RESTRICTIVE COVENANTS
FOR
LOTS 1 THROUGH 8
WOOD AND SON SUBDIVISION

THE WOOD AND SON SUBDIVISION A SUBDIVISION LOCATED IN OTERO COUNTY, NEW MEXICO, THE PLAT OF WHICH WILL BE RECORDED IN THE BOOK OF THE RECORDS OF OTERO COUNTY, NEW MEXICO. THE SUBDIVIDER'S AND LAND OWNERS DO HEREBY CONSENT AND AGREE THAT THE FOLLOWING RESTRICTIVE COVENANTS SHALL BE IN FULL FORCE AND EFFECT ON LOTS 1 THROUGH 8 WITHIN SAID WOOD AND SON SUBDIVISION FROM THE DATE OF RECORDING THIS INSTRUMENT,

TO-WIT:

1. ALL LOTS IN SAID TRACT SHALL BE KNOWN AND DESCRIBED AS SINGLE RESIDENTIAL LOTS AND NO STRUCTURES SHALL BE ERECTED ON ANY LOT OTHER THAN A SINGLE FAMILY DWELLING AND OUT-BUILDINGS INCIDENTAL TO AND CONSISTENT WITH SINGLE FAMILY RESIDENTIAL USE OF THE PARTICULAR LOT.

2. ALL LOTS SHALL HAVE ONE (1) 18" DRAINAGE PIPES INSTALLED IN THE BAR DITCH WHERE ANY DRIVEWAY OR ROADWAY GOING FROM THE MAIN ROAD TO THE LOT IS LOCATED. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE LOT TO MAINTAIN SUCH DRAINAGE PIPE OR PIPES AND TO KEEP THEM FREE AND CLEAR OF ALL DEBRIS.

3. NO RESIDENTIAL BUILDING SHALL BE CONSTRUCTED ON ANY LOT HAVING A COST OR A FAIR MARKET VALUE OF LESS THAN $40,000.00, NOR SHALL ANY RESIDENTIAL BUILDING BE OF A SMALLER TOTAL DIMENSION THAN 1400 SQUARE FEET UNDER A SINGLE ROOF.

4. TEMPORARY DWELLINGS MAY BE LOCATED ON ANY LOT OR LOTS DURING THE PERIOD OF ACTUAL OR CONTINUOUS CONSTRUCTION OF A RESIDENCE FOR A PERIOD NOT TO EXCEED TWELVE CONSECUTIVE MONTHS FROM THE DATE OF THE PURCHASE OF A LOT, WHICHEVER PERIOD IS SHORTER.

5. NO OUTDOOR-TYPE TOILET SHALL BE ERECTED OR MAINTAINED IN THE SUBDIVISION, EXCEPT BY PRIOR APPROVAL OF THE DEVELOPER AS OUTDOOR PORTABLE TOILETS MAY BE ON THE PREMISES DURING THE ACTUAL PERIOD OF CONSTRUCTION AS MAY BE REQUIRED BY STATE OR FEDERAL LAW. ALL TOILETS SHALL BE LOCATED INSIDE THE PRINCIPAL BUILDINGS AND SHALL BE CONNECTED WITH PROPER SEPTIC TANKS OR SEWAGE DISPOSAL SYSTEM THAT CONFORMS WITH THE STATE OF NEW MEXICO AND OTERO COUNTY HEALTH LAWS AND REGULATIONS.

6. ALL RESIDENTIAL DWELLINGS CONSTRUCTED ON SAID LOTS SHALL BE OF NEW CONSTRUCTION AND NO OLD OR SECOND-HAND BUILDING SHALL BE MOVED ON ANY LOT IN THIS SUBDIVISION. NO BUSINESS OR PROFESSIONS, MANUFACTURING OPERATION, COMMERCIAL ENTERPRISE, OR PUBLIC OR COMMERCIAL AMUSEMENT ENTERPRISE SHALL BE CONDUCTED, OPERATED, OR MAINTAINED ON ANY LOT. EXCEPT LOT FIVE (5).

7. NO LOT SHALL BE RE-SUBDIVIDED. NO PORTION OF ANY LOT SHALL BE LEASED OR PERMISSION GRANTED TO ANOTHER PERSON, FIRM, OR CORPORATION FOR THE PURPOSE OF CONSTRUCTING A RESIDENTIAL BUILDING THEREON OR ANY OUT-BUILDINGS TO BE USED IN CONNECTION WITH THE RESIDENCE OF ANOTHER LOT.

8. NO BUILDING OR OTHER CONSTRUCTION, EXCEPT FENCES, SHALL BE ERECTED OR PLACED UPON ANY LOT SO THAT ANY PART OF IT SHALL BE SITUATED CLOSER THAN 25 FEET TO A FRONT PROPERTY LINE, AND IN REGARD TO CORNER LOTS, CLOSER THAN 15 FEET TO ANY SIDE STREET.

