

RESTRICTIVE COVENANTS

"BLUE SPRUCE ESTATES"

OTERO COUNTY, NEW MEXICO

WHEREAS, SAMUEL A. AND LINDA G. SCHAUER, are the owners of the following described real estate in Otero County, New Mexico, to-wit:

Description : 42.342 acre tract, also known as "Blue Spruce Estates"

A tract of land located in the SE1/4 and the SW1/4 of section 3, T.16S., R.11E., N.M.P.M., Otero County New Mexico, and being a portion of tract C as described in book 751, page 264, Otero County records, more particularly described by metes and bounds as follows:

Beginning at the southeast corner of this tract from which the south 1/16 corner common to sections 2 and 3, a U.S.F.S. aluminum cap found in place bears S.88°36'42"E., 1531.73 feet, thence N.88°36'42"W., 1022.81 feet, coincident with the south line of said SE1/4, thence N.88°35'58"W., 1277.34 feet, to the southwest corner of this tract, thence N.04°21'40"E., 472.31 feet, thence N.19°46'36"E., 433.39 feet, thence N.04°11'45"W., 228.17 feet, to the northwest corner of this tract, thence N.81°00'23"E., 22.19 feet, thence S.06°17'26"E., 233.05 feet, thence S.17°14'48"W., 259.87 feet, thence N.72°33'59"E., 625.65 feet, thence N.72°49'24"E., 109.96 feet, thence N.89°36'10"E., 625.71 feet, thence S.76°31'01"E., 901.95 feet, to the northeast corner of this tract, thence S.03°23'38"W., 702.31 feet, to the beginning and containing 42.342 acres.

AND WHEREAS, said owners above named desire to place certain restrictions in regard to the buildings and improvements thereon and other matters as hereinafter set out upon and against all property in the tract.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the above named owners, hereby declare and agree with all future purchasers of lots or building sites in the above named tract, that the following restrictions apply to all lots or building sites in the tract, and all conveyances of any lot or lots in the above named tract shall be subject to certain restrictions as follows:

1. All lots in the above named area shall be for residential purposes only. No structure shall be erected other than one detached single family dwelling and other structures incidental to residential use of the lot.
2. No building shall be erected or permitted to remain on any lot nearer than 35 feet to the front lot line, i.e. the line along the access road, nor nearer than 25 feet to any side lot line.

3. No dwelling shall be constructed having a floor square area of less than 1200 square feet excluding porches, garages, and carports.
4. No lot less than 9 acres shall be resubdivided. Lots greater than 9 acres may be resubdivided once into 2 approximately equal parts.
5. No trailer, modular, prefabricated structure, basement, tent, shack, garage, barn or other out buildings shall be at any time used as a residence, temporary or permanent. A contractor may use a temporary building during the course of construction for purposes other than as a residence.
6. Property owners may use a recreational vehicle or trailer as temporary housing during the construction of a permanent residence for a period not to exceed one year.
7. Construction, once commenced, must be completed as to exterior in one year.
8. All buildings constructed shall be of standard construction and in conformance with the standards required by The County Building Codes, and by the plumbing, electrical, and other safety codes relating to single family residential dwellings of the County of Otero and the State of New Mexico.
9. No second-hand lumber or materials shall be used in the construction of any building thereon.
10. 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.
11. No garbage, refuse, junk, trash, obnoxious or offensive material shall be permitted to accumulate or be buried on any lot.
12. No outdoor type toilet shall be erected or maintained and all toilets shall be located inside the principal building and shall be connected with proper septic tanks that conform with state and county health laws and regulations.
13. All chimneys, flues, or other vents used in conjunction with open fire heating (fireplaces, Etc.) shall be equipped with spark arresters.
14. No brush, trash or other material shall be burned except in compliance with the fire regulations of Lincoln National Forest.
15. The keeping of livestock, poultry, pets or rabbits on any of said lots for commercial gain is prohibited.

16. No more than one horse, or one cow, or one sheep, or two ostriches, or one of any other types of large animals may be kept on each full acre of land in the described lot. No swine or goats shall be allowed.

17. No commercial activity shall be carried on except for the sale of real property.

18. No outside fence, wall or similar structure not a part of a dwelling or incidental outbuilding shall be erected over six feet in height.

19. No inoperable equipment or motor vehicle may be kept on any lot unless the motor vehicle or equipment is garaged and out of sight.

20. Easements over or under the surface or both, required for the installation and maintenance of electric lines, telephone lines, water lines, drainage facilities, and for all other utilities both public and private, with the right to assign such easements are reserved. An easement for roadway maintenance is also reserved.

21. The lot owners shall pay a yearly fee to maintain the roadway that provides access to lots in this tract. This fee shall be determined by dividing the necessary total yearly fee by the number of property owners in this tract.

These Covenants and Restrictions are to run with the land and shall be binding on all parties and all persons claiming under them.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the Covenants or Restrictions contained herein, it shall be lawful for the subdivider, his successors or assigns or any other person or persons owning any lot in said tract to prosecute any proceedings at law, or in equity, against the person or persons violating or attempting to violate any such covenant or restrictions and either prevent him or them from so doing, or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the provisions which shall remain in full force and effect.

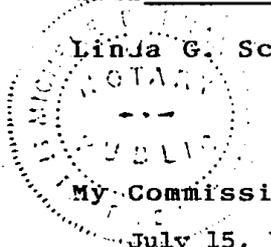
Samuel A Schauer

Linda G Schauer

STATE OF NEW MEXICO)
) ss:
COUNTY OF OTERO)

The foregoing instrument was acknowledged before me
this 11th day of June, 1996 by Samuel A. Schauer and

Linda G. Schauer



My Commission Expires
July 15, 1996

Michelle Branson

Notary Public

STATE OF NEW MEXICO } ss
OTERO COUNTY }

FILED FOR RECORD IN MY OFFICE

This 12 day of June 1996

at 2:55 P.M. and duly recorded

in Book No. 833 Page 814-817

the records of Otero County, New Mexico.

Mary D. Quinter
County Clerk, Otero County, New Mexico

By *Christina Ann* Deputy

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