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DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR 982 RANCHOS ORCHARD

This Declaration of Covenants, Conditions and Restrictions is made and entered into this 5 day of August, 2004, by and between PAUL R. ADAMS, JR., a single person, PAUL R. ADAMS, III and MARGUERITE ANN QUINN, husband and wife, and WILLIAM RAHILL and DANIELLE RAHILL, husband and wife (hereinafter "Declarants").

I. PROPERTY TO WHICH COVENANTS, CONDITIONS AND RESTRICTIONS APPLY

These covenants, conditions and restrictions apply to those fifteen (15) lots shown on Plat Nos. 04070-A, 04070-B, and 04070-C, dated July 2004, by Larry L. Sterling, filed in Cabinet E, Pages 33-A and 33-B, records of Taos County, New Mexico, hereinafter referred to as "982 Ranchos Orchard".

II. COVENANTS, CONDITIONS AND RESTRICTIONS

In order to enhance the value of the fifteen (15) lots in 982 Ranchos Orchard as desirable residential property, the parties hereby impose the following covenants, conditions and restrictions, which are an appurtenant benefit and burden running with the land, and any conveyance of these fifteen (15) lots shall be made subject to terms of this declaration:

A. **SETBACK REQUIREMENTS:** The setback requirements shall be twenty-five feet (25') from all property lines.

B. **ANIMALS:** No cattle, horses, sheep, goats, pigs, or other livestock shall be kept or maintained on any part of any lot. Dogs, cats, rabbits, poultry, or any other household pets may be kept on any lot provided they are not for commercial use, and do not make objectionable noises or otherwise constitute a nuisance or inconvenience to other lot owners. No more than four (4) rabbits and six (6) poultry may be maintained on any lot at any time. Rabbits and poultry must be maintained within a 1000 square foot enclosure, within the setback requirements.

C. **LIGHTS:** Any and all exterior lighting shall be either diffused or shielded so as to remain as much as practical on the site and shall not be directed toward surrounding properties. No light shall be placed any higher than twelve feet (12') from ground level. Quartz iodide, mercury vapor, motion lights and similar exterior lighting is prohibited. Each exterior light shall not exceed one hundred twenty (120) Watts.

D. **HEIGHT:** No structure shall exceed one (1) story or sixteen feet (16') in height from natural grade, exclusive of chimneys, which may not exceed four feet (4') in height above the roof line.

E. **SIZE:** Any residence constructed on the property shall have a minimum living area of twelve hundred (1200) square feet exclusive of garage, car-ports, portals or basements.

F. OUTBUILDINGS: Only one dwelling may be built on any lot, said dwelling may include an attached or detached private garage. It is however, specifically permitted to place upon said lot a guest house or studio which contains no more than one thousand (1000) square feet of floor space.

No outhouses, temporary house, trailer, camper, tent, or garage shall be used as a residence or be placed or erected on any lot, except that during the construction of a permanent improvement, necessary temporary buildings for the storage of materials may be erected and maintained by the person performing said permanent construction. Any new construction, alteration, or remodeling, once commenced, shall be completed within one year of commencement.

G. PUEBLO STYLE: Pueblo style shall refer to a Northern New Mexico architectural style encouraging the use of parapet walls with flat roofs, as in the Santa Fe or Adobe Style, such as the term is generally accepted and understood in the Taos area. The parties understand there is no intent to restrict the selection of construction material or techniques, except as regards to the finished appearance. Whatever construction material may be chosen will be plastered or otherwise faced to meet the agreed appearance standard, and the finished building color will be of an earth tone in keeping with traditional unpainted adobe structure colors. Pueblo style does not include peaked roof, territorial style peaked roof, A-frame, tract or ranch houses, modular homes, homes with shingle or aluminum siding or passive solar clerestory, split pitched roof look. The roof pitch on any house shall not exceed three inches (3") per foot, and all roof surfaces must be of earth tones. No home may have reflective surfaces.

H. USE: Property shall only be used for a single family residence and not for any agricultural or commercial purposes. Family gardens are allowable.

I. MAINTENANCE: No lot shall be used in whole or part for the storage or dumping of rubbish or any property or thing that will cause lots to appear in an unclean or untidy condition or that will be obnoxious to the eye, that will emit foul or obnoxious odors, or that will cause any noise that will disturb the peace of the occupants of surrounding properties. No inoperable cars may be kept on any lot. All recreational vehicles must be kept in a garage.

J. TRAILERS: No trailer, mobile home, modular home, manufactured home, or any other prefabricated home may be placed or erected on any of said property.

K. WALL: No wall or fence shall exceed six feet (6') in height. Walls and fences are not subject to setback requirements, No metal "cyclone" fences allowed.

L. UTILITIES: All utilities must be placed underground.

M. SIGNS: No sign of any kind shall be displayed on any lot except signs advertising the property for sale or rent.

N. 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.

O. APPURTENANCE: All restrictions contained herein shall run with each of the lots within the 982 Ranchos Orchard and shall be binding upon owners, heirs, successors and assigns of the Lot Owners.

P. ENFORCEMENT: The Declarants and Lot Owners within the 982 Ranchos Orchard shall have the right, but not the duty, to enforce

these restrictions by application to the District Court of Taos County, New Mexico, for an injunction, or other proper relief in order to enforce these restrictions. In any such proceeding, including appeals, the prevailing party shall be entitled to its reasonable attorney's fees and court costs.

Q. NO SUBDIVISION OF LOTS: There shall be no further subdivision of any lot within 982 Ranchos Orchard:

WITNESS our hands and seals this 5 day of August, 2004.

Paul R Adams Jr
PAUL R. ADAMS, JR.

William Rahill by
WILLIAM RAHILL, by his
attorney-in-fact,
PAUL R. ADAMS, JR. Paul R Adams Jr

Paul R Adams III
PAUL R. ADAMS, III
by Paul R Adams Jr his
attorney in fact

Danielle Rahill by
DANIELLE RAHILL, by her
attorney-in-fact,
PAUL R. ADAMS, JR. Paul R Adams Jr

Marguerite Ann Quinn by
MARGUERITE ANN QUINN, by her
attorney-in-fact,
PAUL R. ADAMS, JR. Paul R Adams Jr

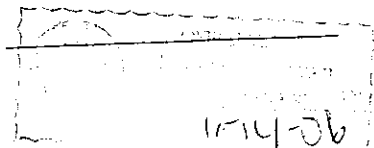
ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY

STATE OF NEW MEXICO)
COUNTY OF TAOS) ss.

This instrument was acknowledged before me on August 5, 2004 by PAUL R. ADAMS, JR., a single person, individually, and as attorney-in-fact for PAUL R. ADAMS, III and MARGUERITE ANN QUINN, husband and wife, and WILLIAM RAHILL and DANIELLE RAHILL, husband and wife.

Kathleen B. Bann
Notary Public

My Commission Expires:



2004 9th Aug
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3 William B. Adams