RESTRICTIVE COVENANT FOR SKY COUNTRY ESTATES

THE PROPERTY IS SUBJECT TO THE FOLLOWING RESTRICTIVE COVENANTS, AND GRANTEES BY SIGNING THE DEED IN THE SPACE PROVIDED BELOW HEREBY ACCEPTS AND ACKNOWLEDGES THESE RESTRICTIVE COVENANTS TO WIT.

- 1. ALL LOTS IN SKY COUNTRY SUBDIVISION SHALL BE FOR RESIDENTIAL PURPOSE ONLY. NO STRUCTURES SHALL BE ERECTED OTHER THAN SINGLE-FAMILY DWELLINGS AND REASONABLE STRUCTURES TO ACCOMMODATE SUCH DWELLING SHALL BE ALLOWED SUCH AS STORAGE BUILDINGS, PUMP HOUSE, CORRALS AND DETACHED GARAGES.
- 2. NO STRUCTURES SHALL BE ERECTED OR PERMITTED TO REMAIN ON ANY LOT NEARER THAN TWENTY (20) FEET TO THE FRONT AND REAR LOT LINES OR FIFTEEN (15) TO ANY SIDE LOT LINES FOR THE PURPOSE OF THESE COVENANTS, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS PART OF THE BUILDING. NO STRUCTURE SHALL BE BUILT THAT WILL OBSCURE SKY VIEW OF AN EXISTING OBSERVATORY.
- 3. NO DWELLING SHALL BE PERMITTED ON ANY LOT HAVING A GROUND FLOOR SQUARE FOOT AREA LESS THAN EIGHT HUNDRED (1200) SQUARE FEET OF HEATED LIVING SPACE, EXCLUDING PORCHES AND GARAGES.
- 4. NO TRAILERS, MOBILE HOMES, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUT BUILDING SHALL AT ANY TIME BE USED AS A RESIDENCE, TEMPORARY OF PERMANENT, NOR SHALL ANY RESIDENT OF A TEMPORARY CHARACTER BE ERECTED OR PERMITTED TO REMAIN, EXCLUDING TEMPORARY BUILDINGS OR TRAILERS USED DURING THE COURSE OF CONSTRUCTION. CONSTRUCTION TIME NOT TO EXCEED ONE YEAR FROM START OF CONSTRUCTION.
- 5. NO OBNOXIOUS 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. THE INTENT HEREIN INCLUDES, BUT IS NOT LIMITED TO, THE HARBORING OF ANY SPECIE(S) OF ANIMAL OR ANIMALS IN A MANNER WHICH IS OFFENSIVE TO OTHER LOT OWNERS THROUGH UNREASONABLE NOISE, VISION, SMELL, DAMAGE OR ANNOYANCE TO OTHER LOT OWNERS OR THEIR PROPERTY. NO MORE THAN ONE LARGE ANIMAL (DEFINED AS HORSE, COW, BULL, SHEEP OR GOAT,) PER TWO ACRES SHALL BE ALLOWED. SUCH ANIMAL SHALL BE

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FENCED TO PROHIBIT THE ANIMAL FROM BEING WITHIN THIRTY (30) FEET TO ADJACENT LOT LINES OR EASEMENTS. NO SWINE SHALL BE ALLOWED.

- 6. ALL SYSTEMS, FACILITIES AND METHODS FOR THE HANDLING AND DISPOSAL OF REFUGE AND GARBAGE SHALL BE IN COMPLIANCE WITH STATE AND COUNTRY HEALTH CODES AND REGULATIONS.
- 7. ALL CHIMNEYS, FLUES OR OTHER VENTS USED I: CONJUNCTION WITH OPEN FIRE HEATING SUCH AS FIREPLACES, SHALL BE EQUIPPED WITH SPARK ARRESTERS AND COMPLY WITH STATE BUILDING CODES.
- 8. THE BURNING OF BRUSH, TRASH OR OTHER MATE TAL MUST BE IN COMPLIANCE WITH THE FIRE REGULATIONS OF THE LINCOL: NATIONAL FOREST.
- 9. THE NATURAL TERRAIN AND TREES ARE TO REMA J UNMOLESTED EXCEPT WHERE REQUIRED FOR CONSTRUCTION AND ACCESS O THE PROPERTY AND DWELLING. LIVE TREES HAVING A DIAMETER OF TEN INCHES OR MORE MAY NOT BE REMOVED EXCEPT WHERE REQUIRED FOR CONSTRUCTION AND ACCESS.
- 10. NO COMMERCIAL ACTIVITY SHALL BE CONDUCTED ON ANY LOT OTHER THAN OCCUPATIONS OR PROFESSIONS CONDUCTED BY A MEMBER OF A FAMILY RESIDING UPON THE PREMISES WHEREIN SUCH ACTIVITIES ARE NOT A NUISANCE OR ANNOYANCE TO THE NEIGHBORHOOD AND PROVIDE THAT NO ELECTRICAL OR MECHANICAL EQUIPMENT, MACHINERY AND MATERIALS ARE USED IN A MANNER TO CREATE A NUISANCE OR DISTURBANCE TO THENCE NEIGHBORHOOD.
- 11. BUTANE TANKS AND WATER STORAGE TANKS MUST CONFORM TO STATE AND/OR COUNTY CODES AND MUST BE DISCREETLY L CATED TO MINIMIZE PRECLUDE THEIR INTRUSIVE CHARACTERISTICS PON THE VIEW OF OTHER PROPERTY OWNERS.
- 12. THERE SHALL BE NO HUNTING OR TRAPPING OF .NY SPECIES FOR CLASS OF WILDLIFE INDIGENOUS TO, OR MIGRATING THROUGH, THE AREA.
- 13. NO TRACT SHALL BE DIVIDED IN PARCELS OF LESS THAN TWO (2) ACRES IN SIZE.
- 14. NO LOT OWNER SHALL MAINTAIN OR KEEP ON TH: PREMISES MORE THAN FOUR (4), FOUR-WHEELED VEHICLES ON THE PREMISES WHICH ARE NOT GARAGED, AND NO INOPERABLE EQUIPMENT OR MOTOR VEHICLE MAY BE

