

By.....

Book 176 Page 143

Filed: August 6, 1954

AMENDMENT TO RESTRICTIVE COVENANTS

WHEREAS, heretofore on the 28th day of December, 1953, there were filed in the office of the County Clerk of Otero County, New Mexico, and recorded in Book 170 at Page 190 of the records of said county "Amended Restrictive Covenants", which covenants affected the property known as "All of Blocks 1 to 8, inclusive, of Heights Subdivision of 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, said restrictive covenants did place upon all of the lots in said subdivision certain restrictions, among which were restrictions reciting the minimum distance from the front lot line of any lot within which a dwelling could be constructed,

AND WHEREAS, certain conditions have arisen which have caused all of the owners and proprietors of the lots included in said subdivision to consider it prudent and advisable to make changes in said restriction governing the distance within which dwellings may be constructed in reference to the front lot line upon certain of the lots in said subdivision,

AND WHEREAS, the owners and proprietors of all of the lots in said Heights Subdivision of the Town of Alamogordo, as aforesaid, are the following named persons:

E. D. McKinley and Beatrice McKinley, his wife; Edward L. Cowgill and Patricia A. Cowgill, his wife; L. R. Larsen and Roberta B. Larsen, his wife; C. B. Harley and Margaret L. Harley, his wife; Fred O. Bonnell and Mildred L. Bonnell, his wife, Ray F. Mahaffey and Nola B. Mahaffey, his wife; C. D. Crouch and Ila Francis Crouch, his wife; John L. Garrett and Faye E. Garrett, his wife; Edward N. Sowell and Ruby J. Sowell, his wife; R. J. Gesting and Jenny Lou Gesting, also known as Jennie B. Gesting, his wife; Lowell R. Hoffman and Blanche Hoffman, his wife; Edward E. Rich and Ruth L. Rich, his wife; Paul D. Jose and Helen Jose, his wife; C. H. Tompkins and Besse Tompkins, his wife; Kenneth L. Nelson and Donna J. Nelson, his wife; J. E. (Billie) Holder and Louise Holder, his wife; Jack O. Rathgeber and Maude O. Rathgeber, his wife; Homer L. Myers and Mable L. Myers, his wife; Thomas S. Bradshaw and Bettye Jo Bradshaw, his wife; Ted Horlick and Judith Horlick, his wife; Charles R. Haggett and Gladys V. Haggett, his wife; Ed L. Greenwood and Beth Greenwood, his wife; James E. Cook and M. Avis Cook, his wife; Ernest L. Best and Arlie Fay Best, his wife; Emmert Best, a single man; Victor L. Matakas and Helen L. Matakas, his wife; Alister Mactavish and Louise C. Mactavish, his wife; Preston Brantley and Jeanne Brantley, his wife; Charlie N. Cookson and Hope M. Cookson, his wife; Frank S. Torres and Isabel Torres, his wife; Mike Montoya also known as M. S. Montoya, and Mrs. M. S. Montoya, his wife; A. G. Naylor, also known as Arthur G. Naylor, and Jean V. Naylor, his wife; S. D. Davis and Adell Davis, his wife; E. H. Peavy and Frances Peavy, his wife; Oscar H. Guthrie and Juanita Guthrie, his wife; Daniel M. Juchum and Jacqueline Juchum, his wife; and Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the above named owners and proprietors hereby declare and agree among themselves and with all future purchasers of lots or building sites in the above mentioned Heights Subdivision to the Town of Alamogordo, New Mexico, that Paragraph "(b)" of the Amended Restrictive Covenants covering said Heights Subdivision and recorded on the 28th day of December, 1953, in Book 170 at Page 190 of the records of Otero County, New Mexico, be and the said paragraph hereby is amended to read as follows:

"(b) No building on any lot in Blocks 1, 2, 4, 5, 6 and 8, and Lots 9 to 16 inclusive, of Block 3, shall be located nearer to the front lot line, or nearer to the side street line, than the minimum building setback lines shown on the recorded Amended Plat. In any event, no building on any of the above mentioned lots shall be located on any lot nearer than 30 feet to the front lot line, or nearer than 20 feet to any side street line. No building shall be located on any of the lots in Block 7, or on any of Lots 1 to 8 inclusive of Block 3 (said lots comprising the east one-half of said Block 3) nearer than 25 feet to the front lot line, or nearer than 20 feet to any side street line, any setback lines as shown on the aforementioned recorded Amended Plat of said subdivision to the contrary notwithstanding. No building on any lot in said subdivision shall be located nearer than 5 feet to an interior lot line, and no dwelling shall be located on any lot nearer than 35 feet to the rear 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."

IN WITNESS WHEREOF, the said owners have caused this instrument to be executed this 25th day of June, A. D. 1954.

