

RESTRICTIVE COVENANTS

BRIDAL FALLS ESTATES, A SUBDIVISION OF
OTERO COUNTY, NEW MEXICO

THE STATE OF NEW MEXICO {
 {
COUNTY OF OTERO {

DATE

1-6-91

CERTIFICATION
ALL MICROPHOTOGRAPHIC IMAGES OF DOCUMENTS ON THIS FILM STRIP ARE OF AUTHORIZED
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Lynn Walker

CAMERA OPERATOR

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PART A. PREAMBLE.

KNOW ALL MEN BY THESE PRESENTS: BRIDAL FALLS, INC. ("Grantor"), owner of all lots in BRIDAL FALLS ESTATES, a Subdivision in the County of Otero, State of New Mexico, according to the Map and Plat thereof, on file in Book _____ Page _____, Plat Records, Otero County, New Mexico, declares that the following restrictions shall apply to all lots or building _____ in the Subdivision, and all subsequent conveyances of any lot, or lots, shall be subject to these restrictions, as follows.

PART B. AREA OF APPLICATION:

B-1 FULLY PROTECTED RESIDENTIAL AREA: The covenants apply to all lots in BRIDAL FALLS ESTATES as described in the Plat.

PART C. RESIDENTIAL AREA COVENANTS:

C-1 LAND USE AND BUILDING TYPE: No lot shall be used for any purpose other than for residential purposes. No more than one residential structure shall be erected on any one residential site.

C-2 MINIMUM RESIDENTIAL SITE AREA: No dwelling shall be erected or placed on any residential site having an area of less than 87120 square feet, nor an average width of less than 220 linear feet.

C-3 SUBDIVIDING OF LOTS: No lot shall be resubdivided by partition or conveyance of title by any means resulting in the creation of more than two (2) lots each containing the minimum residential site required. Any further subdivision must be approved by the County Commissioner's Court of Otero County, New Mexico.

C-4 DWELLING SIZE: The ground floor of the main structure, exclusive of open porches and garages, shall be not less than 800 square feet, heated and cooled. All outbuildings must contain a minimum of 100 square feet enclosed.

C-5 BUILDING LOCATION: No structure shall be constructed or maintained nearer than 100 feet from the front property line nor 50 feet to a side lot line.

C-6 IRRIGATION EASEMENT: There is reserved in favor of Tularosa Community Litch Corporation, its successors and assigns, an easement to install and maintain a pipeline to convey water along the North side of the Tularosa River, together with the rights of ingress and egress to and from the easement for the purpose of maintaining, inspecting, altering, repairing, operating, protecting, removing or relaying the pipeline and such valves, meters, equipment and appurtenances as may be necessary for operations. No excavation will be permitted within the limits of the easement. Lot owners will not construct or permit to be constructed any building, structure or foundation upon the right-of-way or any other improvements upon the right-of-way which interferes with the grantee's safe operation of the pipeline and its appurtenances. Construction of fences, driveways or roads over the pipeline is permitted so long as the depth of ground cover is maintained between the top of the pipeline and the bottom of the fence or driveway.

C-7 CONSTRUCTION OF BUILDINGS: No structure shall be built or occupied as a residence or outbuildings, temporary or otherwise, except one constructed of brick, adobe, masonry, frame with a stucco exterior, wood siding, aluminum siding or other industry approved siding, and specifically, all exterior walls shall have a one (1) hour fire rating. Lot owners must obtain a building permit from Otero County prior to commencing construction. Modular homes may be used as a residence provided that they are of doublewide construction, are no more than ten (10) years old when placed on the Property, and are permanently affixed to a foundation constructed for that purpose. All mobile homes must be in good state of repair. Approved anti-roof rumble systems will be permitted; however, in no event shall automobile or other tires be used as anti-roof rumble systems. The exterior of any single family structure, garage, or outbuildings must be completely finished within twelve (12) months of the date of the start of construction. No existing, live trees may be removed except those hindering construction of the residential unit.

C-8 SEWAGE DISPOSAL: All private, installed sewage disposal systems (septic tanks) must be installed in compliance with those rules and regulations of the State of New Mexico, Otero County or other local Health Department. Sewage disposal systems must be set back 100 feet from a domestic well and 200 feet from the Tularosa River, except for Lots 10, Block One and Lot 6, Block 2, which will be required to install an evapo-transpiration system with setbacks no closer than 150 feet from the Tularosa River. All sanitary or bathroom facilities must be self contained within a residential dwelling.

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1-6-41

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C-9 WATER SUPPLY: Each residential site may drill water wells for residential use only. Each well must be at least 100 feet from a sewage disposal system and 200 feet from the Tularosa River. Except for Lots 10, Block One and Lot 6, Block 2 which will have a required setback of 100 feet from the Tularosa River and will be required to encase the first 50 feet in concrete and construct a concrete pad at ground level to eliminate the possibility of aquifer contamination.

C-10 FENCING: Subject to the restrictions upon construction on easements, a fence may be constructed ten (10) feet from the property lines, and outside of the utility and pedestrian easement area.

C-11 NUISANCES: No noxious or offensive activity shall be carried on to any lot, nor shall anything be done which may be or may become an annoyance or nuisance to the neighborhood. No portion of the property may be used for any purpose which causes the emission of noise, odors, dirt, dust, smoke, sprays or mists into the air beyond the boundary line of each lot.

