

FIRST AMENDMENT  
TO  
PROTECTIVE COVENANTS  
FOR  
DESERT GARDENS SUBDIVISION

Certified a true copy  
PIONEER ABSTRACT COMPANY  
By A. Dav

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS CERTAIN PROTECTIVE COVENANTS FOR DESERT GARDENS  
SUBDIVISION, DATED SEPTEMBER 30, 1958, WERE HERETOFORE RECORDED ON  
OCTOBER 27, 1958, IN THE RECORDS OF THE CLERK OF OTERO COUNTY, NEW  
MEXICO; AND

WHEREAS THE UNDERSIGNED ARE THE OWNERS AND HOLDERS OF  
THE TITLE TO AND ALL EQUITIES IN THE FOLLOWING DESCRIBED LANDS SITUATED  
AND LOCATED IN OTERO COUNTY, NEW MEXICO, TOWIT:

ALL OF DESERT GARDENS, A SUBDIVISION TO  
THE CITY OF ALAMOGORDO, NEW MEXICO, AS  
THE SAME IS SHOWN AND DESIGNATED ON THE  
PLAT THEREOF FILED IN THE OFFICE OF THE  
CLERK OF OTERO COUNTY, NEW MEXICO, ON  
JUNE 25, 1958;

AND

WHEREAS THE UNDERSIGNED DESIRE TO AMEND PARAGRAPH  
NUMBERED "A-5" OF SAID PROTECTIVE COVENANTS DATED SEPTEMBER 30, 1958:

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING AND  
OTHER GOOD AND VALUABLE CONSIDERATION, THE UNDERSIGNED, BEING THE  
OWNERS OF ALL THE LANDS AND ALL EQUITIES IN SAID DESCRIBED LANDS, DO  
HEREBY CANCEL, ANNUL, AND VOID, SAID PARAGRAPH, "A-5" AND SUBSTITUTE  
IN LIEU THEREOF THE FOLLOWING, TOWIT:

A-5

BUILDING LOCATION: NO BUILDING SHALL BE LOCATED ON ANY  
LOT NEARER TO THE FRONT LOT LINE OR NEARER TO THE SIDE STREET  
LINE THAN THE MINIMUM BUILDING SETBACK LINES SHOWN ON THE  
RECORDED PLAT. IN ANY EVENT NO BUILDING SHALL BE LOCATED ON  
ANY LOT NEARER THAN 25 FEET TO THE FRONT LOT LINE, OR NEARER  
THAN 15 FEET TO ANY SIDE STREET LINE. NO BUILDING SHALL BE  
LOCATED NEARER THAN 5 FEET TO AN INTERIOR LOT LINE, EXCEPT  
THAN ONLY 2½ FEET SHALL BE REQUIRED FOR A GARAGE OR OTHER



PERMITTED ACCESSORY BUILDING LOCATED 65 FEET OR MORE FROM THE MINIMUM BUILDING SETBACK LINE. NO DWELLING SHALL BE LOCATED ON ANY INTERIOR LOT NEARER THAN 15 FEET TO THE REAR LOT LINE. FOR CORNER LOTS THE STREET SIDE OF THE LOT HAVING THE SHORTER DISTANCE SHALL BE THE FRONT OF THE LOT AND THE STREET SIDE OF THE LOT HAVING THE GREATER DISTANCE SHALL BE A SIDE OF THE LOT FOR THE PURPOSE OF DETERMINING SETBACK REQUIREMENTS, BUT STRUCTURES BUILT THEREON MAY FACE EITHER STREET. NO DWELLING ON A CORNER LOT SHALL BE LOCATED NEARER THAN 15 FEET TO EITHER THE INTERIOR LOT LINE OR THE REAR LOT LINE NOR NEARER THAN 5 FEET TO THE OTHER OF THESE TWO LINES -- IN OTHER WORDS, IF THE DWELLING ON A CORNER LOT IS LESS THAN 15 FEET FROM THE INTERIOR LOT LINE, IT MUST BE AT LEAST 15 FEET FROM THE REAR LOT LINE, AND IF THE DWELLING ON A CORNER LOT IS LOCATED LESS THAN 15 FEET FROM THE REAR LOT LINE, IT MUST BE AT LEAST 15 FEET FROM THE INTERIOR LOT LINE. FOR THE PURPOSES OF THIS COVENANT, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS A PART OF A BUILDING, PROVIDED, HOWEVER, THAT THIS SHALL NOT BE CONSTRUED TO PERMIT ANY PORTION OF A BUILDING ON A LOT TO ENCROACH UPON ANOTHER LOT.

