

RESTRICTIVE COVENANTS

WHEREAS, M. R. Wallace and Ruby Wallace, his wife, are the owner of the following described real estate in Otero County, New Mexico, to-wit;

Lots-5,6,7,8,10,11,12. Block 210. Of the town  
of Alamogordo.

WHEREAS, the said above mentioned property owners desire to place certain restrictions upon and against all of the lots embraced within the boundaries of the above described lots, pertaining to the buildings, improvements and other matters thereupon;

AND WHEREAS, said owners set the following restrictions and covenants, to apply <sup>to</sup> all present and future lots therein be subject to certain restrictions, as follows:

- (a) All lots in the subdivision shall be known and described as single family residential lots and no structure shall be erected on any residential building plot other than one detached single family dwelling, not to exceed two stories in height, and private garages or car ports for more than two cars, and other out-buildings incidental to residential use of the plot, all in accordance with such zoning regulations and building codes as may legally apply at the time of construction.
- (b) No lots shall be resubdivided into, nor shall any dwelling be erected or placed, on, any lots having a width of less than fifty (50) feet at the minimum building set back line or any area of less than six thousand (6,000) square feet.
- (c) No building shall be located on any lots nearer than twenty five (25) feet to the front lot line, or nearer than fifteen (15) feet to any side street lot line. No dwelling shall be located nearer than five (5) feet to an interior lot line. No dwelling shall be located on any lot nearer than thirty five (35) feet to the rear lot line. For the purpose of this covenant, eaves, steps, and open porches shall not be considered as a part of a buildings, provided, however, that this shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.
- (d) No single family dwelling shall be permitted on any lot in the tract having a ground floor, square foot area of less than seven hundred (700) square feet in the case of a one-story structure, nor less than six hundred fifty (650) square feet ground floor, square foot area in the case of a one and one-half story or two-story structure, both exclusive of porches and garages.
- (e) No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lots at any time as a residence, either temporarily or permanently.
- (f) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done which may be, or may become, an annoyance or nuisance to the neighborhood.

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 twenty five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years 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.

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

violations or to recover damages.

Invalidation of any 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.

IN WITNESS WHEREOF the said M. R. Wallace and Ruby Wallace has caused this instrument to be executed and affix their seal this 19th day of December 1953.

M. R. Wallace

Ruby Wallace

STATE OF NEW MEXICO )  
COUNTY OF OTERO ) SS:

On this 19th day of Dec. A. D. 1953, before me personally appeared M. R. Wallace and Ruby Wallace to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Witness my hand and seal on this the day and year last above written.

(Notarial Seal Imprint)

My Commission Expires: 11/20/56

Lois Howerton  
Notary Public  
Otero County, New Mexico

The foregoing instrument was filed for record in my office on the 19 day of December 1953 at 10:00 o'clock A. M.

LUCILLE ALEXANDER, County Clerk

By *Thillie Mae Shambro* Deputy.