

RESTRICTIVE COVENANTS regarding sale of tracts from Mt. Joy Estates for the purpose of maintaining fair and adequate property values with the least possible restrictions.

Location 3 miles west of Mayhill, N. Mex. S/2 NE/4 N/2 of SE/4 of Section 20, Township 16S, Rang 14E, Otero County, N. M. Highway 82.

1. A Caliche and gravel road is provided making each tract, 1 thru 16, accessible from Highway 82.
2. An Electrical line shall be available to Tracts 1 thru 12 by summer after subdivision is approved. An easement shall be granted across each tract for installation or maintenance of water lines, drainage ditches or other utilities.
3. Well water shall be piped to edge of each of Tracts 1 thru 12 and to tract 16 by summer after subdivision is approved. Annual minimum of \$84.00 payable June 1 each year will be charged to summer dwellers. Meters will be installed for year round homes by buyers and rates for water service will be established at that time. Cut-off valve from main water line will be provided by the buyer. Rate may be adjusted annually by owner of Mt. Joy Estates or the Caretaker Committee when established to cover maintenance and electric costs. The Caretaker Committee shall serve as Executive Committee of a water users association, if and when established.
4. Septic tanks are required to be installed (by State Health Department) by resident, to meet state specifications and distance etc.
5. No building is to be built or trailer located closer than 10 feet to property line or 25 ft. from front boundary. No tract is to be used for other than residential purposes.
6. No more than one residence (or trailer) is to be located per each two acres of land. No dwelling shall be less than 600 square feet and shall be finished in a manner consistent with good taste so as not to detract from fair property value. Details to be approved by the owner of Mt. Joy Estates before building is started or the Caretaker Committee when established.
7. Any trailer or mobile home placed on the tract must be out of the view of the highway and the road across Mt. Joy or camouflaged by being dark color and using natural or artificial screening satisfactory to the owner of Mt. Joy Estates or the Caretaker Committee when established.
8. No animals shall be kept on Tracts 1 through 12 except pet dogs or cats. These shall be kept under control but not necessarily confined or tied up unless complaints are submitted in writing by other tract owners to the owner of Mt. Joy Estates or the Caretaker committee when established, that pet is nuisance. Two horses or two cows can be kept per each two acres and stable must be no closer than 50 feet to property line or 200 feet from front boundary.
9. No noxious or offensive activity shall be carried on on any lot, nor shall anything be done thereon which may be or may become or cause an unsightly appearance or nuisance or annoyance to the neighborhood. No lot shall be used as a dumping ground or for any outside storage place for any materials, chattels or objects whatsoever, except during the period of construction and then for materials only in connection with such construction.

- 10. Any resale of all or part of a tract to someone else must be approved by the owner of Mt. Joy Estates or his designated representative or successor. It is the intention of the owner to keep the area as near to its natural appearance as possible and removal of any trees more than 8 inches in diameter 1 foot above ground must have the approval of the owner of Mt. Joy Estates or the Caretaker Committee when established. No tract shall be resubdivided into less than 2 acre tracts. Each portion shall be considered to be one tract for the purpose of these covenants.
- 11. The initial Mt. Joy Estates Caretaker Committee shall consist of the owner of Mt. Joy Estates or his representative and two tract owners selected by the owner sometime after three tracts have been sold. This committee shall serve until the first annual meeting, properly held and the election and qualification of their respective successors. There shall be an annual meeting of the tract owners of the subdivision. This meeting shall be held between May 30 and Labor Day. The Committee shall set the specific date and place of this meeting at least thirty days in advance, and the Committee will post a notice of the meeting in a conspicuous place within the subdivision and notify each tract owner by mail postmarked at least twenty days before the meeting.
The owner of Mt. Joy Estates or his representative shall be a permanent member of the Committee and the other two shall be elected at the annual meeting by a majority of the tract owners present. (These two must be owners of tracts). The two shall remain on the Committee until successors are elected. In the event no annual meeting is held, they shall continue as committee members. For purposes of the annual meeting the owner of each tract shall have one vote. An owner may be represented by written proxy.
- 12. Mineral rights on all tracts on Mt. Joy are retained by the owner of Mt. Joy.
- 13. These covenants are to run with the land and shall be binding on all grantees of the owner and all persons claiming under them for a period of ten years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of the tracts has been recorded, agreeing to change said covenants in whole or in part.
- 14. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.
- 15. Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.
- 16. These covenants shall also apply to tracts 13-19 except paragraphs 1,2,3, relating to road, electricity and water.

Agreed to by _____ Buyer

C. Pauline Burch Seller

Date January 2, 1980

Witness _____

#51004

STATE OF NEW MEXICO, County of Alameda ss. I hereby certify that this instrument was filed for record on
 the 7 day of February, 1980, at 11:00 o'clock AM, and duly recorded in
 Book 481 Page 376-77 of the Records of said county.
 By: Belva Chaves Deputy Margaret D Sanchez County Clerk