

DECLARATION OF RESTRICTIVE COVENANTS

We, the undersigned owners of real property as our interest may appear in the County of Otero, State of New Mexico, being the property herein described as **Lots 1,2, 3,4 and 5 of Las Piedras Subdivision**.

Whereas, said owners desire to place certain restrictions in regard to the building, improvements use and other manners as hereinafter set out with respect to the above described property in order to assure the desirable development thereof.

Now, Therefore, said owners hereby declares to and agrees with every person (his heirs, personal representatives and assigns) who shall become owner of any real estate, that such real estate shall be and is hereby bound to the covenants and restrictions set forth herein and such real estate shall be help and enjoyed subject to and with the benefit and advantages of the following restrictions, limitations, conditions covenants and agreements, as follows:

Architectural Committee.

The purpose of the Architectural Committee is to assure, through architectural control of building design, placement, and construction that all improvements on and use of real estate within the exterior boundaries of the above described real estate shall conform to the requirements of these restrictive covenants, and minimize alteration of existing plants and terrain.

The Architectural Committee shall be composed of three persons. The committee shall be Ernesto Martinez, Deborah L. Martinez and Jannette Krossman. New committee members shall be elected by the lot owners after all of the lots have been sold. The committee members shall each serve on the committee until such member dies or no longer owns an interest in real estate within the exterior boundaries of real estate above described.

No structure, including walls and fences, shall be erected, converted, placed, added to or altered on any Parcel until the exterior construction plans and specifications, exterior materials to be used, exterior color, and location have been approved by the Architectural Committee. The Committee shall not approve the project unless the materials, color, location, plans and specifications result in a structure that harmonizes with the existing structures in the area and/or blends with the surroundings and the structure is located in such a manner as to suit the topography of the surrounding property as well as being located in an aesthetically pleasing place. Disapproval of a structure may be based on purely aesthetic values as seen by the Architectural Committee.

All applications for approval shall be in writing and either hand delivered to each member of the Architectural Committee or by certified mail to Bar-M Construction 163 Rock Cliff Rd., La Luz, NM 88337 for distribution. The Architectural Committee shall meet within three (3) days upon receipt of a complete application for a dwelling and render a decision with six (6) hours after meeting, on the initial application for a residential dwelling.

Permanent Buildings and Use

There shall be no commercial use of property within the boundaries of the real estate above described. All property shall be utilized as residential property. Use of an office within the home for business purposes shall not be deemed commercial for this purpose.

No future dwelling of less than 1600 square feet of living space shall be constructed, (1900 sq ft on lot #3). living space shall be understood to mean heated and cooled space, and not to include attached garage, deck, patio or other appurtenances which may incidentally enhance the quality of life and value of property. No dwelling may exceed one story in height without express written approval by the Architectural Committee; all construction shall be completed within 12 months from the day construction began; all proposed external improvements shall be subject to approval of the Architectural Committee which may refuse to allow such proposed improvements in accordance with paragraph I (c) hereof.

Each residence shall be a pueblo/flat roof style with stucco, adobe or other material approved by the Architectural Committee on the exterior. Exterior colors must be approved in advance & shall be within a brown, tan, bone or adobe color range to blend with the surroundings & other improvements.

All structures on the property are required to match the residence and meet the same exterior restrictions. All specifications, size & location shall be approved, in advance by the Architectural Committee, including outbuildings, shelters or storage sheds.

Prefabricated modular homes are not permitted.

No building or fence shall be located on a tract within the exterior boundaries of the above described real estate without having first been approved for that location by the Architectural Committee. The Committee shall consider such things as nearness to property lines, visual relationship with other owners, buildings and aesthetic values. The object is to retain privacy between improvements by either distance or by visual screening.

Temporary Structures and Temporary Housing.

No structure of a temporary or a mobile home nature, trailer, tent, mobile home or motorhome shall be placed within the boundaries of the property above described for longer than three consecutive nights and days except that the Architectural Committee may grant a permit for any of the above for longer periods during the construction phase of a permanent structure or VACATION camping. Homeowners and their guests may use motorhomes and camping trailers; commercial use strictly prohibited see II. An application for such a permit shall be handled in the same manner as other applications under the (d) procedure clause of the Architectural Committee.

