

# PROTECTIVE COVENANTS

Rancho de Animas Subdivision #5

Lots #1 through #22

Farmington, New Mexico

September 12, 2012

The UNDERSIGNED, being the sole owner of property located in the County of San Juan, State of New Mexico, described as follows, to wit:

Rancho de Animas Subdivision #5, Farmington, New Mexico a subdivision with the official plat thereof, recorded in the records of San Juan County, New Mexico, on or about September 12, 2012.

does hereby establish a general plan for the improvement and use of said property owned by it, and does hereby establish the restrictions and covenants upon which said property shall be used subject to the covenants herein set forth, all of which shall be binding upon and insure to the benefit of the present and future owners of Lots, to wit:

**ARCHITECTURAL CONTROL.** Subject to the restrictions set forth herein, no building, fence, wall, antenna, tower, cooling unit or structure of any kind or character shall be commenced, erected, placed or maintained on any lot unless and until plans and specifications (including but not limited to grading and landscape plans) showing the nature, location, quality of proposed materials, size, area, height, shape and design thereof first shall have been submitted to and approved in writing by the Architectural Control Committee, (hereafter referred to as "Committee") composed of Steven J. Gabaldon or by a representative designated by Steven J. Gabaldon.

Failure to reject in writing said plans and specifications within thirty (30) days from the date they are submitted to the Committee shall constitute approval of said plans and specifications.

The Committee shall have the right to refuse approval of said plans and specifications, which, in its opinion, are not suitable or desirable with respect to the individual lot concerned or the Subdivision as a whole; however, approval will not be unreasonably withheld. In this regard, the Committee shall have the right to take into consideration the matters mentioned above, as well as the aesthetics of the proposed building or any structure, the harmony thereof with the surroundings, the effect of the building or any structure as seen from the adjacent or neighboring property and the effect on the Subdivision as a whole.

All subsequent exterior additions, changes or alterations, including but not limited to fences, antenna, tower, cooling unit or other structure of any kind or character shall be subject to the prior approval of the Committee or its assigns under the same conditions herein set forth.

**DWELLING QUALITY AND SIZE.** Unless otherwise approved by the Committee, the ground floor area of the main structure, exclusive of garage, exterior storage rooms, basement and porches, shall be not less than 2,500 square feet. All dwellings must have a minimum of a three car garage. No lots shall be used for any purpose other than residential use for one detached single family residence. Front set backs shall be a minimum of 35 feet for garages and 35 feet for house structures. Rear set backs shall be a minimum of 30 feet for garages and 30 feet for house structures. Side set backs are a minimum of 15 feet on each side. Each owner must maintain front landscaping at all times.

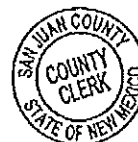
No building shall be erected or placed upon said premises, other than one detached, single dwelling house and garages to be used as a private dwelling place; provided however, that a guest house or maid's quarters may be attached to the house so as to conform to the same elevation and design. A separate detached garage or shop is allowed and must be similar in exterior design to existing house and must be approved by Committee.

Roofs may be flat with parapets or if pitched, roofs must be either tile, slate, concrete tile, copper, aesthetically appealing steel that is not reflective or anything acceptable to the Architectural Control Committee.



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**BUILDING CODE.** The building code of the City of Farmington shall regulate and govern all building construction in this subdivision including, but not limited to, property line setbacks, foundations, basements, structural, roofing, windows, doors, masonry, plumbing, electrical, heating and cooling.

**TEMPORARY STRUCTURES.** No trailer, tent, shack, garage, barn, basement or other accessory building shall not at any time be used as a residence temporarily or permanently nor shall any other structure of a temporary character be used as a residence.

**COMPLETION OF EXTERIOR.** Buildings on this tract shall be finished as to exterior within twelve months from the date of commencement.

**LANDSCAPING.** Front yard landscaping must be completed within one year of Certificate of Occupancy.

**ANTENNAS.** Each dwelling house shall have installed during construction an inside television antenna or, in the case of a flat-roofed structure, behind a parapet out of sight of streets and adjoining properties. All subsequent radio, television and other antennas of every kind or nature including satellite dishes shall be located so that it (or any portion of the structure thereof) shall not be visible from the front of the dwelling house.

**HEATING AND AIR CONDITIONING UNITS.** All heating, air conditioning or other heating or cooling equipment of any nature whatsoever, if placed outside the dwelling house, shall either be located on the ground or be screened or concealed from neighboring property and the streets. All such units, if located on the roof of the dwelling shall be installed on the rear portion of the roof away from the street and below the ridge line. Any portion of such installation that may be seen from the street shall be screened in such a manner as will harmonize with the balance of the residence. Such screening shall be subject to the approval of the Architectural Control Committee.

