

**DESIGN CONTROLS FOR
THE BARCELONA RIDGE ESTATES SUBDIVISION**

As amended March 2008

ARTICLE I

STATEMENT OF INTENT

The goal of these Design Controls is to achieve a harmony of design within the Subdivision so that the reasonable expectations of Lot Owners regarding improvement and beautification of all property can be fulfilled for the benefit of all Lot Owners. To that end, all new houses, walls, fences, and landscaping within the Subdivision shall be built by Trademark Builders (or an affiliate, successor, or assign thereof); and the design of all new houses, walls, fences, and landscaping within the Subdivision shall be performed by, or in consultation with, Trademark Builders (or an affiliate, successor, or assign thereof).

ARTICLE II

DESIGN REVIEW

No construction of a new house, walls, fences, or landscaping on any Lot in the Subdivision, and no alterations or additions of any kind thereto, shall commence without adherence to the process of approval set forth in the provisions of Article IV of the Declaration of Protective Covenants, Conditions, and Restrictions of the Barcelona Ridge Estates Subdivision.

Drawings submitted for review shall be in two copies and include the level of detail required for obtaining a building permit from the applicable governmental regulatory department, as well as details relating to texture and color of all exterior surfaces.

Any plans regarding landscaping shall include a site plan drawing, site contours, plant materials (with indication of size), rocks or boulders, ground cover, paths, decks or patios, swimming pool or spa, driveway, walls, fences, exterior lighting, existing trees and large shrubs, and any other relevant features that may be applicable.

Neither Trademark Builders nor the Design Control Committee seeks to restrict individual preferences but does want to avoid harsh contrasts within the Subdivision and to encourage careful design so that there is harmony between buildings and their sites, and among buildings themselves.

ARTICLE III

FITTING THE SITE

On each Lot, the area on which a house can be built (the building pad) has been constructed during the course of the building of the Subdivision. The building pads have been designated after careful consideration by the Subdivision's planners and engineers regarding such issues as privacy, preservation of views, drainage, and the like. Trademark Builders shall be required to build the house planned for a Lot on that Lot's building pad, with more area to be added to the building pad only when necessary to accommodate the construction of a new house and only if the addition, in the sole opinion of Trademark Builders, is not detrimental to the privacy, preservation of views, and drainage of neighboring Lots.

ARTICLE IV

BUILDING DESIGN

Size. The minimum size of the living area of a house within the Subdivision (exclusive of basements, attics, carports, garages, and open courtyards and porches) shall be one thousand six hundred square feet.

Setbacks. The setbacks for each Lot within the Subdivision shall be as required by the Las Cruces Extra-territorial Zoning ordinances or other governmental regulations.

Height. All houses within the Subdivision shall be limited to one story, with the maximum height, as measured from the finished floor slab, being fourteen feet for approximately 75 percent of the roof area and eighteen feet for approximately 25 percent of the roof area. The finished floor slab shall be constructed within 6 inches of the elevation of the building pad as built at the completion of the Subdivision infrastructure. For the purpose of measuring maximum height, a flat roof will be measured to the top of parapets. A minor ridge line (not to

exceed 6 feet in length) of a pitched roof, or an entrance feature, approved according to Article IV of the Declaration of Protective Covenants, Conditions, and Restrictions of the Barcelona Ridge Estates Subdivision, may exceed these height restrictions by a maximum of 2 feet. Flues and chimneys shall not be permitted to extend more than two feet above the maximum height.

Roof Tile. All pitched roofs within the Subdivision shall use a roof tile in a style and in a uniform family of colors that shall be selected by Trademark Builders.

Cooling and/or Heating Units. Cooling and/or heating units shall not be permitted on any rooftop within the Subdivision.

Period of Construction. All construction and alteration work shall be prosecuted diligently. Any building of a new house on any Lot within the Subdivision shall be entirely completed within nine months after commencement of construction. Any alterations or additions to an existing structure on any Lot within the Subdivision shall be entirely completed within four months after commencement of construction.

Towers and Antennae. Pursuant to Federal Communications Commission rules adopted as directed by Congress in the Telecommunications Act of 1996, the Design Control Committee cannot unreasonably delay, prevent, or increase the cost of a Lot Owner's ability to receive video programming signals. However, since the Design Control Committee does have the authority to minimize the visual impact of equipment used to receive video programming signals, the Committee has adopted the following guidelines for the Subdivision: none of the aforementioned equipment shall be installed within the front yard (that is, the street-side yard) of any house; no satellite dish more than one meter in diameter shall be installed anywhere in the Subdivision; all houses shall be equipped with conduit for the purpose of directing the installation of a satellite dish or an antenna to the least obtrusive—yet still effective—location on the roof of a house; and all houses shall also be equipped with conduit for the purpose of directing the installation of a satellite dish to an unobtrusive—yet effective—location in the back yard of a house, this being the preferred location for such installation in the view of the Committee.

