

# GAVILAN SUBDIVISION

LINCOLN COUNTY, NEW MEXICO

BEING A PART OF THE NE 1/4 SE 1/4, NW 1/4 SE 1/4,  
SW 1/4 NE 1/4, S 1/2 NW 1/4, SECTION 2 TOWNSHIP  
11 SOUTH, RANGE 13 EAST, NMPM, LINCOLN COUNTY,  
NEW MEXICO

JUNE 1981

176.838 Ac.

## DEDICATION

STATE OF NEW MEXICO) ss  
COUNTY OF LINCOLN )

KNOW ALL MEN BY THESE PRESENTS THAT WHITE MOUNTAIN DEVELOPMENT CO., INC., A NEW MEXICO CORPORATION, IS THE OWNER AND PROPRIETOR OF PORTIONS OF THE NE 1/4 SE 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4, S 1/2 NW 1/4, SECTION 2, TOWNSHIP 11 SOUTH, RANGE 13 EAST, NMPM, AND DO HEREBY CAUSE A PORTION OF THE ABOVE DESCRIBED LANDS TO BE SUBDIVIDED AND PLATTED AS SHOWN ON THE ACCOMPANYING PLAT AND SO HEREBY DESIGNATE SAID SUBDIVISION AS "GAVILAN SUBDIVISION, LINCOLN COUNTY, NEW MEXICO," AND IN RECORDING THESE PLATS DO CAUSE ALL STREETS AND EASEMENTS WITHIN THE BOUNDS OF THIS PLAT TO BE DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC. AN EASEMENT FOR UTILITIES, SEVEN AND ONE HALF (7 1/2) FEET IN WIDTH IS RESERVED ALONG EACH SIDE AND REAR LOT LINE FOR A TOTAL WIDTH OF FIFTEEN (15) FEET, EXCEPT ALONG ALL EXTERIOR SUBDIVISION BOUNDARIES WHERE AN EASEMENT FOR UTILITIES, FIFTEEN (15) FEET IN WIDTH IS RESERVED. BY THE FILING OF THIS PLAT, THE ROAD RIGHT OF WAY FOR EAGLE CREEK ROAD IN THE SW 1/4 NE 1/4 AND THE SE 1/4 NW 1/4 OF SAID SECTION 2 AS PREVIOUSLY FILED IS HEREBY REPLATTED TO THAT AS SHOWN FOR EAGLE CREEK ROAD ON THIS PLAT. SAID SUBDIVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

WHITE MOUNTAIN DEVELOPMENT CO., INC., A NEW MEXICO CORPORATION

ATTEST: William G. McCarty  
SECRETARY, WILLIAM G. McCARTY

BY: Douglas L. McBride  
PRESIDENT, DOUGLAS L. McBRIDE

## ACKNOWLEDGEMENT

STATE OF NEW MEXICO) ss  
COUNTY OF LINCOLN )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 9th DAY OF SEPT., 1981, BY DOUGLAS L. McBRIDE AND WILLIAM G. McCARTY BEING THE PRESIDENT AND SECRETARY RESPECTIVELY OF WHITE MOUNTAIN DEVELOPMENT CO., INC., A NEW MEXICO CORPORATION ON THE BEHALF OF SAID CORPORATION.

WITNESS MY HAND AND SEAL ON THIS DAY AND YEAR LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES: 8/6/84

Patricia L. Thompson  
NOTARY PUBLIC - NEW MEXICO  
NOTARIAL COMMISSION EXPIRES 8/6/84

## APPROVAL OF UTILITY EASEMENTS

UTILITY EASEMENTS AS SHOWN UPON THIS PLAT ARE HEREBY APPROVED BY THE TEXAS-NEW MEXICO POWER COMPANY ON THE 10 DAY OF Sept., 1981.

Donny P. Howell

Dist. Elmt. Super.  
TITLE

WITNESS MY HAND AND SEAL ON THIS DAY AND YEAR LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES: 3-20-82

Core Maud  
NOTARY PUBLIC

UTILITY EASEMENTS AS SHOWN UPON THIS PLAT ARE HEREBY APPROVED BY THE CONTINENTAL TELEPHONE OF THE WEST ON THE 10th DAY OF SEPT., 1981.

Danny Morrison

Dist. R.S.P. Des Mgr.  
TITLE

WITNESS MY HAND AND SEAL ON THIS DAY AND YEAR LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES: Aug 24, 1985

James L. Brown  
NOTARY PUBLIC

## CERTIFICATE OF COMPLIANCE

ACCEPTABLE SECURITY HAS BEEN FILED WITH THE COUNTY CLERK IN AN AMOUNT SUFFICIENT TO ASSURE COMPLETION OF REQUIRED IMPROVEMENTS WITHIN THIS SUBDIVISION.

Barry L. Hall  
CHAIRMAN, LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS

11-10-81  
DATE

## SURVEYORS CERTIFICATE

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR OF THE STATE OF NEW MEXICO, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY DIRECTION AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Darrell T. Collins  
DARRELL T. COLLINS, NEW MEXICO REGISTRATION NO. 4971

## NOTES:

1. THE RESTRICTIVE COVENANTS APPLICABLE TO THIS SUBDIVISION ARE FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN MISCELLANEOUS RECORDS, BOOK NO. 76 PAGE NO. 653-666.
2. THE DISCLOSURE STATEMENT APPLICABLE TO THIS SUBDIVISION ARE FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, IN MISCELLANEOUS RECORDS, BOOK NO. 76 PAGE NO. 623-652.
3. MINIMUM BUILDING SETBACKS APPLICABLE TO THIS SUBDIVISION ARE NOT SHOWN ON THIS PLAT. SETBACKS SHALL COMPLY WITH THE RESTRICTIVE COVENANTS FOR THIS SUBDIVISION.
4. BY THE FILING OF THIS PLAT, THE SUBDIVIDER AGREES TO BUILD THE ROADS IN THIS SUBDIVISION IN CONFORMANCE WITH COUNTY REGULATIONS.

## AFFIDAVIT

STATE OF NEW MEXICO) ss  
COUNTY OF LINCOLN )

THIS SUBDIVISION LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF LINCOLN COUNTY AND IS SUBJECT TO THE NEW MEXICO SUBDIVISION ACT.

THIS SUBDIVISION LIES WITHIN THE THREE MILE PLANNING AND PLATTING JURISDICTION OF THE VILLAGE OF RUIDOSO AND IS SUBJECT TO APPROVAL BY VILLAGE OF RUIDOSO OFFICIALS.

Darrell T. Collins  
DARRELL T. COLLINS, SURVEYOR

## APPROVAL BY THE VILLAGE OF RUIDOSO

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE VILLAGE OF RUIDOSO, NEW MEXICO, ON THE 10th DAY OF November, 1981.

ATTEST: W.S. Mitchell  
SECRETARY

Michael J. Whitson  
CHAIRMAN

APPROVED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO, NEW MEXICO, ON THE 10th DAY OF November, 1981.

ATTEST: Samuel M. Canady  
VILLAGE CLERK

Harold L. Kline  
MAYOR

## APPROVAL BY COUNTY OFFICIALS

APPROVED BY THE LINCOLN COUNTY PLANNING AND ZONING COMMISSION ON THE 10th DAY OF Nov., 1981.

ATTEST: Harold L. Kline  
SECRETARY

Barry L. Hall  
CHAIRMAN

THIS PLAT AND THE DEDICATION OF STREETS, UTILITY EASEMENTS AND DRAINAGE EASEMENTS WAS APPROVED BY THE LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS ON THE 10th DAY OF November, 1981.

ATTEST: Barry L. Hall  
COUNTY CLERK

Barry L. Hall  
CHAIRMAN

FILED FOR RECORD IN THE OFFICE OF THE CLERK OF LINCOLN COUNTY, NEW MEXICO, ON THE 3rd DAY OF December, 1981, IN CABINET D, SLIDE NO. 49 & 50.

BY: Barbara Langley  
DEPUTY

James M. Swane  
COUNTY CLERK

RECEIPT NUMBER 72468: FEE 10.00: TIME 1:45 P.M.

BURKE / COLLINS / ASSOCIATES, P.C.

CONSULTING ENGINEERS  
SURVEYORS  
ALAMOGORDO — NEW MEXICO — RUIDOSO  
80822



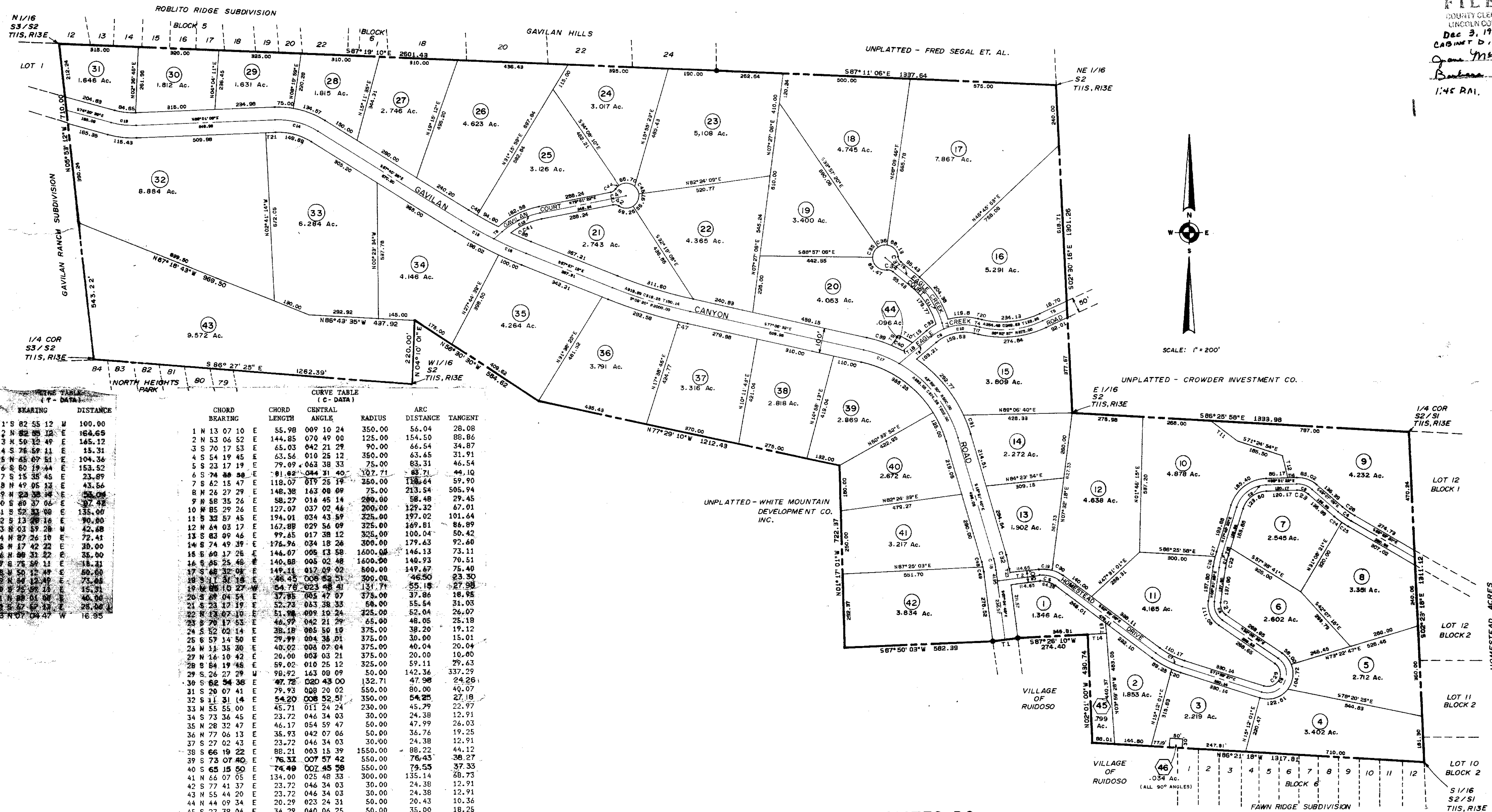
# GAVILAN SUBDIVISION

LINCOLN COUNTY, NEW MEXICO

BEING A PART OF THE NE 1/4 SE 1/4, NW 1/4 SE 1/4,  
SW 1/4 NE 1/4, S 1/2 NW 1/4, SECTION 2 TOWNSHIP  
11 SOUTH, RANGE 13 EAST, NMPM, LINCOLN COUNTY,  
NEW MEXICO

