

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 Page 190 of the records of said County "Amended Restrictive Covenants" which covenants affected the property known as "all of Blocks 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" were thereafter amended by an "Amendment to Restrictive Covenants" dated June 25, 1954, and recorded in the office of the Otero County Clerk in Book 176, Page 143 of the records of said County; and

WHEREAS, said Restrictive Covenants as amended did place upon the lots in said Subdivision certain restrictions with respect to the type of structures which could be erected on said lots and with respect to the minimum distances from the front, side and back of said lots lines 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 restrictions governing the type and use of buildings and the distances within which buildings may be constructed on and within certain of the lots in said Subdivision;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, being all the owners and proprietors of the lots on building sites in the above mentioned Heights Subdivision to the Town of Alamogordo, New Mexico, do hereby declare and agree among themselves and with all future purchasers of lots on building sites in the said Subdivision that paragraphs "(a)" and "(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, and the "Amendment to Restrictive Covenants" dated the 26th day of June, 1954, covering said Heights Subdivision and recorded in Book 176, Page 143 of the records of Otero County, New Mexico be, and the said paragraphs are hereby, amended to read as follows:

"(a) All lots in the tract shall be known and described as single family residential lots and no structure shall be erected on any residential building plot other than one detached single family dwelling, not to exceed two stories in height, and private garages for not more than 3 cars, and other outbuildings incidental to residential use of the plot, all in accordance with such zoning regulations and building code as may legally apply at the time of construction. Provided, however, that a Church building, together with outbuildings incidental thereto, may be erected on Lots 22, 23, 24, 25 and 26 in Block 8 of said Heights Subdivision".

"(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





J. M. Morgan  
 Phyllis Morgan  
 Fred Schling  
 Kelle Schling  
 1893 12 Robert C. Thomas  
 Robert C. Thomas  
 Thomas L. Reynolds  
 Virginia M. Rogers  
 Martha L. Taylor  
 Ralph R. Taylor  
 Donald C. M. Clark  
 Anna M. M. Clark  
 Mary E. Anderson  
 Helen J. Anderson  
 Eugene R. Anderson  
 Curtis W. Jones  
 Mary E. Jones  
 Mary E. Jones  
 Mary E. Jones  
 Mrs. B. Bell  
 John B. Bell  
 John B. Bell  
 William W. Stahl  
 Walter L. Brown  
 Charles E. Brown  
 Jacob H. Brown  
 John Brown  
 John Brown  
 Eugene Campbell  
 Patricia Thomas  
 R. W. Thomas  
 C. H. Thomas  
 Rose Thomas  
 M. J. Carter  
 M. J. Carter  
 L. L. Carter  
 L. L. Carter  
 Harold D. Macdonald

Martha M. Macdonald  
 Jacob C. Zimmerman  
 Eleanor J. Zimmerman  
 Cross Benson  
 Ruth D. Carson  
 Dorothy J. Mitchell  
 Deane L. Mitchell  
 Jesse Adrian Albert  
 Laura Mae Albert  
 Ronnie C. M. Anderson  
 A. Willie M. F. Anderson  
 Mike Tombs  
 Mandelene Montoya  
 Lowell J. Johnson  
 Elizabeth Johnson  
 Conrad B. Jones  
 Margaret E. Hartley  
 Eugene W. Jones  
 John Jones  
 J. E. (Billie) Linder  
 Lillian Linder  
 Edith Linder  
 Frank Linder  
 Robert W. Linder  
 Virginia D. Linder  
 Edith A. M. Linder  
 Fredrick K. Linder  
 Mrs. Linder  
 William C. Linder  
 Esther J. Linder  
 John Linder  
 Pearl Simpson

STATE OF NEW MEXICO )  
COUNTY OF OTERO ) SS.

On this 29th day of January, 1957, before me personally appeared E. D. McKinley and Beatrice F. McKinley, <sup>also</sup> known as Mrs. E. D. McKinley, his wife; Ed L. Greenwood, and Beth Greenwood, his wife; Paul D. Jose, and Helon Jose, his wife; Ralph Lee Kron, and Beulah Kron, his wife; Fred O. Bonnell, and Mildred L. Bonnell, his wife; R. J. Gesting, also known as Richard J. Gesting, and Jenny Lou Gesting, his wife; Robert E. Lovell, and Emily K. Lovell, his wife; Ike N. Davis, Jr., and Madavern C. Davis, his wife; Richard M. Farmer, and Elizabeth Christine Farmer, also known as Elizabeth C. Farmer, his wife; Melvin O. Lux, and Alzuma M. Lux, his wife; David M. Juchum, <sup>also</sup> known as Daniel M. Juchum, and Jacqueline Juchum, <sup>also</sup> known as Jacqueline C. Juchum, his wife; Jack W. Rathgeber, and Maude O. Rathgeber, his wife; James B. McLeod, and Clyde L. McLeod, his wife; Paul E. Willits, and Lyla Lee Willits, known as Lyla L. Willits, his wife; Edward E. Rich, and Ruth L. Rich, his wife; Richard K. Hevenor, <sup>also</sup> known as R. K. Hevenor, and Sue S. Hevenor, his wife; William A. Stevens, Jr., <sup>also</sup> known as W. A. Stevens, and Wanda Jean Stevens, <sup>also</sup> known as Wanda J. Stevens, his wife; James E. Cook, and M. Avis Cook, his wife; Charles R. Haggett, <sup>also</sup> known as C. R. Haggett, and Gladys V. Haggett, <sup>also</sup> known as Mrs. C. R. Haggett, his wife; Thomas S. Bradshaw, <sup>also</sup> known as Tom Bradshaw, and Bettye Jo Bradshaw, his wife; John N. Jorgensen, and Ilene M. Jorgensen, his wife; Clifford J. Sortland, and Amelia B. Sortland, his wife; Earl A. Forbush, and Judith C. Forbush, his wife; Charles A. Bodwell, and Margaretta L. Bodwell, his wife; C. A. Carlsten, and Hilda P. Carlsten, his wife; Lowell Gerald Bedwell, <sup>also</sup> known as Lowell G. Bedwell, and Frances Bedwell, his wife; Robert L. Montgomery, <sup>also</sup> known as R. L. Montgomery, and Rosemary W. Montgomery, his wife; Frederick M. Walters, <sup>also</sup> known as Fred M. Walters, and Shirley L. Walters, his wife; Charles M. Godlove, and Marietta Godlove, <sup>also</sup> known as Marietta M. Godlove, his wife; Bruce E. Shankweiler, and Myrtie L. Shankweiler, his wife; John S. Hawkes, and Mona C. Hawkes, known as Mona Colene Hawkes, his wife; John H. Michaels, Jr., and Dorothy M. Michaels, his wife; H. H. Allen, and Lydia E. Allen, his wife; Chester C. Daggett and Beatrice B. Daggett, his wife; Ray Andrew Carrell, also known as Ray A. Carrell, and Betty Campbell Carrell, also known as

