Revised Restrictive Covenants of FOREST VIEW SUBDIVISION Otero County, New Mexico

The restrictive covenants of Forest View Subdivision, Otero County, New Mexico, filed of record in Book 481, page 402 are superceded and replaced as follows:

(1) All permanent structures shall be at least 10 feet from property lines. ALL permanent structures shall meet all governmental guide lines and requirements as to construction.

(2) ONE residential home allowed to each lot. The minimum size of such home shall be no less than 600 square feet. Prefabricated houses and mobile homes (single and double wide) are allowed, provided such prefabricated houses or mobile homes are properly installed and maintained. NO commercial business of any kind may be conducted on any lot.

(3) Reasonable separate structures for storage and/or garages may be constructed, installed, or maintained, provided such structure(s) are properly installed and blend in with the surrounding area. No large machinery, wrecked, inoperable or abandoned, nor any dilapidated vehicles shall be permitted on any lot beyond a reasonable time, which in no event shall exceed six (6) months.

(4) Recreational vehicles may be used for living quarters for a period of one (1)year during construction of permanent residence. This time limit may be extended for a period not to exceed six (6) months due to unusual circumstances. One recreational vehicle may be parked or stored on each lot, after residential structure is completed. NO permanent water hook-up to recreational vehicles is permitted after permanent structure is completed.

(5) Septic tanks were approved for the subdivision as of 1973 and shall be installed to State Health specifications.

(6) Large animals (cow, horses, etc.) are not permitted. Small pets (cats, dogs, etc.) are allowed, however, property shall be kept clean and maintained in an acceptable manner.

(7) Water is currently supplied by a water-user association, known as Twin Forks Mutual Domestic Water Consumers Association (TFMDWCA). TFMDWCA and other utilities shall have a five (5) foot easement along each and every side of all lots in the subdivision for constructing and maintaining utilities.

(8) ALL LOTS IN FOREST VIEW SUBDIVISION shall be subject to and encumbered by these covenants, easements and reservations, as recorded. In the event of violations, legal action to enforce conformity with these covenants, easements and restrictions may be instituted and any costs, including court costs and attorney fees, to enforce conformity shall be at the violator's expense.

EXHIBIT "A"

TWELFTH JUDICIAL DISTRICT
COUNTY OF OTERO
STATE OF NEW MEXICO

ALBERT ANDREW and
CORALIE ANDREW,
Petitioners,

vs.

Cause No. CV-01-540
Division II

ANDREW TRUST, LARRY R. BECK, DEE BECK, JOHN BURKHART, DARGELO CABALLERO, ZOLLA M. CABALLERO, CALLAHAN FAMILY TRUST, ONESIMO CORDOVA, ALVINA R. CORDOVA, CORDOVA & CAMPOS, EDWARD MARGERUM, ELSIE MARGERUM, CORA MAY MIDDENDORF, ENRIQUE RICARDO MEDINA,SALVADOR MOLINA, MARIA G. MOLINA, FRANK PARRA, BERTHA PARRA, DEANNA STINEBAUGH, f/k/a DEANNA RICKER, JEANNIE SOLIS, JAVIER THOME, YOLANDA THOME, DAVID WARSHAWSKY, MARY ANN WARSHAWSKY, AND MARY K. WOODARD,
Respondent.

JUDGMENT

THIS MATTER having come on for hearing on September 9, 2002, on the Second Amended Petition For Declaratory Judgment of Petitioners. The Petitioners appeared in person and through counsel, Mark A. Stewart and Respondent Mary K. Woodard appeared in person and through counsel, Don E. Dutton. All other parties having been duly served either consented to the relief requested or failed to answer or otherwise plead but wholly made default. After hearing evidence, argument of counsel and considering the subsequent representations of the parties, the Court finds:

1. The Court has jurisdiction of the parties and subject matter herein.

2. All property owners of Forest View Subdivision were properly served with process in this case as reflected by the court records in this matter.

3. Seventeen (17) owners representing 35 lots consented to revising the covenants as reflected by the documents of consent on file with the court in this matter.

4. Cora May Middendorf, Sal Molina Jr., Maria G. Molina, Frank Parra, Bertha Parra, Jeannie Solis (k/n/a Jeannie Martinez), Deanna Stinebaugh (f/k/a Deanna Ricker), Javier Thome and Yolanda Thome, although served with summons, made no answer or filed any pleadings but wholly made default as reflected by the Court's file in this matter.

5. Subsequent to the hearing, Mary K. Woodard and Petitioners have settled their differences in that Respondent Mary K. Woodard has conveyed all of her interests in any and all properties she owned in Forest View Subdivision to Petitioner's Trust.

6. Respondent Mary K. Woodard filed an answer in this matter but has now sold her interest in Forest View Subdivision to Petitioners and therefore, her objection is now moot.

7. Since all parties to the controversy have now either expressed their consent to the relief requested in the petition or having made default, the proposed Revised Covenants should be adopted and approved as the covenants for Forest View Subdivision and the covenants currently on file at Book 481, page 402 that are the subject of the petition should be declared void.

IT IS THEREFORE ORDERED:

1. Judgment against Cora May Middendorf, Sal Molina Jr., Maria G. Molina, Frank Parra, Bertha Parra, Jeannie Solis (k/n/a Jeannie Martinez), Deanna Stinebaugh (f/k/a Deanna Ricker), Javier Thome and Yolanda Thome is by default.

2. The covenants concerning Forest View Subdivision of record at Book 481, page 402 of the Otero County records are void.

3. The revised covenants of Forest View Subdivision attached hereto as Exhibit A are now the covenants for the Forest View Subdivision and shall be filed of record in the Otero County records as such and for such purposes, effective September 9, 2002.

JAMES WAYLON COUNTS, DISTRICT JUDGE

SUBMITTED BY:

MARK A. STEWART
State Bar No. 14392
525 E. 12th Street (88310)
P.O. Box 263
Alamogordo, NM 88311
505-434-1125
505-434-0154 (FAX)

ATTORNEY FOR PETITIONERS

AGREED: as to form

THE DUTTON FIRM, LTD.
P.O. Box 5068
Ruidoso, NM 88355
505-630-2323
505-630-5911 (FAX)

By: Don E. Dutton

ATTORNEY FOR RESPONDENT,
MARY K. WOODARD

ATTEST: CERTIFIED AS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN THIS OFFICE ON 10-7-02

JAN PERRY
DISTRICT COURT CLERK
Dated 10-7-02 By: Deputy

OTERO COUNTY NEW MEXICO

STATE OF NEW MEXICO } S.S.
OTERO COUNTY

FILED FOR RECORD IN MY OFFICE
This 7th day of October 20 02
At 2:45 o'clock P M and duly recorded
in Book No. 1041 Page 60-63
The records of Otero County, New Mexico
Mary D. Quintana
County Clerk, Otero County, New Mexico
By Robyn Siler Deputy
10591

PJUDGMENT\ANDREW