

KINGSTON ESTATES SUBDIVISION FIRST REVISION SECTION "E"

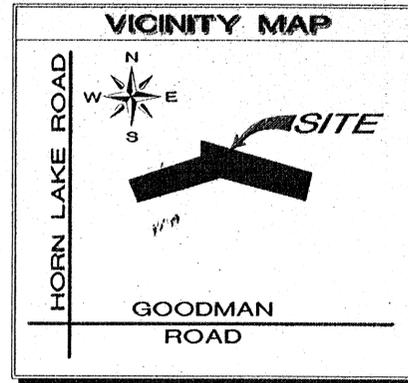
RESTRICTIVE COVENANTS KINGSTON ESTATES, SECTION "E" SECTION 28, TOWNSHIP 1--SOUTH, RANGE 8--WEST

THESE COVENANTS, LIMITATIONS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL NOVEMBER 1, 2004, AT WHICH TIME SAID COVENANTS, LIMITATIONS AND RESTRICTIONS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE TEN (10) YEAR PERIODS UNLESS BY A VOTE OF THE MAJORITY OF THE THEN OWNERS OF LOTS IN THIS SUBDIVISION IT IS AGREED TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

IF THE PARTIES HERETO OR ANY OF THEM OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE OR ATTEMPTS TO VIOLATE ANY OF THE COVENANTS, LIMITATIONS OF RESTRICTIONS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL ESTATE SITUATED IN THIS SUBDIVISION TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUALLY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANTS, LIMITATIONS OR RESTRICTIONS, AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION.

INVALIDATION OF ANY ONE OF THESE COVENANTS, LIMITATIONS OR RESTRICTIONS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

1. ALL NUMBERED LOTS TO BE FOR RESIDENTIAL USE ONLY AND ARE NOT TO BE RESUBDIVIDED IN TO SMALL LOTS.
2. MINIMUM FRONT YARD SET BACK TO BE THIRTY-FIVE (35) FEET.
3. SIDE YARDS: THERE SHALL BE PROVIDED TWO SIDE YARDS, WITH MINIMUM WIDTHS OF 5 FEET, HOWEVER, THE SUM OF THE WIDTHS OF BOTH SIDE YARDS SHALL BE AT LEAST 15 FEET.
4. NO PORCHES OR OPEN CARPORTS MAY BE ENCLOSED WITHOUT A PERMIT FROM THE PROPER AUTHORITIES OF HORN LAKE, MISSISSIPPI.
5. AN UNATTACHED ACCESSORY BUILDING NOT FOR LIVING PURPOSES MAY BE ERRECTED IN THE REAR YARD.
6. NO TRAILER, TENT, BASEMENT, SHACK, GARAGE, BARN OR OTHER STRUCTURE OF A TEMPORARY NATURE IS TO BE USED AS A RESIDENCE AT ANY TIME.
7. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT IN THIS SUBDIVISION NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
8. THERE IS A PERPETUAL EASEMENT AS SHOWN ON THE RECORDED PLAT OF SUBDIVISION RESERVED FOR UTILITY INSTALLATION AND MAINTENANCE AND DRAINAGE.
9. NO CHAIN LINK OR ANY TYPE WIRE FENCE SHALL BE PERMITTED. NO FENCE SHALL BE PERMITTED ON ANY LOT FROM THE STREET PROPERTY LINE TO THE BUILDING LINE.
10. IRON PINS ARE SET ON ALL PROPERTY CORNERS. CHISEL MARKS ARE MADE ON THE CURB AT THE EXTENDED PROPERTY LINE AND ARE FOR REFERENCE ONLY.
11. VEGETABLE GARDENING SHALL BE ALLOWED ONLY TO THE REAR OF THE HOME. NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT FOR ANY COMMERCIAL PURPOSES. NO COMMERCIAL BREEDING IS ALLOWED.
12. 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 ANY 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.



