

Misc. BK 234

234/5524

STATE OF NEW MEXICO  
County of Grant  
I hereby certify that this instrument  
was filed for record on the 15  
day of Oct A.D., 1997  
at 3:00 o'clock P.M. and duly  
recorded in book 234  
of \_\_\_\_\_  
at page 5534 - 5534  
Witness my hand and seal of office  
COUNTY CLERK GRANT CO. NM

FIRST AMENDED DISCLOSURE STATEMENT

DOS GRIEGOS SUBDIVISION

SILVER CITY, GRANT COUNTY, NM

PLEASE READ THIS DISCLOSURE STATEMENT  
BEFORE YOU  
SIGN ANY DOCUMENTS OR AGREE TO ANYTHING

DISCLOSURE STATEMENT

This disclosure statement is intended to provide you with enough information to permit you to make an informed decision on the purchase or lease of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy or lease the described property. You should be aware of the fact that various state agencies may have issued opinions on both the subdivision proposal and what is said in this disclosure statement about the proposal. These opinions, when required to be issued, whether favorable or unfavorable, are contained in this disclosure statement and should be read carefully.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can satisfy what he has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. Further, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners asks that you pay particular attention to processes for road maintenance. Requirements to render roads eligible for County maintenance are very stringent.

County maintenance will be forthcoming only when the roads have been constructed in accordance with county ordinance standards and then only by a separate action of the County Commissioners.

Finally, the Board of County Commissioners recommend that you see the property before buying or leasing it. However, if you do not see the property prior to purchasing or leasing it, you have six months from the time of purchase or lease to inspect the property. Upon inspecting the property, you have 72 hours from the date of inspection to rescind the transaction and receive all of your money back from the subdivider. You must give the subdivider written notice of your intent to rescind within 72 hours of your inspection of the property. HUD, however, requires that you must visually inspect the property. Therefore, this requirement controls.

5525

I hereby certify that I received this disclosure statement prior to my (purchase)  
(lease) of Lot Description in Subdivision and that I received its contents prior to signing documents of (sale)  
(lease).

Name of Lot (Purchaser) (Lessor)

Date and Time Received

1. **NAME OF SUBDIVISION**  
Dos Griegos Unit 1
2. **NAME AND ADDRESS OF SUBDIVIDER**  
Dos Griegos Limited Partnership  
4601 Shadow Mountain Rd  
Silver City, NM 88061  
(505) 388-9343
3. **NAME AND ADDRESS OF PERSON IN CHARGE OF SALES IN NEW MEXICO**  
Dean Carris, Vice-President Dos Griegos Corporation, General Partner, Dos Griegos Limited Partnership  
4601 Shadow Mountain Rd  
Silver City, NM 88061  
(505) 388-9343
4. **SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED**

<u>PRESENT</u>	<u>ANTICIPATED</u>
3 parcels	22 parcels in Unit One(213 total parcels)
615 acres	605.13 acres
5. **SIZE OF LARGEST PARCEL OFFERED FOR SALE WITHIN UNIT ONE OF THE SUBDIVISION**  
7.612 ACRES
6. **SIZE OF SMALLEST PARCEL OFFERED FOR SALE WITHIN UNIT ONE OF THE SUBDIVISION**  
0.954 ACRES
7. **PROPOSED RANGE OF PRICES**  
Prices for lots in unit one will range from approximately \$45,000.00 to \$150,000.00. In addition to the purchase price of any lot and/or building within the subdivision, a fee of \$150.00 will be paid to the Homeowners' Association by the purchaser as an administrative fee and an acknowledgement of receipt and agreement to the Disclosure Statement and the Declaration of Rules and Covenants of the Dos Griegos Grant County Homeowners' Association. This

fee will be paid in perpetuity on every subsequent closing.

**8. FINANCING TERMS**

Lots will be purchased by cash, owner financing or lender financing.

**9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE**

Dos Griegos Limited Partnership  
4601 Shadow Mountain Rd  
Silver City, NM 88061

**10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE**

Dos Griegos Limited Partnership  
4601 Shadow Mountain Rd  
Silver City, NM 88061

**11. CONDITION OF TITLE**

Number of mortgages (affects parcel 3 only): 1  
Balance: Approximately \$200,000.00  
Name of mortgagee: CNO Corp.

**12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD SUBJECTING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING ITS USE OR OCCUPANCY**

Please refer to the Declaration of Rules and Covenants of the Dos Griegos Subdivision

**13. ESCROW AGENT**

None

**14. RE-SUBDIVISION**

No lot in the subdivision will be allowed to be further subdivided.

**15. UTILITIES**

Phone USWEST will be providing phone service. The related costs associated with hookups is unknown at this time

Power Texas-New Mexico Power Co will be providing power. The related costs associated with hookups is unknown at this time.

Water The Town of Silver City will be providing water The related costs of application fee and hookups is around \$1 500 00

Liquid Waste Please refer to paragraph #29

No natural gas is available at this time

16. **INSTALLATION OF UTILITIES**

At the time of completion of the applicable unit the utilities will be installed.

