

RESTRICTIVE COVENANTS

PARADISE PARK SUBDIVISION

WHEREAS, Kathryn McMurry is the owner of the following described real estate in Alamogordo, Otero County, New Mexico, to-wit:

Lots One (1) thru Twenty Seven (27) inclusive, Paradise Park Subdivision to the City of Alamogordo, New Mexico, according to the plat thereof filed for record on the 17th day of February, 1969, in the office of the County Clerk of Otero County, New Mexico;

And Whereas, said owner above named desires to place certain restrictions in regard to the buildings and improvements thereon and other matters as herein-after set out upon and against the property in the Subdivision as shown on the filed plat;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the above named owner, hereby declares and agrees with all future purchasers of lots or building sites in the above named subdivision to the City of Alamogordo, New Mexico, that the following restrictions apply to all lots or building sites in the first unit of said Subdivision consisting of the above described Lots 1 thru 27 inclusive, and that all conveyances of any lot or lots above described shall be subject to certain restrictions as follows:

(a) All lots in the tract shall be known and described as single family residential lots and no structure shall be erected or placed on any such lot other than one detached single family dwelling not to exceed two stories in height, or a mobile home placed on an enclosed foundation, and private garages for not more than three cars, and other out-buildings incidental to residential use of the lot, all in accordance with such zoning regulations and building code as may legally apply at the time of construction or placement on the property. Only one such residence may be placed on any one lot, but additions may be attached to a mobile home such as a living-room, bedroom, garage, or other structure incidental to residential use.

(b) No building or mobile home shall be erected, placed or permitted to remain on any lot nearer than 25 feet to the front lot line, nor nearer than 15 feet to any side street line; nor nearer than 7½ feet to any side lot line. These side line restrictions shall not apply to a detached garage, which shall be not less than 65 feet from the front building line. No dwelling or mobile home shall be located on any lot nearer than 15 feet to the rear lot line; except a mobile home or housetrailer may extend into the required minimum rear yard a distance of one foot for each foot the length is greater than the depth of the buildable area of the lot, provided that no mobile home shall be nearer the rear lot line than 7½ feet. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as part of a building; provided however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

(c) No residential lots shall be re-subdivided into plots having less than 6000 square feet in area or a width of less than 50 feet at the front building line.

(d) No tent, shack, garage, barn, outbuilding, or mobile home not placed on an enclosed foundation, shall at any time be used on any part of a tract as a residence temporarily or permanently; nor shall any residence of a temporary character, be erected or permitted on any part of the tract.

(e) Any structure, once commenced shall be completed, as to exterior, in accordance with the provisions of these restrictions in not more than one year from the date of commencement.

(f) No single family dwelling shall be permitted on any lot in the tract having a ground floor area of less than 900 square feet in the case of a one story structure, nor less than 700 square feet ground floor area in the case of a one and one-half or two story structure; and no mobile home shall be permitted of less than 430 square feet floor area. The above floor area shall be computed exclusive of porches and garages.

(g) No mobile home or housetrailer over one year old shall be placed on any lot or building site in the tract without first having been inspected and approved, as being in good substantial condition and not a detriment to the subdivision and adjoining property owners, by the subdivision committee elected for such purpose by a majority vote of the lot owners attending a meeting called for such election, with voting rights representing one vote for each lot owned. Such election may be called from time to time by persons entitled to vote at such election, by written notification to the subdividers and any and all owners of lots within the subdivision, at least one month prior to the election date. Prior to such first election and in the event of failure to exercise such right to election or failure of the parties elected to exercise their duties, the subdividers or their successors in ownership shall constitute such subdivision committee.

(h) No multi-family dwelling unit shall be permitted on any lot in the tract.

(i) No animals, or livestock, of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept; provided that they are not kept, bred, or maintained for any commercial purpose.

(j) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

(k) Easement for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

(l) No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between three and six feet above roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded corner lot line, from the intersection of the street property lines extended.

(m) No old or second-hand building shall be moved on any lot in the subdivision, and no second-hand materials shall be used in the construction of any building thereon, except with the permission of the subdivision committee provided for in Section (g) above, on showing of intent and ability to make into a desirable residence or permitted outbuilding within the permitted one year period.

These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until ten years from the date of filing of the subdivision plat, February 17, 1979, at which time they may be automatically continued in force for successive periods of ten (10) years each unless discontinued or amended at the end of the first or any subsequent ten year period by a vote of 51% or more of the then property owners, as hereinafter provided. These covenants and restrictions, or any portion of them may at such time or times, be amended or terminated by a vote of 51% or more of the then property owners. In case any vote is called, the record owners of the lots shall be entitled to one vote for each lot as shown on the recorded plat.