THIS SUBDIVISION IS ALSO SUBJECT TO THE FOLLOWING CONDITIONS AS ADOPTED BY THE CITY OF HORN LAKE ON NOVEMBER 28, 1994 AND AS STATED BELOW:

1. CITY AGREES TO ACCEPT THE CURRENT TEXAS GAS AND ELECTRIC UTILITY RIGHT-OF-WAY AREAS THAT CRISSCROSS THROUGH THE DANCY PROPERTY LOCATED EAST OF HORN LAKE ROAD, NORTH OF GOODMAN ROAD, WEST OF RAILROAD RIGHT-OF-WAY AND SOUTH OF THE PRESENT MUNICIPAL CORPORATE BOUNDARIES CONSISTING OF 44 ACRES +/-, AS OPEN SPACE FOR PURPOSES OF COMPLYING WITH THE TEN PERCENT OPEN SPACE REQUIREMENTS OF THE CITY'S ORDINANCES FOR THE ENTIRE TRACT AS DESCRIBED HEREIN ABOVE AND OWNED BY DANCY WITH THE FOLLOWING CONDITIONS:
 - A) MR. DANCY AND HIS SUCCESSORS IN INTEREST SHALL OWN AND MAINTAIN THE RIGHT OF WAY OPEN SPACE AREAS IN A USABLE CONDITION.
 - B) MR. DANCY AND HIS SUCCESSORS IN INTEREST SHALL NOT OBSTRUCT THE PUBLIC USE OF THESE OPEN AREAS OR PREVENT THE USE OF THESE AREAS BY THE GENERAL PUBLIC.
 - C) MR. DANCY AND HIS SUCCESSORS IN INTEREST SHALL PROVIDE REASONABLE ACCESS TO THE RIGHT OF WAY OPEN SPACE AREAS AS EACH NEW AREA THAT TOUCHES UPON THE OPEN SPACE AREAS IS PLATED AND/OR DEVELOPED WITH EACH ACCESS TO BE NOT LESS THAN TWENTY (20) FEET WIDE, SAID ACCESS TO BE DEDICATED TO THE CITY ON THE RECORDED PLAT;
 - D) THE ACCESS AREAS SHALL BE FOR PEDESTRIAN TRAFFIC AND NEED NOT BE PAVED OR HAVE A HARD SURFACE, BUT SHALL BE SUFFICIENT TO ALLOW GENERAL PUBLIC ACCESS FROM BOTH SIDES OF THE RIGHT OF WAY OPEN SPACES;
 - E) CITY SHALL NOT OWN OR BE RESPONSIBLE FOR THE RIGHT OF WAY OPEN SPACE AREAS, BUT SHALL HAVE THE RIGHT TO CONSTRUCT PEDESTRIAN/WALKING/RIDING TRAILS SUBJECT TO ANY RESTRICTIONS IMPOSED BY THE OWNERS OF THE RIGHT OF WAYS FOR SUCH USAGE.
 - F) ALL PROPERTY OWNED BY MR. DANCY AND HIS SUCCESSORS IN INTEREST WITHIN THE AREA BOUNDED BY HORN LAKE ROAD, GOODMAN ROAD, THE RAILROAD RIGHT OF WAY AND THE NORTHERN MUNICIPAL BOUNDARY SHALL CONTAIN COVENANTS OF RECORD THAT RUN WITH THE LAND SETTING FORTH THE TERMS OF THIS AGREEMENT FOREVER RESERVING THE IDENTIFIED RIGHT OF WAYS AS PUBLIC OPEN SPACE AS SET FORTH HEREIN.
2. HUGH DANCY COVENANTS THAT HE IS THE SOLE OWNER (AT THE TIME OF THIS AGREEMENT) OF THE PROPERTY ENCOMPASSED WITHIN THIS AGREEMENT.
3. THIS AGREEMENT IS BINDING UPON ALL LANDS OWNED BY HUGH DANCY (AT THE TIME OF THIS AGREEMENT) WITHIN THE DESCRIBED AREA ON NOVEMBER 28, 1994.

OWNER'S CERTIFICATE

I, Jon A. Reeves, OWNER OR AUTHORIZED REPRESENTATIVE OF THE OWNER OF THE PROPERTY, HEREBY ADOPT THIS AS MY PLAN OF SUBDIVISION AND DEDICATE THE RIGHT-OF-WAY FOR THE ROADS AS SHOWN ON THE PLAT OF THE SUBDIVISION TO THE PUBLIC USE FOREVER AND RESERVE FOR THE PUBLIC UTILITIES THE UTILITY EASEMENTS AS SHOWN ON THE PLAT. I CERTIFY THAT I AM THE OWNER IN FEE SIMPLE OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE. THIS THE 27th DAY OF June, 1997.

