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RESTRICTIVE COVENANTS OF
PICACHO HILLS DEVELOPMENT

CAMINO BLANCO II
DONA ANA COUNTY, NEW MEXICO

A. PREAMBLE.

A.1. Property Covered. The undersigned hereby make the following declarations as to the limitations, restrictions and uses of lots in Picacho Hills Development in the subdivision of Camino Blanco II in Dona Ana County, New Mexico. The property is sometimes referred to as the "Property" and the "Land".

A.2. Term. This document and its provisions shall be in full force and effect upon all of the described Property from the date of recording hereof for a period of fifty (50) years, at which time it shall be automatically renewed for an additional term of fifty (50) years, unless amended or replaced by an affirmative vote of seventy-five percent (75%) of the then lot owners, and this document and its provisions shall run with the described land and shall be binding upon all parties and all persons claiming under the undersigned, for the benefit and limitation upon all future owners of the Property.

A.3. Purposes The purposes of these covenants are to insure the use of the Property for attractive residential purposes only; to prevent nuisances; to prevent the impairment of the attractiveness of the Property; to maintain the desired tone of the community and thereby to secure each site owner the full benefit and enjoyment of his Property; with no greater restriction on free and undisturbed use of his site than is necessary to insure the same advantages to the other site owners; and to allow only that use which is consistent with these covenants, whether or not the same are embodied in the conveyance or other instrument affecting title to the Property.

B. COVENANTS

B.1. Land Use and Building Types. The Land shall be used for residential dwelling purposes. No building or structures of any kind shall be erected or permitted to remain on any building site other than single family detached dwelling units of no more than two stories in height where allowed, together with an attached or detached private garage, and attached or detached servants' quarters. See height restriction as noted for each individual lot as per the Architectural committee's approval. Plans for all such buildings must have been approved as hereinafter specified. As used herein, a "building site" means that area consisting of one or more lots or any portion hereof designated by an owner as the location upon which an above-mentioned residential dwelling, along with all

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permissible outbuildings, will be constructed. The lot owners may not further subdivide their lot into small parcels less than what was originally conveyed by DeBlanco, Inc.

The regular practice of any business in a residential area, including professional businesses such as engineering, medicine, law, etc., is prohibited. However, nothing shall keep a person from having a private office or a business practice where he might work at home as long as it does not involve more than the use of one room, the occasional use of one employee, and does not involve regular visits by clients or customers.

DeBlanco Development Company, Inc., reserves the right to erect structures for marketing on their property without approval from the Architectural Review committee nor a change in the Restrictive Covenants. It should be noted, however, that the Developers hold the interest and welfare of the subdivision uppermost in its priorities.

B.2. Approval of Architecture. No construction, remodeling or improvements of any structure of any kind, including buildings, walls, fences, satellite dishes, solar collectors, sidewalks and driveways shall be erected or allowed to remain on any building site unless the plot, house, floor, and construction plans and elevation, and all other building plans, shall have first been reviewed and approved by the Architectural Review Committee as hereinafter provided. Such plans shall be reviewed and approved to accomplish the purpose and intent of these covenants and to consider the harmony of exterior design with existing or proposed structures, location with respect to topography, finish grade elevation, siting, and water drainage.

No fencing may be of metal chain link unless for temporary use and with prior approval of the Architectural Committee. The Architectural Review committee may require that the construction of fences or other structures be of specified design so as to maintain harmony of design and to facilitate water drainage. Notwithstanding anything herein to the contrary, approval of the Architectural Review Committee shall not waive or otherwise amend the responsibility of any owner or contractor to satisfy all federal, state and local building requirements, including building codes.

B.3. Dwelling Quality and Size. A dwelling with less than 1200 square feet, exclusive of open porches and garages, will not be permitted on lots located with the Camino Blanco II Subdivision of Picacho Hills Development. The ground floor of the main structures, exclusive of one story porches and garages, shall be no less than 1000 square feet for a dwelling of two stories. A detached guest house with less than 300 square feet will not be allowed.

The Architectural Review Committee has the authority to grant variances from the provisions requiring a specified number of square feet in area for single story and two story dwellings. This variance power is granted in

recognition of the difficulty in accurately defining and calculating the total square footage of the qualifying floor area in some forms of residential architecture. Therefore, where, in the unanimous opinion of the Committee, the residential structure is of such excellent architecture or the materials are of such superior quality that the resultant structure would be of unquestioned value enhancement to all structures in its area, then the actual calculation of qualifying square foot floor area may be waived.

B.3.a. No part of any structure may exceed the height shown on page 3a hereof.

B.4. Location of Structures.

B.4.a. Building Parts. For purposes of location of structures, porches, eaves and all other parts of a building shall be considered part of the structure.

B.4.a. (1) Materials. Exterior materials should accentuate and compliment the structure's mass. These structures should also utilize subdued, earthy colors and muted, neutral tones due to their imposing nature and often large size. An area which establishes harmony by collaborating architectural style, scale, texture, use of materials and color will be encouraged.

B.4.a. (2) Roof Treatment Roof lines and roofscapes shall consider the views of upslope and/or taller buildings. All roof appurtenances, such as vents and heating/cooling ductwork, are to be grouped to lessen the visual impact of these elements. All such appurtenances will be either painted to match the roofing material or building material, or preferably screened or concealed. When screening these elements, the screening material will be required to be of a color and material which compliments the architecture of the building.

