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RESTRICTIVE COVENANTS OF  
CANYON ESTATES SUBDIVISION

S. BERT ATKINS, being the owner of all the lots located in Canyon Estates Subdivision, a subdivision located in the County of Otero, State of New Mexico, the plat of which was recorded in Book \_\_\_\_\_ at pages \_\_\_\_\_ of the records of Otero County, New Mexico, on the \_\_\_\_\_ day of \_\_\_\_\_, 1978, does hereby consent and agree that the following Restrictive Covenants shall be in full force on said property, from the date of recording this instrument, to-wit:

1. All lots in said tract shall be known and described as single family dwelling lots and no structures shall be erected which are inconsistent with single family residential use of a particular lot.
2. All lots shall have the required drainage pipes installed in the bar ditch where any driveway or roadway going from the main road to the lot is located.
3. No residential building shall be constructed on any lot having a cost or fair market value of less than \$24,000.00, (Twenty-four Thousand Dollars) nor shall any residential building have a total dimension of less than 1400 square feet.
4. Mobile homes and prefabricated building may be place only on Lots 9 through 14 in this subdivision. No Mobile home having less than 650 (six hundred fifty) square feet of living space shall be allowed nor shall any mobile home be allowed which was manufactured more than 4 years prior to the date it is moved on to the subdivision. Upon initially moving a mobile home upon the subdivision, it is to be placed on a foundation, the wheels removed and skirted in such a manner as to appear permanent.
5. Mobile homes located on Lots 9 and 14 shall be located in the North one-half of the Lot.
6. Mobile homes located on Lots 10 and 11 shall be located on the NW quarter of the Lot.
7. Mobile homes located on Lots 12 and 13 shall be located on the NE quarter of the Lot.
8. Temporary dwellings may be located on any lot or lots during the period of actual construction of a residence for a period not to exceed twelve consecutive months from the date of the purchase of the lot.

9. No outdoor type toilet shall be erected or maintained in the subdivision, except by prior approval of the developer as outdoor portable toilets may be on a premises during the actual period of construction as may be required by State or Federal law. All toilets shall be located inside the principal buildings and shall be connected with proper septic tanks or sewage disposal systems that conform to health laws of the State of New Mexico and the regulations of Otero County.

10. All residential dwellings constructed on said lots shall be of standard construction unless otherwise specified by the developer, and no old or second-hand building shall be moved on a lot unless the same is in conformance with the standards as required by the building code of the City of Alamogordo, New Mexico, and by the planning, electrical, and other safety codes relating to single family residential dwelling of the State of New Mexico, as well as the standards set forth by these covenants.

11. No business or profession, manufacturing operation, commercial enterprise, or public or commercial amusement enterprise shall be conducted, operated, or maintained on any lot.

12. No lot shall be re-subdivided for a period of fifteen years. No portion of any lot shall be leased or permission granted to another person, firm, or corporation for the purpose of constructing a residential building thereon or any out-buildings to be used in connection with the residence of another lot for a period of fifteen years from the date of purchase.

13. No building or other construction, except fences, shall be erected or placed upon any lot so that any part of it shall be situated closer than 50 feet to a front property line or fifteen feet from side property line, and in regard to corner lots, closer than fifteen feet to any side street except as prescribed in paragraphs 5 and 6.

14. No brush, trash, or other materials shall be burned except in compliance with the fire regulations of the appropriate regulatory agency.

15. No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done on any lot which may be or become any annoyance or a nuisance to the neighborhood.

16. No garbage, refuse, junk, trash, or obnoxious or offensive material shall be permitted to accumulate on any lot, and the owner or owners of each lot shall cause the same to be disposed of by and in accordance with accepted sanitary practices. All garbage shall be disposed of in accordance with the regulations of the State of New Mexico and any of its subdivisions. Such garbage shall be removed by

the lot owner to a sanitary land fill provided by Otero County or by arrangement with a garbage removal service.

17. No swine shall be maintained on said premises, nor any feed lot operation nor commercial kennel, or caged fowl or poultry operation may be maintained or kept on said premises.

18. No work or exploration for any minerals or any excavation of any nature shall be conducted upon any lot or portion thereof except as may be incident to the grading and preparation of building sites, the construction of dwellings and/or swimming pools, and the grading of roads and streets.

19. No signs of any character shall be permitted to be placed on or maintained on any lot except a sign not larger than 72 (seventy-two) square inches setting forth the name of the owner or occupant of said lot. All other signs are prohibited.

20. Lot 1 and Lot 24 shall have an easement located in the west side next to the main road for the main sign naming the subdivision and showing its entrance. This main sign shall be the responsibility of the developer and it shall be his duty to maintain said sign.

21. The developer reserves the right to require all driveways, dwellings, or structures to meet specifications as set forth by the developer regarding the flow of water through all drainage easements. Installation and maintenance of any culverts shall become the responsibility of the lot owner.

22. These covenants are to run with the land and shall be binding upon the undersigned and all persons claiming under it, their heirs, successors or assigns, for a period of fifteen (15) years from the date these Restrictive Covenants are recorded, after which time said Restrictive Covenants shall automatically be extended for successive periods of fifteen (15) years unless an instrument signed by a majority of the then owners of the lots in the subdivision has been recorded agreeing to change said restrictions in whole or in part or releasing any one or more, or all, of the said Restrictive Covenants.

23. All of the Restrictive Covenants contained here are for the benefit of the owners of the lots within the boundaries of the subdivision, and should an owner or any of its assigns, successors in interest violate or attempt to violate any such Restrictive Covenants then it shall be lawful for any lot owner or owners, owning land within the boundaries of the subdivision, and for the Architectural Control Committee, to prosecute any proceeding at law or in equity to recover damages or to enjoin such act and to have any and all such further legal and equitable relief.

All lots shall have an easement of ten (10) feet on the side boundaries and twenty (20) feet on the back property lines for the

purpose of alleyways, should the subdivision ever fall within the City limits of Alamogordo thereby permitting the use of regular or city-type garbage pick-up facilities.

25. Invalidation of any one or more of these covenants shall in no way effect any of the other provisions of these Restrictive Covenants, which shall remain in full force and effect.

IN WITNESS WHEREOF, S. Bert Atkins has hereunto set his hand and seal this 14<sup>th</sup> day of September, 1978.



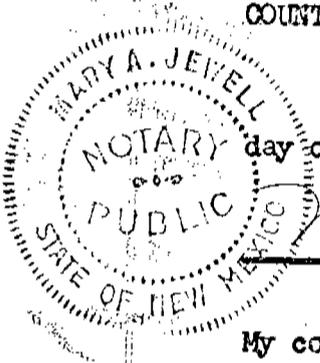
S. Bert Atkins

STATE OF NEW MEXICO }  
COUNTY OF OTERO } SS

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of September, 1978.

Mary A. Jewell, NOTARY PUBLIC

My commission expires: March 20, 1981.



STATE OF NEW MEXICO }  
OTERO COUNTY } ss.  
FILED FOR RECORD IN MY OFFICE

This 11<sup>th</sup> day of October 1978

At 1:00 o'clock P.M. and duly recor.

n Book No. \_\_\_\_\_ Page \_\_\_\_\_

the records of Otero County, New Mexico

Miss. Carl D. Simber  
County Clerk, Otero County, New Mexico

Carl D. Simber Deputy



# 37211