JUNE 1981

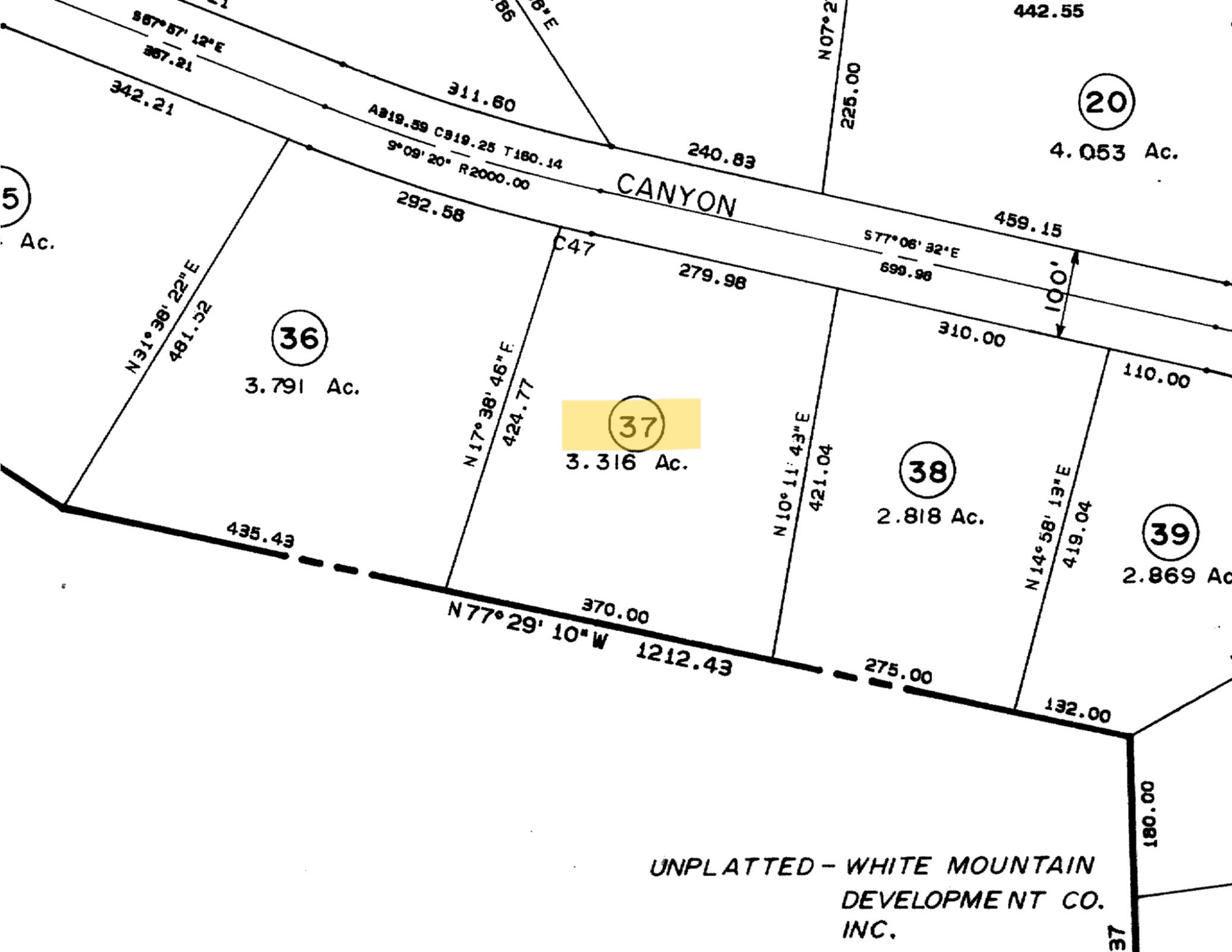
176.838 Ac.



FILED  
COUNTY CLERK OF  
LINCOLN COUNTY  
Dec 3, 1981  
CABINET D, Side 49150  
James M. Swann  
Barbara J. Swann  
1:45 AM, Rec. 12468  
Fee \$100

BEARING		DISTANCE		CHORD BEARING		CHORD LENGTH		CENTRAL ANGLE		RADIUS		ARC DISTANCE		TANGENT	
1	S 82° 55' 12"	W	100.00	1	N 13° 07' 10"	E	55.99	009° 10' 24"	350.00	56.04	28.08	1	N 13° 07' 10"	E	55.99
2	S 82° 55' 12"	E	166.65	2	N 53° 06' 52"	E	144.85	070° 49' 00"	125.00	154.50	88.86	2	N 53° 06' 52"	E	144.85
3	S 50° 12' 49"	E	165.12	3	S 70° 17' 53"	E	65.03	042° 21' 29"	90.00	66.54	34.87	3	S 70° 17' 53"	E	65.03
4	S 26° 59' 11"	E	131.31	4	S 54° 19' 45"	E	63.56	010° 25' 12"	360.00	63.65	31.91	4	S 54° 19' 45"	E	63.56
5	N 45° 09' 51"	E	104.36	5	S 23° 17' 19"	E	79.09	063° 38' 33"	75.00	83.31	46.54	5	S 23° 17' 19"	E	79.09
6	S 80° 19' 44"	E	153.52	6	S 74° 48' 50"	E	91.82	044° 31' 40"	107.71	85.71	44.10	6	S 74° 48' 50"	E	91.82
7	S 15° 35' 45"	E	23.89	7	S 62° 15' 47"	E	118.07	019° 25' 19"	350.00	136.64	59.90	7	S 62° 15' 47"	E	118.07
8	N 49° 05' 12"	E	43.56	8	N 26° 27' 29"	E	148.38	163° 08' 09"	75.00	213.54	505.94	8	N 26° 27' 29"	E	148.38
9	N 23° 38' 14"	E	55.09	9	N 58° 35' 26"	E	58.27	018° 45' 14"	280.00	58.48	29.45	9	N 58° 35' 26"	E	58.27
10	S 40° 37' 06"	E	97.42	10	N 05° 29' 26"	E	127.07	037° 02' 46"	200.00	125.32	67.01	10	N 05° 29' 26"	E	127.07
11	S 53° 33' 08"	E	135.00	11	S 33° 57' 45"	E	194.01	034° 43' 59"	325.00	197.02	101.64	11	S 33° 57' 45"	E	194.01
12	S 13° 20' 16"	E	90.80	12	N 44° 03' 17"	E	167.88	029° 56' 09"	325.00	169.81	86.89	12	N 44° 03' 17"	E	167.88
13	N 03° 39' 28"	E	42.88	13	S 83° 09' 46"	E	99.65	017° 38' 12"	325.00	100.04	50.42	13	S 83° 09' 46"	E	99.65
14	N 07° 26' 18"	E	72.41	14	S 74° 49' 39"	E	176.76	034° 18' 26"	300.00	179.63	92.60	14	S 74° 49' 39"	E	176.76
15	N 17° 42' 22"	E	38.00	15	S 60° 17' 26"	E	144.07	005° 13' 58"	1600.00	146.13	73.11	15	S 60° 17' 26"	E	144.07
16	N 00° 31' 22"	E	35.00	16	S 65° 25' 46"	E	140.88	005° 02' 48"	1600.00	140.73	70.51	16	S 65° 25' 46"	E	140.88
17	N 07° 59' 11"	E	18.31	17	S 45° 32' 08"	E	149.11	017° 02' 02"	860.00	149.67	75.40	17	S 45° 32' 08"	E	149.11
18	N 50° 12' 49"	E	59.80	18	S 17° 36' 27"	E	46.45	006° 52' 51"	300.00	46.50	23.30	18	S 17° 36' 27"	E	46.45
19	N 00° 12' 49"	E	75.88	19	S 00° 12' 49"	E	54.78	023° 48' 41"	131.71	55.18	27.98	19	S 00° 12' 49"	E	54.78
20	N 00° 12' 49"	E	15.31	20	S 00° 12' 49"	E	37.85	005° 47' 07"	375.00	37.86	18.95	20	S 00° 12' 49"	E	37.85
21	N 00° 12' 49"	E	25.00	21	S 23° 17' 19"	E	52.73	063° 38' 33"	50.00	55.54	31.03	21	S 23° 17' 19"	E	52.73
22	N 00° 12' 49"	E	16.35	22	N 13° 07' 10"	E	51.98	009° 10' 24"	325.00	52.04	26.07	22	N 13° 07' 10"	E	51.98
23	S 70° 17' 53"	E	46.99	23	S 70° 17' 53"	E	46.99	042° 21' 29"	65.00	48.05	25.18	23	S 70° 17' 53"	E	46.99
24	S 52° 02' 14"	E	38.18	24	S 52° 02' 14"	E	38.18	065° 59' 19"	375.00	38.20	19.12	24	S 52° 02' 14"	E	38.18
25	S 57° 14' 56"	E	29.99	25	S 57° 14' 56"	E	29.99	004° 38' 01"	375.00	30.00	15.01	25	S 57° 14' 56"	E	29.99
26	N 14° 35' 20"	E	40.02	26	N 14° 35' 20"	E	40.02	003° 07' 04"	375.00	40.04	20.04	26	N 14° 35' 20"	E	40.02
27	N 14° 10' 42"	E	20.00	27	N 14° 10' 42"	E	20.00	003° 03' 21"	375.00	20.00	10.00	27	N 14° 10' 42"	E	20.00
28	S 64° 19' 46"	E	59.02	28	S 64° 19' 46"	E	59.02	010° 25' 12"	325.00	59.11	29.63	28	S 64° 19' 46"	E	59.02
29	S 26° 27' 29"	E	98.92	29	S 26° 27' 29"	E	98.92	163° 08' 09"	50.00	142.36	337.29	29	S 26° 27' 29"	E	98.92
30	S 62° 54' 36"	E	47.72	30	S 62° 54' 36"	E	47.72	020° 43' 00"	132.71	47.98	24.26	30	S 62° 54' 36"	E	47.72
31	S 20° 07' 41"	E	79.93	31	S 20° 07' 41"	E	79.93	008° 20' 02"	550.00	80.00	40.07	31	S 20° 07' 41"	E	79.93
32	S 11° 31' 14"	E	54.20	32	S 11° 31' 14"	E	54.20	008° 52' 51"	350.00	54.25	27.18	32	S 11° 31' 14"	E	54.20
33	N 55° 55' 00"	E	45.71	33	N 55° 55' 00"	E	45.71	011° 24' 24"	230.00	45.79	22.97	33	N 55° 55' 00"	E	45.71
34	S 73° 36' 45"	E	23.72	34	S 73° 36' 45"	E	23.72	046° 34' 03"	30.00	24.38	12.91	34	S 73° 36' 45"	E	23.72
35	N 28° 32' 47"	E	46.17	35	N 28° 32' 47"	E	46.17	054° 59' 47"	50.00	47.99	26.03	35	N 28° 32' 47"	E	46.17
36	N 77° 06' 13"	E	35.93	36	N 77° 06' 13"	E	35.93	042° 07' 06"	50.00	36.76	19.25	36	N 77° 06' 13"	E	35.93
37	S 27° 02' 43"	E	23.72	37	S 27° 02' 43"	E	23.72	046° 34' 03"	30.00	24.38	12.91	37	S 27° 02' 43"	E	23.72
38	S 66° 19' 22"	E	88.21	38	S 66° 19' 22"	E	88.21	003° 15' 39"	1550.00	88.22	44.12	38	S 66° 19' 22"	E	88.21
39	S 73° 07' 40"	E	76.33	39	S 73° 07' 40"	E	76.33	007° 57' 42"	550.00	76.43	38.07	39	S 73° 07' 40"	E	76.33
40	S 65° 19' 00"	E	74.49	40	S 65° 19' 00"	E	74.49	002° 45' 58"	550.00	74.55	37.33	40	S 65° 19' 00"	E	74.49
41	N 66° 07' 05"	E	134.00	41	N 66° 07' 05"	E	134.00	025° 48' 33"	300.00	135.14	68.73	41	N 66° 07' 05"	E	134.00
42	S 77° 41' 37"	E	23.72	42	S 77° 41' 37"	E	23.72	046° 34' 03"	30.00	24.38	12.91	42	S 77° 41' 37"	E	23.72
43	N 55° 44' 20"	E	23.72	43	N 55° 44' 20"	E	23.72	046° 34' 03"	30.00	24.38	12.91	43	N 55° 44' 20"	E	23.72
44	N 44° 09' 34"	E	20.29	44	N 44° 09' 34"	E	20.29	023° 24' 31"	50.00	20.43	10.36	44	N 44° 09' 34"	E	20.29
45	S 27° 39' 04"	E	34.29	45	S 27° 39' 04"	E	34.29	040° 06' 25"	50.00	35.00	18.25	45	S 27° 39' 04"	E	34.29
46	S 58° 24' 48"	E	40.00	46	S 58° 24' 48"	E	40.00	001° 28' 43"	1550.00	40.00	20.00	46	S 58° 24' 48"	E	40.00
47	S 76° 37' 11"	E	35.00	47	S 76° 37' 11"	E	35.00	000° 58' 42"	2050.00	35.00	17.50	47	S 76° 37' 11"	E	35.00
48	S 13° 41' 52"	E	19.75	48	S 13° 41' 52"	E	19.75	004° 31' 35"	2500.00	19.75	9.88	48	S 13° 41' 52"	E	19.75
49	S 09° 15' 26"	E	19.00	49	S 09° 15' 26"	E	19.00	004° 21' 16"	250.00	19.00	9.50	49	S 09° 15' 26"	E	19.00

BURKE / COLLINS / ASSOCIATES, P.C.  
CONSULTING ENGINEERS  
SURVEYORS  
ALAN BURKE  
NEW MEXICO  
90822  
RUIDOSO





EASEMENT DISTANCE LEGEND  
(123.45') = DISTANCE FROM PROPERTY CORNER TO  
SOUTH BOUNDARY OF EASEMENT  
(\*123.45') = DISTANCE FROM PROPERTY CORNER TO  
CENTERLINE OF EASEMENT

SURVEYOR'S NOTE:  
THE MONUMENTS SHOWN HEREON HAVE BEEN TIED AND SHOWN HEREON AS FIELD  
MEASUREMENTS. THIS PLAT DOES NOT SUPERCEDE THE RECORD DIMENSIONS OF  
SAID LOTS. THIS PLAT IS SOLELY A GRANT OF EASEMENT FOR THE COMMON  
DRIVEWAY CONSTRUCTED THROUGH SAID LOTS.

