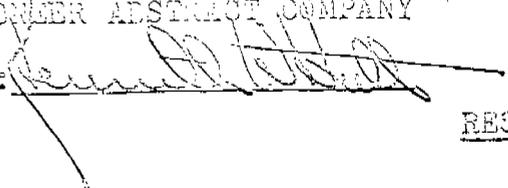


CERTIFIED A TRUE COPY.

PIONEER ABSTRACT COMPANY

Filed: May 15, 1954

By: RESTRICTIVE COVENANTS

WHEREAS, L. D. SMITH and MARJORIE MAE SMITH, CONRAD J. GROSCH and DOROTHY W. GROSCH, and WILLIAM H. CARMICHAEL and BEATRICE CARMICHAEL, are the owners of the following described real estate in Otero County, New Mexico, described as follows, to-wit:

The L. D. Smith Subdivision of Lots 9 and 10 in Block 202 of the Town of Alamogordo, New Mexico, according to the official map of said subdivision filed in the office of the County Clerk of Otero County, New Mexico, on the 19th day of August, 1953;

AND WHEREAS, the said aforementioned owners desire to place certain restrictions in regard to the buildings and improvements thereon, and other matters as hereinafter set out, upon and against all property in the subdivision as shown on said recorded plat;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the above mentioned owners of the property aforesaid hereby declare and agree with all future purchasers of lots, building sites or platted tracts in the above named "L. D. Smith Subdivision of Lots 9 and 10 of Block 202 of the Town of Alamogordo, New Mexico" that all of the lots or building sites in said subdivision shall be subject to certain restrictions, as follows:

(a) All lots in the tract shall be known and described as single family residential lots and no structure shall be erected on any residential building plot other than one detached single family dwelling, not to exceed two stories in height, and private garages for not more than three cars, and other out buildings incidental to residential use of the plot, all in accordance with such zoning regulations and building code as may legally apply at the time of construction.

(b) No building shall be located on any lot nearer than 25 feet to the front lot line, or nearer than 15 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, and no dwelling shall be located on any lot nearer than 25 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as a part of a building, PROVIDED HOWEVER, that this shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.

(c) No lot shall be resubdivided into, nor shall any dwelling be erected or placed on any lot having a width of less than 50 feet at the minimum building setback line or any area of less than 6,000 square feet.

(d) Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

(e) 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.

(f) No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on any lot at any time as a residence, either temporarily or permanently.

(g) No single-family dwelling shall be permitted on any lot in said subdivision having a ground floor area of less than 1,000 square feet in case of a one-story structure, nor less than 800 square feet ground floor area, in the case of a one and one-half story, or two-story structure, both exclusive of porches and garages.

