

RESTRICTIVE COVENANTS FOR HAWTHORNE SECTION "B"

THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PERSONS AND ALL PARTIES CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE YEARS FROM THE DATE THAT THE SUBDIVISION IS RECORDED, AND 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 HAS BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART. 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. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached, single family dwelling and a private garage for not more than three cars, and separate detached building incidental to such use. Two or more lots may be combined for use as one lot, and in such case the interior lot line may be disregarded insofar as side yard requirements are concerned. In the event two or more lots are combined to use as a single lot, no part of the combined lots may be sold or conveyed except to the original size of the lots before being combined. No single lot in the subdivision as recorded can be re-subdivided into two or more lots for the purpose of building another dwelling.
2. No building shall be erected, placed or altered on any lot until construction plans and specifications have been approved by the ROBERTSON ROAD DEV. CO. for so long as they own any lot in this subdivision. All house construction shall be completed within 12 months from the beginning of the construction.
3. All water, sewer and gas connections must be connected to the City of Hernando mains and approved by the City Engineer.
4. All construction within the subdivision must be in compliance with the building codes of the City of Hernando and its successors.
5. Each lot shall have a five (5) foot utility easement along the side and rear lot lines and a ten (10) foot utility easement along the front lot line for the use by the utility companies. The minimum front yard set back for each lot is shown on the plat, the minimum rear yard set back is thirty (30) feet and there shall be provided two side yards, one with a minimum width of 8 feet; however, the sum of the widths of both side yards shall be 20 feet.
6. No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No business of any kind shall be carried on upon any lot or in any building on any lot. No structure of a temporary character such as trailer, basement, tent, shack, garage, barn or other buildings shall be used on any lot at anytime as a residence, either temporarily or permanently. No garage apartments will be allowed.
7. No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign or not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sale period.
8. No oil drilling, oil development operations, refining, gravel mining, or mining operations of any kind shall be permitted upon any lot, nor shall oil wells, tanks, tunnels, gravel excavations or shafts be permitted upon any lot.
9. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste garbage shall not be kept, except in sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
10. The minimum ground floor heated area of the main structure, exclusive of open porches and garages, shall be not less than 1800 square feet.
11. No shell house will be permitted to be built in this subdivision by any contractor in the business of building shell homes, regardless of price or square foot of house. All houses must be of new construction and no house that is moved in from another area will be permitted on a lot.
12. The developers of the property (Robertson Road Dev. Co.) will at such time as three lots are sold within the subdivision, set up a property association which will be called the Hawthorne Property Association. Each lot owner will have one vote in the Association. This Association will at this time form a governing group to control the building within the subdivision, review and approve all house plans, maintain the common area, elect a board of directors, approve by-laws and enforce the restrictive covenants.
13. No radio or television transmission or receiving towers or antenna for more than ten feet above the roof of the house shall be permitted except by permission of the Association. This also includes a T.V. dish.
14. No garage or carport may open up on the front of dwelling, and entrance to same shall be from the side or rear.
15. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, and other pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose.
16. No fence shall be erected on any lot nearer to the street than the minimum building line shown on the plat. No chain link fence will be permitted on any lot and any fence construction must be approved by the property association or the developers.

OWNERS CERTIFICATE

We, Harvey G. Ferguson, Billy Sudduth, and William Laney Funderburk

owners of the property herein, hereby adopt this as our plan of subdivision and dedicate the right of way for the roads as shown on the plat to the City of Hernando and to the public use forever and reserve the utility easements on the lots for the public utilities. We certify that we are the owners of the property and no taxes have become due and payable. This the 3rd day of July, 1985.

Harvey G. Ferguson *Billy L. Sudduth* *William Laney Funderburk*
Harvey G. Ferguson Billy L. Sudduth William Laney Funderburk

STATE OF MISSISSIPPI COUNTY OF DESOTO

This day personally appeared before me the undersigned authority in and for said County and State, Harvey G. Ferguson, Billy L. Sudduth, and William Laney Funderburk who acknowledged that they signed and delivered the foregoing plat for the purpose therein mentioned. Given under my hand and official seal of office. This the 3rd day of July, 1985.

My commission expires: July 23, 1987

Joseph A. Lauderdale
Notary Public

CERTIFICATE OF SURVEY

This is to certify that I have surveyed the property herein and that the plat of the subdivision represents that survey.

Joseph A. Lauderdale
Joseph A. Lauderdale L.S.

APPROVED BY THE CITY OF HERNANDO PLANNING COMMISSION ON THE 25 DAY OF March, 1985.

APPROVED BY THE CITY OF HERNANDO MAYOR AND BOARD OF ALDERMEN ON THE 2 DAY OF April, 1985.

City Clerk: *Janet Kelly*

Robert F. Combs
Mayor Pro-Tem.

STATE OF MISSISSIPPI COUNTY OF DESOTO

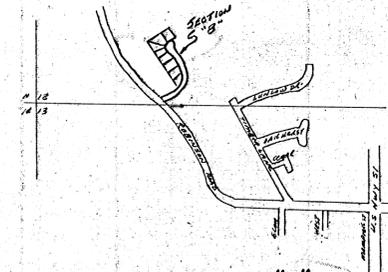
I hereby certify that the subdivision plat shown hereon was filed for record in my office at 2 o'clock P.M. on the 7th day of October, 1985, and was immediately entered upon the proper index and duly recorded in Plat Book 24 on page 3.

