



NEW MOON OVERLOOK

Rules and Regulations

Updated May 15th, 2014

The **NEW MOON OVERLOOK RULES AND REGULATIONS** (the "Rules and Regulations") have been created by **Commonweal Conservancy Inc.**, a New Mexico nonprofit corporation ("Founder"), whose address is 117 N. Guadalupe Street, Suite C, Santa Fe, New Mexico 87501, and is considered an integral document to the New Moon Overlook Community Operating Agreement ("COA"), recorded May 19th, 2005. The New Moon Overlook COA documents the Founder's responsibility and right to promulgate rules and regulations for the governance of the New Moon Overlook Community ("the Community").

DEFINITIONS

Unless otherwise defined herein or the context indicated otherwise, all Capitalized terms that appear throughout these Rules and Regulations reference the COA.

RECITALS

A. The Founder desires to submit and subject the Community to specific conditions, restrictions, liens, assessments, privileges and rights contained in these Rules and Regulations and not previously described in the COA but responsibility to which is documented in the COA.

B. The Founder desires to establish specific covenants, conditions and restrictions on the Property, along with certain mutually beneficial restrictions and obligations concerning the proper use, occupancy and enjoyment of the Property, all for the purpose of enhancing and protecting the economic value, ecological vitality, recreational utility, and scenic beauty of the Property.

C. The Founder desires and intends that the owners, mortgagees, beneficiaries and trustees under trust deeds, occupants and all other Persons acquiring any interest in the Property shall at all times enjoy the benefits of, and shall hold their interests subject to, the covenants, conditions, restrictions, liens, assessments, easements, privileges and rights set forth in the Rules and Regulations, all of which are designed to help promote and protect the Property.

DECLARATION

NOW, THEREFORE, the Founder, for the purposes set forth above, declares that the Property shall be subject to these Rules and Regulations defined herein.

RULES AND REGULATIONS DEFINED

1. *Pesticides*: Insecticides, herbicides or fungicides shall not be used on the outside areas of Parcels, except as follows (the "Permitted Applications"):
 - a. Private vegetable gardens not larger than 1000 square feet, which are located no closer than 50 feet from the Parcel boundary;
 - b. Use on flowering shrubs and individual fruit trees (not orchards) located no closer than 50 feet from the Parcel boundary; and
 - c. Use of insecticides immediately around buildings and structures for treatment of such buildings and structures.

2. *Collection of Assessments and Charges*:
 - a. *Due Date*: All assessments, charges, or penalties to Owners defined in the COA as "Assessments and Charges" will be due and payable within 30 days of the invoice date, unless otherwise stated. The due date shall be included in quarterly billings sent by the Founder or its representatives.
 - b. *Past Due*: Any past due assessments, charges, and penalties will be clearly delineated by the Founder or its representatives in quarterly statements to the Owners. Owners will be notified monthly thereafter of any past due balances.
 - c. *Past Due Penalties*: Any past due assessment, charge, or penalty shall be fined the following additional penalties:
 - i. *30 Days Past Due*: \$25.00 per month
 - ii. *90 Days Past Due*: \$50.00 per month
 - d. *Uncollectable Assessments*: If all reasonable efforts to collect past due assessments, charges, or penalties have been exhausted by the Founder, the Founder may take appropriate legal actions --including lien filings against Owners' New Moon Overlook property.

3. *Development Review and Fees*: Owners submitting plans for construction according to the processes documented in the Community Development Standards shall be subject to the following timelines and fees:
 - a. *Development Review Periods*: The Community Architect, Design Review Committee, or Founder shall be subject to the following maximum review periods for each submittal. Changes to plans at the request of the Community Architect, Design Review Committee, or Founder shall provide an allowance for an additional 10 days to the following base periods:
 - i. Community Architect Review: 30 days
 - ii. Design Review Committee: 15 days
 - iii. Construction Review: 15 days

- b. *Design Review Fee*: \$1,000.00 for the design review process. Changes to plans during the review process may be assessed additional fees by the Founder or Design Review Committee.
 - c. *Construction Period Damage Deposit*: \$3,500 will be held in escrow until a home has received a certificate of occupancy from Santa Fe County. Founder will deduct an amount sufficient to cover costs associated with any damages to Community Assets, Community Roads, or Property as a result of the Owner's construction process.
4. *Development Standards Violations*: Owners in violation of the New Moon Overlook Community Development Standards shall be subject to the following conditions and penalties:
- a. *Notice of Violation*: Owners in violation of the Community Development Standards will receive notice via certified mail.
 - b. *Remedy Period*: Owners will have 45 days from the date of receipt of notice to remedy the violation.
 - c. *Extension Period*: Owners may file for a one-time extension to the Remedy Period for an additional 90 days to allow adequate time to address the violation. The Design Review Committee shall have the sole authority to grant an extension and shall respond within 10 days to an extension request.
 - d. *Violation Penalties*: Violation penalties of \$250 shall be assessed for each month that a violation remains unaddressed.
5. *Water Use*:
- a. *Monitoring*: As part of its remote monitoring responsibilities described in section 11.7.5 of the COA, the Founder, or its representatives, is responsible for filing quarterly meter readings with Santa Fe County for each Owner's parcel.
 - b. *Notice of Violation*: Owners in violation of the Water Use Standards as defined in the COA will receive notice from the Founder via certified mail.
 - c. *Monitoring Period*: Following a Notice of Violation, an Owner's water use will be monitored quarterly and for a period of up to one year for any continued violation of the Water Use Standards. Usage calculations will be based on a trailing four-quarter water consumption total.

- d. *Violation Penalties:* Any owner who is in violation of the Water Use Standards during the Monitoring Period shall be assessed penalties as follows:
 - i. An initial penalty of \$500.00, as described in section 11.7.5 of the COA, shall be applied for a violation of the Water Use Standards during the Monitoring Period.
 - ii. An additional penalty of \$500 per quarter shall be applied thereafter until water usage is no longer in violation of the Water Use Standards.