C-12 TEMPORARY STRUCTURES: No structure of a temporary character, shack, garage, barn or other outbuilding shall be used at any time as a residence. This restriction shall not prevent camping for recreational purposes for periods not to exceed twenty-one (21) days on each occasion or the use of mobile trailers during construction of permanent structures. No portion of any lot shall be used for open storage of materials or supplies of any kind.

C-13 SIGNS: No sign of any kind shall be displayed to the public view on any residential lot except one sign of not more than eight (8) square feet advertising the property for sale or rent, or any sign used by the Grantor or its assigns to advertise the property during the development and sales period.

C-14 OIL AND MINING OPERATIONS: No oil drilling, oil development operation, oil refining, quarrying, or mining operation of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

C-15 LIVESTOCK AND POULTRY: Subject to provisions regarding maintenance of a nuisance, animals, livestock, poultry or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes. Lot owners are required to provide adequate fencing to contain livestock or poultry within their lots. The area surrounding BRIDAL FALLS ESTATES is open range land. Lot owners are required by New Mexico State Law to fence out undesired range animals or to

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91-1
ROLL NO.

prevent trespassing by hunters. All animal matter shall be disposed of in a sanitary manner.

C-16 GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, refuse or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No trash, garbage, refuse, junk, including wrecked, destroyed, abandoned or junked vehicles of any sort, or offensive materials shall be permitted to accumulate on any lot and shall be disposed of by the owner in accordance with accepted sanitary practices of the Otero County Health Department.

C-17 PONDING AND DRAINAGE: All lots in the Subdivision are subject to on-site ponding of storm waters in order to accommodate storm waters up to a maximum depth of eight (8) inches following the occurrence of a storm. No owner shall do or permit to be done any act which prevents, hinders or alters the on-site ponding of stock waters on any lot. No owner shall place or construct on any unimproved portion of his lot a permanent barrier which impedes or defeats percolation of water through the soil. In the event the original on-site ponding areas on a lot become altered by reason of active or passive conduct of the owner or some third person or by reason of Acts of God, the owner of such lot shall immediately restore the one-site ponding areas to their original design and capacities for the storage of storm waters and with this covenant to benefit all other owners in the subdivision. The rights of lot owners are further subject to the rights of the Untied States of America, State of New Mexico, County of Otero and Municipality of Tularosa, following the bed of the Tularosa River and the rights of riparian owners to the free and unobstructed flow of the Tularosa River.

PART D. COMMERCIAL ACTIVITIES:

No portion of the land shall be used for carrying on commercial enterprises or activities, including, but not limited to beauty salons, auto repair shops, welding shops, riding stables, carnival type activities, motorcycle activities, rental of housing units (except for rental of the whole dwelling to any one party), or any other commercial or any other type of business or professional type activity.

PART E. GENERAL PROVISIONS:

E-1 TERM: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of forty (40) years from the date these covenants shall be automatically extended for successive periods

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of ten (10) years each, unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

E-2 MODIFICATION: These restrictive covenants may be waived, terminated or amended in whole or in part with respect to the entirety of BRIDAL FALLS ESTATES or any parcel therein, with the written consent of the owners of seventy-five percent (75%) of the lots of BRIDAL FALLS ESTATES. Any change made in the Restrictive Covenants by the owners shall not be in conflict with the Tularosa Community Ditch Corporation, Otero County, or the State of New Mexico. No waiver, termination, or amendment shall be effective unless the proper instrument is in writing and recorded in the Office of the County Clerk of Otero County, New Mexico.

E-3 ENFORCEMENT: Enforcement shall be by procedure at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to cover damages, and the court may enter temporary restraining order(s) and/or temporary injunction(s) without bond. The party violating or attempting to violate any covenant shall be assessed a reasonable attorney's fee, including all costs of suit in any final order. The Grantor shall not be obligated to initiate any action to enforce these Restrictive Covenants.

E-4 SEVERABILITY: Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, ROBERT M. BENDALIN President of BRIDAL FALLS, INC., has caused these presents to be executed at El Paso, Texas this 27th day of September, 1989.

BRIDAL FALLS, INC.

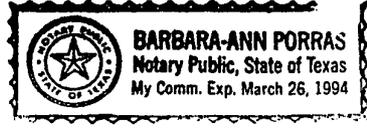
BY: *Robert M. Bendalin*
ROBERT M. BENDALIN, President

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THE STATE OF TEXAS {
COUNTY OF EL PASO {

BEFORE ME, the undersigned authority, on this day personally appeared ROBERT M. BENDALIN, President of BRIDAL FALLS, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

SUBSCRIBED AND SWORN TO BEFORE ME, this 27th day of September, 1989, to certify which witness my hand and seal of office. 1990



Barbara-Ann Porras
Notary Public, State of Texas
Notary's name printed:
Barbara-Ann Porras
My commission expires: 3/26/94



STATE OF NEW MEXICO } S.S.
OTERO COUNTY }
FILED FOR RECORD IN MY OFFICE
This 5th day of February 91
At 1:35 o'clock P. M and duly recorded
in Book No. 700 Page 56-61
the records of Otero County, New Mexico
Channa J. Herrera
County Clerk, Otero County, New Mexico
By Therese Herrera Deputy

91-00805

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CAMERA OPERATOR Symon L. L. L.