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KEPT ON SAID PREMISES UNLESS SAID MOTOR VEHICLE OR EQUIPMENT IS GARAGED AND OUT OF SIGHT.

- 15. NO SIGNS WHATSOEVER WHICH ARE VISIBLE FROM NEIGHBORING PROPERTY OR SUBDIVISION ROADS SHALL BE ERECTED OR MAINTAINED ON ANY LOT EXCEPT:
 - A. SIGNS AS MAY BE REQUIRE BY LEGAL PROCEEDINGS;
- B. DURING THE TIME OF CONSTRUCTION OF ANY RESIDENCE OR OTHER IMPROVEMENT, ONE JOB IDENTIFICATION SIGN NOT LARGER THAN THREE SQUARE FEET;
- C. NOT MORE THAN ONE FOR SALE SIGN WHICH SHALL NOT BE LARGER THAN THREE SQUARE FEET;
- D. ONE NAME AND ADDRESS SIGN WHICH SHALL NOT BE LARGER THAN THREE SQUARE FEET. THE COVENANTS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL (CONTINUED) PERSONS CLAIMING UNDER THEM, 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 PROPERTY OWNERS, THEIR SUCCESSORS OR ASSIGNS, 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 COVENANT OR RESTRICTION AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION, INCLUDING REASONABLE ATTORNEY FEES FOR BRINGING SUCH ACTION INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WAY AFFECT. AFTER TEN (10) YEARS AFTER THE FILING DATE OF THESE RESTRICTIVE COVENANT MAY BE ALTERED, OR AMENDED OR REPEALED BY SEVENTY-FIVE PERCENT (75%) VOTE OF THE OWNERS OF A FEE OF THE EQUITABLE TITLE, WHEN PURCHASED UNDER A CONTRACT, WITH EACH OWNER BEING ENTITLED TO ONE (1) VOTE PER TWO (2) ACRES OF LAND OWNED. NO VOTE FOR FRACTIONAL INTEREST SHALL OCCUR. FOR EXAMPLE, IF ANY OWNER HAS 5.5 ACRES, THAT OWNER HAS TWO (2) VOTES. FOR THE PURPOSE OF DETERMINING OWNERSHIP, SUCH OWNERSHIP WILL BE DEEM TO HAVE VESTED UPON DELIVERY OF A DULY EXECUTED DEED OR CONTRACT TO THE GRANTEE OR VENDEE. THE LEGAL TITLE RETAINED BY VENDOR SELLING ON A CONTRACT SHALL NOT QUALIFY SUCH VENDOR AS AN OWNER WHEN MORE THAN ONE PERSON HOLDS SUCH OWNERSHIP IN A PARCEL, THE VOTE FOR SUCH PARCEL SHALL BE EXERCISED AS THEY MAY AMONG THEMSELVES DETERMINE, BUT IN NO EVENT SHALL MORE THAN ONE (1) VOTE PER TWO (2) ACRE BE CAST.

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16. TO KEEP THE SUBDIVISION AS AN AREA FOR ASTRONOMICAL OBSERVATIONS; LIGHT POLLUTION SHALL BE KEPT TO A MINIMUM IN ANYWAY THAT IS POSSIBLE INCLUDING BUT NOT LIMITED TO THE FOLLOWING: OUTSIDE LIGHTING SHALL BE LIMITED TO LOW WATTAGE FIXTURES OF 60 WATTS OR LESS AND SHALL BE SHIELDED OR COVERED SUCH AS TO REFLECT LIGHTING DOWNWARD TO LIMIT 1 GHT POLLUTION AND ENHANCE ASTRONOMICAL OBSERVATION. DUTSIDE LIGHTING SHALL BE LIMITED TO AREAS WHERE NEEDED FOR SAFETY PURFOSES. BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO THAT WINDOWS CAN BE SHUTTERED OR COVERED IN A MANNER TO RESTRICT LIGHT FROM THE INSIDE OF THE STRUCTURES FROM CREATING LIGHT POLLUTION THAT WOULD INTERFERE WITH ASTRONOMICAL OBSERVATIONS.

