

RESTRICTIVE COVENANT  
FOR  
SKY COUNTRY ESTATES

THE PROPERTY IS SUBJECT TO THE FOLLOWING RESTRICTIVE COVENANTS, AND GRANTEES BY SIGNING THE DEED IN THE SPACE PROVIDED BELOW HEREBY ACCEPTS AND ACKNOWLEDGES THESE RESTRICTIVE COVENANTS TO WIT:

1. ALL LOTS IN SKY COUNTRY SUBDIVISION SHALL BE FOR RESIDENTIAL PURPOSE ONLY. NO STRUCTURES SHALL BE ERRECTED OTHER THAN SINGLE-FAMILY DWELLINGS AND REASONABLE STRUCTURES TO ACCOMMODATE SUCH DWELLING SHALL BE ALLOWED SUCH AS STORAGE BUILDINGS, PUMP HOUSE, CORRALS AND DETACHED GARAGES.
2. NO STRUCTURES SHALL BE ERRECTED OR PERMITTED TO REMAIN ON ANY LOT NEARER THAN TWENTY (20) FEET TO THE FRONT AND REAR LOT LINES OR FIFTEEN (15) TO ANY SIDE LOT LINES FOR THE PURPOSE OF THESE COVENANTS, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS PART OF THE BUILDING. NO STRUCTURE SHALL BE BUILT THAT WILL OBSCURE SKY VIEW OF AN EXISTING OBSERVATORY.
3. NO DWELLING SHALL BE PERMITTED ON ANY LOT HAVING A GROUND FLOOR SQUARE FOOT AREA LESS THAN EIGHT HUNDRED (1200) SQUARE FEET OF HEATED LIVING SPACE, EXCLUDING PORCHES AND GARAGES.
4. NO TRAILERS, MOBILE HOMES, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUT BUILDING SHALL AT ANY TIME BE USED AS A RESIDENCE, TEMPORARY OR PERMANENT, NOR SHALL ANY RESIDENT OF A TEMPORARY CHARACTER BE ERRECTED OR PERMITTED TO REMAIN, EXCLUDING TEMPORARY BUILDINGS OR TRAILERS USED DURING THE COURSE OF CONSTRUCTION. CONSTRUCTION TIME NOT TO EXCEED ONE YEAR FROM START OF CONSTRUCTION.
5. NO OBNOXIOUS 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. THE INTENT HEREIN INCLUDES, BUT IS NOT LIMITED TO, THE HARBORING OF ANY SPECIE(S) OF ANIMAL OR ANIMALS IN A MANNER WHICH IS OFFENSIVE TO OTHER LOT OWNERS THROUGH UNREASONABLE NOISE, VISION, SMELL, DAMAGE OR ANNOYANCE TO OTHER LOT OWNERS OR THEIR PROPERTY. NO MORE THAN ONE LARGE ANIMAL (DEFINED AS HORSE, COW, BULL, SHEEP OR GOAT,) PER TWO ACRES SHALL BE ALLOWED. SUCH ANIMAL SHALL BE

FENCED TO PROHIBIT THE ANIMAL FROM BEING WITHIN THIRTY (30) FEET TO ADJACENT LOT LINES OR EASEMENTS. NO SWINE SHALL BE ALLOWED.

6. ALL SYSTEMS, FACILITIES AND METHODS FOR THE HANDLING AND DISPOSAL OF REFUSE AND GARBAGE SHALL BE IN COMPLIANCE WITH STATE AND COUNTY HEALTH CODES AND REGULATIONS.

7. ALL CHIMNEYS, FLUES OR OTHER VENTS USED IN CONJUNCTION WITH OPEN FIRE HEATING SUCH AS FIREPLACES, SHALL BE EQUIPPED WITH SPARK ARRESTERS AND COMPLY WITH STATE BUILDING CODES.

8. THE BURNING OF BRUSH, TRASH OR OTHER MATERIAL MUST BE IN COMPLIANCE WITH THE FIRE REGULATIONS OF THE LINCOLN NATIONAL FOREST.

9. THE NATURAL TERRAIN AND TREES ARE TO REMAIN UNMOLESTED EXCEPT WHERE REQUIRED FOR CONSTRUCTION AND ACCESS TO THE PROPERTY AND DWELLING. LIVE TREES HAVING A DIAMETER OF TEN INCHES OR MORE MAY NOT BE REMOVED EXCEPT WHERE REQUIRED FOR CONSTRUCTION AND ACCESS.

10. NO COMMERCIAL ACTIVITY SHALL BE CONDUCTED ON ANY LOT OTHER THAN OCCUPATIONS OR PROFESSIONS CONDUCTED BY A MEMBER OF A FAMILY RESIDING UPON THE PREMISES WHEREIN SUCH ACTIVITIES ARE NOT A NUISANCE OR ANNOYANCE TO THE NEIGHBORHOOD AND PROVIDE THAT NO ELECTRICAL OR MECHANICAL EQUIPMENT, MACHINERY AND MATERIALS ARE USED IN A MANNER TO CREATE A NUISANCE OR DISTURBANCE TO THE NEIGHBORHOOD.

11. BUTANE TANKS AND WATER STORAGE TANKS MUST CONFORM TO STATE AND/OR COUNTY CODES AND MUST BE DISCREETLY LOCATED TO MINIMIZE OR PRECLUDE THEIR INTRUSIVE CHARACTERISTICS UPON THE VIEW OF OTHER PROPERTY OWNERS.

