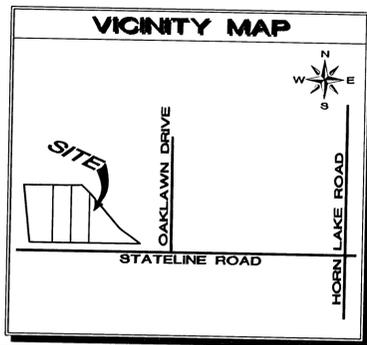


BENDDALE FARMS SUBDIVISION
RESTRICTIVE COVENANTS
SECTION "B"

1. ALL LOTS IN THE SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS, AND NO LOT SHALL BE SUBDIVIDED SO AS TO REDUCE THE SIZE OF THE LOT.
2. EVERY ONE STORY DWELLING ERRECTED ON ANY LOT SHALL HAVE NOT LESS THAN 1600 SQUARE FEET OF HEATED FLOOR SPACE WITH A CEILING HEIGHT OF NOT LESS THAN EIGHT (8) FEET IN ALL ENCLOSED, HEATED, HABITABLE AREAS. THE FIRST OR MAIN FLOOR OF ANY ONE AND ONE HALF OR TWO STORY DWELLING SHALL NOT BE LESS THAN 1200 SQUARE FEET OF FLOOR SPACE. ALL TWO STORY OR STORY AND ONE-HALF STORY DWELLINGS SHALL HAVE A MINIMUM OF 1600 SQUARE FEET OF HEATED FLOOR SPACE.
3. BUILDING FRONT LINE SETBACKS SHALL BE LEFT TO THE DISCRETION OF THE BUILDING INSPECTOR AND THE INTERPRETATION OF THE ZONING ORDINANCE, BUT IN NO CASE SHALL BE LESS THAN 50 FEET.
4. 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 ANY ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
5. 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 THEY ARE NOT KEPT OR BRED FOR ANY COMMERCIAL PURPOSES.
6. NO BUILDING SHALL BE ERRECTED ON ANY LOT IN THE SUBDIVISION UNLESS THE BUILDING PLANS, SPECIFICATIONS AND PLOT PLAN SHOWING THE LOCATION OF SUCH BUILDING HAVE BEEN APPROVED IN WRITING AS TO THE CONFORMITY AND HARMONY WITH EXISTING STRUCTURES IN THE SUBDIVISION AND AS TO LOCATION OF THE BUILDINGS WITH RESPECT TO TOPOGRAPHY AND FINISH GROUND ELEVATION BY BEN W. SMITH, OR BY A DULY APPOINTED REPRESENTATIVE. IN THE EVENT THAT BEN W. SMITH, OR HIS REPRESENTATIVE FAIL TO APPROVE OR DISAPPROVE SUCH DESIGN AND LOCATION WITHIN A PERIOD OF THIRTY (30) DAYS AFTER SAID PLANS AND SPECIFICATIONS HAVE BEEN SUBMITTED TO THEM, OR IF NO LITIGATION TO ENJOIN THE ERRECTION OF SUCH BUILDING OR THE MAKING OF SUCH ALTERATIONS HAS BEEN COMMENCED PRIOR TO THE COMPLETION THEREOF, SUCH APPROVAL WILL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED FULLY COMPLIED WITH. NEITHER BEN W. SMITH NOR HIS DESIGNATED REPRESENTATIVE SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT.
7. ALL SINGLE FAMILY DWELLINGS MUST HAVE A MINIMUM OF A DOUBLE SIDE LOADED GARAGE.
8. NO WINDOW AIR CONDITIONER SHALL BE ALLOWED. THE USE OF SOLAR PANELS IS ALSO PROHIBITED.
9. ALL RADIO AND TELEVISION ANTENNAS SHALL BE INSTALLED IN THE INTERIOR OF THE RESIDENCE IN SUCH A WAY AS NOT TO BE VISIBLE FROM OUTSIDE. NO SATELLITE COMMUNICATION SYSTEM EQUIPMENT OR DISHES SHALL BE PERMITTED TO BE INSTALLED EXCEPT IN THE REAR YARD. SMALL DISHES OF 24" OR DIAMETER OR LESS ARE EXEMPTED FROM THIS REQUIREMENT.
10. NO MOTOR VEHICLE OR ANY OTHER VEHICLE, INCLUDING A BOAT, MOTOR, BOAT TRAILER, LAWN MOWER, TRACTOR, OR SIMILAR VEHICLE MAY BE STORED OPENLY ON ANY LOT FOR THE PURPOSES OF REPAIR OF SAME AND NO A-FRAME OR MOTOR MOUNT MAY BE PLACED ON ANY LOT. NO DISABLED AUTO OR ANY TYPE VEHICLE MAY BE STORED OPENLY ON ANY LOT. ANY REPAIR OF AUTOMOBILES OR ANY OTHER VEHICLES OR PROPERTY, INCLUDING THOSE ENUMERATED IN ANY OF THE RESTRICTIONS SHALL TAKE PLACE OPENLY ON ANY LOT WHERE SUCH REPAIRS CONSTITUTE OR ARE DONE FOR A COMMERCIAL PURPOSE.
