permit. No notice shall be required in the case where an emergency requires immediate entry by the servient owner.

(iii). The dominant owner of the side-yard easement area shall be responsible to the servient owner thereof for all damage caused the servient owner resulting from the use of the easement area by the dominant owner, his agents, employees, invitees, licensees, guests, tenants, lessees and members of his family, and the servient owner of the easement area shall be responsible to the dominant owner thereof for all damage caused the dominant owner resulting from the use of the easement area by the servient owner, his agents, employees, invitees, licensees, guests, tenants, lessees and members of his family.

(iv). The dominant owner of the side-yard easement area shall be protected, held harmless and indemnified by the servient owner from any liability or damage arising from acts or omissions on the part of the servient owner, his agents, employees, invitees, licensees, guests, tenants, lessees and members of his family in his or their use of the easement area.

(v). The servient owner of the side-yard easement area shall be protected, held harmless and indemnified by the dominant owner from any liability or damage arising from acts or omissions on the part of the dominant owner, his agents, employees, invitees, licensees, guests, tenants, lessees and members of his family in his or their use of the easement area.

(vi). No part of the side-yard easement area shall be used for any purpose or in any manner which shall increase the rate at which insurance against loss or damage by fire and the perils covered by extended coverage insurance or by bodily injury or property damage liability insurance, covering the adjacent property, may be obtained, or cause such premises to be uninsurable against such risks, or any policy or policies representing such insurance to be cancelled or suspended, or the company issuing the same to refuse the renewal thereof.

(vii). No noxious or offensive activities shall be undertaken or carried on upon any part of the side-yard easement area, nor shall anything be done thereon which is, may be, or may become an annoyance or a nuisance to the neighborhood or to the dominant owner or servient owner of the side-yard easement area.

(viii). The side-yard easements are intended to be a burden upon, as well as a benefit to, the numbered lots of the servient owners across which they have been dedicated, declared, and imposed hereby. The side-yard easements are intended to be a burden upon, as well as a benefit to, the numbered lots of the dominant owners located adjacent to and adjoining the numbered lot of the servient owner.

(ix). The term of the exclusive, private, surface side-yard easements dedicated, declared, and imposed hereby shall run with the land. During the term hereof, the servient owner across whose numbered lot the side-yard easement is dedicated, declared, and imposed hereby, shall maintain at his expense the privacy wall, as provided hereof; and the dominant owner of the easement area, for whose benefit this easement has been dedicated, declared, and imposed, shall maintain in good condition, keeping the same neat, clean, and in the same condition as when the residence was built upon the lot, the area of the easement, at his expense.

(x). The side-yard easement dedicated, declared, and imposed hereby, is intended to be an exclusive, private, surface easement for the benefit only of the owner of the lot adjacent to the lot across which the easement has been dedicated, declared and imposed, all future owners of the adjacent lot, the owner of the numbered lot across which the side-yard easement has been dedicated, declared and imposed hereby, all future owners of such numbered lot, and their, and each of their, family members, guests, invitees, agents, employees, licensees, tenants, and lessees; but not for the benefit of the general public or for any political subdivision or governmental body. Neither the public generally nor any political subdivision or governmental, including without limitation, the City of Albuquerque, the County of Bernalillo, or any agency thereof, shall acquire any right in the side-yard easement dedicated, declared, and imposed hereby, or in the real estate across which such easement has been dedicated, declared, and imposed hereby.

23. Side yard fences on lots numbered One-B (1B) through Twenty-B (20B) inclusive, Twenty-three-B (23B) through Forty-five-B (45B) inclusive, Forty-eight-B (48B) through Fifty-B (50B) inclusive, Fifty-three-B (53B) through Fifty-six-B (56B) inclusive, Fifty-nine-B (59B) through Sixty-four-B (64B) inclusive, and Sixty-seven-B (67B) through Seventy-three-B (73B) inclusive, shall be constructed Three and one-half feet (3 1/2') from the property line in accordance to the Final Grading Plan of Wimbledon West at Tanoan, and shall run along the easement line shown on the abovementioned grading plan from the rear of the residence to the rear property line except on lots numbered Forty-seven-B (47B) through Seventy-four-B (74B), which side yard fences must extend from the rear of the residence back towards the rear property but not closer than Four feet (4') from the rear property line. The side yard fences for lot numbered Twenty-one-B (21B) shall be located on the southwest property line and on the east easement line. The side yard fences for lot numbered Twenty-two-B (22B) shall be located on the northeast property line and on the southwest easement line. The side yard fences for lot numbered Forty-six-B (46B) shall be located on the southwest easement line and the northeast property line. The side-yard fences on lots numbered Forty-seven-B (47B), Fifty-seven-B (57B), Fifty-eight-B (58B), and Seventy-four-B (74B), shall be located on the west easement lines and no closer than Fifteen feet (15') from the side property line which abuts the street. The side yard fences on lots numbered Fifty-one-B (51B), Fifty-two-B (52B), Sixty-five-B (65B), and Sixty-six-B (66B), shall be located on the east easement lines and no closer than Fifteen feet (15') from the side property line which abuts the street.

