

HERITAGE HILLS P.U.D. REVISED PHASE II

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 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 THE JOE CLAY DAVIS CORPORATION, OR ITS DESIGNATED AGENT. IN THE EVENT THAT SAID PERSON FAILS TO TAKE ACTION WITHIN A PERIOD OF THIRTY (30) DAYS AFTER SUBMISSION, OR IF NO LITIGATION IS INSTITUTED, THIS COVENANT WILL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH. THE POWERS AND DUTIES OF THE JOE CLAY DAVIS CORPORATION, AND ITS REPRESENTATIVE, SHALL CEASE ON AND AFTER TEN (10) YEARS FROM THE DATE OF THE RECORDATION OF THIS FINAL PLAT.

OWNERS CERTIFICATE

I, CLIFFORD P. DAVIS, PRESIDENT OF THE JOE CLAY DAVIS CORPORATION, OWNER OF HERITAGE HILLS P.U.D., PHASE II HEREBY ADOPT THIS AS MY 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. I CERTIFY THAT JOE CLAY DAVIS CORPORATION IS THE OWNER OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE THIS THE 28 DAY OF July, 1994.

Clifford P. Davis
CLIFFORD P. DAVIS, PRESIDENT
JOE CLAY DAVIS CORPORATION

MORTGAGEE'S CERTIFICATE:

FIRST NATIONAL BANK, MORTGAGEE BY AND THROUGH ITS DULY AUTHORIZED OFFICER, DOES HEREBY ADOPT THIS AS ITS PLAN OF SUBDIVISION AND DEDICATE THE RIGHT-OF-WAY FOR ROADS AS SHOWN ON PLAT TO PUBLIC USE FOREVER AND RESERVE FOR THE PUBLIC UTILITIES THE UTILITY EASEMENTS SHOWN ON THIS PLAT.

Clifford P. Davis 7/28/94
SIGNATURE DATE
President and CEO
TITLE

NOTARY'S CERTIFICATE

STATE OF Mississippi, COUNTY OF Coahoma
THIS DAY, PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED OF LAW IN AND FOR THE STATE AND COUNTY AFORESAID, THE WITHIN NAMED CLIFFORD P. DAVIS, WHO ACKNOWLEDGED AS PRESIDENT, FOR AND ON BEHALF AND BY AUTHORITY OF JOE CLAY DAVIS CORPORATION, HE SIGNED AND DELIVERED THE ABOVE FOREGOING INSTRUMENT THEREIN MENTIONED AND FOR THE PURPOSES THEREIN EXPRESSED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 28 DAY OF July, 1994.

MY COMMISSION EXPIRES: 7-20-98 *Shandra Kay Janne*
NOTARY PUBLIC

NOTARY'S CERTIFICATE

STATE OF Mississippi, COUNTY OF Coahoma
THIS DAY, PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE, *Carole C. Busby, Jr.* OFFICER, FIRST NATIONAL BANK, WHO ACKNOWLEDGED THAT HE SIGNED AND DELIVERED FOR SAID CORPORATION, THE FOREGOING PLAT FOR THE PURPOSE THEREIN MENTIONED, GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE THIS THE 28 DAY OF July, 1994.

Shandra Kay Janne
NOTARY PUBLIC

APPROVED BY THE SOUTHAVEN PLANNING COMMISSION THIS THE 28 DAY OF July, 1994

John D. Sanders
CHAIRMAN SECRETARY

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

llb
4/29/94

APPROVED BY THE MAYOR AND BOARD OF ALDERMEN

DATE Aug 3rd 1994

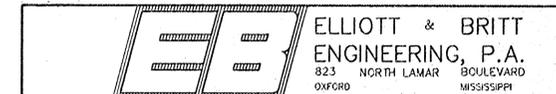
J. A. Cates
MAYOR
ATTEST: *Marlene Sprinkle*
CITY CLERK

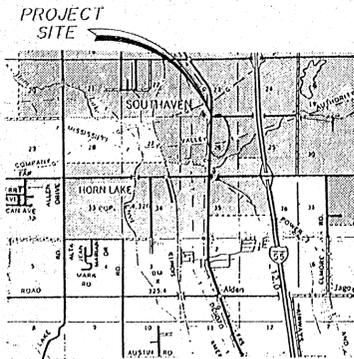
STATE OF MISSISSIPPI,
COUNTY OF DeSOTO:

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON WAS FILED FOR RECORD IN MY OFFICE AT 1:50 O'CLOCK P.M., AND WAS IMMEDIATELY ENTERED UPON THE PROPER INDEXES AND DULY RECORDED IN PLAT BOOK 47 AT PAGE 30

