

AMENDMENT TO RESTRICTIVE COVENANTS

WHEREAS, heretofore on the 28th day of December, 1953, there was filed in the Office of the County Clerk of Otero County, New Mexico, and recorded in Book 170 at Pages 190-193 of the Records of said County "Amended Restrictive Covenants" which covenants affected the property known as "all of Block 1-8 inclusive of Heights Subdivision to the Town of Alamogordo, New Mexico, according to the amended plat of said subdivision filed in the Office of the County Clerk of Otero County, New Mexico, on the 28th day of December, 1953, and

WHEREAS, the aforesaid "Amended Restrictive Covenants", have been amended by the following documents:

- (a) "Amendment to Restrictive Covenants" dated June 25, 1954, and recorded in the Office of the County Clerk in Book 176, Pages 143-147 of the Records of said county.
- (b) "Amendment to Restrictive Covenants" dated the 29th day of January, 1957, and recorded in the Office of the Otero County Clerk in Book 204, Pages 446-451 of the records of said county.
- (c) "Amendment to Restrictive Covenants" dated November 22, 1956, and recorded in the Office of the Otero County Clerk in Book 222, Pages 336-339 of the Records of said county.
- (d) "Amendment to Restrictive Covenants" dated the 16th day of April, 1958, and recorded in the Office of the Otero County Clerk in Book 230, Pages 414-415 of the Records of said county; and

WHEREAS, certain conditions have arisen which have caused the owners and proprietors of the lots included in said Subdivision to consider it prudent and advisable to make changes in said Restrictive Covenants governing Lots 14 and 15 in Block 4 and Lots 22, 23, 24, 25 and 26, Block 8, all in Unit 1, Heights Subdivision, City of Alamogordo, Otero County, New Mexico, as to the type and use of buildings on said lots;

NOW, THEREFORE, know all men by these presents:

That the undersigned, being the owners and proprietors of the lots or building sites in the above mentioned Heights Subdivision to the City of Alamogordo, Otero County, New Mexico, do hereby declare and agree among themselves and with all future purchasers of lots or building sites in the said Subdivision that paragraphs "(a)", "(b)", and "(g)" of the "Amended Restrictive Covenants", and the above amendments as referred to as to said Amended Restrictive Covenants, are hereby amended to read as follows:

- (a) Lots 14 and 15 in Block 4, and Lots 22, 23, 24, 25 and 26, Block 8, all in Unit 1, Heights Subdivision, City of Alamogordo, Otero County, New Mexico, shall have constructed thereon buildings that comply with such zoning regulations and building codes as may legally apply at the time of construction and as administered by the City of Alamogordo, Otero County, New Mexico.
- (b) The minimum building set-back lines for Lots 14 and 15 in Block 4 and Lots 22, 23, 24, 25 and 26, Block 8, all in Unit 1, Heights Subdivision, City of Alamogordo, Otero County, New Mexico, shall be in accordance with the zoning regulations and building codes as may legally apply at the time of construction, as administered by the City of Alamogordo, Otero County, New Mexico.
- (g) (g) shall not apply to Lots 14 and 15 in Block 4 and Lots 22, 23, 24, 25 and 26, Block 8, all in Unit 1, Heights Subdivision, City of Alamogordo, Otero County, New Mexico.

ALL OTHER PROVISIONS of the Amended Restrictive Covenants, and the amendments as recorded, are hereby ratified and affirmed.

IN WITNESS WHEREOF, the said owners have caused this instrument to be executed.

Joseph H. Gambill  
Signature

Daranda Gambill  
Signature

JOSEPH H GAMBILL  
Printed Name

DARANDA GAMBILL  
Printed Name

900 Street  
Street Address

Lot 14 Block 6 Heights Sub.

STATE OF NEW MEXICO

COUNTY OF OTERO

The foregoing instrument was acknowledged before me this 4th day of

February, 1983, by JOSEPH H. GAMBILL & DARANDA GAMBILL

My Commission expires: 10/2/84

Ann O. Stone  
Notary Public

STATE OF NEW MEXICO, County of Otero, ss. I hereby certify that this instrument was filed for record on the 7th day of February, 1983 at 1:20 o'clock P. and duly recorded in

Book 531 Page 211 of the Records of said county.

By Jerry Melendrez Deputy

Katie A. Sanchez  
County Clerk

# 82396.

COUNTY OF OTERO

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

My Commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public