

Bk 787 Pg 708
AMENDED RESTRICTIVE COVENANTS

or

HIGH DESERT ESTATES, OTERO COUNTY, NEW MEXICO

WHEREAS, the undersigned owners of the property hereinafter described and located in Otero County, New Mexico, have heretofore filed a plat of the subdivision known and described as High Desert Estates in the office of the County Clerk, Otero County, New Mexico and

WHEREAS, the undersigned owners of said subdivision desire to make and file certain restrictive covenants affecting said property for the protection of all future property owners in said subdivision.

NOW, THEREFORE, the undersigned do hereby declare the creation and existence of certain restrictive covenants as hereinafter set forth and declare that said restrictions and covenants shall run with the land hereinafter described and to be binding on all parties who are or shall become parties in interest to said land. The property covered and affected by the covenants set forth herein and the restrictions applicable thereto is described as follows, to-wit:

Lots 1 through 20 inclusive of High Desert Estates, a subdivision lying in Lot 5, Lot 6, and Lot 12, all located in Section 5, T.16S, R.10 E., NMPM, as shown on the official plat thereof on file in the office of the County Clerk of Otero County, New Mexico.

The restrictions and protective covenants herein referred to are as follows:

1. Lots 1-20 inclusive shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one single family dwelling and such structures as are incidental to the use of said lot, such as a private garage, well house, storage room or stable. There shall be no commercial activity or business engaged in on any of these lots. Lots may not be re-subdivided in the future for any purpose.
2. No buildings or structures whatsoever of any kind shall be located nearer than fifty (50') feet to the front lot line of each lot nor nearer than twenty (20') feet to any side lot line or rear lot line of each lot or tract.
3. All dwellings shall be finished as to the exterior within one year from the start of construction. All structures shall be completely finished front, sides and rear to the same degree as a first class front, so the view from overlooking or adjoining lots will not be unduly impaired.

4. No dwelling house smaller than 1700 square feet with a minimum of 1400 square feet heated area shall be constructed on any lot herein. No trailer, trailer house, prefabricated building, tent, shack, barn or other outbuilding shall be used as a residence, temporarily or permanently, nor shall any temporary residences be erected. A temporary contractor's building or a mobile home for storage may be used during construction. All buildings are to be either brick or stone veneer or painted or stained on exterior or wall surfaces within thirty days from the date of completion of construction. No second hand structures shall be moved on any lot.

(Amendment of September 19, 1994) Manufactured homes and modular homes, are allowed on the lots listed below if these conditions are met.

For manufactured homes:

- a) The dwelling must have a minimum of 1200 square feet heated area.
- b) The dwelling must have a shingled, pitched roof 3/12 or greater.
- c) The dwelling must be permanently set and must have a complete coordinated skirting.
- d) The dwelling must have a minimum of 200 square feet of decking or porch in front.
- e) At the time of installation, the manufactured home must be less than two years old.

For modular homes: The dwelling must have a minimum of 1200 square feet heated area

Lots 1, 2, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20.

5. The premises and improvements of each lot must be maintained in an orderly condition and a good state of repair at all times.
6. No noxious or offensive activity shall be carried out on any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
7. Livestock shall be permitted, provided that none are to be kept for commercial purposes.

Livestock, such as horses, cattle, sheep, etc. shall be limited to 2 animals per lot and must be contained.

Household pets are allowed but must be contained. Kenneling is not permitted.

Pigs, swine and poultry are not permitted.

8. All lots shall be maintained in as natural a state as possible. Native growth shall not be destroyed or removed from a lot except as necessary for roadways, utility ways, structures, walled-in or fenced-in yards, gardens and patios, or replacement by landscaping. Natural drainage shall not be altered.

- 9. These covenants shall be binding upon the undersigned and all persons claiming under it, their heirs, successors or assigns from the date these Restrictive Covenants are recorded. These Restrictive Covenants may be modified, amended or repealed in whole or in part by filing in the office of the County Clerk of Otero County, New Mexico, such amendment, modification or notice of repeal duly executed and subscribed by the owners of record of not less than fifty (50) percent of the lots included in said subdivision. Modification, amendment or repeal of any one or more of the foregoing restrictive covenants shall not affect the validity of the remaining covenants. Failure to enforce the provisions of the above covenants immediately upon violation shall not be considered as a waiver of such covenants.
- 10. Invalidation of any one of these covenants by judgement or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

DATED this 19th day of September, 1994.

A & R PROJECTS, a limited partnership

By: Arthur P. Giuliani
ARTHUR P. GIULIANI, THE GENERAL PARTNER

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

The foregoing instrument was acknowledged before me this 19th day of September, 1994, by ARTHUR P. GIULIANI, GENERAL PARTNER, A & R PROJECTS, a limited partnership.

[Signature]
Notary Public

My Commission Expires:
9-15-97

STATE OF NEW MEXICO)
OTERO COUNTY)
FILED FOR S. CLERK IN MY OFFICE
This 19 day of September, 1994
at 2:30 o'clock P. M. and recorded
in Book No. 787 Page 708-710
the records of Otero County, New Mexico
Mary O. Quintana
Notary Public, Otero County, New Mexico
Robin Silva Deputy
10429