

## RESTRICTIVE COVENANTS

WHEREAS, We, W. C. Posey and Fannie Posey, Owners of Posey Subdivision, Alamogordo, Otero County, New Mexico, desire to place certain restrictions in regard to the buildings and improvements thereon and other matters as hereinafter set out, upon and against all of the said property above described, as shown on the filed plat of the Town of Alamogordo, New Mexico.

AND WHEREAS, said owners set the following restrictions and covenants, to apply to all present and future lots or building sites within said subdivision, and that all conveyances of any lot or lots therein be subject to certain restrictions, as follows:

(a) All lots in the subdivision shall be known and described as single family residential lots and no structure shall be erected on any residential building plot other than one detached single family dwelling, not to exceed two stories in height, and private garages or car ports for more than two cars, and other out-buildings incidental to residential use of the plot, all in accordance with such zoning regulations and building codes as may legally apply at the time of construction.

(b) No building shall be located on any lot nearer than 25 (twenty-five) feet to the front lot line, or nearer than fifteen (15) feet to any side street lot line. No dwelling shall be located nearer than five (5) feet to an interior lot line. No dwelling shall be located on any lot nearer than thirty-five (35) feet to the rear lot line. For the purpose of this covenant eaves, steps, and open porches shall not be considered as a 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 lot shall be re-subdivided into, nor shall any dwelling be erected or placed on any lot having a width of less than fifty (50) feet at the minimum building set-back line or any area of less than six thousand (6,000) square feet.

(d) No noxious or offensive activities, either commercial or otherwise, 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.

(e) No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuildings shall be used on any lot at any time as a residence or other use, either temporarily or permanently.

(f) No excavating, quarrying or disfigurement of any lot shall be allowed other than normal residential construction.

(g) No walls or fences shall be built on the property lines or lots, from the front of a residence to the front sidewalk, curb or front property line.

(h) No single family dwelling shall be permitted on any lot in Block 223B and Lots 9 to 16 inclusive in Block 223A having a ground floor square foot area of less than six hundred-fifty (650) square feet in the case of a one-story structure, nor less than six hundred (600) ground square feet area in the case of a one and one-half story or two-story structure, both exclusive of porches and garages.

(i) No single family dwelling shall be permitted on any lot in Block 224B and Lots 1 to 8 inclusive in Block 223A having a ground floor square foot area of less than seven hundred twenty (720) square feet in the case of a one-story structure, nor less than six hundred fifty (650) ground square feet area in the case of a one and one-half story or two-story structure.