FLOOD CERTIFICATE:  
THE NORTHERN AREA OF LOTS 32-36, WITHIN THE GAVILAN CANYON  
DRAINAGE ARROYO, IS LOCATED IN A SPECIAL FLOOD HAZARD AREA,  
AS SHOWN ON THE LINCOLN COUNTY FEMA FLOOD MAPS DATED  
NOVEMBER 16, 2011. ANY DEVELOPMENT WITHIN THIS FLOOD AREA  
IS SUBJECT TO THE LINCOLN COUNTY FLOOD ORDINANCE AND FEMA  
REGULATIONS.

POINT LEGEND  
● FND 1/2" REBAR W/ORIG CAP  
● FND 1/2" REBAR  
△ FND 3/8" REBAR  
○ FND 1/2" REBAR W/CAP LS#4971  
□ FND 5/8" REBAR  
○ SET 1/2" REBAR W/CAP LS#18077

SCALE 1" = 200'  
0 100 200 300 400  
SCALE IN FEET  
R=RECORD F=FIELD

**GRANT OF COMMON DRIVEWAY EASEMENT**  
**WITHIN LOTS 32 - 42, GAVILAN SUBDIVISION,**  
**LINCOLN COUNTY, NEW MEXICO**  
**AS SHOWN BY THE PLAT THEREOF FILED IN THE OFFICE OF THE**  
**COUNTY CLERK AND EX-OFFICIO RECORDER OF LINCOLN COUNTY, NEW**  
**MEXICO ON DECEMBER 5, 1981 IN CABINET D, SLIDE NO. 49 AND 50**  
**AND**  
**LOT 3 AND 4, WHITE MOUNTAIN MEADOWS, UNIT 5,**  
**RUIDOSO, LINCOLN COUNTY, NEW MEXICO**  
**AS SHOWN BY THE PLAT THEREOF FILED IN THE OFFICE OF THE**  
**COUNTY CLERK AND EX-OFFICIO RECORDER OF LINCOLN COUNTY, NEW**  
**MEXICO ON MAY 19, 2008 IN CABINET J, SLIDE NO. 117**

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	53°10'48"	85.00	78.89	N 85°02'34" W	76.09
C2	58°34'23"	250.00	255.57	N 82°20'46" W	244.59
C3	29°39'39"	150.00	77.65	N 67°53'25" W	76.79
C4	33°00'43"	150.00	86.43	N 66°12'53" W	85.23
C5	23°09'43"	150.00	60.64	N 80°47'02" W	60.23

NUMBER	DIRECTION	DISTANCE
T1	N 58°27'10" W	30.86'
T2	S 68°22'02" W	27.10'
T3	N 53°03'35" W	83.59'
T4	N 82°43'14" W	142.31'
T5	N 49°42'31" W	51.39'
T6	N 56°58'44" W	187.51'
T7	N 64°03'55" W	120.31'
T8	N 69°12'10" W	97.35'
T9	S 87°38'06" W	118.66'
T10	N 73°56'37" W	328.05'
T11	N 56°58'44" W	126.43'
T12	N 88°40'59" E	39.84'
T13	S 57°38'49" E	304.87'
T14	S 63°14'37" E	100.05'
T15	S 67°57'07" E	341.91'
T16	S 77°02'57" E	279.98'
T17	S 77°10'29" E	310.04'
T18	S 15°54'09" E	280.07'
T19	S 07°04'55" E	278.50'
T20	S 04°18'28" W	219.94'

A COMMON APPURTENANT DRIVEWAY EASEMENT IS HEREBY RESERVED FOR THE OWNERS OF LOTS 32 - 42, GAVILAN SUBDIVISION, LINCOLN COUNTY, NEW MEXICO AS SHOWN BY THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK AND EX-OFFICIO RECORDER OF LINCOLN COUNTY, NEW MEXICO ON DECEMBER 5, 1981 IN CABINET D, SLIDE NO. 49 AND 50 IN THE DIMENSIONS SHOWN AND WITHIN THE LOTS SHOWN HEREON.

SAID COMMON DRIVEWAY EASEMENT IS FOR THE JOINT USE AND BENEFIT OF THE EXISTING AND SUBSEQUENT OWNERS OF SAID LANDS, THEIR HEIRS AND ASSIGNS AND IS NOT TO BE CLOSED OR HAVE ANY STRUCTURES BUILT UPON SAID EASEMENT. NO GATES MAY BE CONSTRUCTED WITHIN SAID EASEMENT THAT WOULD OBSTRUCT THE TRAVEL ON SAID COMMON EASEMENT. SAID EASEMENT INCLUDES THE RIGHT OF PUBLIC SAFETY VEHICLES INCLUDING POLICE, FIRE AND AMBULANCE, TO UTILIZE SAID EASEMENT AS NEEDED.

IT IS INTENDED THAT THE EASEMENT HEREBY CREATED AND GRANTED IS A COVENANT RUNNING WITH THE LAND. THE EASEMENT THUS CREATED AND GRANTED SHALL CONTINUE SO LONG AS IS NECESSARY, UNLESS SOONER TERMINATED BY MUTUAL WRITTEN AGREEMENT OF ALL OF THE OWNERS AND PURCHASERS AFFECTED BY SAID EASEMENT.

ALL CONVEYANCES OF SAID LANDS SHALL BE SUBJECT TO THIS EASEMENT WHETHER OR NOT THE SAME IS EMBODIED IN THE CONVEYANCE OR OTHER INSTRUMENTS AFFECTING TITLE THERETO.

MAINTENANCE  
MAINTENANCE OF SAID EASEMENT IS THE SHARED RESPONSIBILITY OF THE OWNERS OF SAID LOTS UTILIZING THE EASEMENT. LOT 3 AND 4 OF WHITE MOUNTAIN MEADOWS, UNIT 5, ACCESS THEIR LOTS FROM TOPSIDE DRIVE AND WILL NOT BE RESPONSIBLE FOR ANY MAINTENANCE ON THE EASEMENT ROADS.

LIABILITY  
GRANTEES WILL INDEMNIFY AND HOLD HARMLESS GRANTOR FROM ANY LIABILITY OR EXPENSE ARISING FROM INJURY, DEATH OR PROPERTY DAMAGE ON THE EASEMENT CAUSED BY THE USE OR IMPROVEMENT OF THE EASEMENT BY GRANTEE OR GRANTEE'S EMPLOYEES, AGENTS, LICENSEES, GUESTS, FAMILY MEMBERS OR INVITEES.

LIMITATION ON INDEMNITY  
TO THE EXTENT THAT SECTION 56-7-1 NMSA 1978 APPLIES TO THIS AGREEMENT, THE INDEMNITY CONTAINED IN THIS AGREEMENT WILL NOT EXTEND TO CLAIMS, DAMAGES, LOSSES OR EXPENSES, INCLUDING ATTORNEYS' FEES, ARISING OUT OF BODILY INJURY OR DEATH, OR TO INJURY TO OR DESTRUCTION OF TANGIBLE PROPERTY, CAUSED BY OR RESULTING FROM, IN WHOLE OR IN PART, THE NEGLIGENCE, ACT OR OMISSION OF THE INDEMNITY'S EMPLOYEES, AGENTS, LICENSEES, GUESTS, FAMILY MEMBERS OR INVITEES.

SAID EASEMENT IS GRANTED BY THE WHITE MOUNTAIN DEVELOPMENT COMPANY, INC., A NEW MEXICO CORPORATION, THE OWNER OF THE LOTS SHOWN HEREON.

WHITE MOUNTAIN DEVELOPMENT COMPANY, INC.  
A NEW MEXICO CORPORATION

WILLIAM G. MCCARTY, VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF New Mexico ) SS  
COUNTY OF Lincoln ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 2nd DAY OF May, 2012, BY WILLIAM G. MCCARTY, VICE-PRESIDENT OF WHITE MOUNTAIN DEVELOPMENT COMPANY, INC. ON BEHALF OF SAID CORPORATION.

MY COMMISSION EXPIRES: 3/26/2016

OFFICIAL SEAL

T. Dyer

NOTARY PUBLIC

STATE OF NEW MEXICO

My Commission Expires: 3-26-2016

SURVEYOR'S CERTIFICATE

I, ERIC E. COLLINS, NEW MEXICO PROFESSIONAL SURVEYOR NUMBER 18077, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT THIS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

2-7-12  
DATE OF SURVEY

ERIC E. COLLINS, NMPS NO. 18077

D.T. COLLINS & ASSOCIATES P.C.  
SURVEYING, MAPPING  
1042 MECHEM DR. 575-258-5272  
RUIDOSO, LINCOLN COUNTY, NEW MEXICO

SCALE: 1"=200'  
DATE: 02-06-12  
DRAWN BY: EEC  
CHECKED BY: EEC  
JOB NO.: 11-756  
SHEET 1 OF 1

COUNTY CLERK  
CLERK  
LINCOLN COUNTY, NM

COUNTY CLERK SEAL

LINCOLN COUNTY - NM  
RHONDA B. BURROWS, CLERK  
201202814  
Book C-J Page 730  
1 of 1  
05/03/2012 01:11:42 PM

COUNTY CLERK FILING INFO

WHITE MTN DEVELOPMENT  
OWNER OF PROPERTY  
2 SECTION T 11 S R 13 E N.M.P.M.  
TOWNSHIP RANGE  
INDEXING INFORMATION FOR COUNTY CLERK

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 of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy 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 have 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.

Finally, the Board of County Commissioners recommends that you see the property before buying it. However, if you do not see the property prior to purchasing it, you have six months from the time of purchase to inspect the property. Upon inspecting the property, you have seven days from the date of inspection to rescind the transaction and receive all of your money back from the subdivider. You must give the subdivider notice of your intent to rescind within seven days of your inspection of the property.

### GAVILAN SUBDIVISION

LINCOLN COUNTY, NEW MEXICO

By signing this receipt you acknowledge that you have received a copy of the Disclosure Statement covering GAVILAN SUBDIVISION.

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ STATE \_\_\_\_\_

# DISCLOSURE STATEMENT

1. NAME OF SUBDIVISION

GAVILAN SUBDIVISION  
(Name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER

WHITE MOUNTAIN DEVELOPMENT CO., INC.  
(Name)

P.O. BOX 55 - RUIDOSO, NEW MEXICO 88345  
(Address)

3. NAME AND ADDRESS OF PERSON(S) IN CHARGE OF SALES OR LEASING IN NEW MEXICO

LUCILLE McCARTY, BROKER / WILLIAM G. McCARTY, SALESMAN AND GENERAL MANAGER  
(Name)

P.O. BOX 55 - RUIDOSO, NEW MEXICO 88345  
(Address)

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

Present

Anticipated

46  
(Number of parcels)

NO FURTHER DEVELOPMENT PLANNED FOR THIS  
(Number of parcels) SUBDIVISION.

176.838  
(Number of acres in subdivision)

NO FURTHER DEVELOPMENT PLANNED FOR THIS  
(Number of acres in subdivision) SUBDIVISION

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION

LOT 43, 9.572 ACRES  
(Size of largest parcel in acres)

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION

LOT 1, 1.346 ACRES (LOTS 44, 45 & 46 ARE SMALLER LOTS. SAID LOTS WILL NOT BE  
(Size of smallest parcel in acres) OFFERED TO THE GENERAL PUBLIC FOR SALE.