Roof-mounted equipment and other roof appurtenances which are concealed with the roof structure will be encouraged. Parapet walls will conceal all flat roofs. Pitched roofs will be covered with clay or concrete tile which complements the quality of the entire development and will be subject to Architectural Review Committee approval. Parapet walls of excessive height will not be approved if, in the opinion of the Architectural Committee, a neighbor's view is obstructed.

Pitched roofs will be restricted to a range of 4:12 to 6:12 pitch. Flat roofs will be required to be of composition rolled roofing and covered with neutral colored roofing stone. Reflective, shiny or glare-producing roofing products will be prohibited. White stone or gravel is also encouraged. Other materials,

in context with the above-mentioned materials, will be considered and will be subject to Architectural Review Committee approval.

<u>BLOCK 1</u>				
Lot/Block	Maximum Height	Bench Mark Location At Lots	Bench Mark Location Top of Curb	Comments Code
1/1	3994	1+2	3977.39	1,2,4,5,6,7
2/1	3994	1+2	3977.39	1,2,4,5,6,7
3/1	3996	2+3	3978.71	1,2,4,5,6,7
4/1	4001	4+5	3986.14	1,2,4,5,6,7
5/1	4007	5+6	3989.98	1,2,4,5,6,7
6/1	4011	6+7	3994.47	1,2,4,5,6,7
7/1	4017	7+8	3999.75	1,2,4,5,6,7
8/1	4030	8+9	4003.94	1,2,4,5,6,7
9/1	4035	9+10	4007.52	1,2,4,5,6,7
10/1	4039	10+11	4010.79	1,2,4,5,6,7
11/1	4039	11 only	4014.71	1,2,4,5,6,7
12/1	4039	11 only	4014.71	1,2,4,5,6,7

<u>BLOCK 2</u>				
1/2	4013.61	1+2	4007.52	1,2,4,5,6,7
2/2	4015.61	1+2	3994.39	1,2,4,5,6,7
3/2	4017.22	2+3	3995.12	1,2,4,5,6,7
4/2	4019	3+4	3998.96	1,2,4,5,6,7
5/2	4022	4+5	4004.24	1,2,4,5,6,7
6/2	4039	6+7	4016.70	1,2,4,5,6,7
7/2	4036	7+8	4014.40	1,2,4,5,6,7
8/2	4032	1+8	4007.52	1,2,4,5,6,7
9/2	4039	11 only	4014.71	1,2,4,5,6,7
10/2	4039	11 only	4014.71	1,2,4,5,6,7
11/2	4039	11 only	4014.71	1,2,4,5,6,7
12/2	4039	11 only	4014.71	1,2,4,5,6,7
13/2	4039	11 only	4014.71	1,2,4,5,6,7
14/2	4039	11 only	4014.71	1,2,4,5,6,7
15/2	4039	11 only	4014.71	1,2,4,5,6,7
16/2	4039	11 only	4014.71	1,2,4,5,6,7
17/2	4039	11 only	4014.71	1,2,4,5,6,7
18/2	4039	11 only	4014.71	1,2,4,5,6,7
19/2	4039	11 only	4014.71	1,2,4,5,6,7
20/2	4039	11 only	4014.71	1,2,4,5,6,7

<u>BLOCK 3</u>				
1/3	4004	1+2	3994.70	1,2,4,5,6,7
2/3	4005	2+3	3995.83	1,2,4,5,6,7
3/3	4006	3+4	3996.98	1,2,4,5,6,7
4/3	4010	4+5	3998.17	1,2,4,5,6,7
5/3	4012	5+6	4000.30	1,2,4,5,6,7
6/3	4015	6+7	4004.22	1,2,4,5,6,7
7/3	4021.10	7+8	4009.81	1,2,4,5,6,7
8/3	4025	8+9	4016.15	1,2,4,5,6,7
9/3	4041	9+10	4020.46	1,2,4,5,6,7
10/3	4044	10+11	4021.84	1,2,4,5,6,7
11/3	4045	11+12	4023.23	1,2,4,5,6,7
12/3	4046	12+13	4024.61	1,2,4,5,6,7

13/3	4048	12+13	4024.61	1,2,4,5,6,7
14/3	4048	12+13	4024.61	1,2,4,5,6,7
15/3	4048	12+13	4024.61	1,2,4,5,6,7

BLOCK 4

1/4	4013.61	1+2	4007.52	1,2,4,5,6,7
2/4	4015.61	1+2	3994.39	1,2,4,5,6,7
3/4	4017.22	2+3	3995.12	1,2,4,5,6,7
4/4	4019	3+4	3998.96	1,2,4,5,6,7
5/4	4022	4+5	4004.24	1,2,4,5,6,7
6/4	4039	6+7	4016.70	1,2,4,5,6,7
7/4	4036	7+8	4014.40	1,2,4,5,6,7
8/4	4032	1+8	4007.52	1,2,4,5,6,7
9/4	4039	11 only	4014.71	1,2,4,5,6,7
10/4	4039	11 only	4014.71	1,2,4,5,6,7
11/4	4039	11 only	4014.71	1,2,4,5,6,7
12/4	4039	11 only	4014.71	1,2,4,5,6,7
13/4	4039	11 only	4014.71	1,2,4,5,6,7
14/4	4039	11 only	4014.71	1,2,4,5,6,7
15/4	4039	11 only	4014.71	1,2,4,5,6,7
16/4	4039	11 only	4014.71	1,3,4,5,6,7
17/4	4039	11 only	4014.71	1,3,4,5,6,7
18/4	4039	11 only	4014.71	1,3,4,5,6,7
19/4	4039	11 only	4014.71	1,3,4,5,6,7