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Filed: April 5, 1950

RESTRICTIVE COVENANTS
FRANK WEST RESUBDIVISION OF BLOCK TWO HUNDRED AND SEVEN (207) OF THE TOWN OF ALAMOGORDO, NEW MEXICO.

WHEREAS, F. T. West and Grace M. West, his wife, being the owners and proprietors of a certain tract of land situate wholly within the corporate limits of the Town of Alamogordo, County of Otero, State of New Mexico, being described as the Frank West Resubdivision of Block Two Hundred and Seven (207) of the Town of Alamogordo, New Mexico, the plat of said resubdivision being filed in the office of the County Clerk and ex-officio recorder of the County of Otero, State of New Mexico, on the 5th day of April A. D. 1950; and,

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the above mentioned property owners hereby declare and agree with all future purchasers of any and all of the lots and parcels of real estate embraced within the boundaries of the Frank West Resubdivision of Block Two Hundred and Seven (207) of the Town of Alamogordo, New Mexico, that the following restrictive covenants do hereby apply to any and all such lots and parcels of real property within the above mentioned lots of real estate and that such covenants as are hereinafter set out shall run with the land and shall be construed as real covenants; shall be binding upon the parties hereto, their heirs, executors, administrators, assigns and all other persons claiming under them; and are hereby entered into for the benefit of any and all future owners of lots and parcels of real property embraced within the boundaries of the above mentioned lots and parcels of real estate;

(A) All lots within the boundaries of the above described area, as shown by the official plat of the Frank West Resubdivision of Block Two Hundred and Seven (207) of the Town of Alamogordo, New Mexico, shall be used only for residential purposes and no buildings or other structure of any nature shall be erected, altered, placed or permitted to remain upon any of the said lots, other than one (1) detached single family dwelling not to exceed two stories in height, one (1) garage not to exceed a size suitable for housing two (2) automobiles, and such other structures and outbuildings as are commonly used as necessary incidents to

the maintenance of a single family residential dwelling, all such dwelling houses, garages and other permissible structures to be erected, placed and maintained in accordance with such zoning ordinances and building codes as may be legally adopted and enforced by the appropriate legislative and governing bodies of the Town of Alamogordo, County of Otero, or State of New Mexico, when such ordinances and building codes may provide additional or more stringent provisions than those herein set out.

(B) No building or other permissible structure shall be located nearer than twenty-five (25) feet to nor farther than thirty (30) feet from the front lot line.

(C) No building or other permissible structure shall be located nearer than five (5) feet to an interior lot line, except thattno such side yard shall be required for a garage or other permissible accessory building or structure, the front line of which building or other structure is located within the rear twenty-five percent (25%) of the lot, provided, however, that,

(D) No building or other permissible structure located upon a corner lot shall be located within fifteen (15) feet of the side lot line, said line being the lot boundary facing upon the side street; and further provided, that,

(E) No building or other permissible structure shall be located closer than five (5) feet to the rear lot line.

(F) No lot shall be subdivided or in any way be reduced in area from such dimensions as are set out in the official plat of the Frank West Resubdivision of Block Two Hundred and Seven (207) of the Town of Alamogordo, New Mexico;

(G) No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done or maintained thereon which may be or become an annoyance or nuisance to the neighborhood and adjoining property owners.

(H) No building shall be erected upon any of the lots hereinabove described unless the design and location upon the lot of such building shall conform to and be in harmony with other existing structures upon other of the aforementioned lots.

(I) No single family dwelling shall be permitted on any of the said lots when said dwelling shall have a ground floor square foot area of less than eight hundred (800) square feet in the case of a one (1) story structure, nor less than seven hundred twenty (720) square feet in the case of a one and one-half (1½) story of two (2) story structure, the areas in both events being exclusive of porches, stoops, garages, and any other independent attached structures.

(J) No dwelling shall be permitted to be erected upon any of the said lots at a cost of less than Six Thousand Dollars ($6,000.00), this cost being based upon costs prevailing on the date of the recording of these covenants, it being the intention and purpose of this covenant to assure that all dwellings shall be of a quality of workmanship and of materials substantially the same or better than those which can be produced on the date

these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size.

(K) For the purposes of these covenants, eaves, steps and unenclosed porches and stoops shall not be considered as a part of the dwelling in applying the minimum distance requirements; provided, however, that this shall not be construed to permit any portion of a building or any structure attached thereto, on any lot, to encroach upon any other lot.

(L) No structure of a temporary character, nor any trailer, basement, tent, shack, garage, barn, or any other outbuilding, shall be used on any of the said lots at any time as a residence either temporarily or permanently. Temporary buildings and other structures designed for used incidental to construction work on any lot shall be permitted to be erected and maintained on such lot; provided, however, that the same shall be completely removed or destroyed immediately upon the completion or abandonment of the said construction work.

(M) No sign boards, bill boards, or other types of structures used for advertising purposes shall be at any time placed, erected, or maintained upon any lot, dwelling or other permissible structure within the said subdivision, with the exception of temporary signs not exceeding six (6) square feet in area in the event of said signs pertaining to the lease, hire or sale of a building or premises; provided, however, that there shall be no more than one such sign on any one lot.

(N) These covenants and restrictions shall be binding on all parties hereto, their heirs, executors, administrators, assigns, and all persons claiming under them, until the 1st day of January, 1980, after which time they shall be automatically continued in force for successive periods of ten (10) years each, unless discontinued or amended at the end of the original period, or at the end of any of the aforesaid subsequent ten (10) year periods, by a vote of fifty-one percent (51%) or more of the then property owners as hereinafter provided. In case any vote is so taken the record owners of the said lots shall be entitled to one vote for each lot as shown on the official recorded plat.

Any person desiring to call an election as hereinabove provided for the purpose of suspending or amending all or any part of these restrictive covenants at the time or times mentioned, in accordance with the foregoing provisions, will request such election by written notification to the present owners and any and all owners of the said lots at least one (1) year before the expiration of the original period or any of the subsequent ten (10) year periods.

(O) If the parties hereto or any of them or their heirs, executors, administrators, assigns, or persons claiming under them shall violate any of the restrictive covenants herein contained, it shall be lawful for the present owners and any other

person or persons owning any of the said lots, or the heirs, executors, administrators, assigns, or persons claiming under such present owners, or other owners, to initiate and prosecute any proceedings at law or equity against any such person or persons violating or attempting to violate any such restrictive covenants, and either to prevent such person or persons from so doing by the procuring of the issuance of any appropriate legal or equitable writ or to recover damages or other dues for such violation.

(P) Invalidation of any one of these covenants by judgment or other valid Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

F. T. West

Grace M. West

STATE OF NEW MEXICO,)
) ss.
County of Otero,)

On this 5th day of April, 1950, before me personally appeared F. T. West and Grace M. West, to me personally 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)

Harry Walker
Notary Public, Otero County, New Mexico

My Commission Expires: 3-24-1954.