17. **UTILITY LOCATIONS**

All applicable utilities will be have access from the lot line of each parcel within the subdivision The power and phone lines will be located underground.

18. **WATER USE**

Water will be made available for domestic use and for commercial use on the lot designated by Dos Griegos as commercially zoned The amount of water to be used by all units of the Dos Griegos subdivision is delineated in the contract by and between the Town of Silver City and the subdivider dated the 16th of October, 1995 Said contract states that the Town of Silver City will provide 80 acre feet of water per year to not more than 226 users, comprising of approximately 213 individual households in the subdivision, approximately 7 commercial users and 6 additional users to be determined by the subdivider. Please refer to said contract which is attached hereto. The subdivider has also included in the restrictive covenants recommendations as to water use. Please refer to said recommendations. Please note that individual owners may find the need to install pressure reducing valves as part of their individual water lines Lot owners should verify the need for same with a professional prior to building.

19. **AMOUNT OF WATER**

The minimum daily quantity of water is 300 gallons. Water will be available to each lot by the time of completion of the applicable phase. Please also refer to paragraph 18

20. **WATER FOR FIRE PROTECTION**

The subdivider will provide adequate fire protection for the subdivision. Fire hydrants will be constructed and connected at the time of first occupancy. Also, please refer to paragraph 43 below regarding a fire substation.

**21. WATER DELIVERY**

Water will be delivered to lots via water mains and laterals.

**22. WATER SYSTEM EXTENSION**

Water lines will not be allowed to be extended prior to extension by subdivider.

**23. LIFE EXPECTANCY OF THE WATER SUPPLY**

Please refer to the Town of Silver City's 40 year water plan.

**24. WELLS NOTE**

No wells will be allowed to be drilled within the subdivision.

**25. SURFACE WATER**

Not applicable

**26. STATE ENGINEER'S OPINION ON WATER**

Enclosed for review

**27. WATER QUALITY**

Enclosed for review.

**28. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON WATER QUALITY**

Enclosed for review.

**29. LIQUID WASTE DISPOSAL**

A community maintained chlorinated septic and wetland system must be installed by a lot owner prior to construction on a lot within Unit One of the Dos Griegos Subdivision. The design of this system is attached herein and must be followed. Prior to construction a lot owner must submit to the Architectural Review Board, established as per the covenants of the Homeowners' Association, all plans for the structure including but not limited to the liquid waste system described therein. All submissions and approvals will be made pursuant to the covenants of the Association set forth therein. In addition, the lot owner must contact and receive approval from the New Mexico Environmental Department and from a licensed engineer. Once the system is approved and installed, the owner stipulates and agrees that the Homeowners' Association

will assume the maintenance of the system. The owner shall provide for an easement to the operator for maintenance. A level one licensed operator will be contracted with by the Association to maintain, inspect and repair the system. The normal maintenance charges associated with the system shall be billed to the Association and paid for through a quarterly assessment fee charged to each homeowner in addition to a 15% management fee. Any replacement of equipment will be the responsibility of each particular homeowner. In the event a homeowner does not timely repair the necessary equipment, the Homeowners' Association may repair it and levy a late fee in the maximum amount allowed by law, pay such invoice and exercise its rights to collect from the homeowner through any and all remedies available at law or in equity including but not limited to any lien and foreclosure rights which shall include fees and costs associated therewith.

The rules and covenants regarding this system are not to be amended by the Homeowners' Association without the express approval of the Grant County Board of Commissioners. This system was conditionally approved for Unit One of the subdivision as a variance to the existing subdivision regulations. The condition that at the conclusion of Unit One, the Environmental Department and the County Engineer/Consultant evaluate the liability of the system. If the system is determined to be inefficient or ineffective at the end of Unit One, or before the beginning of Unit Two, the variance will become void for the remainder of the subdivision. The subdivider has also placed as security with the county a \$10,000.00 escrow for the sole purpose of guaranteeing the maintenance of the individual system in the event of default on the part of the Homeowners' Association. This security does not release the Homeowners' Association or individual owners from their obligations stated herein.

\*\*\*\* The following language amending the Disclosure Statement and Liquid Waste Disposal to Phase One of the Dos Griegos Subdivision in Grant County, New Mexico, recorded on the 17th day of July, 1996, in Book 234, page 388-413, is hereby adopted:

The level of treatment we are proposing is equal to or better than the level we will accomplish with the already approved system design. Specifically, we are proposing that whatever system is proposed by an individual owner, must accomplish secondary treatment of wastewater, as well as nitrate treatment via plant absorption or some other method. We will still require Homeowners Association maintenance and the reuse of treated wastewater. Not rescinding any of the previous requirements.

30. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON LIQUID WASTE DISPOSAL

Enclosed for review.

