

**AGREEMENT TO WAIVE AND  
AMEND RESTRICTIVE COVENANTS**

**AGREEMENT** made this 7<sup>th</sup> day of May, 2008 between THOMAS DANLEY and DANAD DANLEY, husband and wife (hereinafter collectively referred to as "DANLEY"), and BENJAMIN O. MONTOYA, a widower (hereinafter referred to as "MONTOYA").

**WHEREAS**, DANLEY and MONTOYA are the owners of all of the lots that comprise the subdivision located in Otero County, New Mexico and commonly referred to as "LAS ADOBES;" and

**WHEREAS** the lots in LAS ADOBES are subject to certain restrictive covenants as set forth in a declaration executed by DONALD BURTON, BARBARA J. BURTON, BRENT ADAY and SHARON ADAY on the 30<sup>th</sup> day of September, 1997 and recorded in Book 874, Pages 374-383 of the records of Otero County, New Mexico; and

**WHEREAS**, the Restrictive Covenants provide in pertinent part that "No single lot or tract as shown on subdivision plot may be re-subdivided by any owner;" and

**WHEREAS**, the Restrictive Covenants may only be amended through a "instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part;" and

**WHEREAS**, DANLEY and MONTOYA wish to amend the Restrictive Covenants such that MONTOYA should be permitted to subdivide and sell to MIKE GARCIA and SUSAN GARCIA, husband and wife, a portion of lot three (3) of Las Adobes subdivision.



