Restrictive Covenants

Whereas Ralph and Dixie Roach, his wife, are the owners of the following described real estate in Otero County, New Mexico, to wit: Pondaroacha Subdivision, Otero County, New Mexico, as shown on the subdivision plat thereof, filed for record in the office of the county Clerk of Otero County, New Mexico, on the 24 day of April, 1978.

Whereas the owners intend hereinafter to place certain improvements to be constructed thereon, on the use of the land, and on other matters as are hereinafter expressly set out relating to all lots in said subdivision as are shown on the filed plat.

Now, therefore, know all men by these presents.

(1) All lots in said tract shall be known and described as single family residential lots and no structures shall be erected on any lot other than a single family dwelling and out-buildings incidental to and consistent with single family residential use of the particular lot;

(2) No residential building shall be constructed on any lot having a smaller total dimension than 1000 square feet under a single roof;

(3) No trailer or mobile home shall be used or maintained on any lots for residential living quarters of less than 500 square feet floor space and shall not be more than 10 years old at the time they are moved on the land. All mobile homes must be underpined or put on foundation within 90 days after arrival.

(4) No privy or outdoor toilet facilities shall be constructed or maintained on any lot. In order to protect the owner of the adjoining lot and the public, no residential buildhereinb-fore defined shall be occupied during or after its completion until a septic tank sufficent to provide safe, adequate and sanitary service to the residents shall be placed in operation and connected to a functioning interior plumbing system;

(5) All residential dwellings constructed on said lots shall be of standard construction and no pre-made or pre-fabricated or existing structure shall be moved upon or located on said lots unless in conformance with the same standards as those required by the building code of the city of Alamogordo, and by the plumbing, electrical, and other safety codes relative to single family residential dwellings of the state of New Mexico;

(6) No building or other construction, except fences, shall be erected or placed on any lot so that any part of it shall be situated closer than 25 feet to a front property line, or 15 feet from side property lines, and in regard to corner lots, closer than 15 feet to any side streets;

(7) Any dwelling constructed on a lot shall be constructed with a finished exterior within a period of 12 months;

(8) No lot shall be used for any purpose but for a single family residence. No lot shall be used for a dump ground or junk yard, or for outdoor storage for chattles, goods or refuse. No billboards shall be erected or commercial sign space rented, nor shall any noxious condition be maintained or any offensive activity be carried on on said lot amounting to a private nuisance. Nor shall anything be done thereon which may result in an un-sightly appearance or amount to an annoyance to the general neighborhood;

(9) Nothing contained herein shall interfere with orderly construction of the residences or the out-buildings as hereinbefore provided;

(10) No commercial feed lot or kennel or poultry operation shall be maintained on these premises. No animals or fowl will be maintained on these premises that will create excessive noise;

(11) These covenants and restrictions are to run with the land and shall be binding on all parties and persons claiming under them;

Invalidation of any one of these covenants by judgement or court order shall be in no wise effect any of the provisions which shall remain in full force and effect;

If the parties hereto, or any one of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions contained herein it shall be lawful for the subdividers, their successors and assigns, or any other person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages or other dues for each violation.

(12) Reasonable easements for the installation and maintainance of utility lines, roads, and drainage facilities are reserved.

Ralph Roach

Dixie Roach

State of New Mexico; County of Otero: The foregoing instrument was acknowledged before me this [illegible] day of [illegible] 1974 by Ralph Roach and Dixie Roach, owners of Roadaroacha subdivision.

Notary Public

My commission expires [illegible].

STATE OF NEW MEXICO
OTERO COUNTY
FILED FOR RECORD IN MY OFFICE
[illegible]
[illegible] and [illegible]
in book [illegible] Page [illegible]
[illegible] of Otero County, New Mexico
[illegible]
County Clerk, Otero County, New Mexico
By [illegible]

#[illegible]