

**SECOND AMENDED RESTRICTIVE COVENANTS**  
**FOR**  
**SPANISH DAGGERS ESTATES, OTERO COUNTY, NEW MEXICO**

WHEREAS, the undersigned owner of the property hereinafter described and located in Otero County, New Mexico, has heretofore filed a plat of the subdivision known and described as Spanish Daggers Estates in the office of the County Clerk, Otero County, New Mexico; and

WHEREAS, the undersigned owner of said subdivision had filed Restrictive Covenants affecting said property for the protection of all future property owners in said subdivision recorded in book 808 at Pages 320-322 of the records of the Otero County Clerk; and

WHEREAS, paragraph 9 of such Restrictive Covenants provides for a method of amendment.

NOW, THEREFORE, the undersigned owner of Lots 4, 5, 6, 7 and 8, being more than 50% of the lots in the subdivision, does hereby declare the amendment of the 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 follow. to-wit:

Lots 1 through 8 inclusive of the Spanish Daggers Estates, a subdivision lying in Lot 5 located in Section 5, T16S, 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:

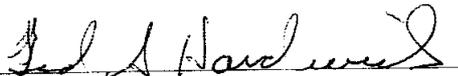
1. Lots 1-8 inclusive shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one single family dwelling and such structures as are incidental to the use of said lot, such as private garage, well house, storage room or workshop. There shall be no commercial activity or business engaged in on any of these lots. Lots may not be resubdivided.
  2. No buildings or structures whatsoever of any kind shall be located nearer than fifty feet (50') to the front line of each lot nor nearer than twenty feet (20') to any side lot line or rear lot line of each lot or tract.
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3. All dwellings shall be finished as to the exterior within one year from the start of construction or placement on a foundation with respect to manufactured home as defined herein. 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 unduly impaired.
4. No dwelling house or multi-section manufactured home smaller than 1272 square feet heated area with a minimum dimension of 24' in width shall be constructed or placed on any lot herein. No trailer, trailer house, tent, shack, barn or other outbuilding shall be used as a residence, temporarily or permanently, nor shall any temporary residence be erected. A multi-section manufactured home of the minimum size set forth above with the building standards set forth in Chapter 3, Article 21A of the NMSA 1978 Comp. as amended, shall be permitted as a residence and provided further that such manufactured home shall not be more than 4 years old at the time it is placed on a permanent foundation, as would be approved by VA, FHA or a conventional loan. A temporary contractor's building or a mobile home for storage may be used during construction. All buildings are to be either brick or stone veneer or painted or stained on exterior or wall surfaces within sixty days from the date of completion of construction.
5. The premises and improvements of each lot must be maintained in an orderly condition and a good state of repair at all times.
6. No noxious or offensive activity shall be carried out on any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
7. No livestock shall be permitted, such as horses, cattle, sheep, pigs, swine, poultry, etc.  
  
Household pets are allowed but must be contained. Kenneling is not permitted.
8. All lots shall be maintained in as natural a state as possible. Native growth shall not be destroyed or removed from a lot except as necessary for roadways, utility ways, structures, walled-in or fenced-in yards, gardens and patios, or replacement by landscaping. Natural drainage shall not be altered.

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. At any time after January 1, 2018, these 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 or notice of repeal duly executed and subscribed by the owners of record of five (5) lots or not less than sixty-two and one-half percent (62.5%) of the lots included in said subdivision. 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 as a waiver of such covenants.
10. Invalidation of any one of these covenants by judgment or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.
11. These Restrictive Covenants may be enforced by any single lot owner.

DATED this 18<sup>th</sup> day of December, 2003.

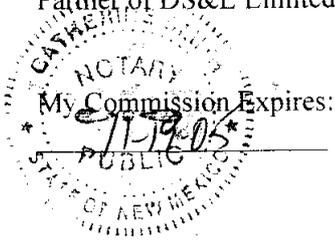
DS&L LIMITED LIABILITY COMPANY

By:   
SPANISH DAGGERS, INC.  
MANAGING PARTNER  
TED S. HARDWICK, PRESIDENT

STATE OF NEW MEXICO )  
 ) SS:  
COUNTY OF OTERO )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 2003, by Spanish Daggers, Inc., a New Mexico Corporation, Managing Partner of DS&L Limited Liability Company, Ted S. Hardwick, President.

Catherine Smith  
Notary Public



My Commission Expires: \_\_\_\_\_



STATE OF NEW MEXICO } s.s.  
OTERO COUNTY }  
FILED FOR RECORD IN MY OFFICE  
This 18 day of Dec, 20 03  
At 10:40 o'clock A M and duly recorded  
in Book No. 1112 Page 577-580  
The records of Otero County, New Mexico  
Mary D. Amador  
County Clerk, Otero County, New Mexico  
By Laura Estrada Deputy

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