7. PROPOSED RANGE OF SELLING OR LEASING PRICES

25,000  
(lowest amount)

1.646  
(Size of parcel sold or leased)

150,000  
(highest amount)

9.572 ACRES  
(Size of parcel sold or leased)

624

8. FINANCING TERMS  
IF PAID IN FIVE YEARS - MONTHLY PAYMENTS INCLUDING NOT MORE THAN 12% INTEREST  
PER ANNUM ON UNPAID BALANCE  
(interest-annual percentage rate or discount)

20% DOWN, NEW MEXICO REAL ESTATE CONTRACT AND DEED, MORTGAGE AND NOTE  
(Minimum cash down payment)

NO AMOUNT WILL BE PAID AS A DISCOUNT  
(Amount paid as a discount)

SELLER PAYS ALL ESCROW FEES  
(Service charges)

CLOSING COSTS ARE AS FOLLOWS: TITLE POLICY TO BE PROVIDED AT EXPENSE OF  
SELLER, AS WELL AS TITLE BINDER; SELLER PAYS COST OF SURVEY IF REQUIRED;  
ALL CLOSING COSTS AND RECORDING FEES ARE PAID BY SELLER.  
(Closing costs)

A STANDARD TRUTH IN LENDING FORM IS USED FOR ALL TIME SALES. CONTRACT  
SETS OUT SELLER'S CONTRACTUAL OBLIGATION TO COMPLETE PROMISED FACILITIES.

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE:

WHITE MOUNTAIN DEVELOPMENT CO., INC. - P. O. BOX 55, RUIDOSO, NEW MEXICO 88345  
(Name of person who is recorded as having legal title)

PRESIDENT - DOUGLAS L. McBRIDE

VICE PRESIDENT - LUCILLE McCARTY

VICE PRESIDENT - WILLIAM G. McCARTY

VICE PRESIDENT - BEULAH I. HANSON

SECRETARY - WILLIAM G. McCARTY

NOTE: If any of the persons named above is a corporation, please  
set out here the names and address of all officers in that  
corporation.

NONE

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

WHITE MOUNTAIN DEVELOPMENT CO., INC.  
(Name of person recorded as having equitable title)

P.O. BOX 55 - RUIDOSO, NEW MEXICO 88345  
(Address)

11. CONDITION OF TITLE

TITLE IS HELD IN THE NAME OF WHITE MOUNTAIN DEVELOPMENT CO., INC.  
THERE ARE NO MORTGAGES ON THE PROPERTY.

0  
(number of mortgages)

1981 PROPERTY TAXES HAVE BEEN PAID, TOGETHER WITH ALL PRIOR YEARS.  
(Are all property taxes paid?)

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

THIS SUBDIVISION IS COVERED BY RESTRICTIVE COVENANTS WHICH ARE ATTACHED

(Include here or by attachment all deed and plat restrictions affecting  
the subdivided land)

13. ESCROW AGENT:

RUIDOSO STATE BANK  
(Name)

DRAWER B, RUIDOSO, NEW MEXICO 88345  
(Address)

WILLIAM G. McCARTY IS ON THE BOARD OF DIRECTORS AS AN ADVISORY DIRECTOR  
(Statement about whether or not the subdivider has any interest or financial ties with the escrow agent)



#### 14. UTILITIES

TELEPHONE SERVICES ARE PROVIDED BY THE CONTINENTAL TELEPHONE COMPANY OF THE WEST. THE DEVELOPER WILL ARRANGE FOR A TRUNK LINE TO BE INSTALLED TO A PROPERTY CORNER OR IN THE ADJACENT ROADWAY OF ALL LOTS. THE INDIVIDUAL PROPERTY OWNER IS RESPONSIBLE FOR APPLICATION TO THE PHONE COMPANY FOR INSTALLATION OF PHONE SERVICE ON EACH LOT. THE PHONE COMPANY WILL CHARGE THE LOT OWNER ITS STANDARD FEE FOR PHONE INSTALLATION. AT THE PRESENT TIME, THIS FEE IS \$37.90.

ELECTRICITY IS FURNISHED BY THE TEXAS-NEW MEXICO POWER COMPANY. THE DEVELOPER WILL ARRANGE FOR OVERHEAD OR UNDERGROUND (SEE PARAGRAPH 16) ELECTRIC SERVICE TO BE INSTALLED TO PROVIDE SERVICE TO A PROPERTY CORNER OR IN THE ADJACENT ROADWAY OR UTILITY EASEMENT OF ALL LOTS. THE INDIVIDUAL PROPERTY OWNER IS RESPONSIBLE FOR APPLICATION TO THE ELECTRIC COMPANY FOR INSTALLATION OF ELECTRIC SERVICE TO EACH LOT. THE ELECTRIC COMPANY WILL CHARGE THE LOT OWNER A STANDARD FEE FOR ELECTRIC INSTALLATION. AT PRESENT, THIS FEE IS \$30.00. YOUR ELECTRIC CONTRACTOR WILL CHARGE YOU FOR EXTENDING ELECTRIC SERVICE FROM YOUR PROPERTY CORNER OR THE ADJACENT ROADWAY TO THE BUILDING SITE WITHIN YOUR LOT.

TV CABLE IS FURNISHED BY CABLEVISION OF LINCOLN COUNTY, INC. THE DEVELOPER WILL ARRANGE FOR UNDERGROUND CABLE TO BE INSTALLED TO A PROPERTY CORNER OR IN THE ADJACENT ROADWAY OR UTILITY EASEMENT OF ALL LOTS. THE CABLE COMPANY WILL CHARGE THE LOT OWNER A STANDARD FEE FOR CABLE INSTALLATION TO A RESIDENCE WITHIN HIS LOT. AT PRESENT THIS FEE IS \$20.90.

NATURAL GAS SERVICE WILL NOT BE PROVIDED BY THE DEVELOPER NOR WILL IT BE AVAILABLE. BUTANE WILL BE DELIVERED TO EACH LOT BY A PRIVATE COMPANY. EACH PROPERTY OWNER WILL BE REQUIRED TO MAKE HIS OWN ARRANGEMENT ON AN INDIVIDUAL BASIS IF YOU CHOOSE TO USE BUTANE GAS.

ALL SOLID WASTE FOR THE SUBDIVISION WILL BE DISPOSED OF AT THE LINCOLN COUNTY FORT STANTON SANITARY LANDFILL.

EACH LOT PURCHASER SHALL PROVIDE HIS OWN LIQUID WASTE DISPOSAL SYSTEM. THE ANTICIPATED TYPE SYSTEM REQUIRED FOR LOTS IS EXPLAINED IN PARAGRAPH 25 OF THIS REPORT. THE ACTUAL COST WILL VARY DEPENDING ON THE TYPE, DEGREE OF SOPHISTICATION AND LOCATION OF THE SYSTEM. ESTIMATED COSTS ARE AS FOLLOWS: SEPTIC TANKS AND NECESSARY APPURTENANCES -- \$800 to \$3,000; PACKAGE TREATMENT PLANTS AND NECESSARY APPURTENANCES -- \$2,000 to \$6,000. LOT 43 WILL PROBABLY REQUIRE A SECONDARY SEWAGE TREATMENT PLANT. COST OF THE PLANT AND NECESSARY APPURTENANCES WILL DEPEND UPON THE NUMBER OF UNITS SERVED, LOCATION AND TYPE OF SYSTEM. COSTS CAN VARY FROM \$30,000.00 TO \$500,000.00.

IF EID REQUIRES A PACKAGE TREATMENT PLANT OR A SECONDARY SEWAGE TREATMENT PLANT, IT WILL HAVE TO BE DESIGNED BY A NEW MEXICO REGISTERED ENGINEER. THE ENGINEER'S FEE WILL RANGE FROM \$100 TO AS MUCH AS 25 PERCENT OF THE CONSTRUCTION COST.

EACH LOT PURCHASER SHALL PROVIDE FOR WATER FOR EACH LOT. (SEE PARAGRAPH 17 OF THIS REPORT) THE ESTIMATED COST OF A WELL AND NECESSARY APPURTENANCES WILL BE IN THE RANGE OF \$4,000 to \$10,000.

15. INSTALLATION OF UTILITIES

Include here the date each utility will be available for use by the owner if the subdivider is providing for utilities.

ELECTRIC, TELEVISION CABLE AND TELEPHONE SERVICE WILL BE SUPPLIED BY THE OWNER TO  
A POINT ON THE BOUNDARY OF EACH LOT. THIS SERVICE WILL BE AVAILABLE WITHIN ONE  
YEAR OF THE FILING OF THE PLAT FOR THIS SUBDIVISION. EACH LOT PURCHASER MUST  
ARRANGE AND PAY FOR UTILITY SERVICE INTO EACH LOT.

16. UTILITY LOCATION

UTILITIES WILL BE FURNISHED TO A POINT ON THE BOUNDARY OF EACH LOT.  
UTILITY EASEMENTS ARE SHOWN ON PLAT. ALL LOTS ARE ACCESSIBLE FOR UTILITIES.  
UTILITIES WITHIN EACH LOT MUST BE ARRANGED AND PAID FOR BY THE PURCHASER OF EACH LOT.  
(If all utilities are to be provided to each parcel in the subdivision, please  
make that statement here)

EXISTING OVERHEAD UTILITY LINES WILL REMAIN, OTHER ELECTRIC, TELEVISION CABLE AND  
TELEPHONE LINES WILL BE OVERHEAD OR UNDERGROUND AS DETERMINED BY THE DEVELOPER  
AND UTILITY COMPANY POLICIES.

(State here if each of the utilities to be provided will be located above or  
underground)

17. WATER USE

Include here whether or not there will be water for domestic use, commercial  
use or recreational use, and include any limitation, physical or legal,  
anticipated for each use indicated.

<u>OWNER WILL MAKE HIS OWN</u>	<u>A PERMIT FROM THE STATE ENGINEER</u>	<u>OWNER</u>
<u>ARRANGEMENT FOR DOMESTIC</u>	<u>IS REQUIRED FOR THE DRILLING OF</u>	<u>(Indicate</u>
<u>WATER.</u>	<u>WELL FOR DOMESTIC USE. THE PERMIT</u>	<u>whether sub-</u>
	<u>IS LIMITED TO A DIVERSION OF A</u>	<u>divider or</u>
	<u>3 ACRE-FEET/YEAR WHICH MAY BE</u>	<u>owner will</u>
	<u>USED TO IRRIGATE NOT MORE THAN</u>	<u>provide)</u>
	<u>1 ACRE OF NON-COMMERCIAL TREES,</u>	
	<u>LAWN OR GARDEN AND FOR HOUSEHOLD</u>	
	<u>OR DOMESTIC USE.</u>	

NONE  
(Commercial use)

N/A  
(Limit, if any)

( " " " )

NONE  
(Recreational use)

N/A  
(Limit, if any)

( " " " )

LOT OWNER WILL PROVIDE HIS OWN WATER

(Indicate whether subdivider or owner will provide the water)

18. AMOUNT OF WATER

If the subdivider is to provide water for any users he shall provide the following information:

NOT APPLICABLE  
(Minimum daily quantity of water to be provided for each parcel and for each proposed use)

NOT APPLICABLE  
(The date on which water will be made available to each parcel and for each proposed use)

19. WATER DELIVERY

NONE  
(Describe the means of water delivery within the subdivision, if any)

20. WATER SUPPLY EXTENSION

NO PROVISIONS MADE - DOES NOT APPLY  
(State what the prospective owner will be required to pay for the extension of water to his parcel if he wants water prior to the date scheduled by the subdivision)

21. LIFE EXPECTANCY OF THE WATER SUPPLY

WHEN SUBDIVISION FULLY DEVELOPED: 40 YEARS  
(Include the life expectancy of each source of water supply under full development of the subdivision accordance to the guidelines of the State Engineer's Office)

22. WELLS - NOTE: PROSPECTIVE OWNERS MUST PROVIDE THEIR OWN WELLS

THE MINIMUM, AVERAGE, MAXIMUM DEPTHS TO WATER WITHIN THE SUBDIVISION ARE 40 FEET, 120 FEET AND 300 FEET RESPECTIVELY.

(Average, maximum, and minimum depth of water in the subdivision if the water is available only from subterranean sources)  
FROM 120 FEET TO 380 FEET  
(Estimated total depth of well)  
5 - 20 GPM IN THE MESA VERDE FORMATION  
6 - 75 GPM IN THE MANCOS SHALE FORMATION  
(Estimated yield in gallons per minute of wells completed to estimated total depths)

A ONE HSP SUBMERSIBLE PUMP SET AT LEAST 50 FEET BELOW THE WATER LEVEL  
IN THE WELL SHOULD PRODUCE 5 GPM WHICH IS SUFFICIENT FOR DOMESTIC PURPOSES.

(Estimated pump settings and size)

WELLS WILL BE COMPLETED IN THE MESA VERDE OR THE MANCOS SHALE FORMATIONS.  
THE MESA VERDE FORMATION CONTAINS SANDSTONE, LIMESTONE, SILTSTONE, SHALE  
AND COAL. THE MANCOS SHALE FORMATION CONTAINS SHALE, LIMESTONE & SANDSTONE.  
(Lithological characteristics of formations through which well is to be  
completed)

23. SURFACE WATER:

N/A - NO WATER OBTAINED FROM SURFACE

(State the source and yield of the surface water supply)

24A. STATE ENGINEER'S OPINION ON WATER

Include here or by attachment the approved summary of the opinion received  
by the Board of County Commissions from the State Engineer on:

BECAUSE OF THE PROPOSED USE OF INDIVIDUAL WELLS, AN OPINION ON WHETHER OR  
NOT THE SUBDIVIDER CAN FULFILL THE WATER PROPOSALS IS NOT PERTINENT. SEE  
ATTACHED LETTER FROM THE STATE ENGINEER.

