



### ACCEPTANCE OF COVENANTS

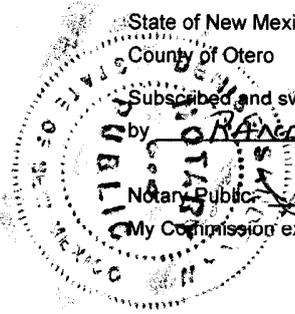
As a representative of the Heritage Group and Cielo Vista Ranch, I hereby accept the following Restrictive Covenants for Cielo Vista Ranch. Cielo Vista Ranch is described at a 130.65 acre residential subdivision located in the NE ¼ of Section 2, Township 16 South, Range 9 East, N.M.P.M., Otero County, New Mexico.

Final plats were recorded on August 8, 2006, Reception no. 08952, Book 64, Page 87-88.

  
\_\_\_\_\_  
Randal L. Rabon, President

6-7-2007  
\_\_\_\_\_  
Date

State of New Mexico  
County of Otero  
Subscribed and sworn to before me this 7<sup>th</sup> day of June, 2007,  
by RANDAL L. RABON  
Notary Public: Denise Danderaw  
My Commission expires: 11/15/10

A circular notary seal for Denise Danderaw, Notary Public, State of New Mexico. The seal contains the text 'NOTARY PUBLIC STATE OF NEW MEXICO' around the perimeter and 'DENISE DANDERAW' in the center.

RESTRICTIVE COVENANTS

CIELO VISTA RANCH  
OTERO COUNTY, NEW MEXICO

WHEREAS, the undersigned owner of the property hereinafter described and located in Otero County, New Mexico, has heretofore filed a plat of the subdivision known and described as Cielo Vista Ranch in the office of the County Clerk, Otero County, New Mexico and

WHEREAS, the undersigned owner of said subdivision desires to make and file certain restrictive covenants affecting said property for the protection of all future property owners in said subdivision.

NOW, THEREFORE, the undersigned does hereby declare the creation and existence of certain restrictive covenants as herein after set forth and declare that said restrictions and covenants shall run with the land hereinafter described and to be binding on all parties who are or shall become parties in interest to said land. The property covered and affected by the covenant set forth herein and the restrictions applicable thereto is described as follows, to wit:

Lots 1 through 51 inclusive of Cielo Vista Ranch, a subdivision lying in Section 2, T16S, R9E, NMPM, as shown on the official plat thereof on file in the office of the County Clerk of Otero County, New Mexico.

The restrictions and protective covenants herein referred to are as follows:

1. Lots 1 through 51 inclusive shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one single family dwelling and such structures as are incidental to the use of said lot, such as a private garage, well house, storage room or stable. There shall be no commercial activity or business engaged in on any of these lots.
2. Lots may not be re-subdivided in the future for any purpose nor may any lot other than those identified on the original subdivision plat, be purchased or granted easement for use of ingress & egress to any adjacent property.
3. On Lots 1 through 51 inclusive, no buildings or structures whatsoever of any kind shall be located nearer than fifty (50') feet to the front lot line of each lot nor nearer than twenty (20') feet to any side lot line or rear lot line of each lot.

4a. Pertaining to permanent site built homes:

No dwelling house smaller than 1200 square feet heated area shall be constructed on any lot herein. No trailer, trailer house, prefabricated building, tent, shack, barn or other outbuilding shall not be used as a residence, temporarily or permanently, nor shall any temporary residence be erected. A temporary contractor's building or a mobile home for storage may be used during construction phase only. All buildings are to be either brick or stone veneer or painted or stained on exterior or wall surfaces within thirty days from

the date of completion of construction. No second hand structures shall be moved on any lot.

4b. Pertaining to allowable manufactured homes:

- 1) The dwelling must be a double wide and have a minimum of 1200 square feet heated area.
- 2) The dwelling, without prior approval, must have a shingled, pitched roof.
- 3) The dwelling must be permanently set and must have a complete coordinated skirting of a permanent approved material such as mortared brick, stone, or decorative concrete block. Temporary or flimsy materials such as plastic, light weight aluminum, etc. are not permitted.
- 4) The dwelling must have a minimum of 100 square feet of decking or porch in front.
- 5) At the time of installation, the manufactured home must be less than five years old. Those older than 2 years may be allowed if approved by the developer.

4c. Pertaining to Modular Homes:

The dwelling must have a minimum of 1,200 square feet of heated area, and must be set on a permanent foundation.

5. The premises and improvements of each lot must be maintained in an orderly condition and a good state of repair at all times.
6. No noxious or offensive activity shall be carried out on any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
7. Livestock shall be permitted, provided that none are to be kept for commercial purposes. Livestock, such as horses, cattle, sheep, etc. shall be limited to one (1) animal per acre and must be contained. This limit may be exceeded for 4H competition purposes but only for a duration that does not exceed 6 months and with a minimum of 3 month intermission between projects. Household pets are allowed but must be contained. Commercial or hobby kenneling is not permitted. Swine and poultry are not permitted.
8. Disturbance of native vegetation is limited to that area identified only for the construction of the dwelling and incidental structures not to exceed 30% of the total area of each lot.
9. Fencing around the perimeter of each lot will be limited to a 4 strand wire fence on the side and rear lot lines only. The front lot line is to remain open. Yard or garden walls or fences are permitted for those areas identified for home sites, back yards, and livestock areas for control and privacy. The subdivision has a perimeter fence to protect against trespassing.
10. Landscaping materials, plants and trees are restricted to species that will enhance or are native to the local desert environment. They may be planted in any combination of trees, shrubs, annuals and perennials, grasses, and garden.

Grasses should be selected that are well adapted to local climatic conditions, and non-native grasses are discouraged. Low-water use landscaping techniques applying the principles of xeriscape shall be utilized. Drip irrigation is encouraged whenever possible. Indoor conservation measures shall include, but not be limited to, the use of water saving fixtures such as low-water use toilets and shower heads.

11. These covenants shall be binding upon the undersigned and all persons claiming under it, their heirs, successors or assigns from the date these Restrictive Covenants are recorded. These Restrictive Covenants may be modified, amended or repealed in whole or in part by filing in the office of the County Clerk of Otero County, New Mexico, such amendment, modification notice or repeal duly executed and subscribed by a majority of the owners of record, of the 51 lots within this subdivision, each lot having one vote. Modification, amendments or repeal of any one or more of the foregoing restrictive covenants shall not affect the validity of the remaining covenants. Failure to enforce the provisions of the above covenants immediately upon violation shall not be considered as a waiver of such covenants.

Invalidation of any one of these covenants shall in no way affect any of the other provisions hereof, and they shall remain in full force in effect.

DATED this 7 day of JUNE, 2007.

By: [Signature]

State of New Mexico )

)ss

County of Otero )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of

JUNE, 2007, by RANDAL L. RASON.

By: [Signature]

My Commission Expires 11/15/10 Notary Public \_\_\_\_\_

REC DATE: 6/7/07 REC TIME: 2:11:57 PM INSTR#: 200706181 CLK: CR  
OTERO COUNTY, ROBYN HOLMES COUNTY CLERK PAGE 4 OF 4