9. ANY DWELLING CONSTRUCTED ON A LOT SHALL BE CONSTRUCTED WITH A FINISHED EXTERIOR WITHIN THE PERIOD OF CONSTRUCTION AS DEFINED IN PARAGRAPH (3) ABOVE.

10. NO BRUSH, TRASH, OR OTHER MATERIALS SHALL BE BURNED EXCEPT IN COMPLIANCE WITH THE FIRE REGULATIONS OF THE APPROPRIATE REGULATORY AGENCY.

11. NO OBNOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE ON ANY LOT WHICH MAY BE OR BECOME ANY ANNOYANCE OR A NUISANCE TO THE NEIGHBORHOOD.

12. NO GARBAGE, REFUSE, JUNK, TRASH, OR OBNOXIOUS OR OFFENSIVE MATERIAL SHALL BE PERMITTED TO ACCUMULATE ON ANY LOT, AND THE OWNER OR OWNERS OF EACH LOT SHALL CAUSE THE SAME TO BE DISPOSED OF BY AND IN ACCORDANCE WITH THE REGULATIONS OF THE STATE OF NEW MEXICO AND ANY OF ITS SUBDIVISIONS. SUCH GARBAGE SHALL BE REMOVED BY THE LOT OWNER TO A SANITARY LAND FILL PROVIDED BY OTERO COUNTY OR BY ARRANGEMENT WITH A GARBAGE REMOVAL SERVICE.

13. NO SWINE SHALL BE MAINTAINED ON SAID PREMISES, NOR ANY FEED LOT OPERATION NOR COMMERCIAL KENNEL, NOR CAGED FOWL OR POULTRY OPERATION MAY BE MAINTAINED OR KEPT ON SAID PREMISES.

14. NO WORK OR EXPLORATION FOR ANY MINERALS, OR MINING OF ANY MINERALS OR MINING OF ANY MINERALS OR QUARRYING OF ANY ROCK MINERALS, SOIL, OR MATERIAL OF ANY NATURE SHALL BE CONDUCTED ON ANY LOT OR PORTION THEREOF NOR SHALL ANY EXCAVATION OF ANY NATURE BE MADE UPON ANY LOT OR PORTION THEREOF EXCEPT AS MAY BE INCIDENT TO THE INSTALLATION OF UTILITY SERVICES, DRAINAGE LINES EXCAVATIONS INCIDENT TO THE GRADING AND PREPARATION OF BUILDING SITES, THE CONSTRUCTION OF DWELLINGS AND/OR SWIMMING POOLS, AND THE GRADING OF ROADS AND STREETS.

15. NO SIGNS OF ANY CHARACTER SHALL BE PERMITTED TO BE PLACED OR MAINTAINED ON ANY LOT EXCEPT A SIGN NOT LARGER THAN 72 SQUARE INCHES SETTING FORTH THE NAME OF THE OWNER OR OCCUPANT OF SAID LOT. ALL OTHER SIGNS ARE PROHIBITED.

16. NO DRIVEWAY ENTRANCES SHALL BE CONSTRUCTED AGAINST OR ACROSS DRAINAGE EASEMENTS OR DRAINAGE DITCHES IN SUCH A MANNER AS TO IN ANY WAY PROHIBIT THE FLOW OF WATER THROUGH SUCH DRAINAGE EASEMENTS. THE DEVELOPER RESERVES THE RIGHT TO REQUIRE ALL SUCH DRIVEWAYS TO MEET SPECIFICATIONS AS SET FORTH BY THE DEVELOPER. INSTALLATION IN. MAINTENANCE OF ANY SUCH CULVERTS AND/OR DRIVEWAY ENTRIES SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.

17. HORSES ARE ALLOWED. NO RESIDENT SHALL HAVE MORE THAT 4 HORSES PER 5 ACRES AT ONE TIME. FENCING SHALL BE INSTALLED AT INDIVIDUAL OWNERS EXPENSE TO KEEP HORSES IN SPECIFIC AREA'S WITHIN THE OWNERS PROPERTY. INDIVIDUAL OWNERS SHALL BARE THE EXPENSE FOR ALL DAMAGE'S THAT MAY OCCUR FROM HORSES THAT BECOME LOSE.

18. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE UNDERSIGNED AND ALL PERSONS CLAIMING UNDER IT THEIR HEIRS, SUCCESSORS, AND ASSIGNS, FOR A PERIOD OF FIFTEEN (15) YEARS FROM THE DATE THESE RESTRICTIVE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID RESTRICTIVE COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF FIFTEEN (15) YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS IN THE SUBDIVISION HAS BEEN RECORDED AGREEING TO CHANGE SAID RESTRICTIONS IN WHOLE OR IN PART OR RELEASING ANY PORTION OF THE PROPERTY IN SAID SUBDIVISION FROM ANY ONE OR MORE, OR ALL, OF SAID RESTRICTIVE COVENANTS.

