

**RESTRICTIVE COVENANTS OF
ALTO Y SECO SUBDIVISION
OTERO COUNTY, NEW MEXICO**

The undersigned, being the sole owner of the following described real property located in Otero County, New Mexico, being the real property now duly platted as ALTO Y SECO, Lots 1 through 7 inclusive, a subdivision of Otero County, New Mexico, which was filed on January 26, 1993, and recorded in Book 43, Pages 71 and 72, of the Records of the Otero County Clerk, hereby makes the following declarations as to limitations, restrictions, uses and hereby specifies that such declarations shall constitute covenants to run with all of the lots in said subdivision as provided by law and shall be binding on all parties and all persons claiming under them and for the benefit of all future owners in such subdivision, such declarations and restrictions being designed for the purpose of keeping the subdivision desirable, uniform and suitable in architectural design and use as specified herein:

1. No lot may be resubdivided.
2. All lots, except lot four, shall be known as single family residential lots and no structure shall be erected on any residential lot other than one single family dwelling, not to exceed two stories in height, and private garages and other outbuildings incidental to residential use of the lot all in accordance with zoning regulations and building code as may legally apply at the time of construction. Upon the sale of lot four, it shall automatically become a single family residential lot.
3. All residential dwellings and outbuildings shall be of an architectural design commonly known as Spanish, mediterranean or pueblo design. All slanted or pitched roof shall be covered with red or mission type tile. No single family dwelling shall be permitted on any lot in the above described tract having a ground floor square foot area of less than 1800 square feet in case of a one-story structure nor less than 1400 square feet ground floor area in the case of a one and one-half story or a two-story structure, both exclusive of porches and garages. No chain-link metal fences shall be erected on the interior lot lines. No fence shall exceed three feet in height, except for such fences as may be attached to the dwelling, and surround a patio, garden or swimming pool area. The fence must be of the same type and design and be complementary to the dwelling, and may not be erected any closer than five feet of the roadway easement. No dwelling shall be erected within five feet of the property boundary.
4. Any construction project initiated must be completed on the exterior within twelve (12) months of initiation.

5. No more than two domestic animals are permitted in any residence, and the same shall remain under the control of the owner at all times. No animal shall be permitted to run at large. No live stock of any kind shall be raised, bred, or kept on any portion of said real estate.

6. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

7. All owners shall endeavor to maintain the property in as natural a state as possible insomuch as land clearing is concerned. The native growth, including cacti, mesquite, and ocotilla, shall not needlessly be destroyed or removed from said real estate, except as is necessary for roadways, utility ways, structures and walled-in or fenced-in yards, gardens and patios.

8. No mobile homes, modular homes, or trailers may be moved onto said real estate. And no structure of a temporary character, or a trailer, mobile home, modularhome, tent, shack, garage, barn or outbuilding shall used on any tract at any time as a residence. No structure or outhouse shall be used or built for the purpose of outside toilet facilities. No provision of this paragraph shall prevent any owner of said real estate from storing a travel trailer or motor home on said property for use elsewhere.

9. Calle de Juana is a private street. All lot owners with property boundaries adjacent to said private street shall be responsible for one-fifth of the maintenance cost for said private street. The necessity and extent of the repairs may be determined by not less than three out of the five lot owners. Each lot adjacent to Calle de Juana is subject to a roadway easement as shown on the official plat filed with the County Clerk of Otero County, New Mexico, on January 26, 1993, and recorded in Book 43, at Pages 71 and 72. The right of ingress and egress of the lot owners adjacent to Calle de Juana shall be and remain unrestricted. No fence or structure of any type shall be built in such a manner so as to interfere with the right of ingress or egress.

10. These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of five (5) years from the date these covenants are recorded, at which time they shall be automatically continued in force for successive periods of five (5) years each, unless discontinued or amended at the end of the first period, or any subsequent five year period, by filing with the County Clerk of Otero County, New Mexico an appropriate instrument signed by the owner or owners of five of the seven lot owners of said subdivision. Paragraphs one (1) and two (2) may not be amended.

