

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

CLAUSE I.

LEGAL DESCRIPTION

SUBJECT PROPERTY. The property which is subject to and burdened by this declaration is **LOT 2, NEW MEXICO SKIES SUBDIVISION, AS RECORDED IN BOOK 62, PAGES 59 & 60, OTERO COUNTY, NEW MEXICO** ("property" or "LOT 2").

CLAUSE II.

PURPOSE & COVENANTS

The purpose of this document is to limit the maximum height of any structure within the DWELLING site or area of the northern part of said LOT 2. This document is supplemental to and in addition to the COVENANTS, CONDITIONS AND RESTRICTIONS contained in the **DECLARATION OF COVENANTS, CONDITIONS and RESTRICTIONS for NEW MEXICO SKIES, AN AMATEUR ASTRONOMY ENCLAVE, OTERO COUNTY, NEW MEXICO**, as recorded on March 3, 2008, as instrument #200801928 ("COVENANTS"), and in any subsequent re-recordings thereof. All terms, definitions, interpretations and other references in this document shall be consistent with those found said COVENANTS. Nothing in this document shall diminish or take away any benefits or burdens of said COVENANTS, except the following height limit(s) of said LOT 2.

1 **HEIGHT LIMITS** In additions to any height limits contained in paragraph **4(C)** (et. al.) of the
2 COVENANTS, the following restrictions shall apply to LOT 2. Within any DWELLING site or
3 area which is NORTH of Starry Place on said LOT 2, and as shown on the DESIGNATED USE
4 PLAN for said LOT 2, the maximum height of any and all improvements, including, but not
5 limited to: DWELLING, observatory(s), antenna(s), wind generators, solar collectors, tower(s),
6 out-building, additional structure(s), and/or any appurtenance thereto shall be no more than
7 **fifteen feet (15')** above existing ground level to the highest point of such improvements. For
8 all height measurements that relate to the height restrictions set forth in this document, the
9 maximum height shall be measured from the highest existing ground level, immediately
10 adjacent to said DWELLING, out-building, observatory, roof, dome, clamshell, roll off, parapet
11 wall, structure, security camera, air terminal (lightning rod), antenna, tower, or any other
12 structure or system, mounted thereto. The southernmost DWELLING area or site on said LOT
13 2 (south of Starry Place), shall not be affected by the height limitations set forth in this
14 document, but shall remain subject to the height limitations set forth in the COVENANTS.

15
16 **PROPERTY BENEFITTED.** The restrictions set forth in this document inure to the benefit of
17 the existing and future owners of: (a) LOT 1, **NEW MEXICO SKIES** SUBDIVISION, AS
18 RECORDED IN BOOK 62, PAGES 59 & 60, OTERO COUNTY, NEW MEXICO ("LOT 1") and
19 (b) all of the other real estate subject to the COVENANTS.

1 **ENFORCEMENT.** The restrictions set forth in this document may be enforced by the “then
2 current” owner(s) of said LOT 1 at the time that enforcement is undertaken and/or the HOA (as
3 said term is defined in the COVENANTS).

4
5 **AMENDMENT.** The restrictions set forth in this document may only be amended by: (a) the
6 written consent of the “then current” owner(s) of said LOT 1 at the time of the amendment,
7 **AND** (b) compliance with all of the provisions and procedures required to amend the
8 COVENANTS.

9
10 **APPLICABILITY OF COVENANTS.** Except as expressly modified by this document, LOT 2
11 remains subject to all of the terms, definitions, conditions, covenants, restrictions, enforcement
12 provisions, benefitting parties, initial terms and extensions, and other provisions of the
13 COVENANTS and said provisions (as modified by this document) shall govern and apply to
14 this document.

STATE OF New Mexico)
) SS
COUNTY OF Otero)

As Owner and Developer, I/we hereby declare that the real property described herein, is, and shall be, held, transferred, sold, conveyed, and occupied subject to the covenants contained in this document and as contained in the COVENANTS (as modified by this document).

Signature *Thomas N. Simstad* 7-25-08

Thomas N. Simstad, as Manager / Member of NM Southern Skies, LLC. DATE

NM SOUTHERN SKIES, LLC, AN INDIANA LLC, P.O. BOX 22, CROWN POINT, IN, 46308

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above-mentioned party(s), and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal:

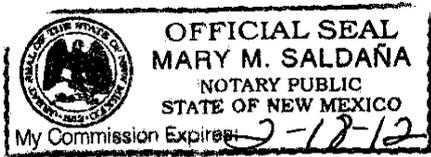
This 25th day of July, 2008.

Notary Public *Mary M. Saldaña* Signed

Notary Public MARY M SALDAÑA Printed

Notary Public's County & State of Residence Otero County, New Mexico

Notary Public's commission expires: 2-18-12



Additional CC&R for Lot 2, New Mexico Skies, Otero County, New Mexico Page 5 of 5.