

RESTRICTIVE COVENANTS

WHEREAS, L. A. Hendrix and Elizabeth Hendrix, his wife, are the owners of the following described real estate in Otero County, New Mexico, to-wit:

Lots 3, 4 and 5 in Block 204 of the Town
of Alamogordo, New Mexico,

which has been re-subdivided into the Hendrix Subdivision, a plat of which re-subdivision was approved by the Board of Trustees of the Town of Alamogordo, New Mexico, on the 3rd day of April, 1950, and filed in the office of the County Clerk of Otero County, New Mexico, on the 4th day of May, 1950;

AND WHEREAS, the said L. A. Hendrix and Elizabeth Hendrix, his wife, desire to place certain restrictions upon and against all of the lots and parcels of real property embraced within the boundaries of said Hendrix Subdivision, as shown by the aforementioned plat, pertaining to buildings, improvements, and matters thereupon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That L. A. Hendrix and Elizabeth Hendrix, his wife, hereby declare and agree with all future purchasers of any and all of the lots and parcels of real estate embraced within the boundaries of the Hendrix Subdivision of Lots 3, 4 and 5 in Block 204 of the Town of Alamogordo, New Mexico, that the following restrictive covenants do hereby apply to any and all such lots and parcels of real estate within said Subdivision, and that all conveyances of any lot or lots therein shall be subject to certain restrictions, as follows:

(a) All lots in the Hendrix Subdivision of Lots 3, 4 and 5 of Block 204 of the Town of Alamogordo, New Mexico, 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 two cars, and other out-buildings 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.

(b) No building shall be located on any lot nearer than fifteen (15) feet to the front lot line, or nearer than ten (10) feet to any side street line. No building shall be located nearer than five (5) feet to an interior lot line. No building shall be located on any lot nearer than twenty-five (25) 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.

(c) No lot shall be resubdivided into, nor shall any dwelling be erected or placed on any lot having a width of less than fifty (50) feet at the minimum building setback line or any area of less than six thousand (6,000) square feet.

(d) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done which may be, or may become, an annoyance or nuisance to the neighborhood.