TAOS COUNTY
ELAINE S. MONTANO, CLERK
000370403
Book 746 Page 717
11 of 17
04/28/2011 10:08:44 AM
BY SONYAR

LAND USERS CODE

FOR
THE REACH ASSOCIATION
OF TAOS, NM
April 17,2011

MEMBERSHIP

Members will be provided with a membership certificate which will allow, define and locate the member's lodging site. Members can occupy up to thirty feet beyond the outside of the outside wall of their lodging due to typical burial of the Earthship design. When the two Earthships are less than 60 feet apart, the boundary between the two structures will be a line half way between the two. Beyond 30 feet from an Earthship, the member must get Association approval for any land modifications or structures. Lodging site location will be defined by the membership certificate with an accompanying legal description of the REACH land for the purpose of securing the member's investment.

All members accepted into the association are assumed to understand and be in agreement with the experimental nature of the REACH program. All members are also assumed to understand and be in agreement with the enforcements of these restrictions described in another paragraph of this document.

BUILDINGS

All permanent buildings of any kind will be based on an Earthship, straw bale or other approved alternative design. No building solely of wood frame construction will be allowed. All new buildings or additions to existing structures must be approved at a membership meeting. Only members in good standing may request approval of designs of new buildings or additions. No portable "out-buildings" are allowed. Trailers or mobile homes of all types will be prohibited.

All construction by members must be approved by the Board of Directors. Members shall provide building plans and other information requested by the Board. The primary purpose of Board review is to assure compliance with the provisions of the Land User's Code, the safety of Association members and consistency with the overall purpose of the Association as described in the Association's Articles of Association, Bylaws and Land User's Code. Approval by the Board of Directors shall not be unreasonably withheld. It is the responsibility of the member to obtain all necessary construction permits and comply with all building codes. The Association does not have responsibility to obtain permits or assure building code compliance.

TAOS COUNTY
ELAINE S. MONTANO, CLERK
000370403
Book 746 Page 718
12 of 17
04/28/2011 10:08:44 AM
BY SONYAR

POWER

No power grid electricity shall run on this land. All energy will be solar or wind produced independently by members.

All sewage will be split into "grey" and "black" water systems (see Earthship Volume 1 and appropriate chronicles). Members will reuse grey water. All sewage must be reduced to dry compost, ash or black water discharge contained to prevent seepage into ground water.

WATER

Roof water catches will be built into each dwelling by owners. These catches will feed individual cisterns from which the water will be pressurized for household use. These catches will be designed so the catch water will be suitable for drinking.

BUILDING APPEARANCE

All exterior finishes shall be color coded to blend with surrounding foliage and/or earth for purposes of lowering the overall impact of the architecture on the property. Earth and foliage colored stuccos and paints are required. Members will strive to cover exterior tire work with plaster or fire retardant material.

SITE APPEARANCE

All construction sites and home sites must be kept organized, neat and free from blowing debris, stacks of junk, garbage, etc. All construction sites are subject to REACH standards of neatness and organization. Once buildings are complete, storage must be kept inside. Members are advised to allow sufficient storage space in their original square foot delineation on their membership certificate to allow for projected storage since no large portable exterior storage units will be permitted. Members are advised to allow an unfinished "U" module specifically for storage. Building sites will be kept clear of trash, hazardous or unhealthy material and items that will be a nuisance to other members of the association.

PROHIBITED ACTIVITES

No activity shall be permitted on REACH property that may be offensive in a residential community, nor shall anything be done which is considered to be an annoyance or a nuisance by a majority of the members in good standing.

GARBAGE

All garbage is the member's responsibility for removal to local dumps. All compost from kitchens and compost toilets shall be handled by individual members on their lodging sites in a way such that neither dogs, bears nor children can get into it.

TAOS COUNTY
ELAINE S. MONTANO, CLERK
000370403
Book 746 Page 719
13 of 17
04/28/2011 10:08:44 AM
BY SONYAR

PARKING

Parking at lodging sites will be permitted for one car or truck per 500 square feet of building space. No junk or dead cars are permitted on association land. RVs, boats, trailers and other large vehicles may not be parked on association property or in the "parking lot area" just below the property. The number of vehicles that may be parked in the "parking lot" area during the winter months may be restricted.

ROADS

No paved roads are provided by the Association at this time. These roads will be maintained (and surfaced if desired) by the members who use them. Board approval is needed for all road work. Consider the roads to be primitive and select your vehicles accordingly. Automobile use is restricted to defined roadways.

TREES AND LANDSCAPING

No live tree shall be cut or moved without approval by the Board of Directors. Triming is permitted to maintain solar access or reduce danger from fire. The member who moves trees and seedlings is responsible for their replanting elsewhere. No trees or landscaping will be permitted that cannot survive from catch water and/or swale systems.

ANIMALS

No large livestock will be permitted. Small livestock (chickens, geese, ducks etc.) will be permitted near each dwelling unit in enclosed areas designed to discourage predators. Roosters are not permitted on Reach property without Board approval. A maximum of two dogs is allowed per membership. Dogs must be kept indoors between the hours of 10 p.m. and 6 a.m. All dogs are the responsibility of their owners and are subject to eviction if necessary.

FIRES

No outdoor fires of any kind (including charcoal grills) are permitted. Lighting fireworks is also prohibited on Association property (and strongly discouraged anywhere near Association property). Propane grills are permitted.

ILLEGAL SUBSTANCES

The land is owned in common by all the members. There will be no growing of illegal substances on Association land. Association members are encouraged to dispose of any and all illegal substances found on common land.

