

HERITAGE HILLS P.U.D. PHASE I

RESTRICTIVE COVENANTS

- ALL LOTS IN THIS SUBDIVISION SHALL BE KNOWN AS RESIDENTIAL LOTS AND NO STRUCTURE SHALL BE ERRECTED ON ANY LOT OTHER THAN ONE SINGLE FAMILY RESIDENCE AND GARAGE, AND NOT MORE THAN ONE (1) DETACHED STORAGE BUILDING. NO RECREATIONAL VEHICLE NOR CAMPING TRAILER TO BE PARKED OR STORED ON ANY LOT UNLESS SAME IS UNDER THE CARPORT OR IN THE GARAGE OR IN THE REAR YARD.
- NO NOXIOUS OR OFFENSIVE TRADE OR 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.
- VEGETABLE GARDENING SHALL BE ALLOWED TO THE REAR OF THE HOME. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, KEPT OR BRED ON ANY LOT, EXCEPT DOGS, CATS AND OTHER HOUSEHOLD PETS WHICH MAY BE KEPT PROVIDED THAT THEY ARE NOT RAISED, KEPT, OR BRED FOR COMMERCIAL PURPOSES. NO COMMERCIAL BREEDING IS ALLOWED.
- ALL DWELLINGS SHALL CONTAIN A MINIMUM OF 1,100 SQUARE FEET OF FINISHED HEATED LIVING AREA. NO BUILDING SHALL BE MORE THAN TWO STORIES IN HEIGHT, BUT THE FLOOR SPACE OF THE SECOND STORY MAY BE INCLUDED IN COMPUTING THE MINIMUM SQUARE FOOTAGE OF LIVING AREA WHICH IS ALLOWABLE SO LONG AS AT LEAST 700 SQUARE FEET IS ON THE FIRST FLOOR.
- NO STRUCTURE OF A TEMPORARY CHARACTER SUCH AS A TRAILER, GARAGE, BARN OR OTHER OUTBUILDING SHALL BE USED ON ANY LOT AT ANY TIME AS A RESIDENCE EITHER TEMPORARILY OR PERMANENTLY. CONSTRUCTION OF NEW BUILDINGS ONLY SHALL BE PERMITTED, IT BEING THE INTENT OF THIS COVENANT TO PROHIBIT THE MOVING OF ANY EXISTING BUILDING ONTO A LOT AND REMODELING OR CONVERTING SAME INTO A DWELLING UNIT.
- NO FENCES WILL BE PERMITTED TO EXTEND PAST THE FRONT BUILDING SETBACK.
- NO MOTOR VEHICLE OR ANY OTHER VEHICLE, INCLUDING A BOAT, MOTOR BOAT TRAILER, LAWN MOWER, TRACTOR OR SIMILAR VEHICLE MAY BE STORED ON ANY LOT FOR THE PURPOSES OF REPAIR OF SAME AND NO A-FRAME OR MOTOR MOUNT MAY BE PLACED ON LOT. NO REPAIR OF AUTOMOBILES OR ANY OTHER VEHICLES OR PROPERTY, INCLUDING THOSE ENUMERATED IN ANY OF THE RESTRICTIONS, SHALL TAKE PLACE ON ANY LOT WHERE SUCH REPAIRS CONSTITUTE OR ARE DONE FOR A COMMERCIAL PURPOSE.
- THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE THESE COVENANTS ARE RECORDED. AFTER THAT TIME SAID COVENANTS SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF LOTS HAS BEEN AGREED UPON TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.
- IF THE PARTIES HERETO OR ANY OF THEM OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS OR RESTRICTIONS HEREIN BEFORE THEY EXPIRE, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING LOTS IN THIS SUBDIVISION TO PROSECUTE ANY PRECEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT OR RESTRICTION AND EITHER TO PREVENT HIM OR THEM FROM DOING SO OR TO RECOVER DAMAGES FOR SUCH VIOLATIONS.
- INVALIDATION OF ANY ONE OF THE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
- CONSTRUCTION OF ANY DWELLING SHALL BE COMPLETED WITHIN SIX (6) MONTHS FROM COMMENCEMENT OF CONSTRUCTION.
- NO DRIVEWAY PERMITS FOR LOTS 1 AND 34 TO RASCO ROAD.
- NO LOTS MAY BE SUBDIVIDED UNLESS PERMITTED BY THE SUBDIVISION REGULATIONS OF CITY OF SOUTHAVEN, MS; HOWEVER, TWO (2) OR MORE LOTS MAY BE COMBINED FOR USE AS ONE (1) LOT AND IN SUCH CASE, THE INTERIOR LOT LINES MAY BE DISREGARDED INSOFAR AS SIDE YARD REQUIREMENTS ARE CONCERNED.
- NO BUILDING SHALL BE ERRECTED, PLACED OR ALTERED ON ANY LOT IN THIS SUBDIVISION UNTIL THE BUILDING PLANS, SPECIFICATIONS AND PLOT PLAN, SHOWING THE LOCATIONS OF SUCH BUILDING, HAVE BEEN APPROVED IN WRITING AS TO CONFORMITY AND HARMONY WITH EXISTING STRUCTURES IN THIS SUBDIVISION AND AS TO LOCATION OF BUILDING WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATION BY T.W. ELLIOTT & ANN MOTZ, OR THEIR DESIGNATED AGENT. IN THE EVENT THAT SAID PERSON FAILS TO TAKE ACTION WITHIN A PERIOD OF THIRTY (30) DAYS AFTER SUBMISSION, OF IF NO LITIGATION IS INSTITUTED, THIS COVENANT WILL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH. THE POWERS AND DUTIES OF T.W. ELLIOTT & ANN MOTZ, AND THEIR REPRESENTATIVE, SHALL CEASE ON AND AFTER TEN (10) YEARS FROM THE DATE OF THE RECORDATION OF THIS FINAL PLAT.

