

AMENDMENT TO RESTRICTIVE COVENANT

PART A. WHEREAS, TAYS INVESTMENT CORP., a New Mexico corporation, was the owner of the following described real estate in Section Sixteen (16), Township Sixteen (16) South, Range Ten (10) East, N.M.P.M., Alamogordo, Otero County, New Mexico and being more particularly described as follows, to-wit:

Lot Two Hundred One (201), and Lots Two Hundred Nineteen (219) thru Two Hundred Fifty-two (252), and Lots Three Hundred Four (304) and Three Hundred Five (305), and Lots Three Hundred Thirty-Six (336) thru Three Hundred Thirty-Nine (339), Unit 2, Granada Hills, Units 2 and 3, Alamogordo, Otero County, New Mexico; and Lots Three Hundred Sixty-Three (363) thru Three Hundred Sixty-Nine (369), and Lots Three Hundred Seventy-Nine (379) thru Three Hundred Eighty-One (381), Unit 3, Granada Hills, Units 2 and 3, Alamogordo, Otero County, New Mexico.

AND WHEREAS, said past owner named above desired to place certain restrictions in regard to the buildings and improvements to be placed on portions of the above described real estate and filed Restrictive Covenants (here-in-after termed "Covenant") in the Office of the Otero County Clerk on December 15, 1982, in Book 524, beginning at Page 929.

AND WHEREAS, Alan B. Berg and Melissa L. Berg, the current owners of Lot Two Hundred Forty (240), Unit 2, Granada Hills, Units 2 and 3, Alamogordo, Otero County, New Mexico, desire to construct a thirteen foot by twenty-two foot (13' x 22') room addition projecting to a point approximately nineteen feet six inches (19'6") from the front property line.

AND WHEREAS, the Alamogordo City Commission on November 24, 1992, favorably voted on and approved a request (Case: V-92-

0295(A)) by Alan E. Berg and Melissa L. Berg and granted to the same a Variance of Section 29-32 of the Code of Ordinances of the City of Alamogordo, New Mexico, thereby permitting with the City's sanction the construction of the above mentioned room addition, said Variance being filed in the Office of the Otero County Clerk on December 4, 1992, in Book 739, beginning at Page 551.

THEREFORE LET THE COVENANT BE AMENDED in accordance with Section E-5 to-wit:

1. The restrictions of Section C-4 that "No building shall be located on any lot nearer to the front lot line than the minimum building setback lines shown on the recorded plat [and] no building shall be located on any lot nearer than twenty-five (25) feet to the front lot line" shall not apply nor be held legally enforceable by past, current, or future property owners subject to the Covenant with regard to the current or future building located on Lot Two Hundred Forty (240), Unit 2, Granada Hills, Units 2 and 3, Alamogordo, Otero County, New Mexico, as modified by Alan E. Berg and Melissa L. Berg in accordance with the Variance .

2. The requirement of Section E-5 that "These covenants may be amended in whole or in part at any time an instrument signed by a majority of the then owners of the lots has been recorded agreeing to amend said covenants in whole or in part" shall not permit any future amendment to be binding on a building previously constructed in compliance with the Covenant and any Amendments as existed at the time of said construction.

PART B. This Amendment when signed by a majority of the current owners of the lots listed above shall be deemed to be in compliance with Section E-5 of the Covenant.

PART C. Signatures (Votes: YES = In Favor of Amendment, NO = Opposed):