12. THERE SHALL BE NO HUNTING OR TRAPPING OF ANY SPECIES FOR CLASS OF WILDLIFE INDIGENOUS TO, OR MIGRATING THROUGH, THE AREA.

13. NO TRACT SHALL BE DIVIDED IN PARCELS OF LESS THAN TWO (2) ACRES IN SIZE.

14. NO LOT OWNER SHALL MAINTAIN OR KEEP ON THE PREMISES MORE THAN FOUR (4), FOUR-WHEELED VEHICLES ON THE PREMISES WHICH ARE NOT GARAGED, AND NO INOPERABLE EQUIPMENT OR MOTOR VEHICLE MAY BE

KEPT ON SAID PREMISES UNLESS SAID MOTOR VEHICLE OR EQUIPMENT IS GARAGED AND OUT OF SIGHT.

15. NO SIGNS WHATSOEVER WHICH ARE VISIBLE FROM NEIGHBORING PROPERTY OR SUBDIVISION ROADS SHALL BE ERECTED OR MAINTAINED ON ANY LOT EXCEPT:

A. SIGNS AS MAY BE REQUIRE BY LEGAL PROCEEDINGS;

B. DURING THE TIME OF CONSTRUCTION OF ANY RESIDENCE OR OTHER IMPROVEMENT, ONE JOB IDENTIFICATION SIGN NOT LARGER THAN THREE SQUARE FEET;

C. NOT MORE THAN ONE FOR SALE SIGN WHICH SHALL NOT BE LARGER THAN THREE SQUARE FEET;

D. ONE NAME AND ADDRESS SIGN WHICH SHALL NOT BE LARGER THAN THREE SQUARE FEET. THE COVENANTS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL (CONTINUED) PERSONS CLAIMING UNDER THEM, IF THE PARTIES HERETO, OR ANY 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 PROPERTY OWNERS, THEIR SUCCESSORS OR ASSIGNS, IN SAID DEVELOPMENT OR SUBDIVISION TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT OR RESTRICTION AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION, INCLUDING REASONABLE ATTORNEY FEES FOR BRINGING SUCH ACTION. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WAY AFFECT. AFTER TEN (10) YEARS AFTER THE FILING DATE OF THESE RESTRICTIVE COVENANT MAY BE ALTERED, OR AMENDED OR REPEALED BY SEVENTY-FIVE PERCENT (75%) VOTE OF THE OWNERS OF A FEE OR THE EQUITABLE TITLE, WHEN PURCHASED UNDER A CONTRACT, WITH EACH OWNER BEING ENTITLED TO ONE (1) VOTE PER TWO (2) ACRES OF LAND OWNED. NO VOTE FOR FRACTIONAL INTEREST SHALL OCCUR. FOR EXAMPLE, IF ANY OWNER HAS 5.5 ACRES, THAT OWNER HAS TWO (2) VOTES. FOR THE PURPOSE OF DETERMINING OWNERSHIP, SUCH OWNERSHIP WILL BE DEEM TO HAVE VESTED UPON DELIVERY OF A DULY EXECUTED DEED OR CONTRACT TO THE GRANTEE OR VENDEE. THE LEGAL TITLE RETAINED BY VENDOR SELLING ON A CONTRACT SHALL NOT QUALIFY SUCH VENDOR AS AN OWNER WHEN MORE THAN ONE PERSON HOLDS SUCH OWNERSHIP IN A PARCEL, THE VOTE FOR SUCH PARCEL SHALL BE EXERCISED AS THEY MAY AMONG THEMSELVES DETERMINE, BUT IN NO EVENT SHALL MORE THAN ONE (1) VOTE PER TWO (2) ACRE BE CAST.

16. TO KEEP THE SUBDIVISION AS AN AREA FOR ASTRONOMICAL OBSERVATIONS; LIGHT POLLUTION SHALL BE KEPT TO A MINIMUM IN ANYWAY THAT IS POSSIBLE INCLUDING BUT NOT LIMITED TO THE FOLLOWING: OUTSIDE LIGHTING SHALL BE LIMITED TO LOW WATTAGE FIXTURES OF 60 WATTS OR LESS AND SHALL BE SHIELDED OR COVERED SUCH AS TO REFLECT LIGHTING DOWNWARD TO LIMIT LIGHT POLLUTION AND ENHANCE ASTRONOMICAL OBSERVATION. OUTSIDE LIGHTING SHALL BE LIMITED TO AREAS WHERE NEEDED FOR SAFETY PURPOSES. BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO THAT WINDOWS CAN BE SHUTTERED OR COVERED IN A MANNER TO RESTRICT LIGHT FROM THE INSIDE OF THE STRUCTURES FROM CREATING LIGHT POLLUTION THAT WOULD INTERFERE WITH ASTRONOMICAL OBSERVATIONS.

IN WITNESS WHEREOF, THE SAID OWNER HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS 31<sup>st</sup> DAY OF July, 1995.

SKY COUNTRY ESTATES

BY [Signature]  
AUBREY DUNN, JR.

STATE OF NEW MEXICO )  
SS  
COUNTY OF OTERO

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 31<sup>st</sup> DAY OF July 1995.

[Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 2-4-96

NOTARY  
PUBLIC

STATE OF NEW MEXICO } S.S.  
OTERO COUNTY

FILED FOR RECORD IN MY OFFICE  
This 29 day of August, 1995  
At 8:15 o'clock A M and duly recorded  
In Book No. 811 Page 262-265

the records of Otero County, New Mexico  
[Signature]  
County Clerk, Otero County, New Mexico  
By [Signature] Deputy  
8678