



DISCLOSURE STATEMENT
Lots 104-A & 104-B
SUNDANCE MESA SUBDIVISION
Sandoval County, New Mexico

1. NAME OF SUBDIVISION: Lots 104-A & 104-B, Sundance Mesa Subdivision, Sandoval County, New Mexico
2. NAME AND ADDRESS OF SUBDIVIDER AND PERSON IN CHARGE OF SALES AND LEASING IN NEW MEXICO: Chad S. Kizer and Sheri D. Kizer, 15 Second Mesa Drive, Placitas, New Mexico, 87043
3. NAME AND ADDRESS OF PERSONS WHO ARE RECORDED AS HAVING LEGAL AND EQUITABLE TITLE TO THE LAND OFFERED FOR SALE, LEASE OR OTHER CONVEYANCE: Legal title is vested in Chad S. Kizer and Sheri D. Kizer. Equitable title is vested in US New Mexico Federal Credit Union.
4. CONDITION OF TITLE: The property is encumbered by a mortgage in favor of US New Mexico Federal Credit Union. The mortgagor and mortgagee have agreed to release provisions upon the sale of any lot in this subdivision.
5. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITION EFFECTING ITS USE OR OCCUPANCY: Restrictive Covenants recorded in Misc Bk. 321, Pg. 360; in Bk. 400, Pg. 21192; Bk. 404, Pg. 113405; Bk. 407, Pg. 5377; Plat Vol. 3, Folio 1151-A. Letter of Agreement by and between La Mesa Water Cooperative and Sundance Mesa Homeowners Association, dated May 3, 2018 (See attached).
6. LIQUID WASTE DISPOSAL: Lot 104-A currently has an existing permitted liquid waste disposal system. Lot 104-B is not a residential lot and no liquid waste disposal system shall be located on said Lot 104-B.
7. WATER AVAILABILITY: The residence on Lot 104-A is currently connected to the La Mesa Water Cooperative water system. Lot 104-B is not a residential lot and requires no water hook-up.
8. SUBDIVISION ACCESS: Lot 104-A has access via Second Mesa Drive, a public road. Lot 104-B has access via Camino Manzano, a public road.
9. FLOOD NOTE: This property is located in Zone X, areas of minimal flood hazard, according to the Flood Insurance Rate Map of Sandoval County, New Mexico, Panel No. 35043C1950D, effective date March 18, 2008.

10. LIMITATION OF SUMMARY PLAT REVIEW PROCEDURE: Any tract of land originally created through the Summary Review Procedure of the process outlined in Articles 5-9 of the County Subdivision Regulations cannot be further subdivided under the provisions of Article 4 of the Regulations if the total number of tracts created from the original parent tract is to exceed five (5) within a period of seven years from the date of the recording of the original plat in the office of the Sandoval County Clerk.

11. The undersigned owner hereby affirms that the statements made herein are true and correct to the best of my knowledge and belief.

Chad S. Kizer
Chad S. Kizer

Sheri S. Kizer
Sheri S. Kizer

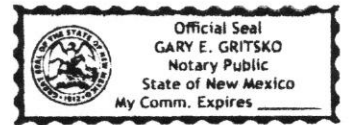
ACKNOWLEDGEMENT:

This instrument was acknowledged before me on May 5, 2021

By: Chad S. Kizer and Sheri S. Kizer

Notary Public: Gary E. Gritsko

My commission expires: 7/27/2024



**La Mesa Water Cooperative
Sundance Mesa Homeowners Association
Agreement Regarding Well #3**

General

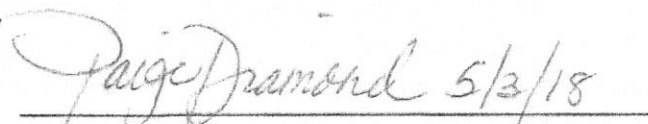
- Well #3 is on an easement on Sundance Mesa Lot 104. This easement was recorded April 9, 1998.
- The "Sundance Mesa Subdivision Second Amended and Restated Comprehensive Declaration of Covenants, Conditions and Restrictions" were recorded on December 7, 2001.
- Well #3 is currently not being used because the arsenic level exceeds state and federal levels.
- The Water Cooperative would like to build an arsenic removal facility so that well #3 can be used.
- The most appropriate location for such a facility would be close to well #3, on lot 104.
- Project can proceed with existing Sundance Mesa HOA CC&Rs.

The La Mesa Water Cooperative agrees and commits to:

- Designate a single point of contact to represent the Cooperative with the Sundance Mesa HOA and ACC:
Dave Otter
- Follow agreed upon process for planning, design, construction, approval, etc.
- Fund the facility (planning, design, purchase, construction, etc.).
- Pay for any additional land needed, including associated legal, survey, rezoning, etc. costs.
- Build and maintain the facility in accordance with county, state, and federal regulations.
- Build and maintain the facility to follow Sundance Mesa HOA CC&Rs, and all ACC rules published as of the date of this agreement. Specifically:
 - ACC Approval Process
 - Sundance Mesa Construction Debris Policy
 - Sundance Mesa Exterior Lighting Policy
 - SMHOA Solar Guidelines
 - Sundance Mesa Violations Policy
- Keep Sundance Mesa Homeowners Association informed about Water Cooperative Board decisions that affect project.
- If the facility is no longer needed the Water Cooperative will be responsible for its removal and for land reclamation.

The Sundance Mesa Homeowners Association agrees and commits to:

- Designate a single point of contact to represent the Sundance Mesa HOA: John Ellis
- Designate a single point of contact to represent the Sundance Mesa ACC: Dave Tatterson
- Submit to the Water Cooperative their procedure that allows timely approval for the treatment plant's planning, design and construction schedule.
- Support the Water Cooperative in any associated county process, such as getting a zoning variance or lot subdivision approval.
- Follow agreed upon process for planning, design, construction, approval, etc.
- Keep the Water Cooperative informed about any HOA Board or ACC decisions that could affect the project.

 5/3/18

Paige Diamond, President

Sundance Mesa Homeowners Association

 5/3/2018

Jock Embry, President

La Mesa Water Cooperative