

**AMENDMENT TO RESTRICTIVE COVENANTS
FOR MOUNT JOY ESTATES, A SUBDIVISION
IN OTERO COUNTY, NEW MEXICO**

The undersigned, being the owners of the tracts in Mount Joy Estates, Otero County, New Mexico, hereby amend the restrictive covenants affecting the tracts as follows:

(1) Section 1 is amended to read:

1. A caliche and gravel road is provided making each tract, 1-24, accessible from Highway 82.

(2) Section 2 is deleted.

(3) Section 3 is amended to read:

3. Well water shall be piped to the property line of Tracts 1 through 3, 5 through 8, 12 through 14, and 16 and 17. Water may be piped to the other tracts by the Mt. Joy Rural Water Cooperative Association when water is available for such purposes. Lots not served by the water system shall not be charged fees for said system, unless and until such time as water becomes available for these lots, and those owners request service. Rates and terms of availability of water shall be set by the Mt. Joy Rural Water Cooperative Association.

(4) Section 4 is amended to read:

4. Septic tanks are required to be installed by the resident to meet the EPA requirements.

(5) Section 5 is amended to read:

5. No building is to be built or trailer located closer than 10 feet to property line or 25 feet from front boundary. No tract is to be used for other than residential purposes, except with approval of majority vote of members of the Mt. Joy Property Owners Association.

(6) Section 6 is amended to read:

6. No more than one residence (or trailer) is to be located per each two acres of land, except by approval of majority vote of the members of the Mt. Joy Property Owners Association. 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.

(7) Section 7 is amended to read:

7. Any 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 officers of the Mt. Joy Property Owners Association.

(8) Section 8 is amended to read:

8. No animals shall be kept on tracts 1 through 12 except household pets. 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 Mt. Joy Property Owners Association, that the pet is a nuisance. Two livestock can be kept per each two acres owned and any stable must be no closer than 50 feet to the property line or 200 feet from the front boundary. Exceptions to this covenant may be granted with approval of the majority vote of members of the Mt. Joy Property Owners Association.

(9) Section 9 is unchanged.

(10) Section 10 is amended to read:

10. **In order to maintain the natural appearance** at the Mt. Joy Estates, removal of any trees more than 8 inches in diameter 1 foot above the ground must have the approval of the officers of the Property Owners Association except for diseased, hazardous, or the minimum number of trees needed to establish a building site up to one year prior to construction of said building. No tract shall be subdivided into less than 2 acre tracts. Each legal portion shall be considered to be one tract for the purposes of these covenants.

(11) Section 11 is amended to read:

11. **There shall be an annual meeting** of the tract owners of the subdivision. This meeting shall be held between Memorial Day weekend and Labor Day. The Officers of the Association shall set the specific date and place of this meeting at least thirty days in advance, and the Officers shall have posted 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. There shall be three officers elected at the annual meeting by a majority vote of the tract owners present, a Chairman, a Vice-Chairman and a Secretary. All officers shall be owners of tracts, one must be a full-time resident of Mt. Joy Estates Subdivision and one officer must be on the water committee. For purposes of the annual meeting and voting, the owner of each legal tract shall have one vote. An owner may be represented by written proxy. The Association shall have the right to assess property owners reasonable fees in order to conduct its business.

(12) Section 12 is deleted.

(13) Section 13 is amended to read:

13. **These covenants are to run** with the land and shall be binding on all property owners at Mt. Joy Estates Subdivision. The covenants may be amended in whole or in part by a majority vote of the owners of the tracts, and those changes are to be then recorded with Otero County.

(14) Section 14 remains unchanged.

(15) Section 15 remains unchanged.

(16) Section 16 is amended to read:

14. **These covenants shall apply** to tracts 1-24 and any future legal divisions of these tracts.

(17) Amendments or revisions of the covenants may be signed and notarized in counterparts, each of which shall be considered an original.

IN WITNESS WHEREOF, we have set our hands and seals this 18th day of August, 1997.