IN WITNESS WHEREOF, THE SAID OWNER HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS 315 DAY OF July , 1994 5.

SKY COUNTRY ESTATES AUBREY DUNN/ JR.

STATE OF NEW MEXICO

COUNTY OF OTERO

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 315 DAY OF July

NOTARY PUBLIC MY COMMISSION EXPIRES 499

STATE OF NEW MEXICO S.S.

FILED FOR RECORD IN MY OFFICE
This Office day of the thing 1995
At 8-15 o'clock office day office day recorded in Book No. 8/1 Page 242-245 the records of Oterg-County, New Mexico County Clork, Otero County, New Mexico

AMENDMENT TO RESTRICTIVE COVENANT FOR SKY COUNTRY ESTATES

THIS AMENDMENT AMENDS THE RESTRICTIVE COVENANT FOR SKY COUNTRY ESTATES EXECUTED JULY 31ST, 1995, AND FILED OF RECORD WITH THE OTERO COUNTY CLERK AT BOOK 811, PAGES 262 THROUGH 265.

THE RESTRICTIVE COVENANT FOR ANY COUNTRY ESTATES IS AMENDED AS FOLLOWS:

PARAGRAPHS 1, 2 AND 10 ARE AMENDED TO ALLOW A CELLULAR TOWER TO BE INSTALLED ON LOT 43 OF SKY COUNTRY ESTATES PROVIDED THAT THERE SHALL NOT BE ANY LIGHTS OR BEACONS INSTALLED ON SAID TOWER. FURTHER, THERE SHALL NOT BE ANY SECURITY LIGHTS AT THE CELL SITE LOCATION.

ALL PROVISIONS OF THE RESTRICTIVE COVENANT FOR SKY COUNTRY ESTATES NOT INCONSISTENT WITH THE PARAGRAPH ABOVE REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE SAID OWNER HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS 22ND DAY OF NOVEMBER, 1995.

JOHN MARQUARDIV VICE PRESIDENT STATE OF NEW MEXICO)SS. COUNTRY OF OTERO

SUBSCRIBED TO BEFORE ME THIS 22ND DAY OF NOVEMBER, 1995.

NOTARY PUBLIC

MY COMMISSION EXPIRES: (or (or (991

ISMARU AR

STATE OF NEW MEXICO, County of Otero, ss, Filed for record in my office this 22 day of 1995, at 3:15 O'clock f. M, and duly recorded in Book XI Page 753 of the Records of said county. Mary Clerk Deputy

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AMENDMENT TO RESTRICTIVE COVENANTS FOR SKY COUNTRY ESTATES

This amendment amends the restrictive covenants for Sky Country Estates executed July 31st, 1995 and filed of record with the Otero County Clerk at Book 811, Pages 262 through 265.

The Restrictive Covenants for Sky Country Estates are amended as follows:

Paragraph 3 is amended to read as follows:

3. No dwelling shall be permitted on any lot having a ground floor square foot area less than eight hundred and not less than 1200 square feet "heated living space total, excluding porches and garages.

Paragraph 13 is amended to read as follows:

13. No tract shall be redivided in parcels of less than 2 acres in size and cannot be subdivided into more than two tracts per parcel. If tract is subdivided into two tracts, water will not be furnished to additional tract by Sky Country Property Owners Association. Purchaser of additional tract will be required to provide their own water.

kept to a minimum in anyway that is possible including but not limited to the following: outside lighting shall be limited to low wattage fixtures of 60 watts or less and shall be shielded or covered such as to reflect lighting downward to limit light pollution and enhance astronomical observations. Outside lighting shall be limited to areas where needed for safety purposes.

To keep the subdivision as an area for astronomical observations; light pollution shall be

Paragraph 16 is amended to read as follows:

16.

3.16.99

By: Jantice Jonsoft		
Prentice Blanscett, General Partne	r	
Sky Country Estates, LLC		
CTATE OF NEW MEXICO		
STATE OF NEW MEXICO)		Mariante
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COUNTY OF OTERO)		
1874 CM 66 NO. 1		
SUBSCRIBED AND SWORN TO ME T	HIS <u>514</u> DAY OF	1997
PUBLIC ! C	Wanetta Dergusun	
The state of the s	NOTARY PUBLIC ()	Contractive Contra
MY COMMISSION EXPIRES:		

day of May 197 . at 100 clock Bil. and duly regarded in Book
Page 772 of the Records of Spiritary County Clerk

Deputy

County Clerk

Deputy