OWNERS CERTIFICATE

WE, ANN MOTZ AND T.W. ELLIOTT, SIGNING AS GENERAL PARTNERS IN HERITAGE HILLS, L.P., DEVELOPERS OF HERITAGE HILLS, P.U.D., PHASE I HEREBY ADOPT THIS AS OUR PLAN OF SUBDIVISION AND DEDICATE THE RIGHT-OF-WAY FOR ROADS AS SHOWN ON THE PLAT OF THE SUBDIVISION TO THE PUBLIC USE FOREVER AND RESERVE FOR THE PUBLIC UTILITIES THE UTILITY EASEMENTS SHOWN ON THE PLAT. WE CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE.

THIS THE 2nd DAY OF December, 1992.

Ann Motz
ANN MOTZ, GENERAL PARTNER

T.W. Elliott
T.W. ELLIOTT, GENERAL PARTNER

ENGINEER'S CERTIFICATE

THIS IS TO CERTIFY THAT I HAVE DRAWN THIS SUBDIVISION SHOWN HEREON AND THE PLAT OF SAME IS ACCURATELY DRAWN FROM INFORMATION FROM A GROUND SURVEY BY ME.



Larry L. Britt
LARRY L. BRITT
MISSISSIPPI P.E. 7193

APPROVED BY THE SOUTHAVEN PLANNING COMMISSION THIS THE 30th DAY OF December, 1992.

W. E. Davis
CHAIRMAN

S. F. King
SECRETARY

APPROVED BY THE MAYOR AND BOARD OF ALDERMAN

DATE: 11-17-92

STATE OF MISSISSIPPI:
COUNTY OF DeSOTO:

J. D. Pates
MAYOR
ATTEST: Marlene Sprinkle
CITY CLERK

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON WAS FILED FOR RECORD IN MY OFFICE AT 11:15 O'CLOCK A. M., AND WAS IMMEDIATELY ENTERED UPON THE PROPER INDEXES AND DULY RECORDED IN PLAT BOOK 43 AT PAGE 7. Filed January 29th, 1993
W. E. Davis Chancery Clerk
CHANCERY COURT CLERK
by S. Cleveland, Jr.

NOTARY'S CERTIFICATE

STATE OF MISSISSIPPI, COUNTY OF DeSoto

THIS DAY PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE, ANN MOTZ, WHO ACKNOWLEDGED THAT SHE SIGNED AND DELIVERED THE FOREGOING PLAT FOR THE PURPOSE THEREIN MENTIONED, GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE THIS THE 2nd DAY OF December, 1992.
MY COMMISSION EXPIRES: 3/18/96

Spem J. Daw
NOTARY PUBLIC

NOTARY'S CERTIFICATE

STATE OF MISSISSIPPI, COUNTY OF LAFAYETTE

THIS DAY PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE, T.W. ELLIOTT, 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 2nd DAY OF December, 1992.
MY COMMISSION EXPIRES: 1-2-96

W. E. Davis Chancery Clerk
NOTARY PUBLIC
By: Sharon Thomas De

Journal Assignment of this instrument recorded in Warrantary Deed book No. 264 Page 334 This the 23 day of Nov. 1993
W. E. Davis Clerk
by: Woodward, S.C.

Journal Assignment of this instrument recorded in Warrantary Deed book No. 264 Page 335 This the 23 day of Nov. 1993
W. E. Davis Clerk
by: Woodward, S.C.

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