**FENCING.** Fencing shall be aesthetically pleasing to the surrounding area and subject to approval of Architectural Control Committee. Chain link fencing and gray colored cinder block will not be allowed. Wood fencing will not be allowed unless decorative and incorporated with masonry and approved by Architectural Control Committee.

**CLOTHES LINES AND STORAGE.** All clothes lines, equipment, service yards, woodpiles or storage piles shall be kept screened so as to conceal them from view of neighboring property and streets.

**GARBAGE AND REFUSE DISPOSAL.** All rubbish, trash or garbage shall be kept in containers, out of view and not allowed to accumulate on the premises. No rubbish, trash or garbage shall be burned on the premises. Incinerators of every kind shall be prohibited.

**VEHICLE PARKING.** No trucks, buses, trailers, boats, campers, snowmobiles, etc. other than passenger automobiles and pickup truck, 3/4 ton or less (not having a camper, shell or other attachment which extends above the normal roof line of the cab) shall be parked on any lot except where such parking area is located entirely to the rear of the front most portion of the residence and then only if such area has sufficient screening to substantially conceal the parked unit from view of the street. Such screening shall be subject to approval of Architectural Control Committee. Garages and/or carports as allowed under these covenants shall be considered for meeting this requirement provided the unit being parked can be entirely contained therein.

**ANIMALS AND PETS.** Household pets permitted animals of a nonagricultural domestic household nature only, including but not limited to dogs, cats, caged birds, and other animals typically capable of being housed within a family dwelling unit.

**SUBDIVISION.** Lots 1 through 22 are not allowed to be subdivided.

**EXCAVATIONS AND GRADING.** No excavating or grading shall be done that may cause either temporary or permanent erosion of dirt or soil onto adjacent lots or property. No excavating or grading shall be done that concentrates or diverts the natural flow of water onto adjacent lots or property.



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US ARMY CORPS OF ENGINEERS Lots 7, 8 & 9 cannot impede the flow of the Irrigation return water.

CONVEYANCE RESTRICTIONS. Deed of conveyance of the premises, or any part thereof may contain foregoing restrictive covenants by reference to this document, but whether or not such reference is made in such deeds, each and all of said restrictive covenants shall be valid and binding upon the respective Grantees.

SEVERABILITY. Invalidation of any one of these covenants by judgment of court shall in no way affect any of the other provisions, which shall remain in full force and effect.

DEDICATED EASEMENTS AND RIGHTS OF WAY. Dedicated easements and rights of way, including those shown on the recorded plat of said Subdivision, are hereby reserved for the benefit of all the above described Lots, for drainage and the erection, construction, maintenance and operation of wires for the transmission of electrical energy and for telephone, television and telegraph lines and for laying and maintenance of pipes, mains and conduits for the furnishing of water, gas, sewer service and installing, maintaining and reading of gas, electric and water meters.

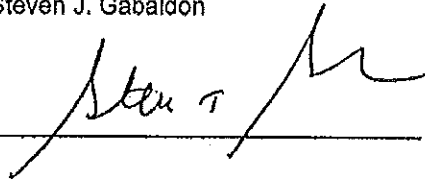
VARIANCE. The Architectural Control Committee shall be authorized to permit minor variances from time to time, occasioned by mistake, oversight or neglect, in order to prevent undue hardship upon a builder, lot owner, etc.

ENFORCEMENT. If the owners shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated with said development or tract to prosecute any proceeding of law or in equity against the person or persons, firm or corporation violating or attempting to violate any such covenant and either to prevent him or them so doing or to recover damages for such violations. Any prevailing party in a lawsuit may be awarded reasonable attorney fees by the court.

HEIRS AND ASSIGNS. These covenants shall be binding upon the heirs and assigns of all owners.

This declaration is made this 12<sup>th</sup> day of September, 2012.

Steven J. Gabaldon

  
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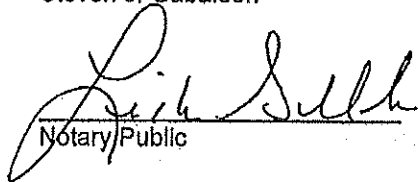
State of New Mexico )

County of San Juan )

My commission will expire:

7-6-13

This Instrument was acknowledged before me this 12<sup>th</sup> day of September, 2012, by Steven J. Gabaldon

  
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Notary Public



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