Betty C. Carrell, his wife; Robert J. McMurry, and Iva L. McMurry, his wife;  
 also  
 Frank Torres, and Isabel Torres, /known as Mrs. Frank Torres, his wife; Rudolph  
 Macias, /known as Rudolph M. Macias, and Isabel Macias, his wife; Victor L.  
 Matakas, and Helen L. Matakas, his wife; William Overkamp, /known as William G.  
 Overkamp, and Lorraine Overkamp, his wife; Harry F. Gatton, and Catherine M.  
 Gatton, his wife; T. A. Bonnell, and Mary Glynda Bonnell, /known as Glynda Bonnell,  
 his wife; George R. Schroeder, /known as G. R. Schroeder, and Genevieve F. Schroeder,  
 his wife; Donald J. Hodgson, and Eva Louise Hodgson, his wife; Thurman M. Morgan, also  
 known as T. M. Morgan, and Phyllis Cecil Morgan, /known as Phyllis Morgan, his wife;  
 Herman T. Reger, and Virginia M. Reger, his wife; Ralph R. Saylor, and Martha L.  
 Saylor, his wife; Donald Chanks McPeck, /known as Donald C. McPeck, and Alma M.  
 McPeck, /known as Allen C. Sanderfer, /known as Allen Sanderfer, and Mary R. Sanderfer, his  
 wife; Kenneth C. Bonnell, and Nancy LaVelle Bonnell, his wife; Don F. Belloff,  
 and Jo Ann Belloff, his wife; Jesse J. Stahl, and LaVerne W. Stahl, his wife;  
 Phillip W. Knox, and Llorona L. Knox, his wife; Harley H. Grogan, and Gloria H.  
 Grogan, /known as Gloria Grogan, his wife; Duncan Campbell, and Eugene Campbell,  
 his wife; C. H. Tompkins, and Besse Tompkins, his wife; Robert M. Toncray, also known  
 as R. M. Toncray, and Patricia Toncray, his wife; D. D. Cutler, and Mary F. Cutler, also  
 known as M. F. Cutler, his wife; L. E. Cozby, and Fay W. Cozby, his wife; Harold  
 D. Meredith, and Mrs. Harold Meredith, his wife; Theodore R. Zimmerman, and Eleanor  
 K. Zimmerman, his wife; Evan Carroon and Ruth B. Carroon, his wife; Deane H. Mitchell,  
 and Dorothy J. Mitchell, his wife; Jesse Adrian Holbert, and Laura Mae Holbert, his  
 wife; A. Wilkie McFarland, and Rosalie G. McFarland, his wife; Mike Montoya, Jr.,  
 and Magdalena Montoya, his wife; Lowell R. Hoffman, and Blanche Hoffman, his wife;  
 Conrad B. Harley, and Margaret L. Harley, his wife; Eugene W. Pokys, and Annie Pokys,  
 his wife; J. E. (Billie) Holder, and Louise Holder, his wife; Dr. E. A. Grissom, and  
 Sarah Grissom, his wife; Robert W. Hundtzen, and Marjorie N. Hundtzen, his wife;  
 Encil Allen McCullough, /known as Encil A. McCullough, and Cleta McCullough, his wife;  
 Fredrick K. Guenther, and Else Guenther, his wife; Milton C. Hensley, and Esther  
 J. Hensley, his wife; Lloyd G. Simpson, and Pearl O. Simpson, his wife; Janet L.  
 Williams, /known as Jan Williams; Dale Wheeler, and Helen Wheeler, his wife; Fred  
 Schling, and Belda Schling, his wife; Robert E. Gorman, and Beatrice Gorman, his  
 wife; Otis W. Jones, and Mrs. Otis Jones, his wife; Gomerray J. Allen, and Ellen  
 Mae Allen, his wife; Eugene R. Schuyler, the persons described herein, and who

executed the above and foregoing instrument, and they acknowledged that they  
 executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto placed my hand and official seal the  
 day and year last above written.

*John H. Kessler Jr.*  
 Notary Public

My Commission Expires:

STATE OF Mississippi, County of Leflore, I hereby certify that this instrument was filed for record on the 20th  
 day of January, 1957, at 2:50 o'clock P.M., and that the same is Book 204, page 451, of the official  
 and county records of Leflore County, Mississippi, by L. H. Kessler Jr.  
 County Clerk.

# 4631