TAOS COUNTY
ELAINE S. MONTANO, CLERK
000370403
Book 746 Page 720
14 of 17
04/28/2011 10:08:44 AM
BY SONYAR

MEMBERSHIP TRANSFERS

The REACH Association has an organizational structure different from most home and land ownership arrangements such as condominiums, land trusts or traditional sub-divisions. Legally, REACH is an Unincorporated Association as described New Mexico State Statues (53-10-1 to 53-10-8 NMSA 1978).

The Association holds the title to the 56.25 acre REACH property and all the earthships on the property. Consequently, REACH members do not actually own the earthship in which they reside in the sense that they have legal title showing ownership of their home or the land on which the home is situated. Instead they are provided a Membership Certificate that confers the right to occupy that earthship.

Under state statues governing Unincorporated Associations, individual memberships can be terminated by vote of the REACH Association membership in accordance with the REACH Articles of Association and Bylaws. By the same state statues, memberships can not be passed on to a member's heirs, as the statues expressly provide that association memberships terminate with the death of the member.

Memberships can be voluntarily terminated and new members accepted, providing a legal basis for the transfer of memberships. The following outline describes the process that REACH uses to transfer membership rights from one party to another. In summary, the transfer of ownership is not complete until the original owner's membership has been terminated by vote of the REACH membership and the new owner's membership has been approved by the membership (hereinafter referred to as the transfer of membership).

Prospective new members are encouraged to obtain copies of the state statues referenced above, and the REACH Articles of Association, Bylaws and Land Users Code.

1. The current member organizes a meeting of the REACH membership to approve the transfer of membership.
2. At the meeting the current member must provide a copy of a signed agreement demonstrating the desire of the current and prospective new member to complete the transfer of membership, including any terms that affect the transfer.
3. The REACH treasurer must certify that all REACH dues are paid.
4. The current member must demonstrate that any other REACH obligations (as determined by the membership) are met.
5. The new members must sign the REACH Association Acceptance Form stating that they will abide by the REACH Articles of Association, Bylaws and User Code.
6. The membership may approve the transfer of membership in accordance with the REACH Bylaws or approve the transfer conditionally with terms specified by the membership. In particular, when transfers of membership involve

COUNTY
ELAINE S. MONTANO, CLERK
000370403
Book 746 Page 721
15 of 17
04/28/2011 10:08:44 AM
BY SCNYAR

contract sales, the new membership certificate will be issued only when the contract is paid off. In this instance, the new member will sign the Acceptance Form and be designated as the voting association member. Voting privileges and membership approval will be terminated if the new member defaults on the contract, and membership and voting rights will revert to the original owner.

TRANSFER OF MEMBERSHIP IN THE EVENT OF THE DEATH OF A MEMBER

State law provides that Association memberships cannot be inherited. Consequently, upon the death of a member, their membership ceases to exist and the Association must determine the user rights for their Earthship. Members may provide a written request to the Association to transfer their membership to a specific individual upon their death. Members should understand that this request is not a will or part of a will.

ENFORCEMENT

Members, upon signing their membership acceptance form, document that they agree to and accept these restrictions and definitions as presented in the Articles of Association, By-laws and Land User's Code as they may be amended.

If a member is believed to have failed to follow the restrictions and definitions of the Land User's Code or provisions of the REACH Bylaws and Articles of Association, the following process will be used to resolve the situation:

1. Any member may bring the situation to the attention of the member not in compliance.
2. If this contact does not resolve the matter, the situation will be brought to a regular or special meeting of the Board of Directors for discussion.
3. If the Board of Directors determines that the member is in violation of the User Code, Articles of Association or Bylaws, a letter will be sent to the member in question notifying him or her of the violation and requesting that the violation be corrected within a specified timeframe.
4. If the matter is not resolved within the time specified, a certified letter will be sent by the Board of Directors again notifying the member of the violation, requesting that the violation be corrected, specifying the time by which the correction should be made and reminding the member that they are no longer a member in good standing.
5. If at any time the member wishes to contest the Board's finding that a violation has been committed, the member may request that a mediator be hired to attempt to resolve the situation. The cost of mediation will be borne equally by the Association and the member.
6. If the violation has not been corrected by the date specified in the Board's certified letter, the Board may take whatever action it believes is necessary to resolve the situation including legal action and removing the individual from

Association membership. The member will be notified by certified mail of any such action taken by the Board of Directors.

The purchase of a REACH membership is subject to the above restrictions and enforcements. REACH members fully understand and agree to these procedures upon signing of the membership acceptance form.

In the event that any one or more of the provision of this User Code shall be held void by a court of competent jurisdiction, all remaining portions of the Code shall remain in full force.

REACH Members shall not be liable for damages of any kind to any party for failing to enforce any provisions of this User Code. Delay or failure to enforce provisions of this User Code shall not constitute a waiver of the right to enforce the Code for subsequent or continuing violations.

CLARIFICATION OF REACH OBLIGATIONS

The object of this endeavor is to make land available for REACH members to participate in the research and development of architectural, mechanical, environmental, sociological, economic, spiritual and ecological ideas as put forth in the books written by Michael Reynolds and published by Solar Survival Press- Earthship Volume I, Earthship Volume II, Earthship Volume III, and A Coming of Wizards. This is not a condominium project, nor a co-op, nor a subdivision. It is a Non-profit Unincorporated Association. The price of membership (and resulting opportunity to build) is very small. REACH is therefore neither a maintenance agency nor a care taker of the land. The people care for the land. REACH is simply an Association formed so that many people can use the land to pursue a more mentally, physically, spiritually and ecologically healthy way of life on this planet Earth (as a family or club) under the direction of the REACH Land Users Code.