

LANDS OF MURRAY BISHOP

A LAND DIVISION IN BERNALILLO COUNTY, NEW MEXICO

KNOW ALL MEN BY THESE PRESENTS: That R. MURRAY BISHOP and JACQUELINE E. BISHOP, his wife, hereinafter called Grantor, being the owner of LANDS OF MURRAY BISHOP, a Land Division in Bernalillo County, New Mexico, in accordance with the Plat thereof filed in the office of the County Clerk of said County on March 6, 1989, hereby declares that they have established, and do hereby establish a general plan for the improvement, development and restriction of said property, subject to which all lots and portions of lots in said Land Division shall be sold and conveyed.

All the reservations and restrictions hereinafter set forth are made for the benefit of each and every subsequent owner of any portion of the land in said Land Division of any interest therein, and shall inure to and bind all subsequent owners thereof; said restrictions, reservations and covenants being as follows:

General Provisions

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until the year 2000 A.D., at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless at any time the record owners of a three-quarters (3/4) majority of the residential lots in said Lands of Murray Bishop agree to change said covenants in whole or in part.

If the parties hereto, or any of them or their heirs or assigns, shall violate or attempt to violate any of the covenants herein provided, any other person or persons owning any real property in said Lands of Murray Bishop shall have the right to prosecute any action in the proper court to enjoin such party from violating such covenant, or to recover damages for such violation, or both.

Invalidation of any of these covenants shall in no way affect the validity of the other provisions, which shall remain in full force and effect.

Any and all of the right, title, interest and estate given to or reserved by the Grantor herein or on the plat may be transferred or assigned to any person, duly executed by the Grantor and recorded in the office of the Clerk and Recorder of Bernalillo County, New Mexico, and wherever the Grantor is hereby referred to, such reference shall be deemed to include its successors and assigns.

No delay or omission on the part of the undersigned, its successors or assigns, or of the owners of other lots in said Land Division having the right hereunder to exercise the same, in exercising any right, power or remedy herein provided for in the event of any breach of the restrictions, covenants or reserva-

tions herein contained, shall be construed as a waiver thereof or acquiescence therein; and no right of action shall accrue, nor shall any action be brought or maintained by anyone whatsoever against the undersigned, its successors or assigns, for or on account of failure or neglect to exercise any right, power or remedy herein provided for in the event of breach of any said covenants, restrictions or reservations.

All lots in Lands of Murray Bishop are hereby designated residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one detached single family dwelling and buildings related thereto, except that this provision shall not prevent the combination of two adjoining lots for one such dwelling.

Architectural Control Committee

An Architectural Control Committee consisting of three (3) to five (5) members (hereinafter called the Committee) is hereby established, initially consisting of R. Murray Bishop, Jacqueline E. Bishop and Bonnie Bishop as the appointees, to serve for a period of three (3) years from the date hereof and until their successors shall be appointed and qualify. Vacancies occurring either before the end of or as a result of the expiration of such three (3) year term shall be filled by the members of the Committee, provided that within thirty (30) days of any appointments, owners of a majority of the residential lots may select other appointees in their stead.

Architectural Review Procedures

Before anyone shall commence any land clearing or construction, remodeling, addition to, or alteration of any building, swimming pool, wall, fence, tank, antenna or other structure whatsoever, on any lot, there shall be submitted to the grantor for transmittal to the Architectural Control Committee:

(a) Preliminary floor plans, elevations and location of the structure on the lot.

(b) After approval of preliminary plans, two complete sets of the final plans and specifications for said work, and no such structure or improvement of any kind shall be erected, altered, placed or maintained upon any lot unless and until the final plans, elevations and specifications therefore have received such written approval as herein provided. Such plans shall include a plot plan showing by dimensions, the house, driveway and septic system, (the septic system plan bearing Environmental Health Department preliminary approval), power line distribution plan, together with proposed color scheme for roofs and exteriors thereof, indicating materials for same.

(c) The Architectural Control Committee is authorized to charge not more than One Hundred Dollars (\$100) for review of plans for structures and alterations. At the time of submission of the plans and specifications as set forth herein, the owner

shall cause to be paid to the Grantor an initial charge in ¹⁰⁵⁴ amount of Twenty-Five Dollars (\$25.00). The Committee shall approve or disapprove said plans and specifications within thirty (30) days from the receipt thereof. One set of said plans and specifications with the Committee's approval or disapproval endorsed thereon shall be returned to the owner and the other copy thereof shall be retained by the Grantor.

(d) The Committee shall have the right to disapprove any plans, specifications or details submitted to it as aforesaid, in the event such plans and specifications are not in accord with all the provisions of this declaration, or if a design or color scheme in the proposed structure is not in harmony with the general surroundings of such lot or the adjacent structure, or if the structure shall unduly interfere with the view from nearby residences, or if the plans and specifications submitted are incomplete, or if the Committee deems said plans and specifications to be contrary to the spirit and intent of these restrictive covenants, or contrary to the interest and the welfare and rights of all or any part of the Lands of Murray Bishop. The decision of the Committee in any of these matters shall be final, and no building or improvement of any kind shall be constructed or placed upon any lot in the Lands of Murray Bishop without the prior written consent of the Committee.

(e) Neither the Committee, its members or the Grantor shall be responsible in any manner whatsoever for any defect in any plans or specifications submitted nor as revised by said Committee or the Grantor, or for any work done pursuant to the requested changes of said plans and specifications.

Structures

No residence shall be erected having an area of less than One Thousand Five Hundred (1,500) square feet of heated floor area.

Solar heating equipment will be considered for approval based on the merit of its design and the manner in which it is constructed so as not to appear obtrusive. Roof mounted equipment will be difficult to conceal; however, if the color and structure are done in good taste, this type of installation can be considered for approval.

