

9/1/16

Abbe Springs Ranches HOA, Inc. Rules and Regulations

Declaration of Covenants, Easements and Restrictions Clarification of Article 3 Section 3.1

'Land Use' is defined in Article 3 Section 3.1 as follows:

'Lots shall be used only for residential, recreational, agricultural and ranching purposes'

The board was approached regarding the potential sale of a single lot to new owners who had an interest in using the land for a commercial cattle operation. The current owner, at the time, asked the board if this operation would be permitted under the definition of land use. The board consulted legal counsel on this matter and requested a legal opinion for land use at Abbe Springs Ranches.

- It is counsel's opinion that the intended purpose of land use in the HOA documents would exclude all commercial operations.
- Any use of the land would have to conform to all state and county codes and regulations.
- Any use of the land would have to conform to all Abbe Springs Ranches HOA documents including, but not limited to, Article 3 of the CE&Rs—
 - Article 3 Section 3.2—one single dwelling, one septic system, one well, one power system, no multi-family
 - Article 3 Section 3.4—set-backs
 - Article 3 Section 3.6—no use of temporary structure as a residence; recreational vehicles, camps or campers to be used for recreational purposes only and must not be on the lot for more than 9 months in a given year
 - Article 3 Section 3.10—owners cannot allow excess odors or noise to leave their lot
 - Article 3 Section 3.12—dumping and burying of garbage, trash, liquid or solid waste is not permitted
 - Article 3 Section 3.16—all septic systems must be designed and approved by a NM licensed engineer

Should owners have questions regarding land use it is recommended to consult the HOA Board of Directors who may request an opinion from legal counsel before responding to such requests.