

RESTRICTIVE COVENANTS FOR WHISPERING PINES SUBDIVISION PHASE III

DURATION

These covenants and restrictions shall run with the land and shall be binding on the Grantor and all persons claiming under it until May 1, 2000 A.D. as which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the subject lots it is agreed to change said covenants and restrictions in whole or in part.

ENFORCEMENT OF COVENANTS AND RESTRICTIONS

If the parties hereto, or any of them, or their heirs or assigns, 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 in said subdivision to prosecute any legal proceedings against the person or persons violating or attempting to violate same and either to prevent him or them from so doing or to recover damages for such violation.

SEVERABILITY

Invalidation of any one of these covenants by a court of law shall in no way effect any of the provisions hereof which shall remain in full force and effect. All of the covenants, restrictions, terms and conditions in this instrument shall be in force and effect against the grantees of the subject lots, even though said covenant's terms and conditions are not incorporated in the Deed of Conveyance.

LAND USE

All lots shall be used for residential purposes only, except that designated homebuilder, or its authorized agents, shall be permitted to maintain and operate a sales office within the subdivision as long as it or its successors or assignees are engaged in the construction and/or selling of tracts and/or homes in the subdivision.

MINIMUM DWELLING SIZE

The minimum size of the dwelling units shall be determined according to the following table, exclusive in every case of open porches, garages and basements; in square feet.

SINGLE FAMILY UNITS	ONE STORY	TWO STORY	MULTI LEVEL
Ground Floor Area	1500	1000	
Total Area		1600	1650

GARAGE

A private garage for at least one, but not more than three (3) vehicles per family unit may be placed on each tract.

BUILDING LINES

Set back lines and side and back lot lines shall be as provided in the DeSoto County Zoning Ordinance as from time to time amended. The minimum front yard set backs are shown on the plat.

EASEMENTS

A 5 ft. easement for installation and maintenance of utilities and drainage facilities are reserved along all lot lines of the tracts. Except as shown on the plat.

NUISANCE

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.

TEMPORARY STRUCTURES

No structure of any temporary character, trailer, basement, tent, shack, garage, barn or other out building shall be used on any lot at any time as a residence either temporarily or permanently.

ARCHITECTURAL CONTROL COMMITTEE

The maker of this Indenture hereby names David Vanderburg and/or Martin J. Mercurio as the Architectural Control Committee for the subdivision. Either or both complete authority to act as the Architectural Control Committee provided for in this the surviving committee member may designate or name any owner of property in the subdivision as successor or successors on said committee, or may continue acting independently as the Architectural Control Committee.

SIGNS

No sign of any kind shall be displayed to the public view on any lot except one sign of 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 sales period.

LIVESTOCK AND POULTRY

Horses and cattle may be kept at no more than one (1) head per acre with proper shelter. No other animals, Swine or Poultry of any kind, shall be raised, bred or kept at any tract except dogs, cats or other household pets.

WATER AND SEWERAGE

Water to be from private wells at purchaser's expense. Sewer disposal will be from septic tanks. All sewer connections must be approved by Mississippi State Board of Health.

GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste and shall not be kept except in sanitary containers. All incinerators or other equipment for the storage and disposal of such materials shall be kept in a clean and sanitary condition.

CONSTRUCTION

Any and all construction commenced on any lot shall be pursued to completion and shall be so completed not later than twelve (12) months from the date of commencement of such construction. All dwellings and other structures on these tracts must be in compliance with the DeSoto County Planning Commission and its successors.

BARN

Barns for the maintenance of horses or cattle must be to the rear of the residence. Barns and storage buildings must be constructed of wood material. Any alternative material must be approved by the Architectural Control Committee. Storage buildings must also be at the rear of the residence. All buildings must comply with DeSoto County Building Code.

GARDENS

No gardens may be placed in front of main residence.

FENCES

Fencing fronting public roads in front of residences must be Split Rail fencing or Plank fencing. Wire fencing must be used with steel post. Brace post may be of wood.

OWNERS CERTIFICATE

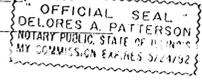
WE, AMERICAN SAVINGS BANK the owners of the property within the subdivision herein, hereby adopt this as our plan of subdivision and hereby certify that we are the owners and that no taxes have become due and payable. We dedicate the right of ways for the streets as shown on the subdivision plan to the public and to DeSoto County forever and reserve the utility easements for the public utilities as shown on this plat. This the 1st day of August 1988.

Wm. J. Jones FOR AMERICAN SAVINGS BANK

STATE OF ILLINOIS COUNTY OF SANGAMON

This day personally appeared before me the undersigned authority in and for said County and State, William J. Jones who acknowledged that he signed and delivered the foregoing plat for the purpose therein mentioned. Given under my hand and official seal of office this the 1st day of August 1988.

My commission expires: 1988



Delores A. Patterson

CERTIFICATE OF SURVEY

This is to certify that I have surveyed the subdivision property shown hereon and that the plat is a true and correct representation of the survey.