David King
David King (Tract #1)

Sharon King
Sharon King (co-owner)

Wayne Mathies (Tract #2)

Betty Mathies (co-owner)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

Bk 867 Pg 334

State of CALIFORNIA

County of SAN DIEGO

On AUGUST 18, 1997 before me, PAMELA L. MICHAELSEN

personally appeared DAVID KING AND SHARON KING

personally known to me - OR - approved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Signature of Notary Public: Pamela L. MichaelSEN

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

AMENDMENT TO RESTRICTIVE COVENANTS FOR MOUNTAIN JOY ESTATES

Title or Type of Document: JOY ESTATES

Document Date: 8/18/97 Number of Pages: 3

Signer(s) Other Than Named Above: 29 OTHER TRACT OWNERS

Capacity(ies) Claimed by Signer(s)

Signer's Name:

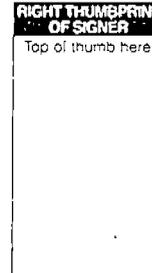
- Individual
Corporate Officer
Partner
Attorney-in-Fact
Trustee
Guardian or Conservator
Other



Signer Is Representing:

Signer's Name:

- Individual
Corporate Officer
Partner
Attorney-in-Fact
Trustee
Guardian or Conservator
Other



Signer Is Representing:

George Williams (Tract #3)

Evelyn B. Boyd
Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

Lawrence Downum (Tract #6)

Marjorie Bunch (Tract #7)

Elaine Sims (Tract #8)

Raymond Davis (Tract #9)

Ralph Lease (Tract #13)

Howard Brewington (Tracts #14, 15)

Paul Griffin (6 Tracts #16, 18, 20, 22, 23, 24)

Thomas Griffin (co-owner)

Andres J. Homeyer (Tract #17)

Michael Fowler (Tract #19)

James Camacho (Tract #21)

Lois Williams (co-owner)

Marie Romero (co-owner)

Sonia Downum (co-owner)

Mildred Langston (Tract #10)

Vera Johnson (Tract #12)

Kathy Davis (co-owner)

Bertha Lease (co-owner)

Trudy Brewington (co-owner)

Jeanette Griffin (co-owner)

Carol Griffin (co-owner)

Judith Fowler (co-owner)

Irma Camacho (co-owner)

STATE OF New Mexico)

COUNTY OF Otero)

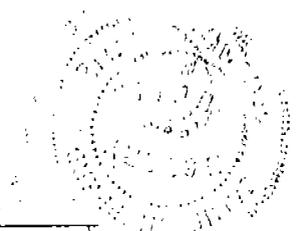
:SS.

The foregoing instrument was acknowledged before me this 21st of August, 1997.

by Evelyn Boyd

My Commission expires: 10-25-99

Janio Snyper
Notary Public



George Williams (Tract #3)

Lois Williams (co-owner)

Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

Marie Romero (co-owner)

Lawrence Downum (Tract #6)

Sonia Downum (co-owner)

Marjorie Bunch (Tract #7)

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Kathy Davis (co-owner)

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Thomas Griffin (co-owner)

Carol Griffin (co-owner)

Andres J. Homeyer (Tract #17)

Michael Fowler (Tract #19)

Judith Fowler (co-owner)

James Camacho (Tract #21)

Irma Camacho (co-owner)

STATE OF New Mexico)

:SS.

COUNTY OF Otero)

The foregoing instrument was acknowledged before me this 21st of August, 1997,

by Raymond & Kathy Davis

My Commission expires: 10-25-99

Janie Meyer
Notary Public

George Williams (Tract #3)

Lois Williams (co-owner)

Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

Marie Romero (co-owner)

Lawrence Downum (Tract #6)

Sonia Downum (co-owner)

Marjorie K. Bunch
Marjorie Bunch (Tract #7)

Mildred Langston (Tract #10)

Elaine Sims (Tract #8)

Vera Johnson (Tract #12)

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Thomas Griffin (co-owner)

Carol Griffin (co-owner)

Andres J. Homeyer (Tract #17)

Michael Fowler (Tract #19)

Judith Fowler (co-owner)

James Camacho (Tract #21)

Inna Camacho (co-owner)

STATE OF New Mexico)
COUNTY OF Bernalillo)

:SS.

