

SKYLINE HEIGHTS SUBDIVISION

SANDOVAL COUNTY, NEW MEXICO

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that the undersigned owner of this Subdivision, said tract of land being situated in the County of Sandoval, State of New Mexico, do hereby declare the creation and existence of restrictive covenants over the entire tract which said restrictions are as follows, to-wit:

1. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots have been recorded, agreeing to change said covenants in whole or in part.
2. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.
3. SEVERABILITY. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.
4. LAND USE AND BUILDING TYPE. No tract shall be used except for residential purposes. The main structure, exclusive of open porches and attached garages shall be not less than nine hundred fifty square feet of floor area. Floor areas shall be computed from the outside face of the studs for wood frame construction, the nominal outside face of the panel for panelized or modular construction and the outside face of masonry for solid masonry wall construction. None of the foregoing shall prevent the erection and utilization of barns, pumphouses and similar outbuildings so long as the exterior finishes thereof are compatible with and comparable to the exterior finish of the main residential building.
5. FENCING. No tract may be used for the purpose of keeping livestock, horses or other domesticated animals without the provision of a corral or fence adequate to prevent trespass by said animals on other properties. No dogs shall be permitted to run free and must be on a leash or in a pen or dog run adequate to restrain the animals.

6. EASEMENTS. The fifty foot easements indicated on the plat are reserved for roadways and for the installation and maintenance of utilities. Within these easements, no structure, planting, vegetation or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may obstruct or retard the flow of water through drainage channels in the easements. No property owner shall permit use of the easements across his property by persons other than owners of land within this Subdivision or by owners of land within the N 1/2 of the NE 1/4, Section 35, T. 12 N., R. 5 E., N.M.P.M., Sandoval County, New Mexico.
7. SPEED LIMITS. No vehicles shall be operated on roads within the Subdivison at a speed in excess of twenty (20) miles per hour.
8. ON-SITE ROADS. Anyone connecting to roadways or roadway easements must install a culvert or provide other arrangements to prevent an affect on drainage or creation of a grade change.
9. PROPERTY OWNER'S ASSOCIATION. It is anticipated a Property Owner's Association will be formed consisting of a non-profit corporation which shall have the power to assess the property owners at the rate of \$5.00 per acre per year for the maintenance of roadways or roadway easements until such time as the same may have been dedicated to and accepted by the County and said Property Owner's Association, upon two-thirds vote based on acreage owned, may compel conveyance of all of said roadways in the subdivision, provided the County will accept the same for public maintenance.
10. 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. Growth of weeds or similar untended vegetation upon a lot or adjoining easement or street right-of-way and in excess of twelve inches in height shall be deemed a nuisance and the removal thereof shall be the responsibility of the owner of such a lot. No firearms may be used or discharged except for defense of the premises or person.
11. WILDLIFE. No hunting or trapping of any wildlife, including birds, nor caging thereof, shall be permitted.
12. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

Addendum to Item 9: Approved by members at annual meeting, 3/26/86 to add additional charge to owners with permanent houses - \$100 per year.

Additional Addendum to Item 9: Approved by members at annual meeting, 3/22/18 add additional \$50 per year to owners with permanent houses. Permanent houses are assessed \$150 per year as of 1/1/2019.



13. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers and all of such matter shall be transported to a sanitary land fill meeting State of New Mexico requirements.

14. LIQUID WASTE DISPOSAL. No liquid waste disposal system shall be installed without a permit from the plumbing section of the Construction Industries Board and registered with the Environmental Improvement Agency.

15. OBJECTS AND MATERIALS. No inoperable vehicle, machine, appliance or other object or material which can be construed as detracting from the appearance of the lot shall remain thereon.

16. FINISHES. All materials not otherwise considered as finished as to appearance in their natural state and as may be used in construction in any manner and normally exposed to view thereby, shall be finished with paint, stain, sealer, or other similar protective coating.

17. RESUBDIVISION. No tract shall be resubdivided into tracts containing less than five (5) acres. Nothing herein contained shall prevent the dedication or conveyance of portions of tracts for public utilities, such conveyance or dedication shall not be computed for purposes of determining compliance with this restriction.

METROPOLITAN INVESTMENTS INC.

By Donald E. Pope  
Donald E. Pope, President

Raleigh J. Pratti II  
Raleigh J. Pratti II

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO ) ss:

On this 24<sup>th</sup> day of OCTOBER, 1977, before me a Notary Public in and for said County, personally appeared Donald E. Pope, President of METROPOLITAN INVESTMENTS, INC., a New Mexico corporation, on behalf of said corporation, to me known to be the person described and who executed the foregoing instrument and acknowledged that he executed the same as his own free act and deed.