(Whether or not the subdivider can satisfy the proposal contained in this  
disclosure statement concerning water -- except water quality)

THE COUNTY REGULATIONS REQUIRE A COMMUNITY WATER SYSTEM FOR TYPE ONE AND  
TYPE TWO SUBDIVISIONS. THE USE OF INDIVIDUAL WELLS DOES NOT CONFORM  
WITH THE COUNTY SUBDIVISION REGULATIONS. HOWEVER A VARIANCE WAS GRANTED  
AFTER A PUBLIC HEARING AND THE COUNTY HAS APPROVED THE USE OF WELLS. SEE  
LETTER FROM COUNTY MANAGER ATTACHED. THIS IS A TYPE TWO SUBDIVISION.

(Whether or not the subdivider is conforming with the County's regulations  
on water -- except quality)

B. ENVIRONMENTAL IMPROVEMENT DIVISION OPINION ON WATER QUALITY

THE EID ADVISES THAT THE WATER MAY BE EXPECTED TO EXCEED RECOMMENDED  
PARAMETERS FOR HARDNESS AND SULFATES AND THAT HARDNESS INHIBITS THE  
CLEANSING ACTION OF SOAPS AND DETERGENTS AND MAY LEAD TO SCALING IN  
PIPES AND BOILERS. SULFATES MAY HAVE A LAXATIVE EFFECT ON PERSONS  
UNACCUSTOMED TO THE WATER. THE WATER IS SAFE FOR HUMAN CONSUMPTION  
BUT THE PURCHASER MAY WISH TO CONSIDER INSTALLATION OF A WATER SOFTENER.  
SEE LETTER FROM ENVIRONMENTAL IMPROVEMENT DIVISION ATTACHED.

(Quality of water)

25. LIQUID WASTE DISPOSAL:

With the exception of Lots 44, 45 & 46, "Disposal of liquids shall be the  
responsibility of the individual property owner, using only a type of  
system approved by the Environmental Improvement Division, and each lot  
shall be considered on its own merits. The type of disposal system  
required depends upon the slope of the lot, size of the lot, percolations,  
soil characteristics and the proximity of wells and drainages to the lot.  
Based on the above parameters, EID will only approve a certain type of  
disposal system at certain locations on each lot.

1. Slopes to 50%: These will be considered for standard systems only if  
no other soil characteristics impose restrictions as specified in the  
EID regulations.



2. Slopes over 50%: No absorption fields of any type will be permitted. The probable method allowed will be a gray water system (wash water only emptying into a septic tank and leach field), with all fecal material (from commodes and urinals) handled by a composting toilet, aerobic package plant or holding tank. It may be necessary for a lot owner to install a small lift station to pump sewage to a disposal system located at a point above a home."

"No other liquid waste disposal system may be used in a subdivision other than those approved by the Board of County Commissioners and the Environmental Improvement Division."

If Lot 43 is used as a multifamily site the Environmental Improvement Division will probably require a secondary sewage treatment plant. If required, the developers of said lot shall have designed and constructed a secondary sewage treatment plant and necessary appurtenances using the following parameters:

1. The design and construction shall be approved by the following:
  - a. EID
  - b. White Mountain Development Co., Inc. Architectural Control Committee.
  - c. A Registered Engineer currently acting as consulting engineer for White Mountain Development Co.
2. The design of the system shall be done by a New Mexico Registered Engineer.

No liquid waste disposal into the soil will be allowed on Lots 44, 45 or 46.

A well is located on Lot 44. No liquid waste disposal into the soil will be allowed within a 200 foot radius of the well. This affects small portions of Lots 15, 20 and 39.

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

Include here or by attachment the approved summary of the opinion received by the Board of County Commissioners from the Environmental Improvement Division.

THE ENVIRONMENTAL IMPROVEMENT DIVISION ADVISES THAT THE COUNTY SUBDIVISION REGULATIONS REQUIRE A CENTRAL SEWER SYSTEM FOR A TYPE ONE OR TWO SUBDIVISION BUT IF A VARIANCE IS GRANTED FROM SUCH REQUIREMENT THE DEVELOPER CAN FULFULL THE TERMS OF HIS PROPOSAL. SUCH VARIANCE WAS GRANTED AFTER A PUBLIC HEARING AND THE USE OF SUCH LIQUID DISPOSAL SYSTEMS HAS BEEN APPROVED. SEE LETTER FROM ENVIRONMENTAL IMPROVEMENT DIVISION AND COUNTY MANAGER ATTACHED.

(Whether or not the subdivider can satisfy the liquid waste disposal proposals made in this Disclosure Statement.)

THE SUBDIVIDER IS NOT CONFORMING WITH THE COUNTY'S REGULATIONS ON LIQUID WASTE DISPOSAL BUT A VARIANCE HAS BEEN GRANTED. SEE ATTACHED LETTERS FROM ENVIRONMENTAL IMPROVEMENT DIVISION AND COUNTY MANAGER.

(Whether or not the subdivider is conforming with the County's regulation on liquid waste disposal)

27. SOLID WASTE DISPOSAL

SOLID WASTE DISPOSAL IS THE RESPONSIBILITY OF THE LOT OWNER. WASTE MUST BE DISPOSED OF AT THE LINCOLN COUNTY SANITARY LANDFILL. THE LAND FILL IS LOCATED 9.5 MILES FROM THE SUBDIVISION.

(Describe the means of solid waste disposal that is proposed for use with the subdivision)

28. ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON SOLID WASTE DISPOSAL

Include here or by attachment the approved summary of the opinion received by the Board of County Commissioners from the Environmental Improvement Division on:

SEE ATTACHED LETTER FROM NEW MEXICO ENVIRONMENTAL IMPROVEMENT DIVISION

(Whether or not the subdivider can satisfy the solid waste disposal proposals made in this disclosure statement)

SEE ATTACHED LETTER FROM NEW MEXICO ENVIRONMENTAL IMPROVEMENT DIVISION

(Whether or not the subdivider is conforming with the county's regulations on solid waste disposal)

29. TERRAIN MANAGEMENT

The topsoils within the subdivision contain a high percentage of organic matter. Prior to construction, the topsoil should be removed from the actual building site. After construction the topsoil should be distributed around the building site and area disturbed during construction, or, at the sole discretion of the Architectural Control Committee, be removed from the construction site at the property owner's expense. The underlying soils have a characteristic of shrink, swell and frost heave when exposed to excess water and cold or dry weather conditions. Because of ground slope, some of the lots may vary as to the amount of soil available on the lot. It is recommended that home foundations be professionally designed to overcome the characteristics of the soil and lot terrain.

For the reason outlined above, driveways should also be constructed so as to drain water off the driveway surface and not allow water to stand along the driveway edge.

The water table is 40 to 300 feet below the surface of all lots.

No surface drainage problem is expected to exist.

Surface drainage is natural run-off. Very little erosion results because of good vegetation cover. A minimum amount of cuts and fills will be used for the subdivision roads and the roads will be constructed so as to avoid steep grades, destruction of vegetation and will follow contour of the land as much as feasible to avoid erosion.

(Describe the suitability of the soils in the subdivision for residential use, whether permanent or seasonal)

LOTS 7, 8, 9, 10, 15, 20, 21, 22, 25, 26, 27, 28, 32, 33, 34, 35, 36 & 37 ARE ALL TRAVERSED BY OR ADJACENT TO A DRAINAGE CHANNEL WITH A FLOOD PLAIN. ALL IMPROVEMENTS SHOULD BE LOCATED AT LEAST 40 FEET IN ELEVATION ABOVE THE CHANNEL BOTTOMS.

(Give the location of all lots within buffer strips, floodways, flood fringes and flood plains)

NATURAL SUBSURFACE DRAINAGE ONLY

(Estimate the subsurface drainage for all lots)

LOTS DRAIN ONTO ADJACENT LOWER LOTS; INTO ROAD DRAINAGE DITCHES; OR INTO GAVILAN CANYON. EXCEPT FOR ROAD CULVERTS, NO STORM DRAINAGE SYSTEMS ARE PLANNED.

(Describe all storm drainage systems including the completion date of any required to be constructed)

30. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

Include here or by attachment the approved summary of the opinion received by the Board of County Commissioners from the Natural Resources Conservation District on:

SEE ATTACHED LETTER FROM THE HONDO NATURAL RESOURCES CONSERVATION DISTRICT. THE DEVELOPER WILL BACKSLOPE AND RIP-ROP THE HEADCUT IN LOT #1.

(Whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)

SEE ATTACHED LETTER FROM THE HONDO NATURAL RESOURCES CONSERVATION DISTRICT (Whether or not the subdivider is conforming with the county's regulations on terrain management)

31. SUBDIVISION ACCESS

RUIDOSO, NEW MEXICO

(Name of town nearest subdivision)

THE SUBDIVISION HAS A COMMON BOUNDARY WITH THE RUIDOSO CITY LIMITS

(Road distance from town to subdivision)

HULL ROAD AND GAVILAN CANYON ROAD

(Name of highway or state road over which distance is computed)

ACCESS IS AVAILABLE BY CONVENTIONAL VEHICLE

(If access to each lot in the subdivision is available by conventional vehicle, please state that fact here. If it is not, please state when it will be)

ACCESSIBLE IN ALL SEASONS AND UNDER ALL WEATHER CONDITIONS

(If property is ordinarily accessible by conventional vehicle in all seasons and under all weather conditions, please state so. If it is not, please state that fact also)

GAVILAN CANYON ROAD - 100 FT. RIGHT OF WAY, EXISTING ROAD IS ASPHALT PAVED AND IS MAINTAINED BY LINCOLN COUNTY. EAGLE CREEK ROAD HAS A 50 FT. RIGHT-OF-WAY, IS GRAVEL SURFACED AND MAINTAINED BY LINCOLN COUNTY. OTHER SIDE ROADS WILL BE PAVED BY DEVELOPER WITH A DOUBLE BITUMINOUS ASPHALT SURFACE ON A 50 FT. RIGHT-OF-WAY, 28 FEET SCARIFIED AND COMPACTED SUBBASE TO A DEPTH OF 6" OVERLAID WITH BASE COURSE MATERIAL MEETING LINCOLN COUNTY STANDARDS.

(Describe the width and type of surfacing of all roads)

FOR ALL ROADS EXCEPT GAVILAN CANYON AND EAGLE CREEK ROADS - NOT LATER THAN SEPTEMBER 30, 1982

(Give the date on which all roads will be completed)

GAVILAN CANYON AND EAGLE CREEK ROADS ARE NOW ACCEPTED AND MAINTAINED BY THE COUNTY. THE OTHER ROADS WILL BE ACCEPTED AND MAINTAINED BY THE COUNTY ON APPROXIMATELY NOVEMBER 1, 1984.

(State whether the roads within the subdivision have been accepted for maintainance by the County)

SIDE ROADS NOT PRESENTLY MAINTAINED BY THE COUNTY WILL BE SURFACED WITH A DOUBLE BITUMINOUS ASPHALT SURFACE TREATMENT

(Outline any surfacing plans for roads)

32. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS

Include here or by attachment the approved summary of the opinion received by the Board of County Commissioners from the State Highway Department on:

NONE RECEIVED

(Whether or not the subdivider is conforming with the County's regulations on access)

33. DEVELOPMENT

Include here all homes, recreation structures, and other community improvements to be provided by the subdivider in the subdivision and not previously mentioned in this Disclosure Statement. Give dates on which these items will be completed.

