

DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS, Motel 6 Subdivision Partnership whose address is Post Office Box 554, Alamogordo, New Mexico, 88311-0554, is the owner of the following described real estate:

Lots 1B through 21B, inclusive, in Motel 6 Subdivision, Replat B to the City of Alamogordo, Otero County, New Mexico;

AND WHEREAS, the owner wishes to place certain restrictive covenants on said property;

NOW THEREFORE, the following restrictive covenants shall govern the future use of said property:

1. The exterior of the exterior vertical walls of any building constructed on said property shall not have a metallic surface.
2. Any fencing on the property visible from Panorama Blvd. shall be visually opaque and, with the exception of the gates, shall be constructed of a masonry product.

The foregoing restrictions are for the benefit of the present owner, run with the land and are for the benefit of and binding upon all successive owners of the property. These restrictive covenants shall be binding upon the property for a period of 25 years after the date of recording of this instrument, after which they shall automatically extend for one addition term of 25 years, unless, at any time during their original term or the extension thereof, they are removed or modified by the written consent of the majority of the owners of the lots defined above, granting one vote for each of said lots. Votes associated with the subsequent replat of any of the above mentioned lots shall be counted based upon the original lots specified above.

Failure to comply with any of the foregoing restrictions shall be grounds for relief, which may include, without limitation, an action to recover damages, injunctive relief or any combination thereof.

IN WITNESS WHEREOF, the undersigned has executed this declaration of restrictive covenants as of this 30th day of October, 1995.

MOTEL 6 SUBDIVISION PARTNERSHIP

By: C. Michael Shyne
C. Michael Shyne, General Partner

By: Arnold A. Kolb
Arnold A. Kolb, General Partner

By: Florence A. Kolb
Florence A. Kolb, General Partner

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF OTERO)

On this 30th day of October, 1995, C. Michael Shyne personally appeared before me, whose identity was proved to me on the basis of satisfactory evidence to be the signer of the above document, and he acknowledged that he signed it.

Cheryl A. Withers
Notary Public

My Commission expires January 26, 1999

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF OTERO)

On this 16th day of November, 1995, Arnold A. Kolb and Florence A. Kolb, personally appeared before me, whose identity was proved to me on the basis of satisfactory evidence to be the signers of the above document, and they acknowledged that they signed it.

Cheryl A. Withers
Notary Public

My Commission expires January 26, 1999

STATE OF NEW MEXICO, County of Otero, ss. I hereby certify that this instrument was filed for record on the 20th day of November, 1995, at 3:45 o'clock P.-M, and duly recorded in Book 817, Page 460-461 of the Records of Deeds of said county.

11903

Mary D. Quintana
County Clerk
By: Denise G. Relyea
Deputy