

## 2nd AMENDED RESTRICTIVE COVENANTS

Bk 982 Pg 963

for

### 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.

(2nd Amendment of May 16, 2001) Manufactured homes and modular homes, are allowed on the lots listed below if these conditions are met. See attached consent to Change of Restrictive Covenants.

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 3, 4, 5, 6 & 7a

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 relacement 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 16th day of May, 2001.

A & R PROJECTS, a limited partnership

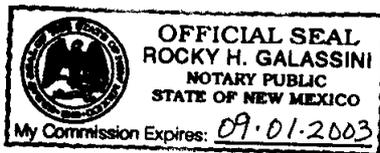
by: Raymond Walker  
Raymond Walker, by: recorded Power of Attorney, as Attorney in fact

STATE OF NEW MEXICO ]  
                                  ] ss.  
COUNTY OF OTERO ]

The foregoing instrument was acknowledged before me this 16th day of May, 2001 by Raymond Walker By: Recorded Power of Attorney for A & R Projects, L. P., as attorney in fact.

My Commission Expires: 09-01-2003

Rocky H. Galassini  
Notary Public



CHANGE OF RESTRICTIVE COVENANTS

WE THE UNDERSIGNED being owners of the tracts of land in High Desert Estates Subdivision located in Otero County, New Mexico, agree to the following changes of the restrictive covenants. Manufactured homes and modular homes are allowed on the Lots listed below if the following conditions are met.

Lots 3, 4, 5, 6, and 7A

For manufactured homes:

- a) The dwelling must have a minimum of 1200 square feet heated area.
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- 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

Recorded Owners of Lots 10 + 11

*Dominick E. Giampietro*  
*Evelyn L. Giampietro*

STATE OF NEW MEXICO ]

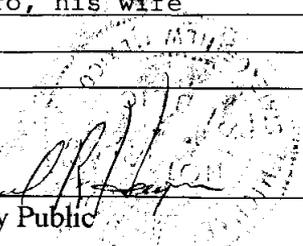
COUNTY OF OTERO ] SS.  
NEW MEXICO ]

1st day of May, 2001

2001, by Dominick E. Giampietro & Evelyn L. Giampietro, his wife

My Commission Expires: 5-9-02

*Michael R. [Signature]*  
 Notary Public



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

Recorded Owners of Lots 3 & 4



Charles Johnson  
Marcella Johnson

STATE OF NEW MEXICO ]

COUNTY OF OTERO ] SS.

NEW MEXICO ] The foregoing instrument was acknowledged before me this

25<sup>th</sup> day of April, 2001, by Charles Johnson and Marcella Johnson

My Commission Expires: 8/1/01

Tera Miller  
Notary Public

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

*Recorded Owners of Lot 2*

*Alfonso J. Rosario*

*Janice M. Rosario*  
*12 May 01*

STATE OF NEW MEXICO ]

COUNTY OF OTERO ] ss.

NEW MEXICO ] The foregoing instrument was acknowledged before me this

12th day of May,

2001, by Alfonso J. G. Rosario & Janice M. Rosario, his wife

My Commission Expires: 5-9-02

*Michael P. [Signature]*  
Notary Public  


CHANGE OF RESTRICTIVE COVENANTS

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

*recorded Owner of Lot 18b*

EUNICE M. KNAUB

*Eunice M. KnauB*

STATE OF NEW MEXICO |

COUNTY OF OTERO | SS.

NEW MEXICO | The foregoing instrument was acknowledged before me this

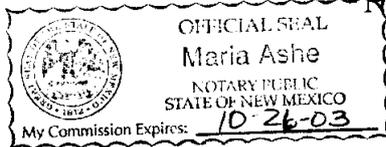
4<sup>th</sup> day of May,

2001, by Eunice M. KnauB.

My Commission Expires: 10-26-03

*Maria Ashe*

Notary Public



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

Recorded owner of lots 5, 6, 7a and 13

A & R PROJECTS

*Raymond Walker*

Raymond Walker, by: recorded Power of Attorney, as Attorney in fact

STATE OF NEW MEXICO ]

] ss.

COUNTY OF OTERO ]

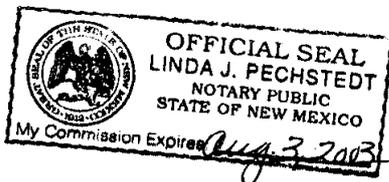
The foregoing instrument was acknowledged before me this

1st day of May, 2001

2001, by Raymond Walker By: Recorded Power of attorney for A & R Projects, L.P. as attorney in fact

My Commission Expires: Aug. 3, 2003

*Linda Pechstedt*  
Notary Public



CHANGE OF RESTRICTIVE COVENANTS

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

recorded Owner of lot 9  
Nancy L. Nix

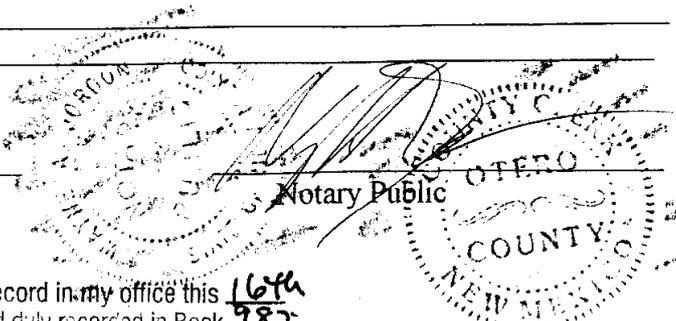
STATE OF NEW MEXICO ]

COUNTY OF OTERO ] ss.  
NEW MEXICO ]

The foregoing instrument was acknowledged before me this

13th day of April,  
2001, by NANCY L. Nix

My Commission Expires: 6/28/97



STATE OF NEW MEXICO, County of Otero, ss, Filed for record in my office this 16th  
 day of May 2001 at 1:15 o'clock P.M. and duly recorded in Book 982  
 Page \_\_\_\_\_ of the Records of said county Mary D. Pantan by John S. Siler # 4733  
 County Clerk Deputy