11. NO PLUMBING OR HEATING VENT SHALL BE PLACED ON THE FRONT SIDE OF ANY ROOF. ALL VENTS PROTRUDING FROM ROOFS SHALL BE PAINTED THE SAME COLOR AS THE ROOF COVERING.
12. SWIMMING POOLS WILL BE PERMITTED; HOWEVER, FENCING OF SWIMMING POOL AREAS MUST BE WITHIN ACHIEVED SETBACK LINES.
13. DUST ABATEMENT AND EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE CONTRACTOR OR OWNER IN ALL STAGES OF CONSTRUCTION.
14. ALL BUILDING DEBRIS, STUMPS, TREES, ETC. MUST BE REMOVED FROM EACH LOT BY THE BUILDER AS OFTEN AS NECESSARY TO KEEP THE HOUSE AND LOT ATTRACTIVE. SUCH DEBRIS SHALL BE LEGALLY DISPOSED OF OFF SITE.
15. 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 COVENANTS TO PROHIBIT THE MOVING OF ANY EXISTING BUILDING ON TO A LOT AND REMODELING OR CONVERTING SAME INTO A DWELLING UNIT.
16. THERE SHALL BE NO SILVER FINISH METAL DOORS (INCLUDING GLASS SLIDING DOORS) OR WINDOWS OF ANY KIND; HOWEVER, A FACTORY PAINTED OR ANODIZED FINISH MAY BE USED. THE COLOR OF SUCH FINISH SHOULD BE WHITE OR NATURAL EARTH TONES.
17. NO FENCES SHALL BE CONSTRUCTED ON ANY LOT NEARER TO ANY STREET LINE THAN THE HOUSE LINE NEAREST TO SUCH STREET.
18. THERE SHALL BE NO SIGNS NAILED TO TREES AT ANY TIME. ALL BUILDERS AND CONTRACTORS SIGNS ARE TO BE REMOVED FROM THE LOT AFTER THE HOUSE HAS BEEN SOLD.
19. DRAINAGE OF SURFACE WATER, STORM WATER, AND/OR FOUNDATION DRAINS MAY NOT BE CONNECTED TO SANITARY SEWERS.
20. NO OUTSIDE CLOTHES LINES SHALL BE PERMITTED.
21. THE LOCATION AND DESIGN OF ALL MAIL BOXES SHALL BE SUBJECT TO APPROVAL OF THE DEVELOPER. NO MASONRY MAILBOXES WILL BE ALLOWED IN THE STREET R.O.W..
22. NEITHER THE DEVELOPER, NOR ANY ARCHITECT, NOR AGENT THEREOF, SHALL BE RESPONSIBLE IN ANY WAY FOR ANY DEFECTS IN PLANS OR SPECIFICATIONS SUBMITTED, REVISED OR APPROVED IN ACCORDANCE WITH THE FOREGOING PROVISIONS, NOR FOR ANY STRUCTURAL OR OTHER DEFECTS IN ANY WORK DONE ACCORDING TO SUCH PLANS AND SPECIFICATIONS.
23. IF THE PARTIES HERETO OR ANY OF THEM OF 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 PROCEEDING AT LAW OR IN EQUITY AGAINST PERSON TO PERSONS VIOLATING LAW OR IN EQUITY TO VIOLATE ANY SUCH COVENANTS OR RESTRICTIONS AND EITHER TO PREVENT HIM OR THEM FROM DOING SO OR TO RECOVER DAMAGES FOR SUCH VIOLATIONS.
24. INVALIDATION IF 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.
25. CONSTRUCTION OF ANY DWELLING SHALL BE COMPLETED WITHIN SIX (6) MONTHS FROM COMMENCEMENT OF CONSTRUCTION.
26. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING UPON PARTIES AND PERSONS CLAIMING UNDER THEM FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE THESE COVENANTS ARE RECORDED. AFTER WHICH TIME SAID COVENANTS SHALL CONTINUE IN FORCE AND EFFECT UNTIL AN INSTRUMENT SIGNED BY 2/3 MAJORITY OF THE THEN OWNERS OF THE LOTS HAVE BEEN RECORDED AGREEING TO CHANGE SAID COVENANTS IN THEIR ENTIRETY OR IN PART. EACH LOT SHALL HAVE ONE VOTE. AS LONG AS THE DEVELOPER OWNS MORE THAN 50 PERCENT OF THE LOTS, HE MAY AMEND THESE COVENANTS WITHOUT THE CONSENT OF THE OTHER LOT OWNERS.
27. STORAGE BUILDINGS WILL BE ALLOWED; HOWEVER, NO LEAN-TO, ANIMAL BARN OR SHED WILL BE ALLOWED.