The foregoing instrument was acknowledged before me this 22nd of August, 1997,

by MARJORIE K. BUNCH

My Commission expires: Aug. 29, 1998



OFFICIAL SEAL
GERALDINE FRANCO
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: Aug. 29, 1998

Geraldine Franco
Notary Public

George Williams (Tract #3)

Lois Williams (co-owner)

Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

Marie Romero (co-owner)

Lawrence Downum (Tract #6)

Sonia Downum (co-owner)

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Jeanette Griffin (co-owner)

Thomas Griffin (co-owner)

Carol Griffin (co-owner)

Andres J. Homeyer (Tract #17)

Michael Fowler (Tract #19)

Judith Fowler (co-owner)

James Camacho (Tract #21)

Irma Camacho (co-owner)

STATE OF Washington)

COUNTY OF Thurston)

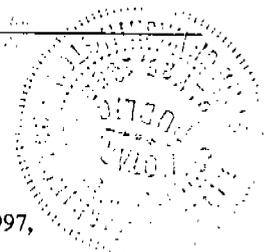
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The foregoing instrument was acknowledged before me this August 18, 1997,

by Paul Griffin and Jeanette Griffin

My Commission expires: 7/25/99

Antea C. Jamington
Notary Public



George Williams (Tract #3)

Lois Williams (co-owner)

Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

Marie Romero (co-owner)

Lawrence Downum (Tract #6)

Sonia Downum (co-owner)

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Thomas Griffin (co-owner)

Carol M. Griffin
Carol Griffin (co-owner)

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Michael Fowler (Tract #19)

Judith Fowler (co-owner)

James Camacho (Tract #21)

Irma Camacho (co-owner)

STATE OF CA)
COUNTY OF SANDIEGO)

:SS.

The foregoing instrument was acknowledged before me this 8/20, 1997,

by THOMAS GRIFFIN AND CAROL M. GRIFFIN

My Commission expires: 2/15/01

Shirley A. Davis
Notary Public
Shirley A. Davis
Comm. #1124236
NOTARY PUBLIC, CALIFORNIA
SAN DIEGO COUNTY
Comm. Exp. Feb. 15, 2001

George Williams Jr
George Williams (Tract #3)

Lois M. Williams
Lois Williams (co-owner)

Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

Marie Romero (co-owner)

Lawrence Downum (Tract #6)

Sonia Downum (co-owner)

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Thomas Griffin (co-owner)

Carol Griffin (co-owner)

Louise J. Homeyer (Tract #17)

Michael Fowler (Tract #19)

Judith Fowler (co-owner)

James Camacho (Tract #21)

Irma Camacho (co-owner)

STATE OF Maryland
COUNTY OF Anne Arundel

:SS.

The foregoing instrument was acknowledged before me this 21, August, 1997,

by Lois M. Williams & George E. Williams

My Commission expires: _____

Angela W. Davis
Notary Public

ANGELA W. DAVIS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 16, 1999

George Williams (Tract #3)

Lois Williams (co-owner)

Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

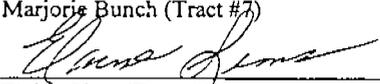
Marie Romero (co-owner)

Lawrence Downum (Tract #6)

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Irma Camacho (co-owner)

STATE OF TEXAS)

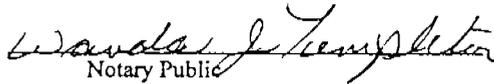
COUNTY OF EL PASO)

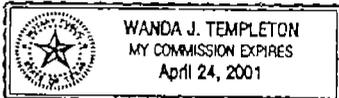
:SS.

The foregoing instrument was acknowledged before me this AUGUST 18, 1997,

by ELAINE SIMS

My Commission expires: 4-24-2001


Notary Public



George Williams (Tract #3)

Lois Williams (co-owner)

Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

Marie Romero (co-owner)

Lawrence Downum (Tract #6)

Sonia Downum (co-owner)

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Irma Camacho (co-owner)

STATE OF CALIFORNIA)

:SS.

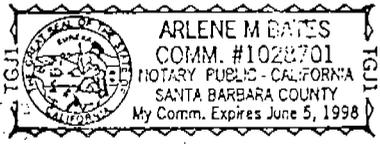
COUNTY OF SANTA BARBARA

The foregoing instrument was acknowledged before me this AUGUST 19, 1997,

by ANDRES J. HOMEYER

My Commission expires: June 5, 1998

Arlene M. Bates
Notary Public



STATE OF NEW MEXICO, County of Otero, ss, Filed for record in my office this 2nd day of September, 1997, at 10:50 o'clock A M, and duly recorded in Book 867 Page 332-342 of the Records of said county.

Mary D. Quintana
COUNTY CLERK

by *Gobyn Silva*
DEPUTY

#8642