Ham radio antennas and towers, as well as any other antennas and towers that are not covered by the FCC rules cited above, shall not be installed anywhere in the Subdivision.

Temporary Structures. No used or previously erected or temporary house, structure, house trailer, or non-permanent outbuilding shall ever be placed, erected, or allowed to remain on any Lot, except during construction periods and only then with written approval of the Design Control Committee. No building shall be occupied in any manner prior to its completion.

Exterior Lighting. A front-yard exterior light fixture shall be installed for every residence in the Subdivision at the time of construction of each residence. It shall be the responsibility of the Owner of each Lot to maintain said fixture. Use of other than white or pale white exterior lights shall be allowed only with specific approval of the Committee. Holiday lighting during the Christmas season shall be allowed only from December 1st through January 3rd and only in moderation. The Design Control Committee shall be the sole arbiter in deciding whether or not holiday lighting is excessive.

Utilities. All secondary utility extensions (from trunk lines to individual structures) must be underground.

Solar Panels. No roof-mounted solar panels or ground-mounted solar panels shall be permitted in the Subdivision.

ARTICLE V

LANDSCAPE

In order to maintain the natural beauty of the Subdivision landscape, use of native plants and materials is strongly encouraged. The use of exotic plants foreign to the area, except those proven over time as viable and appropriate, shall not be permitted. Scale, selection, and placement of plants and materials should be such that one senses the plants and materials have been integrated with the overall design theme of the Subdivision rather than contrast with or overpower it.

In order for the Owner of each Lot to be able to enjoy a private outdoor space, a living-area privacy fence constructed of masonry, metal, frame/stucco, or other acceptable materials

shall be built to a maximum height of approximately five feet. The maximum distance that a privacy fence can extend outward from the rear wall of a house shall be determined by Trademark Builders or the Design Control Committee on a case-by-case basis depending on such factors as the overall size of a Lot and house, topography, and location of neighboring houses in the Subdivision, with the intent of this provision and any restrictions imposed hereunder being the harmony of design of the Subdivision and the preservation of natural areas within the Subdivision. In order to maximize an open, natural atmosphere for the Subdivision, delineation of the perimeter of a Lot with a wall, fence, or barrier of any kind shall not be allowed except under the following conditions: (1) when a change in elevation between adjoining Lots or between a Lot and a public right-of way requires a structure for retention of earth or prevention of erosion; (2) when one or more sides of the perimeter of a Lot are contiguous with property outside the Subdivision; and (3) when part of a living-area privacy fence is contiguous with part of the perimeter of a Lot.

In order to achieve a harmony of design within the Subdivision, all design of landscaping within the Subdivision shall be performed by, or in consultation with, Trademark Builders (or an affiliate, successor, or assign thereof), and all landscaping materials shall be installed by, and all landscaping features shall be constructed by, Trademark Builders (or an affiliate, successor, or assign thereof) or a licensed building or landscaping contractor approved by Trademark Builders. With the exception of the space within a living-area privacy fence, the rear part of every Lot and any side parts of every Lot extending more than twenty feet beyond the driveway or exterior walls of a residence shall be landscaped in a low-water, low-maintenance manner in the general style of the natural vegetation of the area. The landscaping of each Lot shall be substantially completed prior to first occupancy of a house on each Lot.

It is the specific responsibility of the Owner of each Lot to landscape and otherwise manage the terrain of the Owner's Lot to prevent damaging runoff onto neighboring lots, and public rights-of-way. Any soil or debris from an Owner's Lot that runs onto another lot or public right-of-way due to the negligence of the Lot Owner, shall be promptly cleaned up by the Owner

of the Lot from which the soil or debris originated. In the event of a dispute regarding the point of origin of soil or debris that has run onto a neighboring lot or public right-of-way, the Design Control Committee shall be the sole arbiter to determine the point of origin and the responsible party or parties.

Required ponding on any Lot shall be the responsibility of individual Lot Owners and shall be constructed by Trademark Builders or an approved subcontractor at the time of construction of the residence on each Lot. No house in the Subdivision shall be occupied until the required ponding has been constructed.

The foregoing have been duly amended and adopted as the Design Controls of the Barcelona Ridge Estates Neighborhood Council by voting members.

IN WITNESS WHEREOF, Barry Swenson, President and Donald K. Miller, Secretary, of Barcelona Ridge Estates. Neighborhood Council have executed this instrument this ____ day of _____ 2008.

by: _____
Barry Swenson, President

by: _____
Donald K. Miller, Secretary

STATE OF NEW MEXICO)
) ss.
DOÑA ANA COUNTY)

On this _____ day of _____, 2008, before me, a Notary Public in and for the State of New Mexico and Doña Ana County, personally appeared Barry Swenson, as President and Donald K. Miller as Secretary of Barcelona Ridge Neighborhood Council, being duly sworn, executed the foregoing instrument.

Witness my hand and official seal.

My commission expires:

by: _____
Notary Public