NONE

(Improvement)

Not applicable

(Estimated date of completion)

34. MAINTENANCE

LOT OWNER WILL BE RESPONSIBLE FOR ALL MAINTENANCE AND CONSTRUCTION

(State the owner's maintenance and construction responsibilities)

35. ADVERSE CONDITIONS

NONE

(State any activities or conditions adjacent to or nearby the subdivision such as feedlots, cement plants, and the like, which would subject the subdivided land to any unusual conditions affecting its use or occupancy)



36. RECREATIONAL FACILITIES

NONE

(Describe all recreational facilities, actual and proposed, in the subdivision)

37. FIRE PROTECTION

3.3 MILES TO BONITO VOLUNTEER FIRE DEPARTMENT OVER STATE HIGHWAY NO. 37  
AND GAVILAN CANYON ROAD.

38. POLICE PROTECTION

Include here the various police units that would patrol the subdivision or  
would be on call:

SHERIFF'S DEPARTMENT, ON CALL

Sheriff's Department, if applicable)

NONE

(Municipal Police, if applicable)

39. PUBLIC SCHOOLS

WHITE MOUNTAIN ELEMENTARY SCHOOL

(Name of nearest elementary school)

2.4 MILES

(Distance to nearest elementary school)

RUIDOSO HIGH SCHOOL

(Name of nearest secondary school)

4.7 MILES

(Distance to nearest secondary school)

FREE BUS SERVICE IS AVAILABLE TO ALL SCHOOLS

(If bus service available, charge, if any)

40. HOSPITALS

RUIDOSO HONDO VALLEY HOSPITAL

(Name of nearest hospital)

4.7 MILES

(Distance to nearest hospital)

40 BEDS

(Number of beds in nearest hospital)

41. SHOPPING FACILITIES

MINI-MART - 3.4 MILES - GAVILAN CANYON ROAD, HULL ROAD, WHITE MOUNTAIN DRIVE  
(Distance to nearest shopping facilities and route over which distance is computed)

42. PUBLIC TRANSPORTATION

Include here whether the subdivision is served on a regular basis by:

NONE

(Bus)

NONE

(Plane)

NONE

(Other means of transportation)

43. COMPLETION DATES

ITEMS 37 THROUGH 42 ALL AVAILABLE

(State here the projected dates upon which any of the items mentioned in #37 through #42 above will be available if they are not yet available)

44. SOIL SURVEY INFORMATION AND INTERPRETATION

A SOIL SURVEY OF THE PROPERTY WAS MADE BY THE SOIL CONSERVATION SERVICE. THE COMPLETE SOIL SURVEY WITH A SUBDIVISION MAP OVERLAY IS AVAILABLE AT THE DEVELOPERS SALES REPRESENTATIVES OFFICE, AT THE SOIL CONSERVATION OFFICE AT THE LINCOLN COUNTY MANAGER'S OFFICE.

45. LOT AND BLOCK NUMBER LOTS LOCATED ON FLOOD PLAIN OR FLOOD FRINGE

LOTS 7, 8, 9, 10, 15, 20, 21, 22, 25, 26, 27, 28, 32, 33, 34, 35, 36 & 37

(Indicate by lot and block number all lots located on flood plain or flood fringe)

46. DRIVEWAY CULVERTS

Prior to installing a driveway culvert in a county road borrow ditch, the subdivider or owner shall obtain the county road superintendent's written permission and instructions for such installation. Culverts for driveway must meet road design standards and be at least 18 inches in diameter. All costs relating to the installation of such driveway culverts shall be borne by the lot owner.

\* \* \*

We, the undersigned owners of GAVILAN SUBDIVISION  
(Property Description)  
do hereby certify that the foregoing statements are true and correct to the best  
of our knowledge and belief.

ATTEST: William G. McCarty  
WILLIAM G. McCARTY, SECRETARY

WHITE MOUNTAIN DEVELOPMENT CO., INC.  
A NEW MEXICO CORPORATION

Douglas L. McBride  
DOUGLAS L. McBRIDE, PRESIDENT

STATE OF NEW MEXICO )  
COUNTY OF LINCOLN ) SS

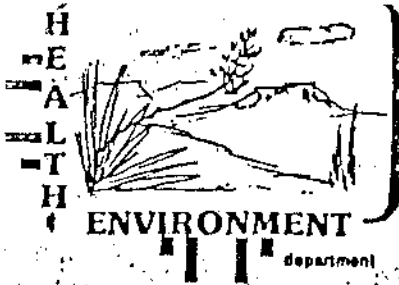
The foregoing instrument was acknowledged before me this 20th day  
of November, 1981 by Douglas L. McBride, President and William G.  
McCarty, Secretary of White Mountain Development Co., Inc., a New Mexico  
Corporation on behalf of said corporation.

My commission expires:

August 8, 1984

Detwiler L. Thompson  
Notary Public

NOTARY PUBLIC - NEW MEXICO  
MY COM. EXPIRES: 8/8/84



STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION  
District IV 200 E. Fifth  
Roswell, NM 88201  
Thomas E. Baca, M.P.H., Director

Bruce King  
GOVERNOR

George S. Goldstein, Ph.D.  
SECRETARY

Larry J. Gordon, M.S., M.P.H.  
DEPUTY SECRETARY

August 10, 1981

RECEIVED

AUG 11 1981

ADMINISTRATION  
LINCOLN COUNTY, N. M.

Lincoln County  
Board of County Commissioners  
P. O. Box 711  
Carrizozo, NM 88301

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

SUBJECT: Gavilan Subdivision

Gentlemen:

The plat and related documents for the above referenced subdivision were received in this office on July 13, 1981 for review and comment. This is to be a Type two subdivision and is to be located in Section 2, T11S, R13E, NMPM, Lincoln County, New Mexico.

Water Quality Proposal

The subdivider proposes that each parcel owner shall provide his own water by means of a well, and that these will be completed in either the Mesa Verde formation or the Mancos Shale formation. From examination of water analyses from adjacent wells water from either formation may be expected to exceed recommended parameters for hardness and sulfates.

Water Quality Opinion

The excessive hardness and sulfates are not a health hazard and do not make the water unfit for human consumption.

The subdivider's proposal does not conform to Section 1-4-24 of the current Lincoln County Subdivision Regulations, which requires Type two subdivisions to furnish a community water system. If the Board of County Commissioners agrees to allow a variance under the procedures specified in Paragraph 47-6-1-14 of the State Regulations, we would like to see the following paragraph included in the Disclosure Statement:

"Hardness inhibits the cleansing action of soaps and detergents and may lead to scaling in pipes and boilers. Sulfates may have a laxative effect on persons unaccustomed to the water. The water is safe for human consumption but the purchaser may wish to consider installation of a water softener."

With the granting of a variance and inclusion of this paragraph it is our opinion that the proposal will meet the State and County Regulations and



Lincoln County  
Board of County Commissioners  
August 10, 1981  
Page 2

that the subdivider can meet the terms of his proposal.

Liquid Waste Disposal Proposal

The subdivider proposes that each single-family lot owner be responsible for installation of an individual liquid waste disposal system designed for his specific lot and approved by the Environmental Improvement Division and that the multifamily lot will probably require a secondary sewage treatment plant.

Liquid Waste Disposal Opinion

The subdivider's proposal does not conform to Section 1-4-24 of the current Lincoln County Subdivision Regulations, which requires Type two subdivisions to furnish a community sewer system. If the Board of County Commissioners agrees to allow a variance under the procedures specified in Paragraph 47-6-14 of the State Regulations it is our opinion that the proposal will meet the State and County Regulations and that the subdivider can fulfill the terms of his proposal.

Solid Waste Disposal Proposal

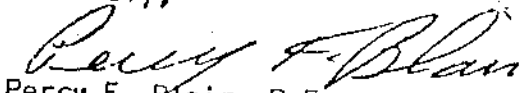
The subdivider proposes that each property owner shall be responsible for disposal of his own solid waste at the Lincoln County Sanitary Landfill. Distance to the landfill is not given. Availability to local trash haulers is noted.

Solid Waste Disposal Opinion

The distance to the landfill and the names and addresses of any known commercial trash haulers should be included in the Disclosure Statement. If this is done it is our opinion that the proposal conforms to State and County Regulations and that the subdivider can fulfill the terms of his proposal.

If we may be of further assistance please contact us.

Sincerely,



Percy F. Blair, P.E.  
District IV Engineer

PFB/jw

cc: John E. Guinn, District Manager  
Jeff M. Sheyka, District Supervisor  
Ruidoso EID Office  
File

# COUNTY OF LINCOLN

COMMISSIONERS:  
THOMAS P. (Cotton) McKNIGHT, Chairman  
BEN L. HALL, Member  
JOHN ALLEN HIGHTOWER, Member

Post Office Box 711  
Carrizozo, New Mexico 88301  
Phone [505] 648-2313

JANE McSWANE, CI  
JULIA SAMORA, Asst  
W. KAY ALLISON, Treas  
JOHN W. THOMPSON, Probate Ju

August 21, 1981

White Mountain Development Company, Inc.  
Post Office Box 55  
Ruidoso, New Mexico 88345

Re: Gavilan Subdivision

Dear Sirs:

Attached is opinion from Environmental Improvement  
Division on proposed subdivision.

Sincerely,

*T.A. Billingsley* MB

Truman A. Billingsley  
County Manager

msg

Attachment



BRUCE KING  
Governor

NATURAL RESOURCES DEPARTMENT  
WATER RESOURCES DIVISION

S.E. Reynolds, State Engineer  
Bataan Memorial Building  
Santa Fe, New Mexico 87503  
(505) 827-2526

August 5, 1981

Mr. Truman A. Billingsley  
Lincoln County Manager  
Post Office Box 711  
Carrizozo, New Mexico 88301

Dear Mr. Billingsley:

Herewith for your consideration is Mr. Tom Morrison's and Mr. John A. Garcia's August 4, 1981 memorandum on the Gavilan Estates Subdivision proposal.

I concur with Mr. Morrison's and Mr. Garcia's statements contained in the memorandum.

Sincerely,

S. E. Reynolds  
State Engineer

By

F. R. Allen, Chief  
Technical Bureau

FRA\*pat  
Enclosures

cc: ✓ White Mountain Development  
Co., Inc.  
Post Office Box 55  
Ruidoso, New Mexico 88345

M E M O R A N D U M

August 4, 1981

TO: S. E. Reynolds, State Engineer

FROM: Tom Morrison, Assistant Engineer and  
John A. Garcia, Water Resource Specialist

SUBJECT: Gavilan Estates Subdivision in Lincoln County

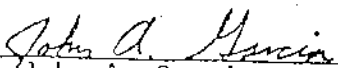
On July 10, 1981, the State Engineer received the subject subdivision proposal from Truman A. Billingsley, Lincoln County Manager. The proposed development is a type-two subdivision containing 46 parcels and is located in Section 2, Township 11 South, Range 13 East, N.M.P.M. about 4 miles north of Ruidoso. The subdivider proposes that the owner of each parcel drill a domestic well to supply water for household purposes.

Inasmuch as the subdivider does not propose to supply water to the subdivision, an opinion on whether or not the subdivider can fulfill the water proposals contained in the disclosure statement is not pertinent.

It is our opinion that the subdivider's water proposals and disclosure statement do not conform with county subdivision regulations. The following specific comment is offered:

Subsection 1-4-24 (page 30) of the Lincoln County Subdivision Regulations states that community water systems shall be required in type-one and type-two subdivisions. Inasmuch as the subdivider is proposing that owners provide their own wells, the subdivider's water proposals do not conform with county subdivision regulations.

  
Tom Morrison

  
John A. Garcia

pat.

Sales Office  
1051 Mechem Drive  
257-2425 A.C. 505

WHITE MOUNTAIN DEVELOPMENT CO., INC.  
P. O. BOX 55  
RUIDOSO, NEW MEXICO 88345

Business Office  
1206 Mechem Drive  
258-3149 A.C. 505

September 21, 1981

Board of Commissioners  
County of Lincoln  
Carrizozo, New Mexico 88301

Re: Gavilan Subdivision Roads

Gentlemen:

In accordance with the subdivision regulations and as a requirement for the approval of Gavilan Subdivision, White Mountain Development Company, being the developer of Gavilan Subdivision, does hereby submit the following Road Construction Schedule for Gavilan Court, Eagle Creek Court and Homestead Drive within the Gavilan Subdivision:

NOT LATER THAN MARCH 31, 1982

Clearing and pioneering of said roads

NOT LATER THAN SEPTEMBER 30, 1982

Culvert installation, subgrade construction, base course and paving of said roads.

Also submitted as a part of this but as a separate document is a Letter of Credit from the Ruidoso State Bank in the amount of \$104,324.00. This Letter of Credit is based upon the attached road construction estimate. The Letter guarantees completion of the road. The Letter gives the County six (6) months to complete the project in case of default by White Mountain Development Company.

Respectfully submitted,

WHITE MOUNTAIN DEVELOPMENT COMPANY, INC.

By: William G. McCarty  
William G. McCarty, Vice President

STATE OF NEW MEXICO

COUNTY OF LINCOLN.

The foregoing instrument was acknowledged before me this 21st day of September, 1981, by William G. McCarty, Vice President of WHITE MOUNTAIN DEVELOPMENT COMPANY, INC., a New Mexico Corporation, on behalf of said corporation.

OFFICIAL SEAL  
Patricia L. Thompson  
Notary Public  
NOTARY PUBLIC - NEW MEXICO  
NOTARY BOND FILED WITH SECRETARY OF STATE  
My Commission Expires 8/8/84



# RUIDOSO STATE BANK

RUIDOSO, NEW MEXICO / POST OFFICE DRAWER "B" 88345 / 505 257 4043

September 23, 1981

Board of Commissioners  
County of Lincoln  
Carrizozo, New Mexico 88301

RE: Irrevocable Letter of Credit  
White Mountain Development Co. Inc.