W. H. Ferguson
Chancery Court Clerk by *D. Taylor*

STATE OF MISSISSIPPI CITY OF HERNANDO

I hereby certify that the subdivision plat shown hereon was filed for record in my office at 1:40 o'clock P.M. on the 7th day of October, 1985, and was immediately entered upon the proper index and duly recorded in Plat Book 24 on page 3.

Janet Kelly
Hernando City Clerk



SECTION "B"

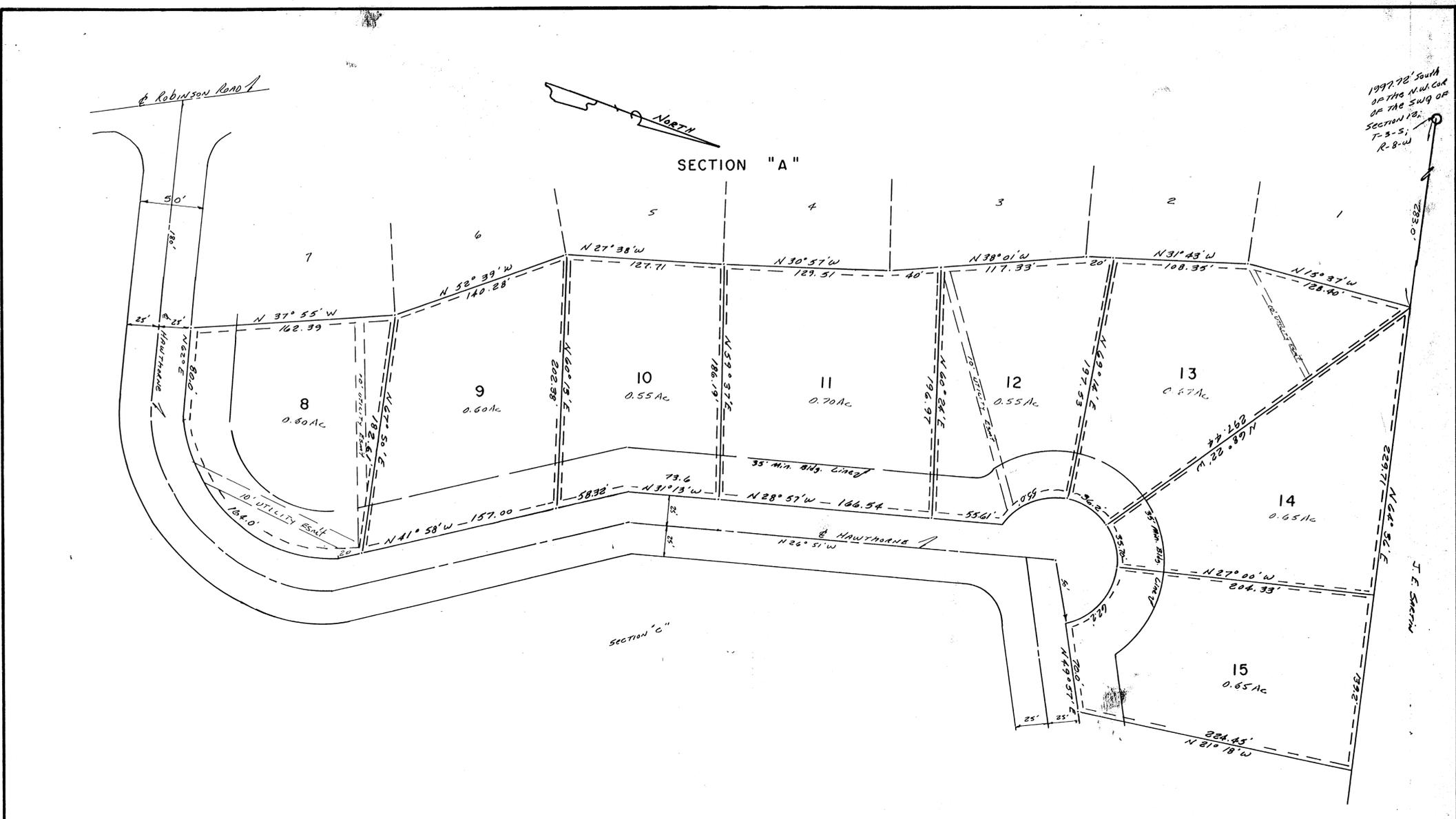
HAWTHORNE

SECTIONS 12. & 13; TOWNSHIP 3 SOUTH; RANGE 8 WEST
CITY OF HERNANDO IN DESOTO COUNTY, MISSISSIPPI
ZONED R-1 RESIDENTIAL



SCALE: 1" = 50'
FEB. 1985

J. F. LAUDERDALE L.S.
MISS NO. 2214



1997.72' South
 of the N.W. Cor.
 of the SW 1/4 of
 Section 12;
 T-3-S;
 R-8-W

SECTION "A"

SECTION "C"

SECTION "B"
HAWTHORNE
 SECTIONS 12 & 13; TOWNSHIP 3 SOUTH; RANGE 8 WEST
 CITY OF HERNANDO, DeSOTO CO., MISS.
 ZONED R-1 RESIDENTIAL



SCALE: 1"=50'
 MARCH 20, 1985
 J. F. LAUDERDALE L.S.
 MISS. NO. 2214