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RESTRICTIVE COVENANTS

WHEREAS, Walter Ray and Orba Ray, his wife, of Tularosa, New Mexico, are the Owners of the following described real estate in Otero County, New Mexico, to-wit:

Commencing at the S.W. corner of Sec. 20, Twp. 14, S. R. 10. E. N.M.P.M. going N 82° 10' E a distance of 1049 feet to corner fence post, Thence N 2° 10' W, 108 feet to iron stake being the point of beginning, Thence on same line N 2° 10' W a distance of 1030.5 feet to the Right of Way of U.S. Highway 70, Thence N 83° 40' E along said R. of W. for 312 feet to NE corner stake of this parcel of land, Thence S 2° 12' E for a distance of 1011.5 feet to iron stake at S.E. corner of this block of land, Thence S 88° 10' W for a distance of 312 feet to place of beginning.

AND WHEREAS, said Walter Ray, and Orba Ray, his Wife, called the subdividers, desire to subdivide said entire tract under the name of "WALTER RAY SUBDIVISION" and has on the 13 day of Aug, 1951, filed for record in the office of the County Clerk of Otero County, New Mexico, a plat of said subdivision.

AND WHEREAS, said subdividers desire to place certain restrictions in regard to the buildings and improvements thereon and other matters as hereinafter set out, upon and against all property in the Subdivision as shown on the filed plat.

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

That Walter Ray and Orba Ray, his wife, hereby declare and agree with all future purchasers of lots or building sites in the above named "WALTER RAY SUBDIVISION" that the following restrictions apply to all lots or building sites in said Subdivision known as "WALTER RAY SUBDIVISION" and that all conveyances of any lot or lots therein shall be subject to certain restrictions as follows:

(a) All lots in the tract shall be known and described as single family residential lots and no structure shall be erected on any single family residential building plot other than one detached single family dwelling, not to exceed two stories in height, and private garages for not more than 3 cars, and other out-buildings incidental to residential use of the plot, all in accordance with such zoning regulations and building code as may legally apply at the time of construction.

(b) No building shall be erected or permitted to remain on any residential building plot nearer to any street than 25 feet from the front lot line, nor nearer than 15' to any side street line nor nearer than 5' to any side lot line of interior lots. This latter side line restriction shall not apply to a garage located not nearer than 50' from the front line of the main residential building, nor shall any residences be erected which shall be more than 35' from the front lot line to the front of building.

(c) No residential lot shall be re-subdivided into building plots having less than 6,000 sq. ft. of area or a width of less than 60' at the front building set-back line.

(d) No noxious or offensive trade or activity, including the keeping or treating for profit of persons afflicted with tuberculosis or any other infectious disease shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(e) No trailer, basement, tent, shack, garage, barn, or other outbuilding shall at any time be used on any part of the tract as a residence temporarily or permanently, nor shall any residence of a temporary character be erected or permitted on any part of the tract.

(f) Any structure, once commenced shall be completed, as to exterior, in accordance with the provisions of these restrictions in not more than one year from the date of said commencement.

(g) No building shall be erected on any lot until the design and location thereof has been approved in writing by the subdividers, their successors and assigns, or by a committee appointed by the subdividers, their successors and assigns, or whom the right to so appoint may have been assigned. However, in the event that such committee is not in existence or fails to approve or disapprove such design or location within thirty days, then such approval will not be required, provided, nevertheless, the design of the building and its location on the lot shall conform to and be in harmony with existing structures in the tract and these restrictions.

(h) No structure shall be moved or erected on any lot or building site, unless it meets with the approval of the subdividers, or the committee, or if there is no committee, each structure shall conform to and be in harmony with existing structures in the tract.

(i) No single family dwelling shall be permitted on any lot in the tract having a ground floor square foot area of less than 1300 square feet in the case of a one-story structure, nor less than 700 ground floor square foot area in the case of a one and one-half story or two-story structure, both exclusive of porches and garages.

These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1st, 1990, at which time they shall be automatically continued in force for successive periods of ten years each unless discontinued or amended at the end of the first or any subsequent ten years period by a vote of 51% or more of the then property owners, as hereinafter provided. These covenants and restrictions, or any portion thereof, may at such time or times, be amended or terminated by a vote of 51% or more of the then property owners. In case any vote is called, the record owners of the lots shall be entitled to one vote for each lot as shown on the recorded plat.

Any person who desires to call an election for the purpose of suspending or amending all or any part of these protective covenants and restrictions at the time or times mentioned, in accordance with the foregoing provisions will request such election by written notification to the subdividers and any and all owners of lots within the subdivision at least one year before the expiration of the first or any subsequent ten year period.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions contained herein, it shall be lawful for the subdividers, their successors and assigns, or any other person or persons owning any lot in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages or other dues fro such violation.

Invalidation of any one of these covenants by judgment or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

WITNESS OUR HANDS, this the 29th day of August, A. D. 1951.

WALTER RAY
Walter Ray

ORBA RAY
Orba Ray

STATE OF NEW MEXICO

COUNTY OF OTERO

Before me the undersigned authority on this day personally appeared Walter Ray and Orbe Ray, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 29th day of August 1951.

Mary K. Jefferis
Notary Public in and for Otero County, New Mexico

(Notarial Seal Imprint)

My Commission Expires: Nov. 15, 1951