

MODIFICATION OF RESTRICTIVE COVENANTS OF
HOLIDAY SANDS UNIT 2 OF ALAMOGORDO,
OTERO COUNTY, NEW MEXICO

THIS AGREEMENT is made as of June 1, 1992, by all of the Owners of real property within Unit 2 of the Holiday Sands Subdivision within the City of Alamogordo, Otero County, New Mexico, except Lot 1, Block 1, which was excluded from the *Restrictive Covenants* filed on March 2, 1984.

RECITALS

The Owners recite and declare:

A. The current ownership of all of the real estate within Unit 2, Holiday Sands, Alamogordo, NM, is as follows:

Lot 3A, Block 1, Replat "A," Holiday Sands, Unit 2, Alamogordo, Otero County, New Mexico:

Robert W. Bowman and Wanda Bowman
2725 Ardis Drive
Las Cruces, NM 88001

and

Lot 2, Block 1, Holiday Sands Unit #2, Alamogordo, Otero County, New Mexico:

Alamogordo Super "8" Motel, Inc.
11230 W. 20th Ave., #43
Lakewood, CO 80215

and

All developed and platted property in Unit 2 and adjoining unplatted properties containing 80 acres more or less located in Alamogordo, Otero County, New Mexico:

Shelby F. Miller and Clare D. Miller
2352 Apache Lane
Alamogordo, NM 88310

B. The Owners, individually and collectively, wish to modify the original *Restrictive Covenants* filed in the Office of the Otero County Clerk on March 2, 1984, in Book 547, beginning at Page 855, which apply to Unit 2, Holiday Sands Subdivision, Alamogordo, Otero County, New Mexico.

ALL MICROPHOTOGRAPHIC IMAGES OF DOCUMENTS ON THIS FILM STRIP ARE OF AUTHORIZED DOCUMENTS IN THE POSSESSION OF THIS AGENCY AS NOTED IN THE STATEMENT OF DOCUMENT CERTIFICATION OF FILE AT THIS AGENCY. THESE DOCUMENTS ARE ROUTINELY MICROFILMED AS A NECESSARY OPERATION IN THE GENERATION OF AN INVIOLOTE DOCUMENT.

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ROLL NO.

6-23-92
DATE

Shelby F. Miller
CAMERA OPERATOR

C. The Owners of all of the real estate within Unit 2, Holiday Sands Subdivision, Alamogordo, Otero County, New Mexico, has agreed to such modification as provided in this Agreement.

D. Lot 1, Block 1, Unit 2, Holiday Sands Subdivision, was excluded from the original Restrictive Covenants.

In consideration of the above recitals, the terms and covenants of this Agreement, and other valuable consideration, the receipt of which is hereby acknowledged, the Owners, individually and collectively, agree as follows:

*J.M.
C.O.R.*

1. The Owners of the real property within Unit 2, Holiday Sands Subdivision, Alamogordo, Otero County, New Mexico, hereby agree and consent that Paragraph 5, Subsections (a), (b), (d), (e), ~~(g)~~, (h), (j), (k), and (m) be removed from the Restrictive Covenants as temporary or permanent prohibited uses within the subdivision.

2. This Agreement shall constitute the entire Agreement to Modify Restrictive Covenants as among the Owners.

3. Any prior understandings or representations of any kind prior to this Agreement shall not be binding upon the Owners of the real property within Unit 2, Holiday Sands Subdivision, except to the extent incorporated in this Agreement.

4. This Agreement is binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the Owners who have affixed their seal to this Agreement.

WITNESS our hands and seals this 8th day of June, 1992.

Robert W. Bowman

Wanda Bowman

ALAMOGORDO SUPER "8" MOTEL,

INC.

By:

Its:

[Signature]

President

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92-7
KOLL NO. _____
Wanda Bowman
CAMERA OPERATOR
DATE 6-23-92

Shelby F. Miller
Shelby F. Miller

Clare D. Miller
Clare D. Miller

STATE OF NEW MEXICO)
: ss.
COUNTY OF DONA ANA)

The foregoing instrument was acknowledged before me this _____ day of June, 1992, by Robert W. Bowman and Wanda Bowman, husband and wife.

Notary Public

My commission expires:

STATE OF COLORADO)
: ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 12th day of June, 1992, by ANTHONY JENSEN, as PRESIDENT of Alamogordo Super "8" Motel, Inc., a New Mexico corporation, for and on behalf of said corporation.

Mary A. Healy
Notary Public

My commission expires:

My COMMISSION EXPIRES: April 28, 1996
Bonded thru NOTARY PUBLIC AGENCY

STATE OF NEW MEXICO)
: ss.
COUNTY OF OTERO)

The foregoing instrument was acknowledged before me this 5th day of June, 1992, by Shelby F. Miller and Clare D. Miller, husband and wife.

Clare D. Miller
Notary Public

My commission expires:

9/26/92

STATE OF NEW MEXICO, County of Otero, ss, Filed for record in my office this 22nd day of June, 1992, at 4:50 o'clock P.M. duly recorded in Book 728 Page 740 of the Records of said County by Christina County Clerk Deputy

5719

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DATE 6-23-92
KOLL NO. 92-7
Sylvia Estrada
CAMERA OPERATOR