

RESTRICTIVE COVENANTS

SOUTH GATE ESTATES SUBDIVISION

ON THIS DATE of April 29, 2005 Robert Stuyck the declarant of said real estate located in Otero County, New Mexico Known as South Gate Estates subdivision. A tract of land in the North Half (N ½) Northwest Quarter (NW ¼) of Section 18, Township 18 South, Range 10 East, desires said real estate to be subject and encumbered by certain restrictions and protective covenants.

1. THEREFORE TO ALL PRESENT that the above named owner declares that the following covenants apply to all of said real estate, and that all conveyances of said real estate or any part there of shall be subject to said covenants whether or not the same are embodied in the conveyances or other instruments affecting title thereto. Only the original owner executing these restrictive covenants can update, make changes, or alter these restrictive covenants.

2. INTENDED PURPOSE: All lots in this subdivision shall be used for single residential purpose only. No commercial activity shall be conducted on properties other than occupations or professions associated with family members. These activities must not create annoyance or nuisance to adjacent property owners, occupants or neighborhood, whether by noise, visual, or otherwise, no activity is allowed on the property that in any way would create an environmental hazard.

3. RESIDENTIAL HOME construction must have a minimum fair market value of \$25,000.00 and have a minimum 1200 square feet under a single roof. All home construction must be completed within one year. Construction must be considered standard, no old or second hand buildings shall be moved on any lot unless they are in conformance with current building, plumbing, electrical, and other safety codes required for new single-family residential dwellings constructed in Otero County, New Mexico. All homes must have a minimum distance of 150 feet from road frontage. Road frontage is defined as both South Gate Drive and Oliver Road. Also a minimum home distance of 75-feet to side and property rear. All property owners are responsible for maintaining their properties in a clean neat appearance.

4. MOBILE HOMES may be placed on property, but must have a minimum 1200 square feet enclosed living space. Only doublewides will be permitted and must not be more then 10 years old at time of set up. All mobile homes must not have visible exterior rust or damage present. All homes must be placed on a permanent foundation with tie downs. Also wheels, axles, and towing tongues must be removed and skirting installed within 90 days. No objects other then air-conditioning units are permitted on roofs. All homes must have a minimum distance of 150 feet from road frontage and a minimum distance of 75-feet to side and property rear.

5. TEMPORARY LIVING QUARTERS Motor homes, travel trailers, fifth-wheel travel trailers and other portable living quarters can be used during initial set up of permanent home and for a period lasting no more than three months per year. During this period proper sewer, electric and well hookup must be exercised. These vehicles must be no more than 25 years in age and have no visible exterior rust or damage and present a neat clean appearance. No tents are to be used as permanent or temporary living quarters. Temporary is defined as 12 months maximum for new home construction and three months maximum per year for all other circumstances.

6. SECONDARY CONSTRUCTION No building or construction, except fences, shall be constructed or placed closer than 100 feet to road frontage, and 15 feet to the side or back of property lines. No outdoor-type toilet shall be erected except during periods of construction and must conform to state law. All fences must be constructed of standard fence or building materials. All signs except the subdivision advertisement sign shall be limited to maximum 72 square inches.

7. ANIMALS No swine or cattle shall be raised or kept on property. No kennel, feedlot, caged fowl or poultry operation shall be allowed on the property. No animals or pets are to be kept in any manner or quantity creating offence or nuisance either by odor, noise or otherwise to adjacent landowners within the confines of the property. No animals or pets are to be kept in any manner or quantity creating offence or nuisance either by odor, noise or otherwise to adjacent landowners within the community. All structures used to house pets or animals must be constructed of standard building materials and located at least 150 feet from road frontage and 50 feet or greater from side and rear property lines.

8. SUBSEQUENT SUBDIVIDING May occur after a period of two years from time of purchase. Five acre parcels may be subdivided no more than one time. The resulting parcel must be of equal size, or two and one half acres, and must be in compliance with said Otero County and State of New Mexico laws. All subdivided parcels must have adequate road and utility easements, be in compliance with these restrictive covenants, and established laws. No portion of any present or future subdivided parcels may be used as roadways or easements for ingress and egress to land outside of this property without written permission of the original owner executing these restrictive covenants.

9. VEHICLES No more than two vehicles may be visually stored on property with out current license plate or vehicle registration. All other vehicles must be stored in a building or behind visual barrier. Operable farm equipment used on the property is an exception to this restriction. No commercial or private wrecking yard, or storage facility or any other similar activity may be conducted on property.

10. WATER FLOW No driveway entrances or barrier shall be constructed against or across drainage easements or drainage ditches in a manner restricting water flow through drainage ways. All driveway entrances shall have drainage culverts installed into the bar ditch in such a way as to not restrict water flow. All property owners are responsible for

installing these culverts of minimum 18-inch size diameter and keeping them free of obstructions.

11. DECLARATION OF EASEMENTS AND MAINTENANCE COVENANTS

Easements are delineated on subdivision map. Because proposed easements may differ from this map a blanket easement is in effect for the entire subdivision. South Gate Drive is a private road dedicated for public use with an easement of (50) feet. An additional 120-foot cul-de-sac easement will affect lots at roads end. Easement could include but is not limited to electric, telephone, gas, water, sewer, and electronics. All parcel owners have an equal responsibility for maintaining this road as indicated in Disclosure Statement.

12. OTHER RESTRICTIONS no obnoxious or offensive activity or anything done on any lot which may be or become an annoyance or nuisance to the community. No garbage, refuse, junk or obnoxious or offensive materials shall be permitted to accumulate or be burned on any subdivision lot. All property owners are responsible for disposal of garbage or said materials in accordance with County and State of New Mexico regulations.

13. ALL RESTRICTIVE COVENANTS Restrictive covenants contained herein are for the benefit of any and all of the lots within the boundaries of this subdivision, and if the undersigned owner or any of its assigns, or successors in interest shall violate or attempt to violate any of such restrictive covenants, then it shall be lawful for any other person or persons owning land within said boundaries to prosecute any proceeding at law or equity to recover damages or to enjoin such act and to have any and all further legal and equitable relief. The word "person" as used herein means any individual, partnership, firm, company, trust, association, corporation, or other entity.

Robert Stuyck
Declarant of Subdivision

Robert Stuyck

Witness

Queenie Cole

STATE OF NEW MEXICO } s.s.
OTERO COUNTY
FILED FOR RECORD IN MY OFFICE
This 10 day of May, 2005
At 3:10 o'clock P M and duly recorded
in Book No. 1186 Page 27-29
The records of Otero County, New Mexico
Robyn Silva
County Clerk, Otero County, New Mexico
By Chris Jendki Deputy
#05187



County/City of Dinwiddie
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 29 day of April,
2005, by
Robert Stuyck
(name of person seeking acknowledgment)
Queenie Cole
Notary Public
My commission expires: Aug. 31, 2008

