

RESTRICTIVE COVENANTS

OF

REPLAT OF LA LUZ WEST, UNIT 1  
OTERO COUNTY, NEW MEXICO

WE THE UNDER SIGNED being the owner of more then 75% of the following described land situated within Otero County, State of New Mexico, to wit:

La Luz West Subdivision, Unit 1

Otero County, New Mexico

Previous covenants book 588 pages 615 through 618 are hereby voided.

1. Architectural Control Committee. All Plans for the construction of private roads and driveways and all building plans for any building, fence, corral, wall, or structure to be erected upon any lot and the proposed location thereupon any lot, and any changes after approval there of any remodeling, reconstruction, alteration, or addition to any building, road, driveway, or other structure upon any lot in such premises shall require the approval in writing of the Architectural Control Committee as to the quality of workmanship, material, harmony of external design with existing structures or planned structures which have been previously approved by the Architectural Control Committee within the subdivision and for approval as to location with respect to lot lines, topography, and finish grade elevations and roadways. The Architectural Control Committee shall be composed of Ernesto and Deborah L. Martinez and their appointees.

2. Residential Use. Each and every lot is for single-family residential purpose only, except as noted under Commercial Use. All residences shall be of a new, permanent type and quality, constructed on site, (unless specifically approved in writing by the Architectural Control Committee). No improvement of structure whatever, other than the first class private dwelling house, patio walls, swimming pool, corrals, garage, and customary outbuildings may be erected, placed or maintained on any lot. One lot as shown on said subdivision map shall be the minimum building area upon which a single-family residence and the usual outbuildings may be constructed. One or more lots may be utilized as single building plot.

Property Line Building "Set Back"; From front property line "Set Back" distance to be (25') twenty-five feet to building "Stem Wall" or "Slab" for house, garage, storage, carport or porch.

"Side Set Back" from side property line set back distance to be a minimum of (5') five feet, to any building stem wall or slab.

"Rear Set Back" from the property line shall be a minimum of (25') twenty five foot distance to any building "Stem Wall or Slab". "Corner lot Restrictions"; Fences on front or side of any corner lot shall not exceed (3') three feet in height at property line on the front corner.

And not over (3') three feet in height for a minimum of (25') twenty-five feet on the front and street side of the corner lot. Note: This height restriction applies to hedges and or vine covered net wire fences. Building elevation above street center line grade shall be a minimum of (1') one foot to slab or stem wall top.

3. Main Residence Area. The ground floor area of the main building shall not contain less than 1200 square feet of air conditioned floor area, and the ground floor area shall contain a minimum of 1600 square feet under roof. (Exterior measure including porches and garages) or a substantial equivalent. No residence shall be more than two (2) stories in height above the ground.

4. Commercial Use. Normal commercial establishments are permitted on lots 1 through 4, provided prior approval of any commercial establishment is obtained from the Architectural Control Committee.

The front "Set-Back" is to be the same as so forth in residential use. However, no side or rear set-backs are required.

Accessory buildings and uses customarily incident to the uses permitted shall be allowed.

A free or open space is required for parking in the ratio of 2 square feet of open space to 1 square foot of building area.

Total building height of commercial building shall not exceed two (1) story.

5. Construction. When the construction of any building is once begun, work thereupon must be prosecuted diligently and must be completed within a reasonable time. No shacks or temporary buildings shall be permitted upon any lot. A trailer or temporary storage may be used during the period of construction not to exceed one year. In no event shall any trailer or temporary storage structure be left on the land after the expiration of the one year period. No dwelling shall be occupied until its construction is completed.

6. Walling and Antennae. All garbage cans, equipment, wood piles, or storage piles shall be walled in to conceal them from the view of neighboring lots, roads, or streets. Plans for enclosures of this nature must be approved by the Architectural Control Committee. Television Antennas may exceed the "Peak Height" of the house or building no more than (10') ten feet and to be located on the rear side of the building.

7. Animals. The owner or lawful possessor of any lands shall be permitted to maintain horses upon the premises for recreational and pleasure purpose only; and dogs, cats, domestic fowl, cattle, and sheep may be maintained upon said premises for household, residential, and non-commercial uses only. All domestic animals, horses, cattle, sheep and fowl shall be properly fenced on and in the rear half of any lot or tract and properly housed and maintained on the rear half of the lot or tract.

8. Nuisances. No lots shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or

material be kept out upon any lot that would emit foul or odors or that would cause noise that will or might disturb the peace, quiet, and comfort or serenity of the occupants of surrounding property or would otherwise frustrate or impede the general plan of development expressed in the covenant establishing the Architectural Control Committee.

9. Signs. No billboards or advertising signs of any character shall be erected, placed, permitted or maintained on any lot or improvement thereof except that a discreet and unobtrusive name and address sign of modest dimensions may be placed on each residential lot. Nothing herein shall be construed to prevent its successors and assigns, from erecting, placing, or maintaining sign structures and offices as may be deemed necessary be it for the operation of the subdivision.

10. Filling and Removing. The elevation of a lot shall not be changed so as to materially affect the surface elevation or grade of the surrounding lots. No rock, gravel, or earth shall be excavated or removed from any property for commercial purposes.

11. Sewage Facilities. Outhouses and cesspools are strictly prohibited. All sewage facilities shall consist of septic tanks which shall be located and constructed only in accordance with the rules and regulations of those governmental agencies having jurisdiction over the construction of sewage facilities.

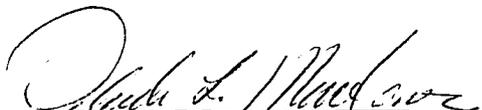
12. Division of Lots. No single lot as shown on the subdivision map shall be re-subdivided.

13. Duration of Restrictive Covenants. The restrictive covenants herein shall remain in full force and effect for a period of twenty years from date. Said restrictions shall there after continue for successive twenty year periods except that at any time such restrictions may be amended, in whole or in part, by the owners of three-fourths or more of the acreage within said subdivision. Provided, however, if such term or succession of terms shall violate the rule against perpetuities, then in that event such terms shall be reduced to that period of time which shall comply with such rule.

Any exceptions to the above restrictions & covenants must be approved in writing by the Architectural Control Committee.

IN WITNESS WHEREOF, the parties have executed this declaration this 9<sup>th</sup> day of October, 1997.

  
Ernesto Martinez

  
Deborah L. Martinez

STATE OF NEW MEXICO )  
                                  ) SS  
COUNTY OF OTERO     )

This instrument was acknowledged before me on the 9<sup>th</sup> day of October, 1997.

  
Notary Public  
State of New Mexico

My Commission expires 10-24-99

STATE OF NEW MEXICO } S.S.  
OTERO COUNTY

FILED FOR RECORD IN MY OFFICE

This 9<sup>th</sup> day of October, 1997

At 2:55 o'clock P M and duly recorded

in Book No. 871 Page 429-432

The records of Otero County, New Mexico

Mary D. Quintana  
County Clerk, Otero County, New Mexico

By Christina Nunez Deputy

10154