IT IS FURTHER CONTRACTED, AGREED, AND CERTIFIED THAT SAID PROTECTIVE COVENANTS DATED SEPTEMBER 30, 1958, AS HEREIN AMENDED, BE AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE EXECUTED AND CAUSED THIS INSTRUMENT TO BE EXECUTED ON THE 30 TH DAY OF MARCH, 1959.

ATTEST:

CASA ALEGRE, INC. (NO STOCKHOLDERS' LIABILITY)

/s/ ELMER T. LEWIS  
SECRETARY

BY /s/ DONALD F. MATHESON, JR.  
PRESIDENT

ATTEST:

DESERT GARDENS, INC.

/s/ RUTH D. MORGAN  
SECRETARY

BY /s/ ALFRED T. MORGAN  
PRESIDENT

ATTEST:

SNOW CONSTRUCTION COMPANY, INC.

/s/ ELMER T. LEWIS  
SECRETARY

BY /s/ DONALD F. MATHESON, JR.  
PRESIDENT

S & M CONSTRUCTION COMPANY,  
A PARTNERSHIP

BY /s/ MARGARET MC CULLOUGH  
PARTNER

/s/ CECIL SMITH

/s/ OPAL SMITH

/s/ CHARLIE B. MONTOYA

/s/ EVA V. MONTOYA

/s/ LOUIS A. BLUNDELL

/s/ JOHN H. WEAN

/s/ STANLEY L. HANCOCK

/s/ PAULINE M. HANCOCK

/s/ KENNETH R. MCCrackEN

/s/ BETTY D. MCCrackEN

/s/ EDWARD F. OCHOA

/s/ HELEN F. OCHOA

/s/ LOUIS J. STURM

/s/ VONDA J. STURM

/s/ RICHARD L. WEAN

/s/ PATSY WEAN

/s/ JAMES E. CALDWELL

/s/ GOLDIE B. CALDWELL

/s/ EDWARD F. LAHAIE

/s/ DOLORES M. J. LAHAIE

/s/ JOSEPH F. HOOTEN

/s/ INA V. HOOTEN

/s/ VANCE VOSTELL

/s/ JULIA MAE VOSTEL

/s/ GUSTAVO R. HOLGUIN

/s/ MAGGIE D. HOLGUIN

/s/ CAROLL A. ROBBINS

/s/ MAMIE ROBBINS

/s/ BILLY K. SMITH

/s/ DONETTA M. SMITH

/s/ JAMES E. SYLING, JR.

/s/ MARTHA SYLING

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO ) ss

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 1ST DAY OF APRIL, 1959, BY DONALD F. MATHESON, JR., PRESIDENT OF CASA ALEGRE, INC. (NO STOCKHOLDERS' LIABILITY), A NEW MEXICO CORPORATION, ON BEHALF OF SAID CORPORATION.

/s/ DELBERT A. DUBROCK  
NOTARY PUBLIC

MY COMMISSION EXPIRES  
FEBRUARY 19, 1962.

STATE OF ARIZONA )  
COUNTY OF YUMA ) ss.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 20TH DAY OF APRIL, 1959, BY ALFRED T. MORGAN, PRESIDENT OF DESERT GARDENS, INC., AN ARIZONA CORPORATION, ON BEHALF OF SAID CORPORATION.

MY COMMISSION EXPIRES  
JANUARY 1, 1962

/s/ J. C. BOKERS  
NOTARY PUBLIC

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO ) ss.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 1ST DAY OF APRIL, 1959, BY DONALD F. MATHESON, JR., PRESIDENT OF SNOW CONSTRUCTION COMPANY, INC., A NEW MEXICO CORPORATION, ON BEHALF OF SAID CORPORATION.

MY COMMISSION EXPIRES  
FEBRUARY 19, 1962.

/s/ DELBERT A. DUBROCK  
NOTARY PUBLIC

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO ) - ss.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 21ST DAY OF APRIL, 1959, BY MARGARET McCULLOUGH, PARTNER OF S & M CONSTRUCTION COMPANY, A PARTNERSHIP, ON BEHALF OF SAID PARTNERSHIP.

MY COMMISSION EXPIRES  
FEBRUARY 25, 1961

/s/ CHARLES A. BASEL  
NOTARY PUBLIC