**31. SOLID WASTE DISPOSAL**

All lot owners are to dispose of their solid waste in an approved sanitary landfill or to contract for solid waste collection services

**32. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON SOLID WASTE DISPOSAL**

Enclosed for review

**33. TERRAIN MANAGEMENT**

A terrain management report has been filed with the preliminary plat and is available for review upon request. As is common to this region, some soil types located in the subdivision pose limitations to residential development due to shallow depth to rock and shrink-swell characteristics. It is evident that the subdivision design has included a majority of less desirable soil areas into the open space, however some lots may include some limiting soil conditions. Please refer to the terrain management report on file at the Grant County Commissioner's Office for any further review.

**34. SOIL AND WATER CONSERVATION DISTRICT'S OPINION OF TERRAIN MANAGEMENT**

The Soil and Water Conservation District did not review this document but rather the County Engineer (Engineer Inc.) conducted the review and indicated their approval of same. Please note that an additional drainage easement has been platted across lots 173-176 in Unit 6.

**35. HISTORIC, ANTHROPOLOGICAL AND/OR ARCHAEOLOGICAL SITES**

None are known at this time.

**36. MINING**

None are known at this time.

**37. SUBDIVISION ACCESS**

Silver City, NM is located approximately one mile from the property along Swan Street  
Access will be made available by conventional vehicle and in all seasons.  
Each lot will have ensured access to a public road.  
All roads will be asphalt. Type B roadways. 1994 Grant County Subdivision Regulations. Swan Street and Cottonwood Roads will be 24 feet wide asphalt.

Vesuvius Way up to Aleco Drive will be 24 feet wide All other roads within the subdivision will be 20 feet wide

The roads will be completed at the time of completion of each phase

**38 STATE HIGHWAY DEPARTMENT S OPINION ON ACCESS**

Enclosed for review

**39. DEVELOPMENT**

Except for the walking paths the subdivider does not intend to provide for improvements to the open space

**40 MAINTENANCE**

Each lot owner will be required to maintain his/her property, follow the rules set forth in paragraph 29 regarding liquid waste, and construct his/her individual dwelling subject to the architectural requirements set forth in the Declaration of Covenants

The road surface has been designed by the subdivider above county standards (hot mix asphalt) for the purpose of quality and to allow for the acceptance for maintenance by the County All phases of road construction shall be stringently conducted and inspected by the subdivider. During road construction, the County will also regularly inspect its progress. At completion, the subdivider will make application for County acceptance of the roads for maintenance, however, the County may never accept responsibility for maintaining the roads. If the County chooses not to accept maintenance, the roads will be maintained by the Homeowners Association.

**41. ADVERSE CONDITIONS**

Other than the limitations set forth in paragraph 33 above, no adverse conditions exist

**42. RECREATIONAL FACILITIES**

Within all seven units of the subdivision, a total of 192.72 acres is being dedicated to the Homeowners' Association as community open space and is intended to be used for recreational purposes and for the beneficial use of all Dos Griegos Lot owners A total right of way of 40.72 acres is also being dedicated

Walking paths throughout the subdivision will be included in the open space and will be the property of the Grant County Dos Griegos Subdivision Homeowners' Association and subject to the rules, covenants and restrictions of

the Dos Griegos Subdivision. In addition, walking paths may exist along easements within lot lines of property owners. These are set forth in the plat recorded in the clerk's office of Grant County.

**43. FIRE PROTECTION**

The subdivision is within the Pinos Altos Volunteer Fire Protection District which exists on Pinos Altos Road in Pinos Altos, approximately 8 miles from the subdivision. Its route for service is along Pinos Altos Road, 32nd Street and Swan Street.

In addition, the subdivider will donate to the county 3/4 acres of land within the 3rd phase of the subdivision for the purpose of a fire substation for the Pinos Altos Volunteer Fire Department.

**44. POLICE PROTECTION**

The subdivision lies outside the corporate limits of the Town of Silver City, and therefore, it is under the jurisdiction of the County Sheriff's Department.

**45. PUBLIC SCHOOLS**

The nearest schools include La Plata Junior High and Silver High School, both of which are located just off Swan Street approximately 2 miles from the property.

**46. HOSPITALS**

The nearest hospital is located off 32nd Street approximately 2 1/2 miles from the subdivision.

**47. SHOPPING FACILITIES**

At the time of filing, the nearest shopping facility (Wal-Mart) is located approximately 5 miles from the property off of the 32nd Street bypass. Also, along with residential lots, Unit 3 of the Dos Griegos Subdivision consists of a lot of approximately 10 acres to be reserved by the subdivider for commercial use in the future.

**48. PUBLIC TRANSPORTATION**

The subdivision is not served by regular public transportation.

**49. COMPLETION DATES**

The roadways and all utilities will be constructed for Unit One on or before July

1. 1997.

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**50. RECORDATION OF DOCUMENTS**

All conveyances affecting title to parcels sold will be recordable form, including real estate contracts or memoranda thereof, and purchaser may record the instrument by which he acquired his interest and upon such recordation shall be entitled to the protection provided by Section 14-9-2 NMSA 1978 for the recordation of real property interests.

**51. INCORPORATION INTO DOCUMENT OF SALE**

This disclosure is hereby incorporated into the document of sale for

Lot Description

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Subdivider/Seller

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Lot Purchaser