Ralph A. Allen  
Notary Public

My commission expires:

11 July 1981

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO ) ss:

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of OCTOBER, 1977, by RALEIGH J. PRATTI II.

Ralph A. Allen  
Notary Public

My commission expires:

11 July 1981

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EXHIBIT "A"

FILED IN OFFICE OF  
STATE CORPORATION COMMISSION  
OF NEW MEXICO  
FEB - 6 1980

CORPORATION  
FRANCHISE  
Tracts 1 through 14 inclusive of SKYLINE HEIGHTS, plat  
filed with the County Clerk and Recorder of Sandoval  
County, New Mexico, on October 13, 1977; Tracts 2 through  
4 inclusive and Tracts 6 through 14 of SKYLINE HEIGHTS,  
having been replatted as Sandia Mt. Eastward, Lots 1 through  
24 inclusive.

Lots 1 through 14 inclusive of Amended Plat of Mountain  
View Acres, Recorded on December 10, 1979, Volume 2,  
Folio 289-B, Records of Sandoval County Clerk and Recorder.

RECEIVED  
FEB 6 1980  
N. M. ST. CORP. COMM.  
CORP. FRANCHISE TAX. DEPT.

## ADDENDUM - RESTRICTIVE COVENANTS

SANDOVAL COUNTY, NEW MEXICO

(ORIGINAL SUBDIVISION NAME: SKYLINE HEIGHTS)

PER APPROVAL BY ASSOCIATION MEMBERS AT MARCH, 1986 MEETING  
AND PER FURTHER REVIEW BY ASSOCIATION MEMBERS AT SEPTEMBER, 1994  
FALL MEETING, THE FOLLOWING ADDITION HAS BEEN MADE TO THE  
RESTRICTIVE COVENANTS:

RE: SECTION 9 - PROPERTY OWNERS ASSOCIATION

IN ADDITION TO THE \$5.00 PER ACRE PER YEAR ASSESSMENT  
TO OWNERS, AN ADDITIONAL \$100.00 PER YEAR ASSESSMENT  
IS TO BE MADE TO THOSE OWNERS WITH A RESIDENCE IN THE  
SUBDIVISION. DEFINITION OF RESIDENCE WILL APPLY AT  
THE START OF CONSTRUCTION OF RESIDENCE. THE ADDITIONAL  
ASSESSMENT OF \$100 WILL BEGIN WITH THE NEXT SCHEDULED  
BILLING OF ANNUAL OWNER DUES AFTER THE START OF  
CONSTRUCTION.

STATE OF NEW MEXICO		ss
COUNTY OF SANDOVAL		
This instrument was filed for record on		
AT:		
10:37	JAN 20 1995	(A.M.) P.M.
Recorded in Vol. <u>Trick 334</u>		
of records of said county, N.M.		
Sally Kitchens, Clerk & Recorder		
By: <u>[Signature]</u>	Deputy	

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BY [Signature]  
Cheryl Kitchens  
Secretary/Treasurer

DATE: January 19, 1995

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF BERNALILLO )

Subscribed and sworn to before me this 19th day of January, 1995,  
by Cheryl Kitchens, Secretary/Treasurer

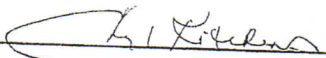
My commission expires: 7-15-96

[Signature]  
Notary Public



ADDENDUM - RESTRICTIVE COVENANTS  
SANDOVAL COUNTY, NEW MEXICO  
(ORIGINAL SUBDIVISION: SKYLINE HEIGHTS)

PER APPROVAL BY MAJORITY OF ASSOCIATION MEMBERS IN ATTENDANCE AND PROXY VOTES OF NON-ATTENDING MEMBERS AT ANNUAL EAST SANDIA PROPERTY OWNERS ASSOCIATION MEETING HELD ON 3/22/2018, THE RESIDENTIAL ANNUAL ASSESSMENT WILL BE INCREASED BY \$50 PER YEAR TO \$150 PER YEAR EFFECTIVE 1/1/2019. THIS IS IN ADDITION TO THE PREVIOUSLY ASSESSED \$5 PER ACRE ANNUAL ASSESSMENT. RESIDENTIAL ASSESSMENT APPLIES AT START OF CONSTRUCTION OF RESIDENCE. THIS ASSESSMENT (\$150) WILL BEGIN WITH THE NEXT SCHEDULED BILLING OF ANNUAL OWNER DUES AFTER THE START OF CONSTRUCTION.

By:   
Cheryl Kitchens, Secretary/Treasurer

Date: 10/10/18

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

Subscribed and sworn to before me this 10 day of October, 2018.  
By Cheryl Kitchens, Secretary/Treasurer.

My commission expires: May 3, 2019

Notary Public: 