

Restrictive Covenants

Whereas Clifton McDonald and Barbara McDonald, his wife, are the owners of the following described real estate in Otero County, New Mexico, to wit: McDonald Subdivision, Otero County, New Mexico, as shown on the subdivision plat thereof, filed for record in the office of the County Clerk of Otero County, New Mexico, on the 22 day of March, 1978.

Whereas the owner intend hereinafter to place certain restrictions on this real estate in regard to buildings and improvements to be constructed thereon, on the use of the land, and on other matters as are hereinafter expressly set out relating to all lots in said subdivision as are shown on the filed plat.

Now, there, know all men by these presents.

1. No residential building shall be constructed on any lot having a smaller total dimension than 1000 square feet under a single roof; all storage buildings, barns, corrals must be neat in appearance.

2. No trailer or mobile home shall be used or maintained on any lots for residential living quarters or storage.

3. No privy or outdoor toilet facilities shall be constructed or maintained on any lot. In order to protect the owner of the adjoining lot and the public, no residential building hereinbefore defined shall be occupied during or after its completion until a septic tank sufficient to provide safe, adequate and sanitary service to the residents shall be placed in operation and connected to a functioning interior plumbing system.

4. All residential dwellings constructed on said lots shall be of standard construction and no pre-made or pre-fabricated or existing structure shall be moved upon or located on said lots unless in conformance with the same standards as those required by the building code of the city of Alamogordo, and by the plumbing, electrical, and other safety codes relative to single family residential dwellings of the state of New Mexico.

5. No building or other construction, except fences, shall be erected or placed on any lot so that any part of it shall be situated closer than 25 feet to a front property line, or 15 feet from side property lines, and in regard to corner lots, closer than 15 feet to any side streets.

6. Any dwelling constructed on a lot shall be constructed with a finished exterior within a period of 12 months.

7. Nothing contained herein shall interfere with orderly construction of the residences or the out-buildings as hereinbefore provided.

8. No commercial feed lot shall be maintained on these premises. No animals or fowl will be maintained on these premises that will create excessive noise or odor.

9. These covenants and restrictions are to run with the land and shall be binding on all parties and persons claiming under them.

Invalidation of any one of these covenants by judgement or court order shall be in no wise effect any of the provisions which shall remain in full force and effect;

If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions contained herein it shall be lawful for the subdividers, their successors and assigns, or any other person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages or other dues for each violation.

10. Reasonable easements for the installation and maintenance of utility lines, roads, and drainage facilities are reserved. If this Subdivision should be annexed by the City of Alamogordo, the property owners agree not to protest the upgrading assessment.

Clifton McDonald Barbara McDonald
State of New Mexico; County of Otero: The foregoing instrument was acknowledged before me this 22 day of March, 1978 by Clifton McDonald and Barbara McDonald, owners of McDonald Subdivision.

Notary Public signature and seal

My commission expires 29 08 79

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STATE OF NEW MEXICO, County of Otero, I hereby certify that this instrument was filed for record on the 6 day of April, 1978 at 9:40 o'clock A.M., and duly recorded in Book 453 Page 590 of the Records of said county. By Margaret D Sanchez Deputy County Clerk