The exterior of all buildings on all lots shall be finished according to plans approved by the Architectural Control Committee within twelve (12) months of start of construction.

Prohibited Structures

The Architectural Control Committee will not approve the following:

- (a) White roofing material, tin, corrugated fiberglass
- (b) Translucent or transparent garage doors

- (c) Choice of exterior colors which do not blend into the natural terrain
- (d) Elevated water tanks except on Lot 16
- (e) Radio or TV towers (this does not exclude regular TV antennas)

No mobile home shall be parked on any lot, nor shall any mobile home, modular home, prefabricated structure, tent, shack, trailer, camper, garage or other out building be used as a residence, temporarily or permanently.

In the event that a structure is destroyed wholly or partially by fire or any other casualty said structure shall be properly rebuilt or repaired to conform to this declaration or all the remaining structures, including the foundations and all debris, shall be removed from the lot within six (6) months.

Common Scheme Restrictions

Set-Backs - Except by specific consent of the Architectural Control Committee, no building on Lots 1, 2 and 3 shall be located nearer than one hundred ten (110) feet from the front property line (which parallels the thirty (30) foot pipeline easement) and twenty-five (25) feet from the rear and side property lines. The minimum set back for Lots 4A, 4B, 4C and 4D shall be twenty-five (25) from the front, rear and side property lines; and except for the 7.5 foot utility easement as shown on plot plan, no other utility easements shall be granted. The existing utility easement shall be for the exclusive benefit and use of the owners of the Lands of Murray Bishop.

Water Conservation - All lot owners are urged to practice indoor and outdoor water conservation measures at all times. Efforts should be made to limit green areas, gardens and lawns. When landscaping is anticipated, the use of drought resistant plantings should be considered. Lawns will be restricted to a maximum of 1200 sq.ft.

Natural Vegetation is to be left undisturbed, where practical, on all lots except for access to property and clearing of building sites. Water run-off shall drain into existing channels as shown on the recorded plat of the property.

Sewage Disposal - Each residence shall provide a method of sewage disposal meeting the recommended standards of the Bernalillo County Health Department and approved by the Architectural Control Committee. Garbage and waste shall be kept in covered containers and stored or disposed of in a manner approved by the Bernalillo County Health Department. Outdoor privies are prohibited.

Trash - No lot shall be used in any manner for the storage or dumping of rubbish or debris of any kind, or for the storage of any property or thing that will cause such lot to appear in an

unclean or untidy condition, or that will be visually offensive or obnoxious; and no substance, thing or material may be kept upon any lot that will emit foul or obnoxious odors, or that will cause any noise that will disturb the peace, quiet, comfort or serenity of any occupants or owners of lots in the Land Division.

Butane Tanks - must conform to state regulations and must be screened and located so as not to detract from the appearance of any lot.

Chain Link Fences - shall not be maintained in the residential area of the Land Division.

Animals - No animals may be kept or maintained on any lot in any manner or number which is a nuisance or offensive to the neighboring lots, whether by reason of noise, odors, or otherwise. The Committee reserves the right to order the removal of any animals which may be objectionable to residents of other lots in the Land Division.

The only animals permitted to be kept on any lot shall be a maximum of two (2) dogs and two (2) cats and any litters under ten weeks old; and no more than one (1) horse per acre.

Horses shall be maintained in a fenced corral area not to exceed 2500 sq.ft. The corral area shall be located to the rear of the main structure.

Motor-Driven Vehicles - No unlicensed vehicles of any kind shall be driven or permitted on the Land Division roads including minibikes, motorcycles, or off-road vehicles. No person who is not licensed to operate motor vehicles by the State of New Mexico, or other state, shall be permitted to operate any motor-driven vehicle on the roads of the Land Division. No motor-driven vehicle shall be driven or permitted in the Land Division except on the road system of and driveways within the Land Division.

Exterior Lights - No unshaded flood lights or vapor lights shall be maintained which cause light directly into the homes of other residents in the Land Division.

Utility Easements - Access roads and utility easements are reserved as shown on the Plat of the Land Division.

Resubdivision of Lots - No residential lot may be subdivided, nor may a portion of any residential lot be sold except to adjacent property holders for the purpose of increasing the size of an adjacent lot. No room or rooms in any residence may be rented or leased to any person providing, however, that nothing contained herein shall be construed as preventing the renting or leasing of any entire lot together with its improvements as a single unit to a single family.

Home Occupations - No trade or offensive activity of any kind shall be carried on upon any lot, except that so-called home

occupations shall be permitted if such activity does not constitute an annoyance or nuisance to the neighborhood.

* * * * *

IN WITNESS WHEREOF, the undersigned have affixed their signatures on this 1st day of November, 1993.

FOX HILLS SUBDIVISION

R. Murray Bishop
R. Murray Bishop

Jacqueline E. Bishop
Jacqueline E. Bishop

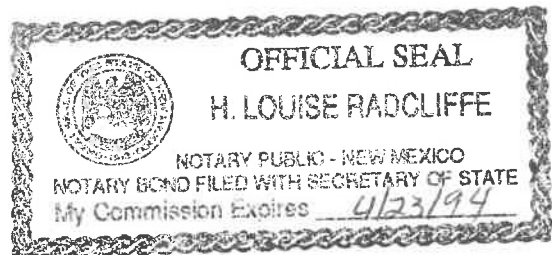
STATE OF NEW MEXICO

COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me this 1st day of November, 1993 by R. Murray Bishop and Jacqueline E. Bishop.

H. Louise Radcliffe
Notary Public

My commission expires: 4/23/94



STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

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L. M. [Signature]
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