

**RESTRICTIVE COVENANTS  
FOR  
SOUTHERN CROSS SUBDIVISION, PHASE TWO**

WHEREAS: the undersigned owners of the property hereinafter described and located in Otero County, New Mexico, Have heretofore filed a plat of the subdivision known and described as: Southern Cross Subdivision, Phase Two, in the office of the County Clerk, Otero County, New Mexico and:

WHEREAS: the undersigned owners of said subdivision desire to make and file certain restrictive covenants affecting said property for the protection of all future property owners in said subdivision.

NOW, THEREFORE: the undersigned do hereby declare the creation and existence of certain restrictive covenants as hereinafter set forth and declare that said restrictions and covenants shall run with the land hereinafter described and to be binding on all parties who are or shall become parties in interest to said land. The property covered and affected by the covenants set forth herein and the restrictions applicable thereto is described as follows, to wit:

Lots 1A, 1B, 2 and 8 through 15 inclusive of Southern Cross Subdivision, Phase Two, a subdivision lying in Sec. 31, T15S, R10E, NMPM, as shown on the official plat thereof on file in the Office of the County Clerk of Otero County, New Mexico.

The restrictions and protective covenants herein referred to are as follows:

1. Lots 1A, 1B, 2 and 8 through 15 inclusive shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one single dwelling and such structures as are incidental to the use of said lot, such as a private garage, well house or storage room. There shall be no commercial or agricultural activity or business engaged in on any of these lots.
  2. Lots may be re-subdivided if allowed by law but no smaller than 1 acre. Paragraph 1. Then applies to the divided lots.
  3. On Lots 1A, 1B, 2 and 8 through 15 inclusive, no buildings or structures whatsoever of any kind shall be located nearer than fifty (50') to the front lot line of each lot, and not nearer than twenty (20') feet to any side lot line or rear line of each lot.
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4. Pertaining to permanent homes:

A. No dwelling smaller than 1200 square feet heated area shall be constructed on any lot herein. No trailer, trailer house, prefabricated building, tent, shack, or barn or other outbuilding shall be used as a residence, temporarily or permanently. A temporary contractor's building or storage trailer may be used during construction, but must be removed upon occupancy of the permanent dwelling. During the period of active permanent home construction, a recreational vehicle may be used as a temporary residence. Use of a recreational vehicle as a temporary residence shall not exceed a period of 12 months. In no instance shall a recreational vehicle be used as a permanent residence.

All buildings are to be new construction only and be either brick or stone veneer or painted or stained on exterior of wall surfaces. All dwellings shall be finished as to the exterior within one year from start of construction. All structures shall be completely finished front, sides and rear to the same degree as a first class front, so the view from overlooking or adjoining lots will not be impaired.

B. Manufactured homes are allowed:

The dwelling must have a minimum of 1000 square feet heated area. The dwelling must have a shingled or state of the art high quality metal pitched roof, with the exception of Spanish style dwellings. Metal roofing should be comparable to Pro-Panel, 20 or 30 year color, R profile, Style panels. The dwelling must be permanently set and must have complete coordinated skirting. The dwelling must have a deck or porch in front. At the time of installation, the manufactured home must be less than five (5) years old. Ones older than 5 years are allowed if they are approved by the developer.

C. For modular homes:

The dwelling must have a minimum of 1200 square feet heated area and must be set on a permanent foundation.

5. The premises and improvements of each lot must be maintained in an orderly condition and a good state of repairs at all times. Unlicensed vehicles

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Must be kept garaged as per Otero County Ordinance No. 91-03. No storage of salvage material is allowed.

6. Whenever possible, natural desert growth should be retained to stabilize the soil, and Xeriscape landscaping utilized, to preserve our limited water supply, pursuant to Section 72-12-1, New Mexico Statutes, 1- "The permittee shall utilize the highest and best technology available to ensure conservation of water to maximum extent practical".

7. No noxious or offensive activity shall be carried out on any lot no shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

8. Livestock are not permitted. Domestic household pets are allowed but must be contained; however pet pigs are NOT allowed. Kenneling is not permitted.

9. These covenants shall be binding upon the undersigned and all persons claiming under it, their heirs, successors or assigns from the date these Restrictive Covenants are recorded. The Restrictive Covenants may be modified, amended or repealed in whole or in part by filing in the office of the County Clerk of Otero County, New Mexico, such amendment modification notice or repeal duly executed and subscribed by a majority of the owners of record, of Lots 1A, 1B, 2 and 8 through 15 within this subdivision, each lot having one vote. Modification, amendment or repeal of any one or more of the foregoing restrictive covenants shall not affect the validity of the remaining covenants. Failure to enforce the provisions of the above covenants immediately upon violation, shall not be considered a waiver of such covenants.

10. Invalidation of any one of these covenants by judgment or Court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Dated this 1<sup>ST</sup> day of MAY, 2002

Walter H. Howard

Helen Howard

STATE OF TEXAS

COUNTY OF Fayette

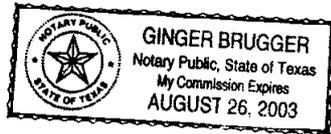
The foregoing instrument was acknowledged before me this 1<sup>st</sup> day

of May, 2002, by:

Dan R. Howard

Helen Howard

Ginger Brugger  
NOTARY PUBLIC



My commission expires: 8-26-03

STATE OF NEW MEXICO } S.S.  
OTERO COUNTY

FILED FOR RECORD IN MY OFFICE

This 7 day of May, 2002

At 4:05 o'clock P M and duly recorded

in Book No. 1022 Page 385-388

The records of Otero County, New Mexico

Maria Quintan  
County Clerk, Otero County, New Mexico

Christina Nunez  
Deputy

02-04728

