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SECOND AMENDED  
DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR HIGH STREET RESIDENCES

THIS SECOND AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 22<sup>nd</sup> day of December, 1987, by JIM MADDOX, INC., a New Mexico corporation (hereinafter "Grantor"), and completely amends, and is substituted for that certain First Amended Declaration of Covenants, Conditions, and Restrictions for High Street Residences recorded in the Bernalillo County, New Mexico, real estate records, on February 3, 1987, in Book Misc. 448A, Pages 717-735.

WHEREAS, Grantor is the owner of the real property described in Article II of this Declaration and desires to create thereon a residential community and to provide for the preservation of the values and amenities in the community by subjecting the property to the covenants, restrictions, and easements hereinafter set forth, each and all of which is and are for the benefit of the property and each owner thereof.

NOW, THEREFORE, the Grantor declares that the real property described in Article II is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions and restrictions hereinafter set forth.

## ARTICLE VIII

DRAINAGE AND EROSION CONTROL

Section 1. Each Owner shall be responsible for the construction and maintenance of and the handling and disposal of all surface water drainage and storm runoff from their Lot.

Section 2. Each Lot Owner is responsible for complying with the Grading Plan and for release or retention of surface water drainage in accordance with said plans and each Owner shall hold harmless the City of Albuquerque and Grantor from any expense, maintenance and liability connected to the aforementioned.

## ARTICLE IX

MISCELLANEOUS

Section 1. The Grantor may include restrictions, other than these set out herein, in any contract or deed to any Lots without otherwise modifying the general plan as now set forth, and such other restrictions shall inure to the benefit of and bind the respective parties in the same manner as though they had been expressed herein.

Section 2. The restrictions herein set out shall be referred to, adopted and made a part of each and every contract and deed executed by and on behalf of the Grantors