AMENDMENT TO RESTRICTIVE COVENANTS

WHEREAS, the Heights Investment Corporation is the owner of a majority of the following described lots, and is the grantor of all of said lots heretofore conveyed:

Lot 1 through Lot 17, Block 38
All of Blocks 39, 40, 41, 42
Lot 1 through Lot 23, Block 43
All of Block 44, All in Unit B
And Lot 16 through Lot 21, Block 36, Unit D
All of the above in Heights Addition,
Units A, B, C and D, as amended

Located in Section 16, Township 16 South, Range 10 East, N.M.P.M., Alamogordo, Otero County, New Mexico; and

WHEREAS, the above described restrictive covenants relating and pertaining to said real estate were filed in the office of the County Clerk of Otero County, New Mexico, on the 9th day of September, 1957, in Book 222, Pages 74, 75, 76 and 77; and

WHEREAS, Heights Investment Corporation desires to amend said covenants;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Paragraph C-3 is hereby amended to read as follows:

C-3. DWELLING COST, QUALITY AND SIZE
No dwelling shall be permitted on any lot at a cost of less than $10,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 1,100 square feet for a one-story dwelling, nor less than 1,100 square feet for a dwelling of more than one story.

That Paragraph C-4 is hereby amended to read as follows:

C-4. 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 as permitted by the City of Alamogordo, New Mexico. 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 that no side yard shall be required for a detached garage or other permitted accessory building located 55 feet or more from the minimum building setback line. No dwelling shall be located on any lot nearer than

25 feet to the rear lot line. For the purposes of this covenant, eaves, steps, and open porches shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.

That Paragraph E-3 is hereby amended to read as follows:

E-3. SEVERABILITY
Invalidation of any one of these covenants by judgment or court order shall in nowise effect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the said owners have caused this instrument to be executed the 13th day of November, 1957.

HEIGHTS INVESTMENT CORP., Owner,

By Melvin E. Tays
President

ATTEST:

Melvin E. Tays
Secretary

STATE OF NEW MEXICO)
) SS:
COUNTY OF OTERO)

On this 13th day of November, 1957, before me appeared Melvin E. Tays, to me personally known, who, being by me duly sworn, did say that he is the President of Heights Investment Corporation, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said Melvin E. Tays acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year first above written.

Helen Curtis
Notary Public

My commission expires: 8/31/59

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STATE OF NEW MEXICO, County of Otero, ss, I hereby certify that this instrument was filed for record on the 14 day of Nov, 1957, at 1:50 o'clock P M., and duly recorded in Book 22 [illegible] page 300-301 of the Records of said county, Margaret D. Harvey By Christine Mooney
County Clerk. Deputy.