24. Any side yard fences, except on lots One-B (1B) and Forty-six-B (46B) which border the common areas, be of Crego's white cinder block construction, and shall be a minimum of fifty-six inches (56") high or forty-two inches (42") above the finish grade of the lot on the high side, whichever is greater. No side yard fence or return may be constructed forward beyond the front of adjacent structures except for necessary retaining walls.

25. Where there is a grade difference of more than eighteen inches (18") between two lots, a retaining wall will be required which will extend to a point where the grade difference becomes less than twelve inches (12").

26. The exterior face of any front return wall on lots numbered One-B (1B) through Seventy-four-B (74B) inclusive, and the exterior face of a side wall adjacent to the street on a corner lot, shall be textured and colored to match the parent structure.

27. No barbed wire, welded wire or welded pipe fence shall be permitted on any lot. Chainlink fencing may be used for pet runs, if not visible from the street, alley or adjoining properties.

28. All gates providing access between the front and back yards must match the color of the parent structure or the color of the trim and shall be constructed of wood or wrought iron.

(xi). The exclusive, private, surface side-yard easement dedicated, declared and imposed hereby is intended as a surface easement only and shall not prevent the owner of the numbered lot across which it has been dedicated, declared, and imposed, and his heirs, personal representatives, successors, and assigns in interest, or any future owner of the numbered lot across which such easement has been dedicated, declared, and imposed hereby, from utilizing the space beneath the surface of the easement or from utilizing the air space above the surface of the easement so long as the surface of the easement and the space above the surface to the height of the eaves of the residence of the servient owner is maintained for the benefit of the dominant owner. Nothing contained in this provision is intended to grant the servient owner the right to use the land beneath the easement or the space above the surface of the easement in contravention of the planning rules contained herein.

20. On residences with pitched roofs that overhang into the easement area, rain gutters will be required on any portion of the roof which drains into such easement area and such rain gutters shall channel any runoff water away from the easement area to the front or rear of the residence with the pitched roof. On residences with a flat roof design, roof canals used for water drainage shall not be placed on the side of the unit adjacent to the easement area to insure that water runoff not be allowed onto the easement area.

UNDER NO CIRCUMSTANCES SHALL RUNOFF FROM ANY ROOF AREAS BE ALLOWED TO DRAIN ONTO AN ADJACENT LOT OR AN EASEMENT AREA.

WALL REQUIREMENTS

21. The rear lot lines of lots Eight-B (8B) through Thirty-five-B (35B) inclusive shall be fenced with fencing constructed of white slumblock to a height of seventy-two inches (72"). The rear lot lines of lots One-B (1B) through Eight-B (8B) inclusive and lots Thirty-five-B (35B) through Forty-Six-B (46B) inclusive shall be fenced with fencing constructed of white slumblock to a height of sixty inches (60"). On those lots which border common areas, (lots One-B (1B) and Forty-six-B (46B), side yard fences, on the side which borders the common area, will be of sixty inch (60") high white slumblock construction that matches the rear lot line fence and will extend forward from the rear property line to the rear of the house or a maximum of fifty feet (50'). No other fencing materials shall be used in these areas.

22. Lots numbered Forty-seven-B (47B) through Seventy-four-B (74B) inclusive, will not have rear lot line fences. Rear return walls on lots numbered Forty-seven-B (47B) through Seventy-four-B (74B) inclusive, shall be of Crego's white cinder block construction, shall be a minimum height of Fifty-six inches (56") and shall not be constructed within Four feet (4') of the rear property line.

WALLS-PRIVACY AND LANDSCAPING

29. Walls for purposes of visual screening, privacy, protection of swimming pools, etc., may be constructed between the front and rear setback lines, provided their style, color and materials are compatible with those of the residence and other structures or improvements on the lot.

30. Walls which are constructed within the front yard setback area and the side-yard setback area adjacent to a street, may not exceed three feet (3') in height. Walls located on the easement lines and/or property lines between two adjacent lots may not extend frontward beyond the front of both houses except for necessary retaining walls.

LANDSCAPING

31. All front yards, side yards facing the street on corner lots, and rear yards visible from the alley, must be landscaped within six months of completion of a residential unit on the lot at the builders expense. Landscaping shall be in conformance with the following:

a. Forty percent (40%) of all front yards and forty percent (40%) of the side yards adjacent to the street on corner lots must be natural grass. To determine the size of the yard, front yards must and side yards shall be defined as that area between the back of curb and the front and/or side façade of the dwelling excluding the sidewalk adjacent to the curb (street walk).

b. The grass must be placed so that it is adjacent to the street walk and furthermore, if two lots have adjacent front yards and if the grade difference is less than twelve inches (12"), the grass must flow from one yard into the next creating the visual impression of one large expanse of grass.

c. The remaining sixty percent (60%) shall include the lead walk to the main entry of the dwelling unit and balance may be grass, flower beds, rock or other ground cover. If rock is used as an accent material, it shall not be volcanic rock or cinder, and the rocked area must contain at least one five-gallon plant for every twenty-five (25) square feet of rocked area.

d. Red brick mowing strips or railroad ties must be used to separate different landscaping materials.

e. All lots shall contain one (1) two inch (2") caliper shade tree in the front yard and corner lots shall have two (2) additional two inch (2") caliper shade trees in the side yard adjacent to the street. These trees may be either Silver Maple, Sycamore, Green Ash, Moraine Honey Locust or Shade Master Honey Locust. No other variety may be used without the written consent of the Planning Committee.

