

**AMENDMENT TO COVENANTS, CONDITIONS, RESTRICTIONS, AND  
CROSS-EASEMENTS AGREEMENT**

This Amendment to Declaration of Covenants, Conditions, Restrictions, and Cross-Easements Agreement (this "**Amendment**") is made as of May 14, 2014 by and between JMD-McMahon, LLC, a New Mexico limited liability company ("**JMD**"), Peterson INV-McMahon, LLC, a New Mexico limited liability company ("**Peterson**"), CVS Pharmacy, Inc., a Rhode Island corporation ("**CVS**") and Mark and Elsie Gonzales ("**Gonzales**"). The four Owners set forth in the preceding sentence may hereinafter at times be collectively referred to as the "**Owners**".

WHEREAS, Owners, either directly or through their respective predecessors in interest, entered into that certain Covenants, Conditions, Restrictions and Cross-Easements Agreement dated November 13, 2009 and recorded in the real property records of Bernalillo County, NM, as document number 2010011182 on February 9, 2010 (the "**CCR**"); and

WHEREAS, JMD is the Owner of the property described on Exhibit "A" attached hereto and by this reference made a part hereof; and

WHEREAS, Peterson is the Owner of the property described on Exhibit "B" attached hereto and by this reference made a part hereof; and

WHEREAS, CVS is the Owner of the property described on Exhibit "C" attached hereto and by this reference made a part hereof; and

WHEREAS, Gonzales is the Owner of the property described on Exhibit "D" attached hereto and by this reference made a part hereof; and

WHEREAS, Owners wish amend the CCR as set forth in this Amendment.

NOW THEREFORE,

**Doc# 2014038924**

05/15/2014 03:35 PM Page 1 of 13  
AMND R:\$25.00 M. Toulouse Oliver, Bernalillo County



Owners hereby agree that the definition of "**Common Area**" as set forth in Article 1 of the CCR is hereby amended to specify that such definition excludes the trash corral, drive-thru and drive-thru facilities on any Parcel.

This Amendment may be executed in counterparts which collectively shall constitute an original. Any term not specifically defined herein shall have the meaning established for it, if any, in the CCR.

IN WITNESS WHEREOF, Owners have executed this Amendment as of the day and year first written above.

Individual signature pages and notary blocks are attached to facilitate ease of counterpart execution. The remainder of this page is intentionally left blank.

By:

Land Records Corp. SW ALB10430 BE 2014038924.003

Peterson INV-McMahon, LLC

By Peterson Properties Investments,  
LLC, Managing Member

By The James A. Peterson and Mary B.  
Peterson Revocable Trust (created  
August 18, 1998), its Managing  
Member


By:   
James A. Peterson, Trustee

STATE OF New Mexico )

) SS

COUNTY OF Bernalillo )

This instrument was acknowledged before me this 31<sup>st</sup> day of  
January, 2014, by James A. Peterson, Trustee of The James A.  
Peterson and Mary B. Peterson Revocable Trust (created August 18, 1998),  
Managing Member of Peterson INV-McMahon, LLC.

  
NOTARY PUBLIC

My Commission Expires: 11/28/15



OFFICIAL SEAL  
DOUGLAS H. PETERSON  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires:

11/28/15

Mark Gonzales

By

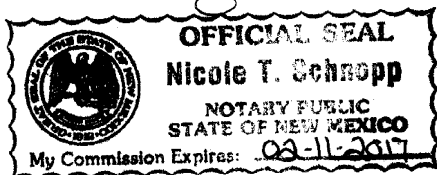
Mark Gonzales

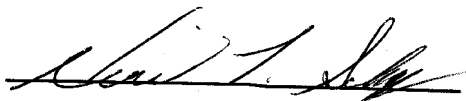
STATE OF New Mexico )

) SS

COUNTY OF Bernalillo )

This instrument was acknowledged before me this 20<sup>th</sup> day of February, 2014, by Mark Gonzales.



  
NOTARY PUBLIC

My Commission Expires:

Elsie Gonzales

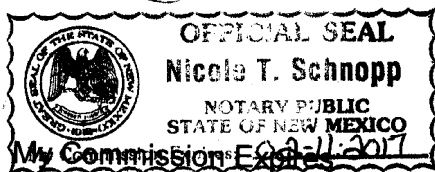
By: Elsie Gonzales  
Elsie Gonzales

STATE OF New Mexico )

) SS

COUNTY OF Bernalillo )

This instrument was acknowledged before me this 20<sup>th</sup> day of February, 2014, by Elsie Gonzales.



Nicole T. Schnopp  
NOTARY PUBLIC

CVS Pharmacy, Inc.  
A Rhode Island corporation

By: *Cheryl A. Green*

Name: Cheryl A. Green

Its: Assistant Secretary

STATE OF RHODE ISLAND )

) SS

COUNTY OF PROVIDENCE )

This instrument was acknowledged before me this 14<sup>TH</sup> day of May, 2014, by *Cheryl A. Green*, the *Asst. Secretary* of CVS Pharmacy, Inc.

