

By.....

WHEREAS, ALLISON AND HUTCHINSON CO., INC. is the owner of a majority of the following described lots, and is the grantor of all said lots heretofore conveyed:

Lots thirty-five (35) through Forty-two (42) inclusive in Block Twenty-six (26), UNIT "A";
Lots Twenty-eight (28) through Thirty-six (36) inclusive in Block Thirty-one (31), UNIT "A";
Lots Eighteen (18) through Twenty-five (25) inclusive in Block Thirty-eight (38), UNIT "B";
Lots Twenty-four (24) through Thirty-two (32) inclusive in Block Forty-three (43), UNIT "B", of the HEIGHTS ADDITION UNITS A, B, C and D, AS AMENDED, OF ALAMOGORDO, NEW MEXICO.

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 12th day of November, 1957 and:

WHEREAS, ALLISON AND HUTCHINSON CO., INC., desires to amend said covenants,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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 30 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 covenants, eaves, steps, and open porches shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.

IN WITNESS WHEREOF, the said owner has caused this instrument to be executed the 31st day of January, 1958.

Attest:

Secretary

[Handwritten signature]

ALLISON AND HUTCHINSON CO., INC.

By *[Handwritten signature]*
President

STATE OF NEW MEXICO,)
) ss
COUNTY OF OTERO)

The foregoing instrument was acknowledged before me this 31st day of January, 1958, by R. H. Hutchinson, President of Allison and Hutchinson Co., Inc., on behalf of said corporation.

My commission expires

12/6/61

[Handwritten signature]
Notary Public

11691

STATE OF NEW MEXICO, County of Otero, ss. I hereby certify that this instrument was filed for record on the 17 day of Jan 1958 at 12:45 o'clock P. M., and the same is now 830 days 22 of the said county. *[Handwritten signature]* County Clerk. By *[Handwritten signature]*