

**AMENDMENT TO DECLARATION OF COVENANTS FOR
LA TIERRA ESCONDIDA SUBDIVISION (PHASE II)**

Pursuant to Article 8.01 of the Declaration of Protective Covenants for La Tierra Escondida Subdivision, Phase II, recorded on November 9, 2006, in the office of the Doña Ana County Clerk, in Book 762, at Pages 447-495 (hereinafter the "Declaration"), by a vote of the Owners, as verified by the Secretary of the La Tierra Community Association, Inc. below, the Declaration is hereby amended as specifically provided for herein, by substituting the identified paragraphs or subparagraphs for those in the original Declaration. All provisions of the Declaration not specifically superceded or otherwise amended herein remain in full force and effect.

The Covenants as amended and in force at the time of an application for approval of proposed Improvements to a Lot shall apply to review of the application. However, an Owner's reasonable expectation at the time of purchase of the Lot that a particular Improvement was allowed that is not allowed under the Covenants as amended may be considered as one factor in support of a variance.

Section 4.01. Membership and Authority. As long as Grantor is an Owner of any Lot or any other interest in the Subdivision, the Architectural Review Committee shall be composed of members appointed in writing by Grantor. Members of the Committee shall serve without compensation, and shall be subject to removal by Grantor with or without cause. Grantor may appoint different members to different Committees for certain Lots or phases of the Subdivision, and each and every such Committee shall have the full authority of the Committee as provided herein. The Committee shall have the authority to designate an individual or group of individuals

