

**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 _____ day of _____, 1997.

David King (Tract #1)

Sharon King (co-owner)

Wayne Mathies (Tract #2)

Betty Mathies (co-owner)

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)

Mildred Langston
Mildred Langston (Tract #10)

Elaine Sims (Tract #8)

Vera Johnson (Tract #12)

Raymond Davis (Tract #9)

Kathy Davis (co-owner)

Ralph Lease (Tract #13)

Bertha Lease (co-owner)

Howard Brewington (Tracts #14, 15)

Trudy Brewington (co-owner)

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

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 _____)

:SS.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this Aug 22, 1997,

by Mildred Langston (only)

My Commission expires 1-23-2000

James Langston
Notary Public



**AMENDMENTS 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 28th day of AUGUST, 1997.

David King (Tract #1)

Sharon King (co-owner)

Wayne Mathies (Tract #2)

Betty Mathies (co-owner)

George Williams (Tract #3)

Lois Williams (co-owner)

Evelyn Boyd (Tracts #4, 11)

Rudy Romero (Tract #5)

Marie Romero (co-owner)

Lawrence Downum
Lawrence Downum (Tract #6)

Sonia Downum
Sonia Downum (co-owner)

Marjorie Bunch (Tract #7)

Mildred Langston (Tract #10)

Elaine Sims (Tract #8)

Vera Johnson (Tract #12)

Raymond Davis (Tract #9)

Kathy Davis (co-owner)

Ralph Lease (Tract #13)

Bertha Lease (co-owner)

Howard Brewington (Tracts #14, 15)

Trudy Brewington (co-owner)

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

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 New Mexico)

COUNTY OF Doña Ana)

:SS.

The foregoing instrument was acknowledged before me this August 28, 1997.

by Lawrence Downum and Sonia Downum

My Commission expires: 3-23-01

Judy DeLapp
Notary Public



**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 25 day of Aug, 1997.

David King (Tract #1)

Wayne Mathies
Wayne Mathies (Tract #2)

Sharon King (co-owner)

Betty Mathies
Betty Mathies (co-owner)

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)

Mazjerie Bunch (Tract #7)

Mildred Langston (Tract #10)

Elaine Sims (Tract #8)

Vera Johnson (Tract #12)

Raymond Davis (Tract #9)

Kathy Davis (co-owner)

Ralph Lease (Tract #13)

Bertha Lease (co-owner)

Howard Brewington (Tracts #14, 15)

Trudy Brewington (co-owner)

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

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 Texas)

COUNTY OF Zullock)

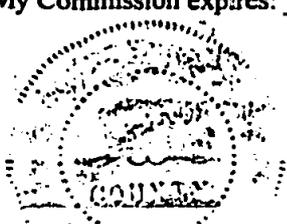
:SS.

The foregoing instrument was acknowledged before me this Aug 25, 1997,

by Wayne Mathis & Betty Mathis

My Commission expires: 10-2-2000

Kathryn A. Free
Notary Public



STATE OF NEW MEXICO, County of Otero, ss, Filed for record in my office this 17th day of April, 1999, at 9:55 O'clock A. M, and duly recorded in Book 926 Page 459 of the Records of said county.

467

Paul J. Cantor
County Clerk

Christina New
Deputy
6780