Gentlemen:

This irrevocable letter of credit will assure completion of all Lincoln County requirements in White Mountain Development Co. Inc. Disclosure Statement covering Gavilan Subdivision. Specifically, to cover the construction of roads. Therefore, we hereby establish our irrevocable commercial letter of credit in favor of White Mountain Development Co. Inc., Douglas L. McBride, President, P.O. Box 55, Ruidoso, New Mexico, and hereby authorize you to draw on the Ruidoso State Bank, P.O. Drawer B, Ruidoso, New Mexico 88345, for the account of White Mountain Development Co. Inc., up to the aggregate amount of \$104,324.00 (One Hundred Four Thousand Three Hundred Twenty Four Dollars Only) available by the documents specified below:

Invoices covering: construction of roads  
in Gavilan Subdivision, Lincoln County,  
New Mexico.

This letter of credit shall be valid for one and one-half (1½) years from date of this letter until March 23, 1983. We hereby agree with you, that all drafts under and in compliance with the terms of this credit shall be duly honored upon presentation to the drawee on or before March 23, 1983. Each draft drawn under this letter of credit must specifically mention the date of this letter of credit.

Sincerely,



Preston Isaacs  
Executive Vice President

PI/vb



MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION

# Bill McCarty Construction Company, Inc.

- SAND
- CONCRETE
- GRAVEL
- EXCAVATION
- STREETS
- HIGHWAYS
- AIRPORTS

P. O. BOX 637  
RUIDOSO, NEW MEXICO 88345

September 22, 1981

## PROPOSAL / QUOTATION

White Mountain Development Company

Box 55

Ruidoso, New Mexico

Dear Sir:

The undersigned proposes to furnish all materials and perform all labor necessary to complete the following:  
Gavilan Subdivision

Clearing & grubbing 3,913' of Roadway - Lump Sum	\$12,000.00
Subgrade construction of roadway	\$15,652.00
Drainage structures	
210' of 24" CMC @ \$34.00 per ft.	\$ 7,140.00
50' of 66" CMC @ \$78.00 per ft.	\$ 3,900.00
50' of 60" Conc. Pipe @ \$70.78 per ft.	\$ 3,539.00
6" Base Course Gravel	\$17,529.00
Triple Penn. Asphalt paving	\$39,564.00
Final clean up, ect.	\$ 5,000.00

GRAND TOTAL \$104,324.00

All prices are subject to any and all applicable taxes.

All of the above work to be completed in a substantial and workmanship manner for the sum of \_\_\_\_\_ (\$ \_\_\_\_\_) DOLLARS.

Payments to be made each \_\_\_\_\_ as the work progresses to the value of \_\_\_\_\_ ( \_\_\_\_\_ %) per cent of all work completed. The entire amount of contract to be paid within \_\_\_\_\_ days after completion. Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

The Contractor agrees to carry Workman's Compensation and Public Liability Insurance, Old Age Benefit and Unemployment Compensation Taxes upon the material and labor furnished under this contract, as required by the United States Government and the State in which this work is performed.

Respectfully submitted,

*Bill McCarty*

Contractor

## ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which the undersigned agrees to pay the amount mentioned in said proposal, and according to the terms thereof.

Date \_\_\_\_\_, 19\_\_\_\_

SPECIAL CONDITIONS ON REVERSE SIDE

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SPECIAL CONDITIONS TO PROPOSAL

Re: \_\_\_\_\_

To: \_\_\_\_\_

The following conditions which have been checked will apply to the prices listed in the referenced proposal:

☐ Subgrade is to be  $\pm 0.10'$  prior to our starting work. If not, an additional charge, based upon current hourly equipment rental rates, will be charged to bring the subgrade to proper elevations.

☐ \_\_\_\_\_ are to be measured upon completion, unit price(s) to prevail.

☐ Bill McCarty Construction Co., Inc. will not be responsible for compaction of utility trenches back-filled by others.

☐ The price(s) listed in this proposal do NOT include:

☐ Engineering

☐ Layout

☐ Surveying

☐ Removal of debris

☐ Testing

☐ Gravel Base Course

☐ Prime

☐ Pavement Marking

☐ New Mexico Gross Receipts Tax

☐ \_\_\_\_\_

☐ The conditions set forth in this proposal must become a part of this or any other contract form, or the prices listed herein will become void.

☐ This proposal is submitted without benefit of plans or specifications. Plans or specifications submitted to us after the proposal date, with significant changes in grade, quantity, elevation or specifications, will void the prices listed in this proposal, or result in additional charges for equipment, labor and materials.

☐ \_\_\_\_\_

**ACKNOWLEDGEMENT OF SPECIAL CONDITIONS:**

Date: \_\_\_\_\_ Signature \_\_\_\_\_

**ACCEPTANCE**

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which the undersigned agrees to pay the amount mentioned in said proposal, and according to the terms thereof.

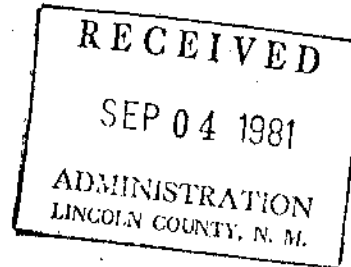
Date: \_\_\_\_\_



P.O. BOX 98 CAPITAN, NEW MEXICO 88316 PHONE 354-2220

September 3, 1981

Mr. Truman A. Billingsley  
County Manager  
P. O. Box 711  
Carrizozo, New Mexico 88301

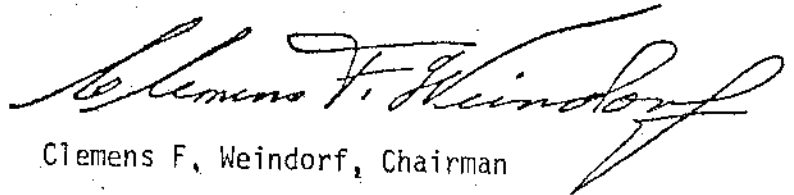


Dear Mr. Billingsley:

We have reviewed the Gavilan Canyon subdivision and have the following comments to offer:

In Lot #1 there is a small arroyo with an active headcut that needs more attention. This area is just north of the water storage (City of Ruidoso). This headcut should be backsloped and protected with some type of rip-rap material. Otherwise, we feel the plan conforms to the terrain management portion of the county subdivision regulations.

Respectfully,

  
Clemens F. Weindorf, Chairman

-24-

T. (Bert) PFINGSTEN  
Chairman  
Hondo, N.M. 88336  
Phone: 653-4350

BOB SCRIBNER  
Vice-Chairman  
Box 1234, Ruidoso, N.M. 88345  
Phone: 336-4376

Board of Supervisors  
ERNEST McDANIEL  
Secretary-Treasurer  
Glencoe, N.M. 88324  
Phone: 653-4312

HARVEY BONNELL  
Member  
Glencoe, N.M. 88324  
Phone: 653-4310

LaMOYNE PETERS  
Member  
Alto Route, Capitan, N.M. 88311  
Phone: 354-2302

647

# COUNTY OF LINCOLN

COMMISSIONERS:  
THOMAS P. (Cotton) McKNIGHT, Chairman  
BEN L. HALL, Member  
JOHN ALLEN HIGHTOWER, Member

Post Office Box 711  
Carrizozo, New Mexico 88301  
Phone [505] 648-2313

JANE McSWANE, Clerk  
JULIA SAMORA, Assessor  
W. KAY ALLISON, Treasurer  
JOHN W. THOMPSON, Probate Judge

November 18, 1981

Ms. Patricia L. Thompson  
Assistant Secretary  
White Mountain Development Co., Inc.  
Post Office Box 55  
Ruidoso, New Mexico 88345

Re: Gavilan Subdivision

Dear Ms. Thompson:

The Lincoln County Board of Commissioners at a public hearing conducted on November 10, 1981, approved the proposed Gavilan Subdivision with individual wells and septic tanks as an exception to the County Subdivision Regulations.

Please contact me if I may be of any further assistance.

Sincerely,

  
Truman A. Billingsley  
County Manager

TAB/mg

RESTRICTIVE COVENANTS OF

GAVILAN SUBDIVISION

The undersigned, being the owner of all of the lots located in GAVILAN SUBDIVISION, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk of Lincoln County, New Mexico, on **DEC. 3**, 1981, in Cabinet **D**, Slide Nos. **49-50**, does hereby declare, for itself, its successors and assigns, that all lots in said GAVILAN SUBDIVISION shall be subject to and encumbered by the following restrictive and protective covenants; and that all conveyances of said property, or any part thereof, shall be subject to said covenants whether or not the same are embodied in the conveyances or other instruments affecting title thereto.

- A. All of the lots in said subdivision are hereby designated "Residential Area" and are subject to the following residential restrictions:
1. Said "Residential Area" shall be used for residential purposes only, and no business, manufacturing, commercial enterprise, public or private amusement shall be conducted, operated or maintained thereon.
  2. With the exception of Lot 43 which may be developed as a multi-family lot, neither White Mountain Development Company nor any subsequent owners or purchasers of lots in this subdivision shall redivide any lot or lots into smaller parcels.
  3. No mobile home, modular home or other prefabricated home shall be placed upon any lot in this subdivision. There shall not be erected on any single-family lot more than a single private dwelling house, together with the necessary and appurtenant buildings such as servants quarters, guest houses, garages, barns and stables used in connection therewith, and no tent, shack, outhouse or structure of a temporary character shall be erected or maintained in said subdivision; except that a construction trailer may be used during construction of a residence.
  4. All residences erected on said lots shall be erected on-site from the ground up and shall have a minimum floor area, exclusive of open porches and garages, of not less than 1800 square feet, providing further that the exterior of any dwelling shall be completed within one year from commencement thereof, Act of God excepted. All buildings shall be of all new first class construction and no used, secondhand or prefabricated buildings shall be moved into said residential area, nor shall any unpainted tin or other metal be used for construction of any outbuilding.
  5. No building shall be erected or maintained nearer than fifty (50) feet to any front or side lot line; unless a prior variance has been granted by the Architectural Control Committee in the event the terrain prevents compliance with this requirement. In the event such variance is granted, no building shall be erected nearer than 25 feet to any front or side lot line. The main residence shall be centrally located on the front portion of the lot facing the nearest road. All barns and other outbuildings shall be constructed toward the rear of the lot.

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6. White Mountain Development Company is not making water available to the separate lots and it shall be the responsibility of the lot owners to install their own water wells or otherwise make water available. Water wells to be constructed on the property shall be adequately covered to protect the safety of the residents.
7. Lot 44 is hereby designated a water well lot and Lots 45 and 46 are hereby designated water storage lots. These lots are not intended for sale to the general public and are not being made available by developer for the use of lot buyers. No liquid waste disposal into the soil will be allowed on these lots nor within a 200 foot radius of the well located on Lot 44. This restriction affects small portions of Lots 15, 20 and 39.
8. All toilets shall be located inside principal buildings and shall be connected with proper septic tanks or sewage disposal systems which conform with state and county health laws and regulations and permits for construction of such liquid disposal systems shall be obtained prior to construction. In the event sewer service ever becomes available to this subdivision, each lot owner shall connect to said sewer system to the exclusion of any other means of sewage disposal.
9. Lot 43 may be developed as a multi-family site, in which event the Environmental Improvement Division may require design and construction of a secondary sewage treatment plant. If required, such design shall be performed by a New Mexico Registered Engineer and shall be subject to the approval of the Environmental Improvement Division, the Architectural Control Committee of White Mountain Development Company, and a Registered Engineer acting as consulting engineer for White Mountain Development Company. All costs of design and construction of such sewage treatment plant shall be the responsibility of the developers of said lot for multi-family purposes. The Architectural Control Committee of White Mountain Development Company shall be entitled to charge the owner/developer of said multi-family lot a fee not to exceed \$500.00 for the services of its consulting engineer in reviewing and approving such plans for a secondary sewage treatment plant.
10. In the event the buyers of Lot 43 desire to develop said lot as a multi-family site for condominiums, townhouses or apartments, this lot may be divided into smaller parcels for such purpose. In such case the restriction as to a minimum floor area of 1800 feet shall not apply to the individual units. However plans for such construction, including a plot plan showing the proposed location of such improvements, shall be delivered to the Architectural Control Committee of White Mountain Development Company for its approval, and shall further be submitted to the Planning and Zoning Commission of the Village of Ruidoso and to the County of Lincoln for approval.
11. There shall be no unnecessary removal of trees and excavation shall be limited to removal of not more than 100 cubic yards of soil on any single-family lot without the prior written consent of White Mountain Development Company, Inc.
12. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No trash, junk, old vehicles not in operating condition, or any unsightly object shall be allowed upon or maintained or kept upon any of the lots, unless kept out of view. All clothes lines shall be maintained on the rear of each lot. Except during construction work, no large construction machinery, dump trucks, tractors, blades, etc. may be parked upon

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any lot. Boats, trailers (including vacation trailers) may only be stored wholly within a garage or carport or to the rear of the lot out of sight of the nearest road.

