



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

This Fifth Amendment of Protective Covenants, Conditions and Restrictions for Alary Farm Subdivision and Alary Farm Subdivision Phase II is made this 26 day of January, '22, 2022, 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 Alary Farm Subdivision Phase II**; 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 and Alary Farm Subdivision Phase II, as recorded in the office of the County Clerk on August 4, 2003, at Vol. 406, pages 127447-127455;

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. Article III, Section 22 entitled "Right to Farm" is hereby deleted with regard to Alary Farm Subdivision and Alary Farm Subdivision Phase II, and in its place substituted the following:
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 cultivation, processing, distribution, or sale of cannabis in any manner is prohibited other than concealed cultivation for personal use only as may be provided for by law.

The following members; Alan Weitzel, David B. Jones, Bruce Silver, and Gary Parker, represent 93.5 of the 104 total votes of the Association membership.

IN WITNESS WHEREOF, Alan Weitzel has executed this Declaration this 26TH day of JAN, 2022

[Signature]

Alan Weitzel

STATE OF NEW MEXICO }

} ss:

COUNTY OF Sandoval }

The foregoing instrument was acknowledged before me this 26 day of January, 2022 by Alan Weitzel.



My Commission Expires

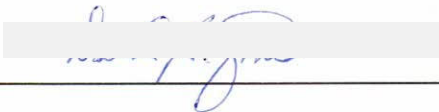
12.03.23

[Signature]
Notary Public

My commission expires:

12.03.23

IN WITNESS WHEREOF, David B. Jones has executed this Declaration this 27th day of JANUARY, 2022.



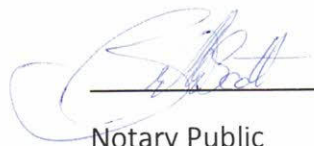
David B. Jones

STATE OF NEW MEXICO }

} ss:

COUNTY OF Sandoval }

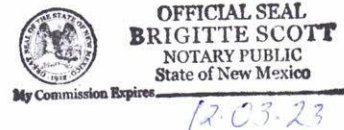
The foregoing instrument was acknowledged before me this 27 day of January, 2022 by David B. Jones.



Notary Public

My commission expires:

12.03.23




January, 2022.

1000

STATE OF NEW MEXICO }

COUNTY OF San Diego } ss:

The foregoing instrument was acknowledged before me this 27 day of January, 2022 by Bruce Silver.



Notary Public

My commission expires:




OFFICIAL SEAL
BRIGITTE SCOTT
NOTARY PUBLIC
State of New Mexico

My Commission Expires

12.03.23

12.03.23

IN WITNESS WHEREOF, Gary Parker has executed this Declaration this 17TH day of February, 2022.



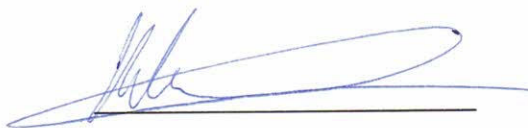
Gary Parker

STATE OF NEW MEXICO }

} ss:

COUNTY OF Bernalillo }

The foregoing instrument was acknowledged before me this 17th day of February, 2022 by Gary Parker.



Notary Public

My commission expires:

07/25/2024

