



**FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
ALARY FARM SUBDIVISION**

This Fourth Amendment of Protective Covenants, Conditions and Restrictions for Alary Farm Subdivision is made this 17 day of JANUARY, 2017 by the Alary Farm Subdivision Landowners' Association, Inc. hereinafter called "Association".

WITNESSETH:

WHEREAS, the Association has determined that it wishes to amend the Protective Covenants, Conditions and Restrictions for Alary Farm Subdivision; and

WHEREAS, the Association has specific rights granted to amend under Article X of the Protective Covenants, Conditions and Restrictions for Alary Farm Subdivision as recorded in the office of the Sandoval County Clerk on the 11th day of July, 2001 at Vol. 404, pages 60061-60078.

NOW, THEREFORE, the Association, declares that the real property referred to as Alary Farm Subdivision and Alary Farm Subdivision Phase II, is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions") of the Protective Covenants, Conditions and Restrictions for Alary Farm Subdivision incorporating the following amendment:

1. The Following Section 22 "Right to Farm" is Added to Article III with regard to Alary Farm Subdivision, being east of Corrales Road;

*Section 22. Right to Farm. The Alary Farm Subdivisions and the surrounding area have historically been in agricultural use. The use of pesticides, other agricultural chemicals, irrigation, and other agricultural practices can be expected, including possible overspray and minor irrigation leakage onto each individual property from nearby properties. The Owners or others with right of possession within this Subdivision are located within an historical agricultural area and shall take no action to inhibit in any way the areas agricultural use as farmland by other persons for production of crops unless substantive damages occur as the result of actual negligence.*

The following members; Alan Weitzel, David Jones, and Gary Parker, represent 102.5 of the 114 total votes of the Association membership.

IN WITNESS WHEREOF, Alan Weitzel has executed this Declaration this 18<sup>th</sup> day of NOVEMBER, 2016.

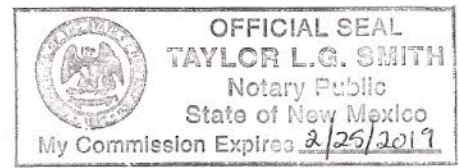
Alan Weitzel  
Alan Weitzel

STATE OF NEW MEXICO }  
} ss:  
COUNTY OF Bernalillo }

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of November, 2016 by Alan Weitzel.

Taylor L.G. Smith  
Notary Public

My commission expires:  
2/25/2019



IN WITNESS WHEREOF, David B. Jones has executed this Declaration this 29<sup>th</sup> day of NOVEMBER, 2016.

David B. Jones  
David B. Jones

STATE OF NEW MEXICO }  
} ss:  
COUNTY OF Sandoval }

The foregoing instrument was acknowledged before me this 29 day of November, 2016 by David B. Jones.

Brigitte Scott  
Notary Public

My commission expires:  
12.03.19