E. D. McKinley

Beatrice McKinley

L. R. Larsen

Roberta B. Larsen

Fred O. Bonnell

Mildred L. Bonnell

C. D. Crouch

Ila Francis Crouch

Edward N. Sowell

Ruby J. Sowell

Lowell R. Hoffman

Blanche Hoffman

Paul D. Jose

Helen Jose

Kenneth L. Nelson

Donna J. Nelson

Jack O. Rathgeber

Maude O. Rathgeber

Edward L. Cowgill

Patricia A. Cowgill

C. B. Harley

Margaret L. Harley

Ray F. Mahaffey

Nola B. Mahaffey

Faye E. Garrett

John L. Garrett

R. J. Gesting

Jenny Lou Gesting

Edward E. Rich

Ruth L. Rich

C. H. Tompkins

Besse Tompkins

J. E. (Billie) Holder

Louise Holder

Homer L. Myers

Mable L. Myers

Thomas S. Bradshaw

Betty Jo Bradshaw

Charles R. Haggett

Gladys V. Haggett

James E. Cook

M. Avis Cook

Emmert Best

Alister H. Mactavish

Louise C. Mactavish

Charlie N. Cookson

Hope M. Cookson

Mike Montoya

Mrs. M. S. Montoya

S. D. Davis

Adell Davis

Oscar H. Guthrie

Juanita R. Guthrie

Ted Horlick

Judith Horlick

Ed L. Greenwood

Beth Greenwood

Ernest L. Best

Arlie Fay Best

Victor L. Matakas

Helen L. Matakas

Preston Brantley

Jeanne Brantley

Frank S. Torres

Isabel Torres

Arthur G. Naylor

Jean V. Naylor

E. H. Peavy

Frances Peavy

Daniel M. Juchum

Jacqueline C. Juchum

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH  
OF JESUS CHRIST OF LATTER DAY SAINTS

By Joseph L. Wirthlin  
Corporation Sole and Presiding Bishop

(Corporate Seal)

ATTEST:

\_\_\_\_\_  
Secretary

STATE OF UTAH )  
 : SS  
COUNTY OF SALT LAKE )

On this 22nd day of July A. D. 1954, personally appeared before me JOSEPH L. WIRTHLIN, personally known to me to be the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, and acknowledged that he signed the foregoing instrument as corporation sole of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, and that the seal impressed on the within instrument is the seal of said corporation, and the said Joseph L. Wirthlin acknowledged to me that the said corporation executed the same.

Joseph Eckersley

Notary Public in and for the  
State of Utah. Residing at  
Salt Lake City, Utah

(Notarial Seal)

My Commission Expires: Jan. 29, 1956

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

On this 25th day of June, 1954, before me personally appeared E. D. McKinley and Beatrice McKinley, his wife; Edward L. Cowgill and Patricia A. Cowgill, his wife; L. R. Larsen and Roberta B. Larsen, his wife; C. B. Harley and Margaret L. Harley, his wife; Fred O. Bonnell and Mildred L. Bonnell, his wife; Ray F. Mahaffey and Nola B. Mahaffey, his wife; C. D. Crouch and Ila Francis Crouch, his wife; John L. Garrett and Faye E. Garrett, his wife; Edward N. Sowell and Ruby J. Sowell, his wife; R. J. Gesting and Jenny Lou Gesting, also known as Jennie B. Gesting, his wife; Lowell R. Hoffman and Blanche Hoffman, his wife; Edward E. Rich and Ruth L. Rich, his wife; Paul D. Jose and Helen Jose, his wife; C. H. Tompkins and Besse Tompkins, his wife; Kenneth L. Nelson and Donna J. Nelson, his wife; J. E. (Billie) Holder and Louise Holder, his wife; Jack O. Rathgeber and Maude O. Rathgeber, his wife; Homer L. Myers and Mable L. Myers, his wife; Thomas Bradshaw and Bettye Jo Bradshaw, his wife; Ted Horlick and Judith Horlick, his wife; Charles R. Haggett and Gladys V. Haggett, his wife; Ed L. Greenwood and Beth Greenwood, his wife; James E. Cook and M. Avis Cook, his wife; Ernest L. Best and Arlie Fay Best, his wife; Emmert Best, a single man; Victor L. Matakas and Helen L. Matakas, his wife; Alister Mactavish and Louise C. Mactavish, his wife; Preston Brantley and Jeanne Brantley, his wife; Charlie N. Cookson and Hope M. Cookson, his wife; Frank S. Torres and Isabel Torres, his wife; Mike Montoya, also known as M. S. Montoya, and Mrs. M. S. Montoya, his wife; A. G. Naylor, also known as Arthur G. Naylor, and Jean V. Naylor, his wife; S. D. Davis and Adell Davis, his wife; E. H. Peavy and Frances Peavy, his wife; Oscar H. Guthrie and Juanita Guthrie, his wife; Daniel M. Juchum and Jacqueline Juchum, his wife; to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Witness my hand and seal on the day and date last above written.

Robert J. Seller  
Notary Public

(Notarial Seal)

My Commission Expires: 10-15-55

We certify that this is a true and correct copy of that certain instrument recorded at Book 176 Page 143 of the records of Otero County, New Mexico.

PIONEER ABSTRACT COMPANY  
BY *[Signature]*  
Abstracter.