

RESTRICTIVE COVENANTS AND PROTECTIVE EASEMENTS

AIRPORT BLOCKS, UNIT 2, BLOCK 35, REPLAT A,

ALAMOGORDO, NEW MEXICO

DECLARATION:

WHEREAS, George P. Light and Donna R. Light are the owners of real estate within the City of Alamogordo, Otero County, New Mexico, more particularly described as follows:

AIRPORT BLOCKS, UNIT 2, BLOCK 35, REPLAT A,

ALAMOGORDO, OTERO COUNTY, NEW MEXICO

WHEREAS, said owners desire to impose certain restrictions and mutual and reciprocal easements upon said tract of land relating an orderly and uniform development of the said real estate and the improvements thereon.

BE IT THEREFORE DECLARED that the following covenants, restrictions and easements are declared and are imposed upon the said lands and the same shall run with the land and be binding upon all parties, purchasers and owners and upon their successors, assigns and privies and all persons claiming under or by or through them for the term of years or terms of years as herein provided.

PART I. FULLY RESTRICTED RESIDENTIAL AREA.

The residential area covenants in PART II. RESIDENTIAL AREA COVENANTS shall apply in their entirety to Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, and 10A, Block 35, AIRPORT BLOCKS, UNIT 2, BLOCK 35, REPLAT A, Alamogordo, Otero county, New Mexico.

PART II. RESIDENTIAL AREA COVENANTS.

A. LAND USE AND BUILDING TYPE.

1. No lots shall be used except for residential purposes.
2. No residence shall be erected, altered, placed or permitted to remain on any lot other than one (1) detached single family, single storied dwelling.

B. MINIMUM HOME BUILDING REQUIREMENTS.

Each dwelling shall conform to the following minimum home building requirements:

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All dwellings shall be site built or manufactured housing. They shall conform to all requirements relating to such single family residential construction in new subdivisions as may be required by acts, statute, rule, regulation or ordinance of Federal, State and local authorities and agencies and shall, as constructed, conform generally to the requirements of conventional or Federal, State or local mortgage financing programs. All site built dwellings shall conform to the then current building code adopted by the City of Alamogordo. Additionally, all manufactured housing dwellings shall meet or exceed the following minimum requirements:

1. Contain a minimum of 1064 square feet in the floor plan.
2. Contain a minimum of one (1) bedroom and one (1) bathroom.
3. A sidewall minimum ceiling height of seven (7) feet.
4. Metal roof or composition roof shingles, or approved equal. No objects such as tires, blocks, bricks, etc. shall be allowed on the roof.
5. Prefinished skirting, stucco or prepainted manufactured skirting installed within sixty (60) days of the date the dwelling is placed on the lot.
6. Anchored at the four (4) corners, as a minimum, at the time the dwelling is placed.
7. Surfaced driveway(s) of either concrete, asphalt or compacted base course.
8. A stable front entrance deck or porch of not less than forty (40) square feet, excluding the steps.
9. All required site improvements and amenities completed and in place within sixty (60) days of the date the dwelling is placed on the lot.
10. All utilities connected and attached in a manner acceptable to the utility company.
11. The finish floor elevation shall not be greater than thirty-six (36) above the finish ground surface.
12. Only manufactured home in very good condition, inside and out, shall be placed on any lot.
13. No manufactured homes older than five (5) years shall be placed on any lot.

C. ARCHITECTURAL CONTROL

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No building or improvements shall be erected, placed, altered or replaced on any lot until the construction plans and specifications, including a site plan showing the location of the improvements, have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing and planned structures, and as to location with respect to topography and finished grade elevation. Any manufactured home to be placed on any lot shall first be inspected and approved by the Architectural Control Committee or its approved representative.

No fence or wall, except those necessary retaining walls of minimum height, shall be erected or allowed to remain nearer to the street than the front property line.

On corner lots no side fence or wall, except necessary retaining walls of minimum height, shall be erected or allowed to remain nearer to the front street than the front property line, nor nearer the side street than the side property line.

Approval shall be as provided in Part III.

#### D. BUILDING LOCATION.

No building shall be located on any lot nearer to the front lot line or nearer to the side lot line than the minimum building setback line shown on the recorded plat. In any event, no building shall be located on any lot nearer than twenty-five (25) feet to the front lot line or nearer than fifteen (15) feet to any side street lot line. No building shall be located nearer than five (5) feet to any interior lot line, except as may be permitted by ordinance of the City of Alamogordo. Eaves, steps, and open porches and slabs shall not be considered as pertaining to the minimum setback and minimum distance requirements of this paragraph. However, this shall not be construed to allow or permit any portion or appurtenance of any building on any lot to encroach upon another lot.