19. ALL THE RESTRICTIVE COVENANTS CONTAINED HEREIN ARE FOR THE BENEFIT OF ANY AND ALL OF THE OWNERS OF THE LOTS WITHIN THE BOUNDARIES OF THE SUBDIVISION, AND IF THE UNDERSIGNED OWNER OR ANY OF ITS ASSIGNS, OR SUCCESSORS IN INTEREST SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF SUCH RESTRICTIVE COVENANTS, THEN IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING LAND WITHIN SAID BOUNDARIES, AND FOR THE ARCHITECTURAL CONTROL COMMITTEE TO PROSECUTE ANY PROCEEDING AT LAW OR IN EQUITY TO RECOVER DAMAGES OR TO ENJOIN SUCH ACT AND TO HAVE ANY AND ALL FURTHER LEGAL AND EQUITABLE RELIEF. THE WORK "PERSON" AS USED HEREIN MEANS ANY INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY, TRUST, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF WHATSOEVER NATURE.

20. MANUFACTURED HOMES:
A) THE DWELLING MUST HAVE A MINIMUM OF 1200 SQUARE FEET HEATED AREA.
B) THE DWELLING MUST HAVE A SHINGLED, PITCHED ROOF 3/12 OR GRATER.
C) THE DWELLING MUST BE PERMANENTLY SET AND MUST HAVE A COMPLETE COORDINATED SKIRTING.
D) THE DWELLING MUST HAVE A MINIMUM OF 200 SQUARE FEET OF DECKING OR PORCH IN FRONT.
E) AT THE TIME OF INSTALLATION, THE MANUFACTURED HOME MUST BE LESS THAN ONE YEAR OLD.

21. INVALIDATION OF ANY ONE OF THESE COVENANTS SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS HEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT. IT IS EXPRESSLY UNDERSTOOD THAT THESE AMENDMENTS IN NO WAY AFFECT EXISTING RESTRICTIVE COVENANTS ON LOTS 1 THROUGH 8, WOOD AND SON SUBDIVISION.

WITNESS THIS 13TH DAY OF August, 1997.

WOOD AND SON SUBDIVISION

BY: Hollis G. Wood Robbie L. Wood _____
HOLLIS G. WOOD ROBBIE L. WOOD STEPHEN G. WOOD

ATTEST:

_____
WHITNESSED BY

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

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13TH DAY OF August, 1997 BY HOLLIS G. WOOD ROBBIE L. WOOD

NOTARY PUBLIC

DATE 10-10-1997
MY COMMISSION EXPRIES:

Stephen G. Wood By Lucille Wood POA
STEPHEN G. WOOD
by [illegible] WOOD
ATTORNEY IN FACT

~~GONZALO S. GONZALES~~

Ercilia N. Gonzales
ERCILIA N. GONZALES

MELVIN B. COBLE

Barkley J.W. Lundy III by Power of Attorney Karen Amber Lundy
BARKLEY J.W. LUNDY, III

Beverly Coble
BEVERLY COBLE

Karen Lundy
KAREN LUNDY

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

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF August, 1997 BY ~~ROBBIE L.~~ Lucille WOOD, ATTORNEY IN FACT FOR STEPHEN G. WOOD.

NOTARY PUBLIC

DATE 10-10-1997
MY COMMISSION EXPIRES

STATE OF NEW MEXICO)
) SS.
COUNTY OF Dona Ana)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 19th DAY OF August, 1997 BY ERCILIA N. GONZALES.

NOTARY PUBLIC

OFFICIAL SEAL
GWYN G. SAUNDERS
NOTARY PUBLIC—STATE OF NEW MEXICO
My commission expires: 11-28-98

DATE 11-28-98
MY COMMISSION EXPIRES

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

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF August, 1997 BY MELVIN B. COBLE AND BEVERLY COBLE.

NOTARY PUBLIC

DATE 28 March 98.
MY COMMISSION EXPIRES

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

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13 DAY OF August, 1997 BY BARKLEY J.W. LUNDY, III AND KAREN LUNDY.

NOTARY PUBLIC

OFFICIAL SEAL
NOTARY BOND FILED WITH SECRETARY OF STATE
My Commission Expires 12-12-97

MY COMMISSION EXPIRES

STATE OF NEW MEXICO } SS.
OTERO COUNTY }
FILED FOR RECORD IN MY OFFICE
This 19 day August, 1997
At 4:30 o'clock P M and duly recorded
in Book No. 866 Page 103-106
The [illegible] County, New Mexico
Marjorie Quintana
County, New Mexico
Christine New Deputy
7988