Jon A. Reeves
OWNER OR AUTHORIZED REPRESENTATIVE
REEVES WILLIAMS, INC.

NOTARY'S CERTIFICATE

STATE OF MISSISSIPPI, COUNTY OF DESOTO
PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR THE SAID COUNTY AND STATE, ON THE 27th DAY OF June, 1997,
WITHIN MY JURISDICTION, THE WITHIN NAMED Jon A. Reeves
WHO ACKNOWLEDGED THAT HE IS THE OWNER OF
Reeves Williams, Inc. A CORPORATION,
AND THAT FOR AND ON BEHALF OF THE SAID CORPORATION, AND AS ITS ACT AND DEED HE/SHE EXECUTED THE ABOVE AND FOREGOING CERTIFICATE, FOR THE PURPOSES MENTIONED ON THE DAY AND YEAR HEREIN MENTIONED, AFTER FIRST HAVING BEEN DULY AUTHORIZED BY SAID CERTIFICATE SO TO DO.

Dennis J. Press
NOTARY PUBLIC
8-23-99
MY COMMISSION EXPIRES:

HORN LAKE PLANNING COMMISSION

APPROVED BY THE HORN LAKE PLANNING COMMISSION ON THIS THE 1ST DAY OF August, 1997.

ATTEST:
Shirley P. Robinson
SECRETARY

HORN LAKE MAYOR & BOARD OF ALDERMEN

APPROVED BY THE HORN LAKE MAYOR AND BOARD OF ALDERMEN ON THIS THE 6th DAY OF August, 1997.

Diane Dewitt CITY CLERK
Mike Roman MAYOR

STATE OF MISSISSIPPI

COUNTY OF DESOTO
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON WAS FILED FOR RECORD IN MY OFFICE AT 10:50 O'CLOCK A.M. ON THE 28th DAY OF July, 1997 AND WAS IMMEDIATELY ENTERED UPON THE PROPER INDEXES AND DULY RECORDED IN PLAT BOOK 57, PAGE 21.

CERTIFICATE OF ENGINEER

THIS IS TO CERTIFY THAT I HAVE DRAWN THIS SUBDIVISION SHOWN HEREON AND THE PLAT OF SAME IS ACCURATELY DRAWN FROM INFORMATION FROM A SURVEY MADE BY ME.
Ben W. Smith
BEN W. SMITH - MS REG. 1997
6/17/97
STATE OF MISSISSIPPI

OWNER'S CERTIFICATE

I, Hugh Dancy, OWNER OR AUTHORIZED REPRESENTATIVE OF THE OWNER OF THE PROPERTY, HEREBY ADOPT THIS AS MY PLAN OF SUBDIVISION AND DEDICATE THE RIGHT-OF-WAY FOR THE ROADS AS SHOWN ON THE PLAT OF THE SUBDIVISION TO THE PUBLIC USE FOREVER AND RESERVE FOR THE PUBLIC UTILITIES THE UTILITY EASEMENTS AS SHOWN ON THE PLAT. I CERTIFY THAT I AM THE OWNER IN FEE SIMPLE OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE. THIS THE 27th DAY OF June, 1997.