Acct #	Property Address	Owner	Vote	Signature
201	1514 Serrano	Endlich, Robert W.		
219	3000 Los Robles	Bailey, Gary & Velta	YES	Gary W. Bailey
220	3002 Los Robles	LeFond, Gary C & M. Mic		
221	3004 Los Robles	Espritu, Michael & Ra		
222	3006 Los Robles	Johnson, Jimmy R & Jay	YES	James Johnson
223	3008 Los Robles	Howell, Jarvis W & Don		
224	3010 Los Robles	Wann, Kenneth L or Mrs	YES	Thomas Swandeger Swanson
225	3012 Los Robles	Cameron, Jack E		
226	3014 Los Robles	Marford, Dan & Edna S		
227	3016 Los Robles	Company, Jerry D & Ann	YES	Anna Company
228	3018 Los Robles	Pfenninger, Larry P &	YES	Larry P. Pfenninger
229	3020 Los Robles	Baxter, Delbert & Mary		
230	3022 Los Robles	Independence Co. West	YES	John W. Perry - John W. Posay
231	3024 Los Robles	Sanders, Gary M & Susa		
232	3026 Los Robles	Bonham, Jack & Charlen	YES	Jack C. Bonham
233	3028 Los Robles	Parra, Maria E		
234	3030 Los Robles	Leslie, Paul G & Carol	YES	Paul G. Leslie
235	3032 Los Robles	Haley, Richard W & Rut	YES	Richard W. Haley
236	3033 Los Robles	White, Arthur L & Star	YES	Arthur L. White
237	3031 Los Robles	Kump, Calvin W & Lynet		
238	3029 Los Robles	Sokoloski, Frank P & R	YES	Frank P. Sokoloski
239	3027 Los Robles	Viscarra, Richard A &	YES	Richard A. Viscarra
240	3025 Los Robles	Berg, Alan & Melissa	YES	Alan Berg
241	3023 Los Robles	Gilliland, Daniel J &	YES	Daniel J. Gilliland
242	3021 Los Robles	McFarland, Boyce E &	YES	Boyce E. McFarland
243	3019 Los Robles	Terry, Kenneth & Betsy		
244	3017 Los Robles	Jernigan, Ronald E & E	YES	Ronald E. Jernigan
245	3015 Los Robles	Murphy, John V & Marth	YES	John V. Murphy
246	3013 Los Robles	Wolfer, Adolf H J & Ma	YES	Adolf H. Wolfer
247	3011 Los Robles	Thompson, James T & Ch	YES	James T. Thompson
248	3009 Los Robles	Craine, Bobby & Lucy	YES	Bobby Craine
249	3007 Los Robles	Admin of Veterans Aff	YES	Mary Helen Strickland
250	3005 Los Robles	Carpenter, Concepcion		
251	3003 Los Robles	Knight, Raymond J & Bo	YES	Raymond J. Knight
252	3001 Los Robles	Scharf, Charles H & El	YES	Charles H. Scharf
304	1516 Serrano	Talley, Glenn W & Juli		
305	1518 Serrano	Bosserman, David W & G	YES	David W. Bosserman
336	1519 Granada	Gardiner, John E. & Sha		
337	1517 Granada	Root, Oren Glenn & Joy		
338	1515 Granada	Probasco, Calvin Jr &	YES	Calvin Probasco Jr
339	1513 Granada	Lucas, Paul J Jr & Ber	YES	Paul J. Lucas Jr
363	3100 Los Robles	Woods, Sher Ann		
364	3102 Los Robles	Leth-Steensen, Frederi	YES	Frederi Leth-Steensen
365	3104 Los Robles	Agnew, Colvin H & Alic		
366	3106 Los Robles	Collman, Phyllis		
367	3108 La Cresta	Daugherty, R II & Tommie	YES	R. II Daugherty
368	3110 La Cresta	Page, Edward J or Rose	YES	Edward J. Page
369	3112 La Cresta	Page, Edward J or Rose	YES	Edward J. Page
379	3105 Los Robles	Baker, Ronald F & Laur	YES	Ronald F. Baker
380	3103 Los Robles	Tays Investment Corp	YES	Tays Investment Corp
381	3101 Los Robles	Tays Investment Corp	YES	Tays Investment Corp

Bk 741 Pg 779

PART D. IN WITNESS WHEREOF, Alan B. Berg and Melissa L. Berg, the current owners of Lot Two Hundred Forty (240), Unit 2, Granada Hills, Units 2 and 3, Alamogordo, Otero County, New Mexico, have caused this instrument to be executed this 8th day of January, in the year 1993.

BY: [Signature]
Alan B. Berg, M.D.
AND: [Signature]
Melissa L. Berg

The foregoing instrument was acknowledged before me this 8th day of January, in the year 1993, by Alan B. Berg and Melissa L. Berg on their behalf.

Notary Public: [Signature]

My Commission Expires 4-18-96



STATE OF NEW MEXICO } S.S.
OTERO COUNTY }
FILED FOR RECORD IN MY OFFICE
This 8 day of January, 1993
At 5:30 o'clock P. and duly recorded
in Book No. 741 - Page 776-778
the records of Otero County, New Mexico
Mary D. Arentson
County Clerk, Otero County, New Mexico
By Christina Nam Deputy
#00278

