

RESTRICTIVE COVENANTS

WHEREAS, Allan D. Walker and Dorris T. Walker are the owners of the following described real estate in Otero County, New Mexico, to-wit:

All of Block 1, Lots 1 to 26 inclusive of Block 2, Lots 1 to 10 inclusive and Lots 16 to 21 inclusive of Block 3 and Lots 1 to 4 inclusive of Block 4 of the High Rolls Subdivision as shown by the map or plat thereof filed in the Office of the County Clerk of Otero County, New Mexico, on the 6th day of November, A.D. 1952.

WHEREAS, the said owners desire to place certain restrictions in regard to the buildings and improvements thereon and other matters hereinafter set out upon and against the property above described;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Allan D. Walker and Dorris T. Walker hereby declare and agree with all future purchasers of lots or building sites in the above described tract that the following restrictions apply to all present and future building sites or lots within said tract, and that all conveyances of any lot or lots therein shall be subject to certain restrictions, as follows:

- a. All lots and tracts shall be known and described as single family residence lots and no person living on any of the said lots shall engage in any business or trade or commerce except as to Lots 1 and 13 in Block 1, which is farm property and which may continue to be used as such and the owners of said property shall be allowed to engage in usual farming practices.
- b. No animal shall be kept on the said property except that the owner of any lot may keep one cow, domestic pets, saddle horses and chickens for family use.
- c. No lot shall be resubdivided into nor shall any dwelling be erected on any lot having a width of less than fifty feet along the front of said lot line.
- d. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1st, 1962, at which time they shall automatically continue in force for successive periods of ten years each unless discontinued or amended at the end of the first or any subsequent ten year period by a vote of fifty-one per cent (51%) or more of the then property owners, as hereinafter provided. These covenants and restrictions, or any portion thereof, may at such time or times, be amended or terminated by a vote of fifty-one per cent (51%) or more of the then property owners. In case any vote is called, the record owners of the lots shall be entitled to one vote for each lot as shown on the recorded plat.

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Any person who desires to call an election for the purpose of suspending or amending all or any part of these protective covenants and restrictions at the time or times mentioned, in accordance with the foregoing provisions will request such election by written notification to the subdividers and any and all owners of lots within the subdivision at least one year before the expiration of the first or any subsequent ten year period.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions contained herein, it shall be lawful for the subdividers, their successors and assigns, or any other person or persons owning any lot in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provision which shall remain in full force and effect.

IN WITNESS WHEREOF, Allan D. Walker and Dorris T. Walker have hereunto set their hands and seals on the 11th day of November, A.D. 1952.

Allan D. Walker
Dorris T. Walker

STATE OF NEW MEXICO }
COUNTY OF OTERO } SS.

On this 11th day of November, A.D. 1952, before me personally appeared Allan D. Walker and Dorris T. Walker, 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 this the day and year last above written.

(Notarial Seal Imprint)

Robert J. Sellar
Notary Public

My Commission expires: 10-15-55.

The foregoing instrument was filed for record on the 11 day of Nov. A.D. 1952, at 3:00 o'clock P.M.

LUCILLE ALEXANDER, County Clerk.

By *Reggie Sonnenkohl*, Deputy

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