Hugh Dancy
OWNER OR AUTHORIZED REPRESENTATIVE

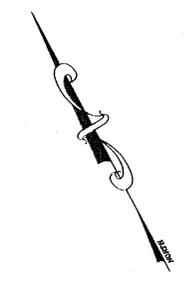
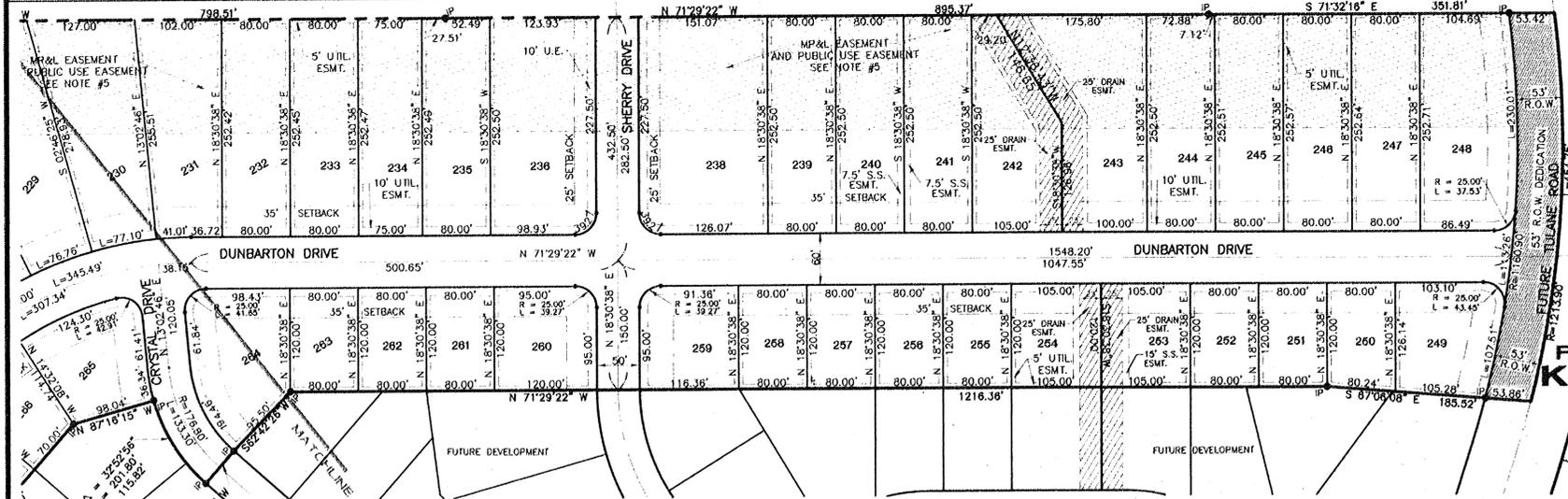
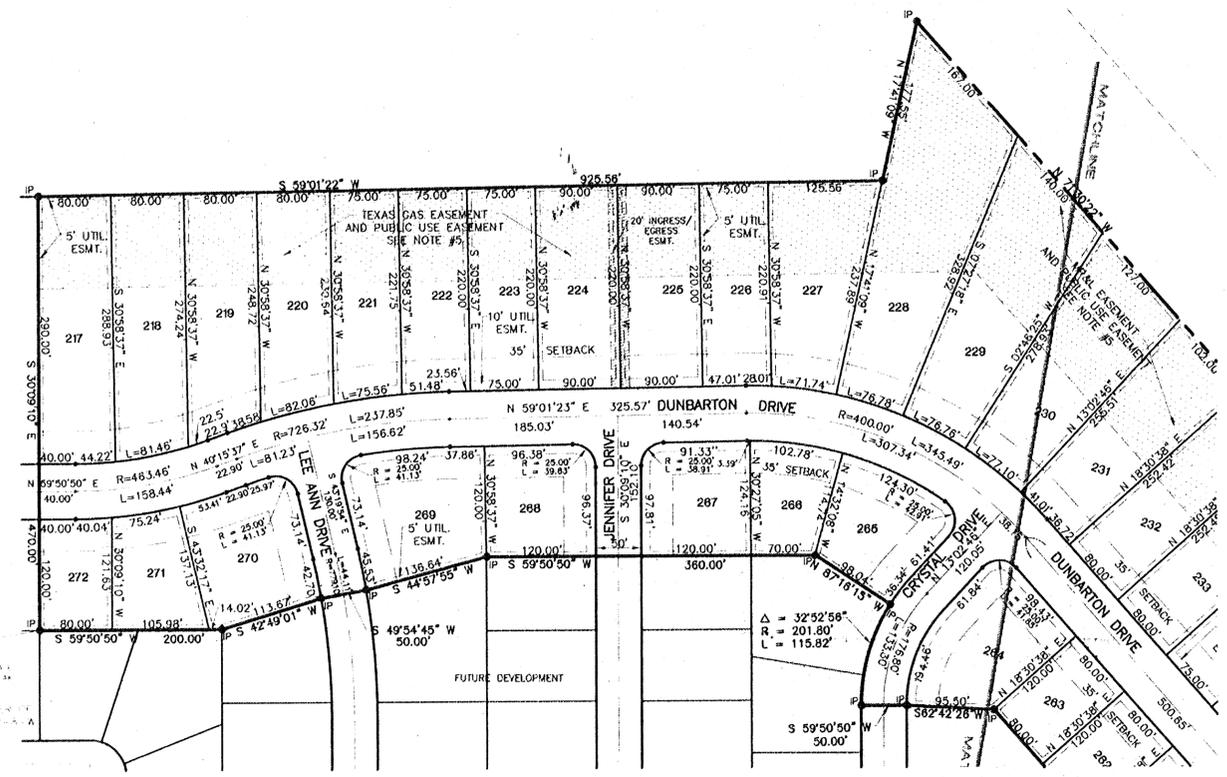
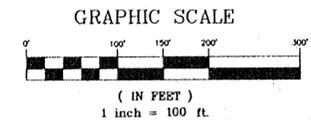
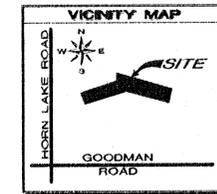
NOTARY'S CERTIFICATE