#### E. LOT AREA AND WIDTH.

No dwelling shall be erected or placed on any lot having a width of less than sixty (60) feet at the minimum building setback line. Each lot shall have an area of not less than six thousand (6,000) square feet.

#### F. NUISANCES.

No noxious or offensive activity shall be conducted or carried on upon any lot, nor shall anything be done thereon which is an annoyance or nuisance to the neighborhood. No inoperable vehicle or vehicles in gross disrepair shall be kept upon any lot unless they are out of sight and within a building or garage.

#### G. SIGNS.

No signs of any kind shall be displayed to public view on any lot, except: (a) A professionally made sign of not more than two (2) square feet; (b) A professionally made sign of not more than six (6) square feet advertising the property for sale or rent; (c) All signs used by the developer to advertise the property during the construction and sales period.

H. OIL AND MINING OPERATIONS.

No oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts appurtenant to any drilling or mining operations be permitted upon or in any lot.

I. LIVESTOCK AND POULTRY.

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for commercial purposes.

J. GARBAGE AND REFUSE DISPOSAL.

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, and other waste shall be kept in sanitary containers that are regularly emptied and cleaned. The solid waste disposal service available through the City of Alamogordo shall be obtained by the owner or renter of every lot.

K. WATER SUPPLY.

Potable water supply for any lot shall be obtained from the public water supply system of the City of Alamogordo.

L. SEWAGE DISPOSAL.

No individual sewage disposal systems shall be permitted on any lot. Sewage disposal for every lot shall be by means of the public sewage disposal system maintained by the City of Alamogordo.

M. SIGHT DISTANCE AT INTERSECTIONS.

No fence, wall, hedge, or shrub planting which obstructs sight lines between two (2) and six (6) feet above the roadways shall be placed or allowed to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines. The same sight-line limitations apply on any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway. No trees shall be permitted to

remain within such distances of such intersections unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight lines.

PART III. ARCHITECTURAL CONTROL COMMITTEE.

A. MEMBERSHIP.

The Architectural Control Committee is composed of:

1. George P. Light  
4001 North Scenic Drive  
Alamogordo, New Mexico
2. Donna R. Light  
4001 North Scenic Drive  
Alamogordo, New Mexico
3. One resident of the subdivision.

A majority of the committee may designate a representative to act for it. In the event of the death or resignation of any member of the committee the remaining members of the committee shall have full authority to designate a successor. Neither the members of the committee, nor its designated representatives, shall be entitled to any compensation for services pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or to restore to it any of its powers and duties.

B. PROCEDURE.

Complete construction plans and specifications shall be submitted to the Committee not less than two (2) weeks before approval is expected by the applicant.

No building or improvements shall be erected, placed, altered or replaced on any lot until the construction plans and specifications, including a site plan showing the location of the improvements, have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing and planned structures, and as to location with respect to topography and finished grade elevation.

The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, and if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

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PART IV: GENERAL PROVISIONS.

A. TOLERANCE.

A six (6) inch tolerance by means of mechanical variance of construction is allowed for the minimum distance requirements from the lot lines.

B. TERM.

These covenants are to run with the land and shall be binding on all parties, their successors, assigns and privies and all persons claiming by, through or under them for a period of thirty (30) years from the date these covenants are recorded. After this period the covenants shall be automatically extended for the successive period of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been placed of record in the County Clerk's Office, requesting amending or agreeing to change the covenants in whole or in part. Votes shall be counted on the basis of one (1) vote for each lot owned.

C. ENFORCEMENT.

Enforcement shall be by proceedings at law in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

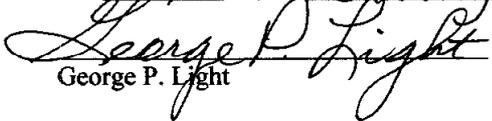
D. SEVERABILITY.

Invalidation of any one of these covenants by judgment or court order or by ordinance of the City of Alamogordo, New Mexico shall in nowise affect any of the other provisions which shall be and remain in full force and effect.

E. AMENDMENT.

These covenants may be amended, in whole or in part, at any time an instrument is signed by a majority of the owners of the lots has been recorded agreeing to amend said covenants, in whole or in part, include additional property under the terms hereof or to exclude specifically described property from the provisions hereof. Votes shall be counted on the basis of one (1) vote for each lot owned within the subject area.

IN WITNESS WHEREOF, the said owners have caused this instrument to be executed this 29<sup>th</sup> day of January, 2003.

  
George P. Light

  
Donna R. Light

