TRAILS WEST SUBDIVISION

Lonnie D. Nowell, Sponsor

PROTECTIVE COVENANTS

PART A. WHEREAS, Lonnie D. Nowell and Donna E. Nowell are the owners of the following described real estate.

TRAILS WEST SUBDIVISION, Tularosa, Otero County, New Mexico.

WHEREAS, said above persons desire to place certain restrictions in regards to the buildings and improvements to be placed on the above described real property as follows, towit:

PART B. ARCHITECTURAL CONTROL COMMITTEE. All plans for construction of private roads and driveways and all building plans for any building, fence, corral, wall, or structure to be erected upon any lot and the remodeling, reconstruction, alteration, or addition to any building, road, driveway, or other structure upon any lot in such premises shall require the approval in writing of Architectural Control Committee as to the quality of workmanship, materials, harmonoy of external design with existing structures or planned structures which have been previously approved by the Architectural Control Committee within the subdivision and for approval as to location with respect to lot lines, topography, and finish grade elevation, roadways, and culverts.

The Architectural Control Committee shall be composed of Lonnie D. Nowell, Donna E. Nowell, and/or their heirs.

PART C. RESIDENTIAL USE.

C-1. Residential lots are for single family residential puroses only. Building types shall be manufacturered mobile homes, modular homes, or conventional site built homes. One lot as shown on the said subdivision map shall be the minimum area upon which a single family residence and the usual outbuildings may be constructed. One or more lots may be utilized as a single building plot.

C-2. Front "setback"; from the property line to be twenty-five (25) feet, to any building, stem wall, slab, or well.

Side "setback"; from the side property line to be a minimum of five (5) feet, to any building, stem wall, slab, or well.

Rear "setback"; from the property line shall be a minimum of twenty (20) feet, to any building, stem wall, or slab.

Corner lot restrictions; no obstruction of view shall be built or placed within a minimum of twenty-five (25) feet on the front and street side of corner lots. This restriction applies to hedges, fences, trees of more than three (3) feet in height.

C-3. MAIN RESIDENTIAL AREA. The ground floor area of the main building (living area) shall not contain less than eight hundred (800) square feet of heated floor area.

PART D. WELLS. Wells shall be located on the front portion of said property and only in accordance with the rules and regulations of those governmental agencies having jurisdiction over location and use.

PART E. COMMERICAL USE LOTS. Normal commercial establishments are permitted, provided prior approval of any commercial establishment is obtained in writing from the Architectural Control Committee.

E-1. The front "setback" is to be the same as set forth in residential use. Accessory buildings and use customarily incident to the uses permitted shall be allowed.

A free or open space is required for parking in the ratio of two (2) square feet of open space to one (1) square foot of building area.

A lot must be approved for commercial use by the Architectural Control Committee at the time of original purchase.

E-2. No commercial use lot will be approved if the user plans any type commerce which will be offensive to any residence of the subdivision.

PART F. CONSTRUCTION (RESIDENTIAL AND COMMERCIAL). When the construction of any building has begun, work thereupon must be prosecuted deligently and must be completed within a reasonable time. No shacks or temporary buildings shall be permitted upon any lot. A trailer or temporary storage may be used during the period of construction. In no event shall any trailer or temporary storage structure be

left on the land after the construction is completed.

Manufactured homes shall be "skirted" by enclosing the space from ground to the bottom of the home within a period of ninety (90) days after the home is place on the lot. The material used shall be new and appropriate for the purpose and skirting shall be constructed with strength and intergrity. The skirting material shall be painted a color that will closely match the color of the home.

PART G. 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. No inoperable vehicle nor vehicles in gross disrepair shall be kept on any lot or public right-of-way.

PART H. TEMPORARY STRUCTURES. No structure of a temporary character such as a trailer, basement, tent, shack, garage, barn, or other out buildings, shall be used on any lot at anytime as a residence either temporaily or permanently.

PART I. ANIMALS. The owner or lawful possessor of any lands shall be permitted to maintain horses upon the premises for recreational and pleasure purposes only; and dogs, cats, domestic foul, cattle, sheep, may be maintained upon said premises for household, residential, and non-commercial use only, except animals used for the sole purpose of 4-H, or F.F.A. School projects. All domestic animals, horses, cattle, sheep, and domestic foul must be properly fenced and placed on the rear half of any lot and properly housed and maintained so not to create offensive or obnoxious odors. Frequent clean-up and disposal of animal waste will be performed so no noxious odors will be prevalent.

PART J. GARBAGE AND REFUSE DISPOSAL. No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition, or that will cause such lot to appear in an unclean or untidy condition, or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept out upon any lot that would emit foul obnoxious odors or that would cause noise that will or might disturb the peace, quiet, and comfort or serenity of the occupants of surrounding property, or would otherwise frustrate or impede the general plan of the development, expressed in the covenant establishing the Architectural Control Committee.

J-1. The elevation of a lot shall not be changed so as to materially affect the surface elevation or grade of the surrounding lots. No rock, gravel, or earth shall be excavated or removed from any property for commerical purposes.

PART K. SEWAGE FACILITIES. Outside toilets and cesspools are strictly prohibited. All sewage facilities shall consist of septic tanks which shall be located on the rear half of lots and constructed only in accordance with the rules and regulations of those governmental agencies having jurisdiction over the construction of sewage facilities.

PART L. DIVISION OF LOTS. No single lot or tract as shown on the subdivision ray shall be resubdivided, without prior written approval of the Architectural Control Committee.

PART M. DURATION OF RESTRICTIVE CONVENANTS. The Restrictive Cconvenants herein shall remain in full force and effect for a period of twenty (20) years from the date these covenants are recorded. Said restrictions shall thereafter continue for successive twenty (20) year periods except that at anytime such restrictions may be amended in whole or in part, by the owners of three-fourths (3/4) or more of the acreage within said subdivision. Provided, however, if such terms are succession of terms shall violate the rule against perpetuities, then in that event such terms shall be reduced to that period of time which shall comply with such rules.

Lonnie D. Nowell
LONNIE D. NOWELL

State of New Mexico)
County of Otero) SS

The foregoing instrument was acknowledged before me this 22nd day of August, 1986, by LONNIE D. NOWELL.

Kathryn S. Daniel
NOTARY PUBLIC

MY COMMISSION EXPIRES: February 1, 1988

STATE OF NEW MEXICO, County of Otero, ss. Filed for record in my office this 25 day of Aug., 19 86, at 9:27 o'clock A.M., and duly recorded in Book 603 Page 768 of the Records of said county. Andrew C. Wyngham by Karen Owen
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County Clerk Deputy

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