STATE OF MISSISSIPPI, COUNTY OF DESOTO
PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR THE SAID COUNTY AND STATE, ON THE 27th DAY OF June, 1997,
WITHIN MY JURISDICTION, THE WITHIN NAMED Hugh Dancy ACKNOWLEDGED THAT HE EXECUTED THE ABOVE AND FOREGOING INSTRUMENT.

Adam V. Meyer
NOTARY PUBLIC
May 28, 2000
MY COMMISSION EXPIRES:

FINAL PLAT OF
FIRST REVISION SECTION "E"
KINGSTON ESTATES
SUBDIVISION
SEC. 28, T-1-S, R-8-W
HORN LAKE, MISSISSIPPI
SCALE: 1" = 100'
APRIL, 1997
ZONING: R-8
TOTAL AREA: 27.77 Ac.
TOTAL LOTS: 55
DEVELOPER
HUGH DANCY
8450 SHIMM RD.
SOUTHAVEN, MISSISSIPPI

SES SMITH
ENGINEERING & SURVEYING
1911



NOTES:

1. BUILDING SETBACKS & EASEMENTS
 FRONT:
 35' SETBACK UNLESS OTHERWISE NOTED
 10' UTILITY EASEMENT

SIDE YARDS:
 5' MIN. SIDE YARD WITH A MIN. SUM OF 15
 5' UTILITY EASEMENT UNLESS OTHERWISE NOTED

REAR YARD:
 25' SETBACK UNLESS OTHERWISE NOTED
 5' UTILITY EASEMENT UNLESS OTHERWISE NOTED

2. A 5' SIDEWALK IS REQUIRED ON ONE SIDE OF EACH STREET (UNLESS OTHERWISE NOTED).

3. IRON PINS ARE SET ON ALL REAR PROPERTY CORNERS. CHISEL MARKS ARE MADE ON THE CURB AT THE EXTENDED PROPERTY LINE AND ARE FOR REFERENCE ONLY.

4. LOTS ADJACENT TO PROPOSED TULANE ROAD SHALL HAVE NO ACCESS TO TULANE ROAD.

5. NO BUILDINGS, FENCES, OR ANY OTHER TYPE OF CONSTRUCTION IS ALLOWED IN THE PUBLIC USE EASEMENT.

**FINAL PLAT OF
 FIRST REVISION SECTION "E"
 KINGSTON ESTATES
 SUBDIVISION**

SEC. 28, T-1-S, R-8-W
 HORN LAKE, MISSISSIPPI
 SCALE: 1" = 100'
 APRIL, 1997

ZONING: R-8
 TOTAL AREA: 27.77 Ac.
 TOTAL LOTS: 55