MISCELLANEOUS

32. Mailboxes shall be located adjacent to the street, Forty inches (40") above the curb and shall be the standard metal U.S. Mailbox whose dimensions are approximately six and three-eighths inches (6 3/8") by eight and three-fourths inches (8 3/4"). The mailbox may be either white, black, or painted to match the primary color of the house or its trim.

The base shall be no longer than eight inches by twenty inches by forty-two inches (8" x 20" x 42") and may be made of one of the following:

a: Masonry construction, finished with stucco if the primary exterior material is stucco, and provided it matches the primary stucco color of the house;

b: Brick, if the primary exterior material of the house is brick and provided the color matches the brick used on the house;

c: Wood, finished naturally or painted to match the trim or the primary color of the house; or

d: Wrought iron, painted either black or white.

In any case, the Planning Committee shall reserve the right to rule on any colors or structures.

33. No radio, television, citizens band, HAM, or other aerial, antenna, or tower, whether for transmitting or receiving, or any support thereof shall be erected, installed, placed or maintained, except those devices which may be erected, installed, placed or maintained and used entirely under the eaves or enclosed within a building or structure which do not extend above the highest point of the roof. However, a television antenna may be mounted on the roof provided it is inconspicuously located so as not to be easily visible from the street or common areas.

34. Outside clothes-lines or other outside clothes drying or airing facilities, above ground trash and garbage receptacles, ground mounted solar energy collectors and equipment, ground mounted air conditioning units and equipment, and swimming pool mechanical equipment shall be enclosed within a fenced service area or areas for which fencing or screening is harmonious with the overall design of the structures on the lot and which shield these structures in such a way as not to be visible from streets or common areas.

35. All lots must have a sidewalk which shall be Four feet (4') wide and extend from one side yard lot line to the other side yard lot line, be of concrete construction and must be located immediately adjacent to the curb at the front of each property and at the side of each property, extending from the front property line to the rear property line, if a corner lot. Lot Forty-Seven-B (47B) through Seventy-four-B (74B) inclusive, shall have an additional sidewalk which shall be Four feet (4') wide, of asphalt construction and must be located in the rear of the property, extending from one side yard

lot line to the other side yard lot line, and located immediately adjacent to the curbs of the alley and shall be constructed by the subdivision developer. The builder shall pay for all sidewalks.

36. Tracts B and C of WIMBLEDON WEST AT TANOAN are hereby designated as common areas. No structures, trees, signs, etc., may be placed upon these tracts. The only improvements allowed on these tracts shall be grass and sprinkler systems.

37. In order to maintain the lot during construction in accordance with Section 3.03 (d) of the Master Restrictions, a dumpster or wire trash receptacle shall be placed on the lot and all debris easily displaced by wind shall be placed therein. The trash receptacle shall be emptied either weekly or when full, whichever shall first occur.

POLICIES

38. Plans will not be considered for approval if any outstanding indebtedness exists against the subject lot. (i.e. Tanoan Community Association Assessments.)

39. Plans will not be considered for approval if the applicant is in violation of any existing Tanoan Planning Committee Rules, and requirements and/or the Master Restrictions of the Community.

40. The Planning Committee should be notified when construction is complete so a certificate of compliance can be issued certifying that the construction has been completed in accordance with approved plans. Buyers of units in WIMBLEDON WEST AT TANOAN should be certain that this certificate has been issued since construction which does not comply with approved plans may be subject to removal and/or fines in accordance with the Tanoan Community Association Master Restrictions.

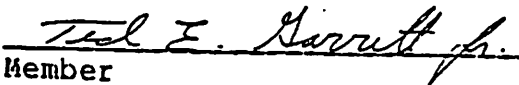
41. The Planning Committee shall have the exclusive power to control any and all construction and/or improvements within Wimbledon West in accordance with Article 4 of the Tanoan Community Master Restrictions and any exceptions to the above rules.

THESE RULES, AS AMENDED, WERE ADOPTED BY UNANIMOUS VOTE OF THE TANOAN COMMUNITY ASSOCIATION PLANNING AND ARCHITECTURAL COMMITTEE ON THIS 14th DAY OF OCTOBER, 1983.



Planning Committee Chairman

ATTEST



Member

EXHIBIT "A"

Lots numbered One-B (1B) through Seventy-four-B (74B), and Tracts B and C, WIMBLEDON WEST AT TANOAN, as the same is shown and designated on the plat of said subdivision, filed in the office of the County Clerk of Bernalillo County, New Mexico, on January 18, 1983, in Volume C-20, Folio 146, refiled on April 27, 1983, in Volume C-21, Folio 51, and refiled on September 8, 1983, in Volume C-22, Folio 20, as Document number 83-61042.