*Susan Dupre*  
NOTARY PUBLIC

My Commission Expires:

**Susan Dupre**  
Notary Public  
State of Rhode Island  
My Commission Expires 06/02/2015

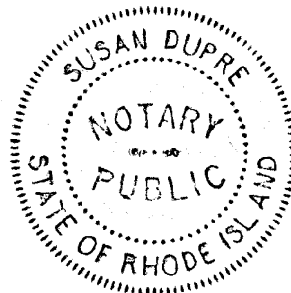


EXHIBIT "A"

PROPERTY OWNED BY JMD

Lots 6-A and 7-A as set forth on that Plat of Lots 6-A and 7-A McMahon Marketplace (being a replat of Lots 6 and 7, McMahon Marketplace) within the Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as recorded as document number 2013124407 on 11/15/13 in book 2013C, page 0129 in the real property records of Bernalillo County, NM,

PLUS

Lot 8 as set forth on that certain Plat of McMahon Marketplace (being a replat of Tract 16A-1, Paradise north and Tract E-1-A-1, Crestview Subdivision) within the Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as recorded as document number 2010096126 on 9/24/10 in book 2010C, P. 0112 of the real property records of Bernalillo County, NM.



**EXHIBIT "B"**

**PROPERTY OWNED BY PETERSON**

Lot 2 as set forth on that certain Plat of McMahon Marketplace (being a replat of Tract 16A-1, Paradise north and Tract E-1-A-1, Crestview Subdivision) within the Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as recorded as document number 2010096126 on 9/24/10 in book 2010C, P. 0112 of the real property records of Bernalillo County, NM.

## EXHIBIT "C"

### PROPERTY OWNED BY CVS

Lot 3 as set forth on that certain Plat of McMahon Marketplace (being a replat of Tract 16A-1, Paradise north and Tract E-1-A-1, Crestview Subdivision) within the Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as recorded as document number 2010096126 on 9/24/10 in book 2010C, P. 0112 of the real property records of Bernalillo County, NM.

## EXHIBIT D

### PROPERTY OWNED BY GONZALES

Lots 1, 4, 5 and 9 as set forth on that certain Plat of McMahon Marketplace (being a replat of Tract 16A-1, Paradise north and Tract E-1-A-1, Crestview Subdivision) within the Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as recorded as document number 2010096126 on 9/24/10 in book 2010C, P. 0112 of the real property records of Bernalillo County, NM.

**RATIFICATION OF COUNTERPART OF AMENDMENT TO COVENANTS, CONDITIONS,  
RESTRICTIONS, AND CROSS-EASEMENTS AGREEMENT**

This Ratification of Counterpart of Amendment to Covenants, Conditions, Restrictions, and Cross-Easements Agreement (this "**Ratification**") is entered into as of this 13<sup>th</sup> day of May, 2014.

WHEREAS, M and E, LLC, a New Mexico limited liability company ("**M and E**"), is the successor in interest to Mark Gonzales and Elsie Gonzales as the owner of lots numbered one, four, five and nine of the Plat of McMahon Marketplace (Being a replat of Tract 16A-1, Paradise North and Tract E-1-A-1, Crestview Subdivision), City of Albuquerque, Bernalillo County, New Mexico, as the same are shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 24, 2010, in Plat Book 2010C, Page 112 as Doc. No. 2010096126, pursuant to that certain Special Warranty Deed dated September 26, 2013 and recorded on December 5, 2013 as document No. 2013129972 in the real property records of Bernalillo County, NM ("**Deed**"); and

WHEREAS, on February 20<sup>th</sup>, 2014, Mark Gonzales and Elsie Gonzales each signed, in the capacity of purported owners of lots numbered one, four, five and nine of the Plat of McMahon Marketplace (Being a replat of Tract 16A-1, Paradise North and Tract E-1-A-1, Crestview Subdivision), City of Albuquerque, Bernalillo County, New Mexico, as the same are shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 24, 2010, in Plat Book 2010C, Page 112 as Doc. No. 2010096126, that certain Amendment to Covenants, Conditions, Restrictions, and Cross-Easements Agreement which, as of the date hereof, is still waiting for execution by CVS ("**Amendment**"); and

WHEREAS, because the Deed preceded the Amendment, M and E wishes to affirm and ratify the Amendment as if such Amendment had been executed by M and E.

NOW, THEREFORE, M and E does hereby affirm and ratify the Amendment. This Ratification shall be recorded in the real property records of Bernalillo County, NM, against the real property specified in the Amendment, which such real property is described on Exhibit "A" attached hereto and by this reference made a part hereof.

  
\_\_\_\_\_  
Mark Gonzales

STATE OF New Mexico                    )  
  ) SS  
COUNTY OF Bernalillo                )



OFFICIAL SEAL  
DOUGLAS H. PETERSON  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 11/28/15

This instrument was acknowledged before me this 13<sup>th</sup> day of  
MAY, 2014, by Mark Gonzales in his capacity as signatory for M and E, LLC, a New Mexico limited liability company

  
\_\_\_\_\_

NOTARY PUBLIC

My Commission Expires: 11/28/15

EXHIBIT "A"

Lots 1,2,3,4,5,8 and 9 as set forth on that certain Plat of McMahon Marketplace (being a replat of Tract 16A-1, Paradise north and Tract E-1-A-1, Crestview Subdivision) within the Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as recorded as document number 2010096126 on 9/24/10 in book 2010C, P. 0112 of the real property records of Bernalillo County, NM,

PLUS

Lots 6-A and 7-A as set forth on that Plat of Lots 6-A and 7-A McMahon Marketplace (being a replat of Lots 6 and 7, McMahon Marketplace) within the Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as recorded as document number 2013124407 on 11/15/13 in book 2013C, page 0129 in the real property records of Bernalillo County, NM.