APPROVED BY THE DE SOTO COUNTY PLANNING COMMISSION ON THE 28th DAY OF JUNE, 1988. Joseph F. Lauderdale Secretary

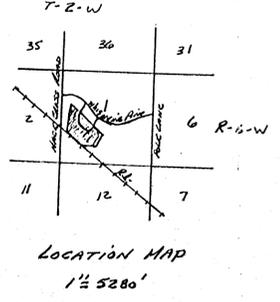
APPROVED BY THE DE SOTO COUNTY BOARD OF SUPERVISORS ON THE 6th DAY OF JULY, 1988. W.B. Davis Clerk for the Board, E. B. Boyd President

STATE OF MISSISSIPPI COUNTY OF DESOTO I hereby certify that the plat shown hereon was filed for record in my office at 1:00 o'clock P.M. on the 26th day of Sept., 1988, and was immediately recorded in Plat Book 27-29 on page 21.

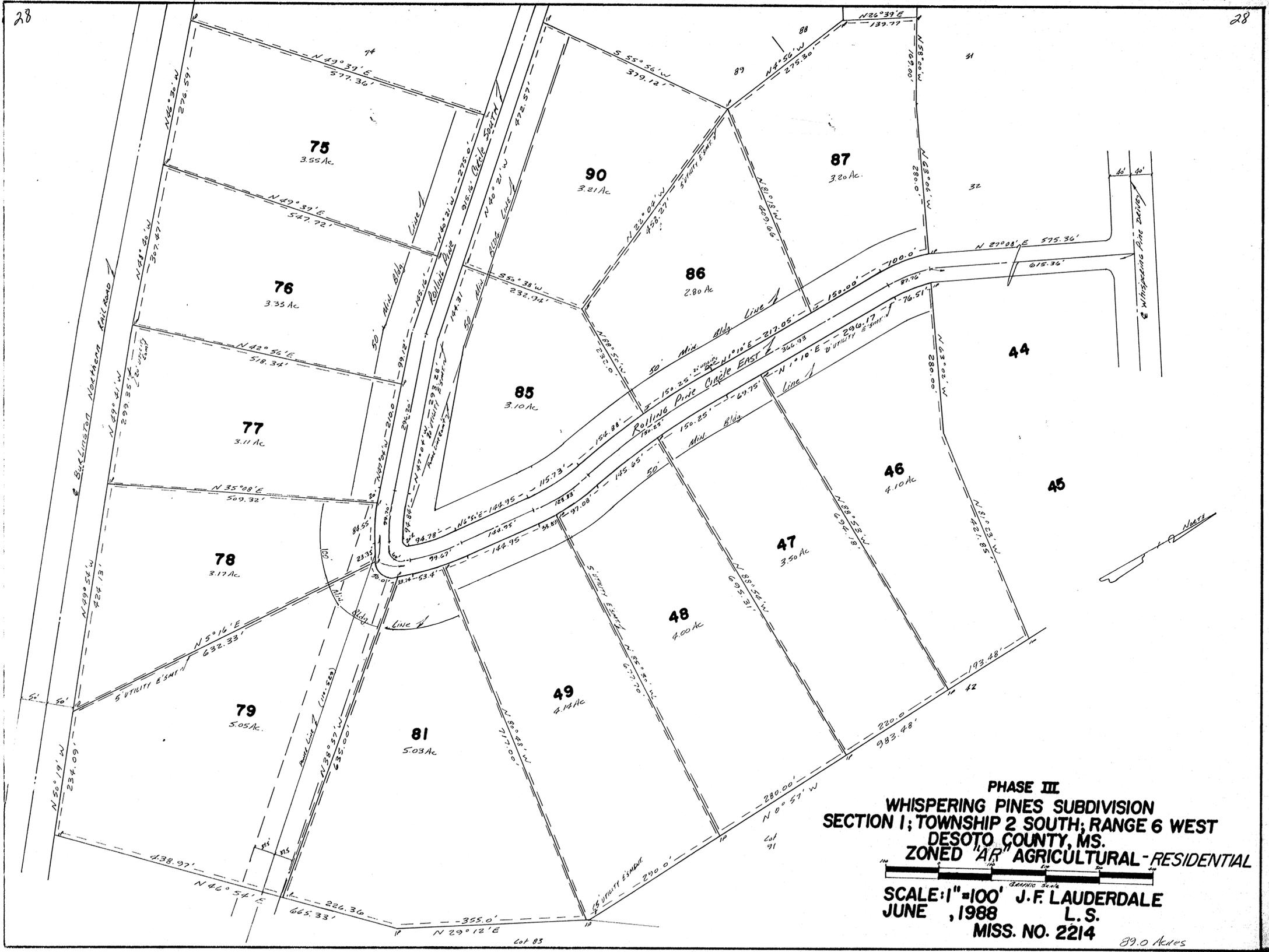
W.B. Davis Chancery Court Clerk

NOTE: All driveways and driveway pipe are the responsibility of the new lot owner and not that of the developer or DeSoto County, Mississippi.