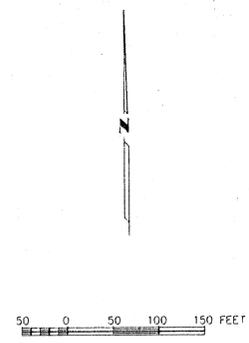
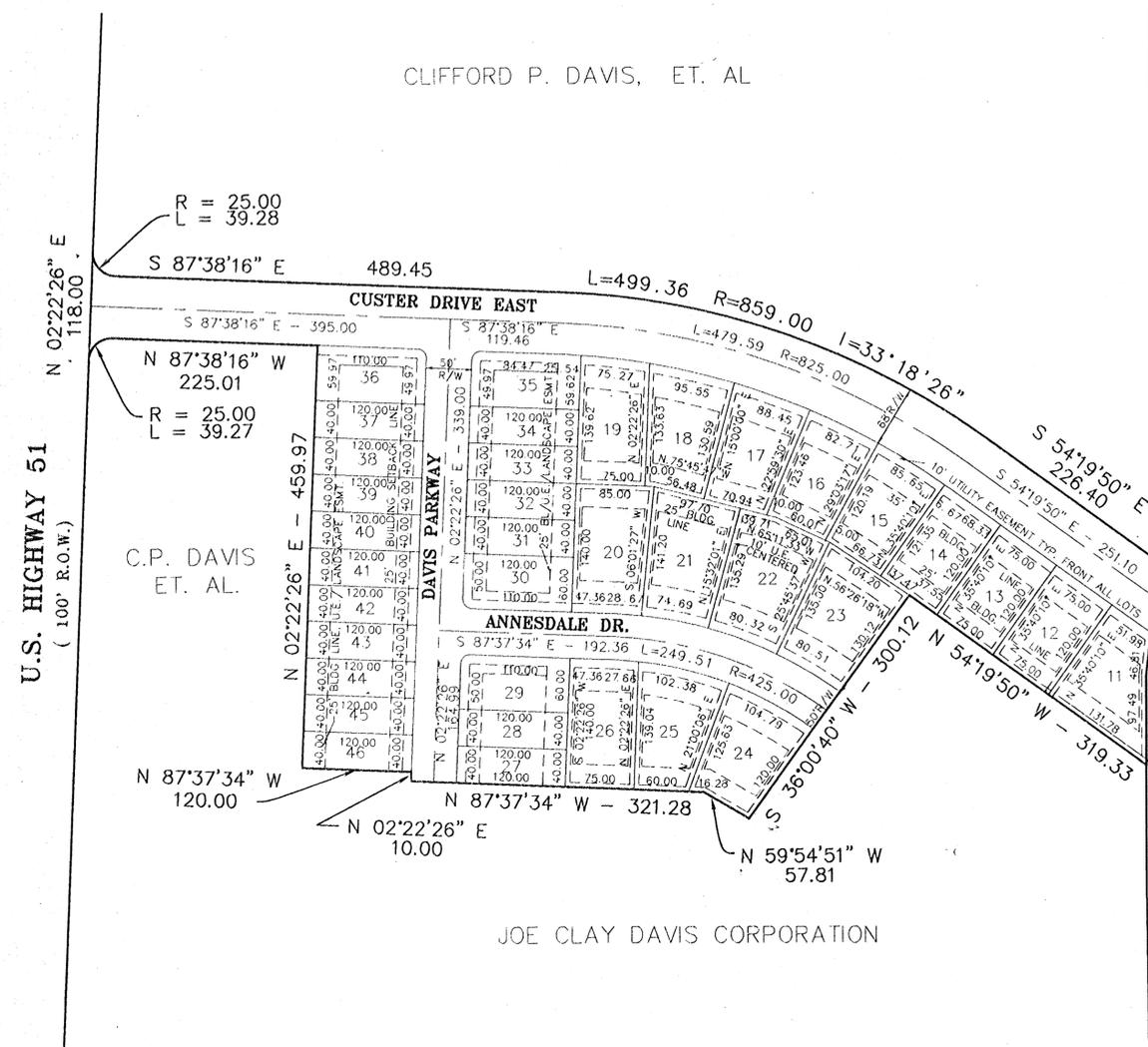
W. E. Davis
W. E. DAVIS, Chancery Clerk
CHANCERY COURT CLERK
W. E. Davis

APRIL 29, 1994





LOCATION MAP



NOTES:

1. LOTS 1 THRU 26 SHALL PROVIDE TWO SIDE YARDS, WITH MINIMUM WIDTHS OF FIVE (5) FEET; HOWEVER, THE SUM OF THE WIDTHS OF BOTH SIDE YARDS SHALL BE AT LEAST FIFTEEN (15) FEET.
2. LOTS 27 THRU 46 SHALL PROVIDE TWO SIDE YARDS, THREE (3) FEET EACH ALONG INTERIOR LOT LINES.
3. LOTS 29, 30, 35, AND 36 SHALL HAVE TWENTY (20) FOOT SIDE YARD SETBACK ALONG SIDE RIGHT-OF-WAY.
4. PROPERTY CORNER RADII AT THE INTERSECTION OF U.S. HIGHWAY AND CUSTER DRIVE EAST ARE 25.00'. ALL OTHER PROPERTY CORNER RADII ARE 10.00', UNLESS OTHERWISE NOTED.
5. ALL PERIMETER BOUNDARY CORNERS ARE MADE BY FOUND IRON RODS.

EB ELLIOTT & BRITT ENGINEERING, P.A.
823 NORTH LAMAR BOULEVARD OXFORD MISSISSIPPI

HERITAGE HILLS P.U.D., REVISED PHASE II SECTION 26, T 1 S, R 8 W DE SOTO COUNTY, MISSISSIPPI

SCALE: 1"=100'
NUMBER:
DATE: APR. 29, 94