Time of Construction

Once construction has begun on any permanent building, that building shall be completed within twelve (12) months from the day construction began. The Architectural Committee may extend this period up to an additional twelve months in unusual circumstances so long as construction is actively pursued. Such time extension shall be in writing. Construction shall be deemed as begun on the date that any building material is placed upon a parcel or upon the date any foundation work is begun, whichever is earlier.

Nuisances

Nothing shall be done or permitted on any Parcel or within the boundaries of the property above described which is or may become an annoyance to the other property owners. Specifically labeled as nuisances are the following:

1. Motorized trail bikes, motorcycles (which may be driven to and from the property on existing roads) and any other noisy vehicle.
2. Operation of chain saws and other noisy equipment other than between the hours of 9:00am and 6:00pm.
3. Erection and use of any light that is attached to and higher than the building to which it is attached.
4. Erection and use of any light attached to a pole or structure other than a building that exceeds six feet in height above the surrounding terrain.
5. Propane or other bottled gas tanks that are not shielded from view by either an approved fence or by planting of trees and shrubbery.
6. Any use of explosives of any kind including fireworks (this does not include annual Fourth of July fireworks display). Nothing in this paragraph shall be construed to limit the lawful use of firearms.
7. Barking dogs, howling dogs and yowling cats.
8. Animals of any kind raised, bred or maintained for commercial purposes.
9. And all other noisy, smelly, unsightly things, permanent clothes lines (screened, collapsible clothes lines permitted), activities and swine.

Refuse, and Rubbish (Trash) and Junk

Refuse, rubbish (trash), and waste shall be kept and disposed of in a sanitary manner. Otero County Ordinance #91-04, Bond 002, Refuse, Litter, Handbill and Weed Control ordinance, Section TV paragraph k, "clearing of litter from private property by County", applies and will be strictly enforced. All household refuse and rubbish (trash) shall be kept in a closed container inside a residence, a basement, a garage, or in an ancillary building.. No refuse and rubbish(trash) or nonhousehold refuse and rubbish other than leaves and dead limbs shall be permitted to remain exposed on a parcel. Also, no automobiles, trucks or other vehicles, whether self-propelled or not, shall be permitted to remain within the boundaries of the property described above in a non-operable condition. Operable vehicles must have a current license.

Fences

The design of all fences and the method of construction is subject to approval of the Architectural Committee. No fence shall be built that restricts the right of all to walk and play along the walkways and roads

Signs

Any sign displayed shall not exceed 5 square feet in total area and there shall be not more than one sign displayed on an individual tract, except one Realtor and one construction sign not to exceed 30 square feet as approved by the Architectural Committee.

Sales of Sand, Gravel, Top Soil and Other Surface Material, Including Native Plants

Owners are prohibited from selling or removing any materials from the surface within the boundaries of the property described above that would result in a change of the appearance and/or level of the surface of the real estate other than as a normal incident to construction, without the prior approval of the Architectural Committee.

Vehicle Parking

All vehicles, whether self-propelled or not, shall be parked in such a manner that they are not a nuisance, aesthetically or otherwise, to the other owners. Trucks larger than 3/4 ton rating shall not be kept within the boundaries of the Property above described, except as specifically permitted by the Architectural Committee or its successor. No vehicle displaying signs larger than three square feet in total area on its exterior shall be kept on the real estate unless that vehicle is kept inside an enclosed garage.

Alteration of the Declaration of Restrictions

The Restrictive Covenants may be altered in whole or in part by a 60% (or greater) majority vote of the representatives of the real estate and main residences and approval by the Architectural Committee, after a 30 day written notice of intention to amend is given to each owner. Each lot within the boundaries shall have one vote. Each residence within the boundaries of the properties described shall have one additional vote (an empty lot shall have one vote, a lot with a residence shall have two votes).

These covenants and restrictions are to run with the land and are to be binding upon all parties and all persons claiming under them. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate them, either to restrain violation or to recover damages. The failure to enforce any right, reservation, restriction, covenant or condition contained herein, however long continues, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar or affect its enforcement. The invalidation by any court of any covenant or restriction herein contained shall not in any way affect any of the other covenants or restrictions but they shall remain in full force and effect.

Spirit Of Cooperation

It is recognized by the tract owners that the motivating factor behind these covenants is to maintain property value. From time to time problems and alternative solutions may arise creating disagreement among the lot & tract owners. Thus, cooperation is essential. All present and future tract owners vow to strive to achieve mutual agreement, and to keep the spirit of cooperation first in importance.

