



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

December 8, 1995

Paul Brasher
Brasher & Lorenz Inc.
4425 Juan Tabo Blvd. NE Suite 202
Albuquerque, NM 87111

RE: ENGINEER CERTIFICATION FOR FINANCIAL GUARANTEE RELEASE
FOR SANTA BARBARA TRACT E (D19-D1D) CERTIFICATION STATEMENT
DATED 10/24/95.

Dear Mr. Brasher:

Based on the information provided on your November 27, 1995 submittal, Engineer Certification for the above referenced site is acceptable for Financial Guarantee release.

If I can be of further assistance, please feel free to contact me at 768-2667.

Sincerely,

Bernie J. Montoya, CE
Engineering Associate

BJM/dl

c: Andrew Garcia
Theresa Lucero
File

86 6683

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

SANTA BARBARA
SUBDIVISION

A PLANNED UNIT DEVELOPMENT

were the Owner of such Unit during the period of his occupancy. Each Unit Owner shall notify the Association in writing of the names of any Tenant of his Unit. Each Unit Owner and Tenant also shall notify the Association in writing of the names of all persons to whom such Unit Owner or Tenant wishes to delegate any rights of use and enjoyment in the Property and the relationship that each such person bears to the Unit Owner or Tenant. Any delegated rights of use and enjoyment are subject to limitation, suspension or withdrawal by the Association.

4.4 Minor Encroachments. If any portion of the Common Area encroaches on any Unit or if any portion of a Dwelling Unit or other improvement located or placed on a Lot by Declarant or the original builder encroaches on the Common Area or on an adjacent Lot regardless of the cause, a valid easement exists for such encroachment and for the maintenance of it as long as it remains, and all Lots, Units, and the Common Area are made subject to such easements. If any Dwelling Unit or other improvement is partially or totally destroyed and then rebuilt and any encroachment results, a valid easement exists for such encroachment and for the maintenance of it as long as it remains, and all Lots, Units and the Common Area are made subject to such easements.

4.5 Drainage Easement. Each Unit and the Common Areas are subject to an easement for the drainage of surface waters from adjoining Units and Common Areas, including runoff from Dwelling Units and other structures, as such drainage may exist either from the natural condition of the land or from conditions existing after the land is graded, landscaped or otherwise improved and Dwelling Units and other structures are constructed or located thereon.

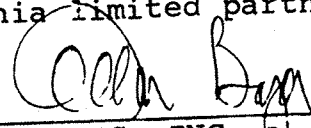
4.6 Easements Granted by Association. The Association shall have the power to grant and convey to any third party easements and rights-of-way in, on, over or under the Common Area for the purpose of constructing, erecting, operating or maintaining lines, cables, wires, conduits, or other devices for electricity, cable television, power, telephone and other purposes, sewers, storm water drains and pipes, water systems, sprinkling systems, heating and gas lines or pipes, and any similar public or quasi-public improvements, utilities or facilities, and each Unit Owner and any person buying or accepting a Unit Lease to a Unit, expressly consents to such easement. The Association will endeavor to grant no easement that would unreasonably interfere with the use, occupancy or enjoyment by any Owner of his Unit.

4.6.1 Permits and Licenses Granted by Association. The Association shall have the power to grant permits and licenses over the Common Area for utilities, roads and all other purposes reasonably necessary for the proper operation of the Property.

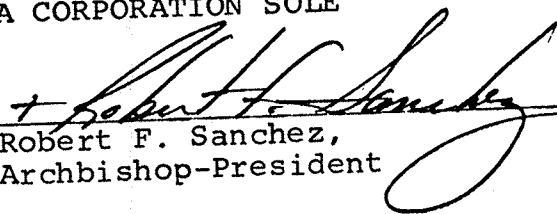
4.7 Easements Retained by Declarant. The Declarant shall

IN WITNESS WHEREOF, the parties hereto set their hands
and seals the year and day above first written.

DECLARANT:
FDR PARTNERS, A New Mexico
general partnership by-
REALTY MARKETING SERVICES,
a California limited partnership


By 
FABCO BUILDERS, INC. a
New Mexico corporation,
General Partner, by
Allan Boyar, President

REVIEWED AND APPROVED
AS TO LEGAL FORM for Archdiocese
DATE October 24, 1985
BY Charles T. Reynolds

PRIME GROUND LESSOR:
ROMAN CATHOLIC CHURCH
ARCHDIOCESE OF SANTA FE,
A CORPORATION SOLE
+ 
Robert F. Sanchez,
Archbishop-President

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me
this 24th day of October, 19 85, by
Robert F. Sanchez, Archbishop-President, Roman Catholic
Church, Archdiocese of Santa Fe., a corporation sole.


Notary Public
My commission expires: 7-25-89

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STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me
this 18th day of October, 19 85, by
REALTY MARKETING SERVICES, A California Limited Partner-
ship By Allan Boyar, FABCO BUILDERS, INC., a New Mexico
corporation, General Partner-President, on behalf of
FDR PARTNERS, a New Mexico general partnership.



OFFICIAL SEAL
SUZANNE M. FIELDS

NOTARY PUBLIC STATE OF NEW MEXICO
Notary Bond Filed with Secretary of State

My Commission Expires 11-21-88

Suzanne M. Fields
Notary Public

My commission expires: Nov 21, 1988