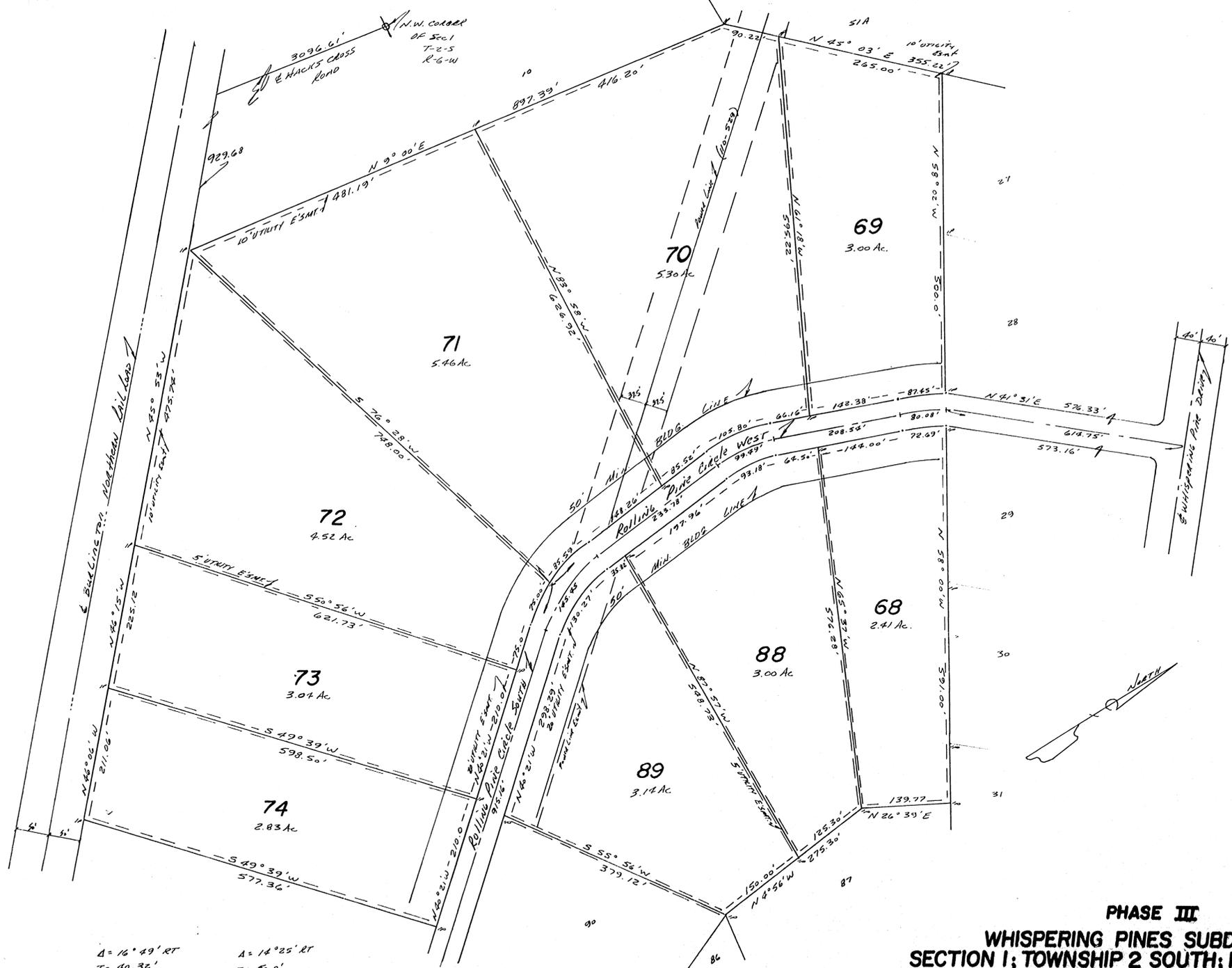
Septic tanks may be used on the lots shown on this plat of subdivision. DESOTO COUNTY HEALTH DEPARTMENT BY: [Signature] Health Officer DATE 9/17/88



PHASE III WHISPERING PINES SUBDIVISION SECTION I; TOWNSHIP 2 SOUTH; RANGE 6 WEST DESOTO COUNTY, MS. ZONED "AR" AGRICULTURAL-RESIDENTIAL SCALE: 1"=100' J.F. LAUDERDALE L.S. JUNE, 1988 MISS. NO. 2214



**PHASE III**  
**WHISPERING PINES SUBDIVISION**  
**SECTION I; TOWNSHIP 2 SOUTH; RANGE 6 WEST**  
**DESO TO COUNTY, MS.**  
**ZONED "AR" AGRICULTURAL-RESIDENTIAL**  
 SCALE: 1"=100' J.F. LAUDERDALE  
 JUNE , 1988 L.S.  
 MISS. NO. 2214  
 89.0 Acres



A = 16° 49' RT	A = 14° 25' RT	A = 34° 30' RT
T = 40.36'	T = 56.0'	T = 75'
D = 21°	E = 3.15'	D = 23.72'
E = 2.91'	D = 14.49'	E = 11.38'
Lc = 80.08'	Lc = 99.49'	Lc = 145.45'
R = 274.37'	R = 396.47'	R = 243.28'

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