13. No animals shall be maintained upon any lot other than 1 adult horse or 1 cow per acre (or a combination thereof), 4 adult dogs, domestic cats, chinchillas, 50 poultry or fowl, and 50 adult rabbits. Each lot shall be completely fenced with animal-proof fencing, and no barbed-wire fencing may be used. Fencing must be approved by the Architectural Control Committee of White Mountain Development Company prior to erection of any fence. Exterior fencing may be installed in common with adjoining property owners. In the event any animals cause a nuisance or excess erosion, damage to grass or soil cover on a lot, the Architectural Control Committee may require the owner to remove or pen such animals.
14. Culverts of a minimum of 18" diameter shall be placed in borrow ditches where driveways connect with the roads, and cattle-guards shall be placed at driveway entrances as required by the County of Lincoln or other governmental or regulatory agencies.
15. Exterior surfaces of any structure or dwelling shall not be allowed to become shabby or unkempt and all lots shall be properly maintained and weeds cut as needed. All trash containers shall be placed underground or completely enclosed. All trash, rubbish and garbage shall be removed from the property at regular intervals and disposed of in accordance with the regulations of the County of Lincoln, State of New Mexico, or other regulatory agencies. No refuse shall be dumped in Gavilan Creek.
16. No brush, trash or other materials shall be burned except in compliance with the fire regulations of the Lincoln National Forest or other appropriate regulatory agencies.
17. No signs shall be erected or maintained on single-family lots which exceed two square feet in area, except any sign which may be erected by White Mountain Development Company designating the name of the subdivision; and if Lot 43 is developed for multi-family purposes, the sign to be erected thereon shall first be approved by the Architectural Control Committee of White Mountain Development Company.
18. All exterior plans for buildings and for fencing shall be submitted for approval by the Architectural Control Committee appointed by White Mountain Development Company, Inc. Should the Committee deem it advisable to refer the plans to a professional architect or engineer, the Committee shall be entitled to charge the lot owner a fee not to exceed \$250.00 for such service. Failure of the Committee to approve or disapprove such plans within fifteen days from the date of submission, shall be considered as approval of such plans.

B. All of the covenants herein shall run with the ownership of the land and shall be binding upon the undersigned corporation and all parties claiming under them, and may not be waived, abandoned or terminated by the undersigned or any subsequent owner or owners of property in this subdivision.

C. Invalidity of any of the foregoing covenants contained herein shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

D. All of the restrictive covenants contained herein are for the

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benefit of any and all owners of lots within the boundaries of the land hereinabove described, and if the undersigned or any of its assigns or successors shall violate or attempt to violate any of said covenants, then it shall be lawful for any other person or persons owning land within said boundaries to prosecute any proceedings at law or in equity to recover damages or to enjoin such act, and to have any and all further legal and equitable relief.

WITNESS our hands and seals.

ATTEST:

WHITE MOUNTAIN DEVELOPMENT COMPANY, INC.

Patricia L. Thompson  
Assistant Secretary

By: William G. McCarty  
Vice President

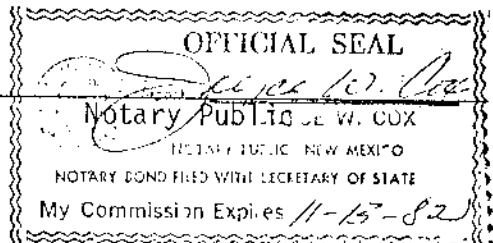
STATE OF NEW MEXICO

COUNTY OF LINCOLN.

The foregoing instrument was acknowledged before me this 9th day of November, 1981, by William G. McCarty, Vice President of WHITE MOUNTAIN DEVELOPMENT COMPANY, INC., a New Mexico Corporation, on behalf of said corporation.

My Commission Expires:

11-13-82



RESTRICTIVE COVENANTS OF

GAVILAN SUBDIVISION

The undersigned, being the owner of all of the lots located in GAVILAN SUBDIVISION, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk of Lincoln County, New Mexico, on **DEC. 3**, 1981, in Cabinet **D**, Slide Nos. **49 + 50**, does hereby declare, for itself, its successors and assigns, that all lots in said GAVILAN SUBDIVISION shall be subject to and encumbered by the following restrictive and protective covenants; and that all conveyances of said property, or any part thereof, shall be subject to said covenants whether or not the same are embodied in the conveyances or other instruments affecting title thereto.

- A. All of the lots in said subdivision are hereby designated "Residential Area" and are subject to the following residential restrictions:
1. Said "Residential Area" shall be used for residential purposes only, and no business, manufacturing, commercial enterprise, public or private amusement shall be conducted, operated or maintained thereon.
  2. With the exception of Lot 43 which may be developed as a multi-family lot, neither White Mountain Development Company nor any subsequent owners or purchasers of lots in this subdivision shall redivide any lot or lots into smaller parcels.
  3. No mobile home, modular home or other prefabricated home shall be placed upon any lot in this subdivision. There shall not be erected on any single-family lot more than a single private dwelling house, together with the necessary and appurtenant buildings such as servants quarters, guest houses, garages, barns and stables used in connection therewith, and no tent, shack, outhouse or structure of a temporary character shall be erected or maintained in said subdivision; except that a construction trailer may be used during construction of a residence.
  4. All residences erected on said lots shall be erected on-site from the ground up and shall have a minimum floor area, exclusive of open porches and garages, of not less than 1800 square feet, providing further that the exterior of any dwelling shall be completed within one year from commencement thereof, Act of God excepted. All buildings shall be of all new first class construction and no used, secondhand or prefabricated buildings shall be moved into said residential area, nor shall any unpainted tin or other metal be used for construction of any outbuilding.
  5. No building shall be erected or maintained nearer than fifty (50) feet to any front or side lot line; unless a prior variance has been granted by the Architectural Control Committee in the event the terrain prevents compliance with this requirement. In the event such variance is granted, no building shall be erected nearer than 25 feet to any front or side lot line. The main residence shall be centrally located on the front portion of the lot facing the nearest road. All barns and other outbuildings shall be constructed toward the rear of the lot.

6. White Mountain Development Company is not making water available to the separate lots and it shall be the responsibility of the lot owners to install their own water wells or otherwise make water available. Water wells to be constructed on the property shall be adequately covered to protect the safety of the residents.
7. Lot 44 is hereby designated a water well lot and Lots 45 and 46 are hereby designated water storage lots. These lots are not intended for sale to the general public and are not being made available by developer for the use of lot buyers. No liquid waste disposal into the soil will be allowed on these lots nor within a 200 foot radius of the well located on Lot 44. This restriction affects small portions of Lots 15, 20 and 39.
8. All toilets shall be located inside principal buildings and shall be connected with proper septic tanks or sewage disposal systems which conform with state and county health laws and regulations and permits for construction of such liquid disposal systems shall be obtained prior to construction. In the event sewer service ever becomes available to this subdivision, each lot owner shall connect to said sewer system to the exclusion of any other means of sewage disposal.
9. Lot 43 may be developed as a multi-family site, in which event the Environmental Improvement Division may require design and construction of a secondary sewage treatment plant. If required, such design shall be performed by a New Mexico Registered Engineer and shall be subject to the approval of the Environmental Improvement Division, the Architectural Control Committee of White Mountain Development Company, and a Registered Engineer acting as consulting engineer for White Mountain Development Company. All costs of design and construction of such sewage treatment plant shall be the responsibility of the developers of said lot for multi-family purposes. The Architectural Control Committee of White Mountain Development Company shall be entitled to charge the owner/developer of said multi-family lot a fee not to exceed \$500.00 for the services of its consulting engineer in reviewing and approving such plans for a secondary sewage treatment plant.
10. In the event the buyers of Lot 43 desire to develop said lot as a multi-family site for condominiums, townhouses or apartments, this lot may be divided into smaller parcels for such purpose. In such case the restriction as to a minimum floor area of 1800 feet shall not apply to the individual units. However plans for such construction, including a plot plan showing the proposed location of such improvements, shall be delivered to the Architectural Control Committee of White Mountain Development Company for its approval, and shall further be submitted to the Planning and Zoning Commission of the Village of Ruidoso and to the County of Lincoln for approval.
11. There shall be no unnecessary removal of trees and excavation shall be limited to removal of not more than 100 cubic yards of soil on any single-family lot without the prior written consent of White Mountain Development Company, Inc.
12. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No trash, junk, old vehicles not in operating condition, or any unsightly object shall be allowed upon or maintained or kept upon any of the lots, unless kept out of view. All clothes lines shall be maintained on the rear of each lot. Except during construction work, no large construction machinery, dump trucks, tractors, blades, etc. may be parked upon

any lot. Boats, trailers (including vacation trailers) may only be stored wholly within a garage or carport or to the rear of the lot out of sight of the nearest road.

13. No animals shall be maintained upon any lot other than 1 adult horse or 1 cow per acre (or a combination thereof), 4 adult dogs, domestic cats, chinchillas, 50 poultry or fowl, and 50 adult rabbits. Each lot shall be completely fenced with animal-proof fencing, and no barbed-wire fencing may be used. Fencing must be approved by the Architectural Control Committee of White Mountain Development Company prior to erection of any fence. Exterior fencing may be installed in common with adjoining property owners. In the event any animals cause a nuisance or excess erosion, damage to grass or soil cover on a lot, the Architectural Control Committee may require the owner to remove or pen such animals.
14. Culverts of a minimum of 18" diameter shall be placed in borrow ditches where driveways connect with the roads, and cattle-guards shall be placed at driveway entrances as required by the County of Lincoln or other governmental or regulatory agencies.
15. Exterior surfaces of any structure or dwelling shall not be allowed to become shabby or unkempt and all lots shall be properly maintained and weeds cut as needed. All trash containers shall be placed underground or completely enclosed. All trash, rubbish and garbage shall be removed from the property at regular intervals and disposed of in accordance with the regulations of the County of Lincoln, State of New Mexico, or other regulatory agencies. No refuse shall be dumped in Gavilan Creek.
16. No brush, trash or other materials shall be burned except in compliance with the fire regulations of the Lincoln National Forest or other appropriate regulatory agencies.
17. No signs shall be erected or maintained on single-family lots which exceed two square feet in area, except any sign which may be erected by White Mountain Development Company designating the name of the subdivision; and if Lot 43 is developed for multi-family purposes, the sign to be erected thereon shall first be approved by the Architectural Control Committee of White Mountain Development Company.
18. All exterior plans for buildings and for fencing shall be submitted for approval by the Architectural Control Committee appointed by White Mountain Development Company, Inc. Should the Committee deem it advisable to refer the plans to a professional architect or engineer, the Committee shall be entitled to charge the lot owner a fee not to exceed \$250.00 for such service. Failure of the Committee to approve or disapprove such plans within fifteen days from the date of submission, shall be considered as approval of such plans.

B. All of the covenants herein shall run with the ownership of the land and shall be binding upon the undersigned corporation and all parties claiming under them, and may not be waived, abandoned or terminated by the undersigned or any subsequent owner or owners of property in this subdivision.

C. Invalidity of any of the foregoing covenants contained herein shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

D. All of the restrictive covenants contained herein are for the

benefit of any and all owners of lots within the boundaries of the land hereinabove described, and if the undersigned or any of its assigns or successors shall violate or attempt to violate any of said covenants, then it shall be lawful for any other person or persons owning land within said boundaries to prosecute any proceedings at law or in equity to recover damages or to enjoin such act, and to have any and all further legal and equitable relief.

WITNESS our hands and seals.

ATTEST:

*Patricia L. Thompson*  
Assistant Secretary

WHITE MOUNTAIN DEVELOPMENT COMPANY, INC.

By:

*William G. McCarty*  
Vice President

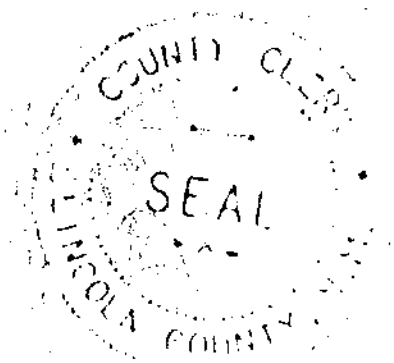
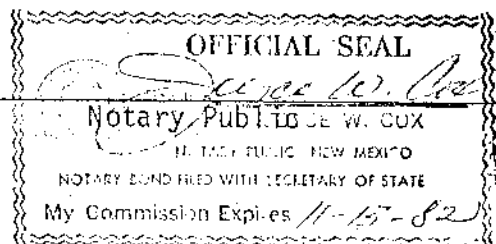
STATE OF NEW MEXICO

COUNTY OF LINCOLN.

The foregoing instrument was acknowledged before me this 9th day of November, 1981, by William G. McCarty, Vice President of WHITE MOUNTAIN DEVELOPMENT COMPANY, INC., a New Mexico Corporation, on behalf of said corporation.

My Commission Expires:

11-15-82



STATE OF NEW MEXICO }  
County of Lincoln }

Filed for record in the Clerks office

the 3rd day of December  
4. 12. 19 81 at 2:05 o'clock P. M.

and recorded in Book 75  
Misc'l  
Records on page 653-656

*Jane M. Maxwell*  
County Clerk

Rec.# 72473 Fee \$6.00