

AMMENDMENT\*TO  
DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS, EASEMENTS AND LEINS  
FOR NORTH PARK UNIT 1  
AN ADDITION TO THE CITY OF ALAMOGORDO,  
OTERO COUNTY, NEW MEXICO

1. Recitals and Preamble. Whereas, Sivage-Thomas, Inc. is the owner of Lots 1 through 12, 18, 20 through 24, 26 through 34, 36 through 41, 43 through 46, 48, 50 through 53, 55 through 64, North Park, Unit 1, an addition to the City of Alamogordo, Otero County, New Mexico, as shown and designated on the plat thereof on file in the office of the County Clerk of Otero County, New Mexico in Volume 34, Pages 47 and 48 (the "sub-division"); and

Whereas, Sivage-Thomas, Inc. as Declarant, did cause to be filed that certain Declaration of Covenants, Conditions, Restrictions, Easements and Liens (the "Declaration") for the Subdivision in order to promote orderly development and insure the subdivision will be a desirable residential neighborhood, said Declaration being of record in the Records of the County Clerk of Otero County, New Mexico to which reference is made for full particulars; and

Whereas, the Declaration provides in paragraph J-2 that it may be amended upon the vote of 75% of the Owners of Lots in the Subdivision by written instrument duly filed with the County Clerk's Records of Otero County, New Mexico; and

Whereas, Sivage-Thomas, Inc., being the owner of 52 lots out of a total of 64 lots in the Subdivision, which is more than 75% of the lots in the Subdivision, desires to amend paragraph F-4 of the Declaration;

2. Amendment to Declaration. Now, therefore, Sivage-Thomas, Inc. being the owner of more than 75% of the Lots in the Subdivision does hereby amend paragraph F-4 of the Declaration to read as follows:

"F-4 Single Family Detached Dwelling Units. Notwithstanding any provision contained in this Part F, an owner, including Declarant, may construct a single family detached dwelling unit (including a single family detached dwelling unit having one wall of the building immediately adjacent to the side lot line of a Lot and being a zero lot line unit) upon any Lot in the Townhouse Residential Area, provided that any single family detached dwelling unit constructed in the Townhouse Residential Area shall comply with and adhere to all restrictions and conditions contained in this Part F of the Declaration."

3. Ratification of Remaining Portion of Declaration. Except as expressly amended herein, all other provisions of the Declaration shall remain in full force and effect.

SIGNED this 9 day of January, 1987.

SIVAGE-THOMAS, INC.

BY: [Signature]  
Its: President

THE STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on the 9<sup>th</sup> day of January, 1987 by DAVID SIVAGE, President of SIVAGE-THOMAS, INC., a corporation of behalf of said corporation.

Kathy L. Smith  
Notary Public, State of New Mexico



commission expires: \_\_\_\_\_

1-87



STATE OF NEW MEXICO } ss  
OTERO COUNTY

FILED FOR RECORD IN MY OFFICE

the 15 day of Jan 1987

At 10:05 o'clock A.M and duly recorded

in Book No. 618 Page 132-133

At records of Otero County, New Mexico

Andrew C. Whigham  
County Clerk Otero County New Mexico

Mary D. Quilley

# 12216