RESTRICTIVE COVENANTS

PART A. WHEREAS, JAMES L. DANLEY, Trustee, is the Owner of SUNRISE HEIGHTS UNIT II, located in Section twenty-one (21), Township sexteen (16) South, Range ten (10) East, N.M.P.M., Alamogordo, Otero County, New Mexico.

AND WHEREAS, said Owner above named desired to place certain restrictions in regard to the building and improvements to be placed on portions of the above described real estate as follows; to-wit;

PART B. FULLY RESTRICTED RESIDENTIAL AREA. The residential area covenants in Part C in their entirety shall apply only to: LOTS 34 through 61, Sunrise Heights Unit II, Alamogordo, Otero County, New Mexico.

PART C. RESIDENTIAL AREA COVENANTS

C-1. LAND USE AND BUILDING TYPE. No lots shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height; and a private garage for not more than three cars or a private carport for not more than three cars, or a combination of private carport and private garage for not more than a total of four cars.

C-2. ARCHITECTURAL CONTROL. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, (harmony of external design with existing and/or planned structures), as to location with respect to lot lines, topography and finish grade elevations. No fence or wall, except necessary retaining walls of minimum height, shall be erected or allowed to remain nearer the front street than the front building setback line. Approval shall be as provided in Part D.

On corner lots, no side fence or walls, except necessary retaining walls of minimum height shall be erected or allowed to remain nearer to the front street than the rear of the dwelling, nor nearer to the side street than the property line. The height of fences which are erected behind the minimum setback line of the front street shall be in accordance with the ordinances of the City of Alamogordo.

C-3. DWELLING COST, QUALITY AND SIZE. No building shall be permitted on any lot at cost of less than $30,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of these

covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date the covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one story open porches and garages, shall not be less than 1,500 square feet for a one-story dwelling.

C-4. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located nearer than five (5) feet from any interior lot line.

C-5. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat of this subdivision.

C-6. NUISANCES. No noxious 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.

C-7. TEMPRORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be used on any lot at any time as a residence either temporarily or permanently.

C-8. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 80 feet at the minimum building setback line, except that an irregular shaped lot resulting from a curve in the street shall have a minimum width, at the building setback line of not less than 50 feet, nor shall any lot have an area of less than 8,800 square feet.

C-9. SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

C-10. OIL AND MINING OPERATION. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

C-11. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not bred, kept, or maintained for any commercial purpose.

C-12. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

C-13. WATER SUPPLY. No individual water supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of state or local public health authority. Approval of such system as installed shall be obtained from such authority.

C-14. SEWAGE DISPOSAL. No individual sewage-disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of state or local public health authority. Approval of such system as installed shall be obtained from such authority.

PART D. ARCHITECTURAL CONTROL COMMITTEE

D-1. MEMBERSHIP. The architectural control committee shall be composed of James L. Danley, Trustee, or his designated representative.

D-2. PROCEDURE. The approval or disapproval as required in these covenants shall be in writing. In the event the subdivider, or his designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

PART E. GENERAL PROVISIONS

E-1. TERM. These covenants are to run with the land and shall be binding on the land, all parties and all persons claiming under them for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of thirty (30) years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part. Votes shall be counted on the basis of one vote for each lot owned, etc.

E-2. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

E-3. SEVERABILITY. Invalidation of any one of these covenants by judgement or court order shall in nowise effect any of the other provisions which shall be and remain in full force and effect.

PART F. ATTEST.

IN WITNESS WHEREOF, the said owners have caused this instrument to be executed this 26 day of August, 1974.

SUNRISE HEIGHTS UNIT II

By James L. Danley, Trustee
James L. Danley, Trustee

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

The foregoing instrument was acknowledged before me this 26th day of August, 1974, by James L. Danley, Trustee, on behalf of Sunrise Heights Unit II.

Notary Public

My Commission Expires:
4-21-78

STATE OF NEW MEXICO } ss.
OTERO COUNTY
FILED FOR RECORD IN MY OFFICE
This 26 day of Aug. 1974
At 3:15 o'clock P M. and duly recorded
in Book No. 409 Page 472-75 of
the records of Otero County, New Mexico.
Frankie Dean
County Clerk, Otero County, New Mexico
By Ruby Clutter Deputy

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