- NOTES:
1. MINIMUM SETBACKS ARE AS FOLLOWS: (UNLESS OTHERWISE NOTED)
 - A. 50' FRONT YARD
 - B. 15' SIDE YARD
 - C. 50' REAR YARD
 2. A 10 FEET WIDE UTILITY EASEMENT IS REQUIRED ON ALL STREET FRONTAGE. A 5 FEET WIDE UTILITY EASEMENT IS REQUIRED ALONG EACH SIDE OF EACH LOT LINE AND ALONG ALL REAR LOT LINES. (UNLESS OTHERWISE NOTED)
 3. WATER AND SEWER SERVICE WILL BE PROVIDED BY THE CITY OF SOUTHAVEN.
 4. THIS PROPERTY IS LOCATED IN A HUD IDENTIFIED SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA MAP NO. 28033C0030 E DATED JUNE 19, 1997.
 5. 1/2" ELECTRICAL CONDUIT PIPE IS SET ON ALL PROPERTY CORNERS.
 6. THIS IS A CLASS "B" SURVEY.



OWNER'S CERTIFICATE

I, BEN W. & GAIL M. SMITH 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 4th DAY OF Feb 2003.

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 11th DAY OF February, 2003, WITHIN MY JURISDICTION, THE WITHIN NAMED BEN W. & GAIL M. SMITH WHO ACKNOWLEDGED THAT HE/SHE EXECUTED THE ABOVE AND FOREGOING INSTRUMENT THAT HE/SHE IS THEY

MY COMMISSION EXPIRES: 7-1A-04
SOUTHAVEN PLANNING COMMISSION
APPROVED BY THE SOUTHAVEN PLANNING COMMISSION ON THIS THE 11th DAY OF Feb, 2003

ATTEST: Michael Beem CHAIRMAN

SECRETARY
SOUTHAVEN MAYOR & BOARD OF ALDERMEN
APPROVED BY THE SOUTHAVEN MAYOR AND BOARD OF ALDERMAN ON THIS THE 11th DAY OF February, 2003

Charles G. Davis MAYOR
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 11:15 O'CLOCK P. M., ON THE 30th DAY OF Feb, 2003 AND WAS IMMEDIATELY ENTERED UPON THE PROPER INDEXES AND DULY RECORDED IN PLAT BOOK 82, PAGE 1314

CERTIFICATE OF ENGINEER
W.E. Davis CHANCERY COURT

THIS IS TO CERTIFY THAT I HAVE DRAWN THIS SUBDIVISION PLAT FROM A GROUND SURVEY AND THE PLAT OF SAME IS ACCURATELY DRAWN FROM INFORMATION FROM A GROUND SURVEY BY ME OR SOMEONE UNDER MY DIRECT SUPERVISION

Ben W. Smith ENGINEER
AND
Ben W. Smith ENGINEER

MORTGAGEE'S CERTIFICATE
BEN W. SMITH

HEREBY ADOPT THIS AS OUR 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 MORTGAGEE IN FEE SIMPLE OF THE PROPERTY AND THAT NO TAXES HAVE BECOME DUE AND PAYABLE. THIS THE 20 DAY OF 20

TITLE SIGNATURE OF MORTGAGEE

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 20th DAY OF 20, WITHIN MY JURISDICTION, THE WITHIN NAMED _____ WHO ACKNOWLEDGED THAT HE/SHE IS _____ AND THAT FOR AND ON BEHALF OF THE SAID BANK, AND AS ITS ACT AND DEED HE/SHE EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AFTER FIRST HAVING BEEN DULY AUTHORIZED BY SAID BANK SO TO DO.

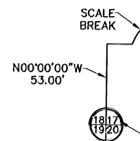
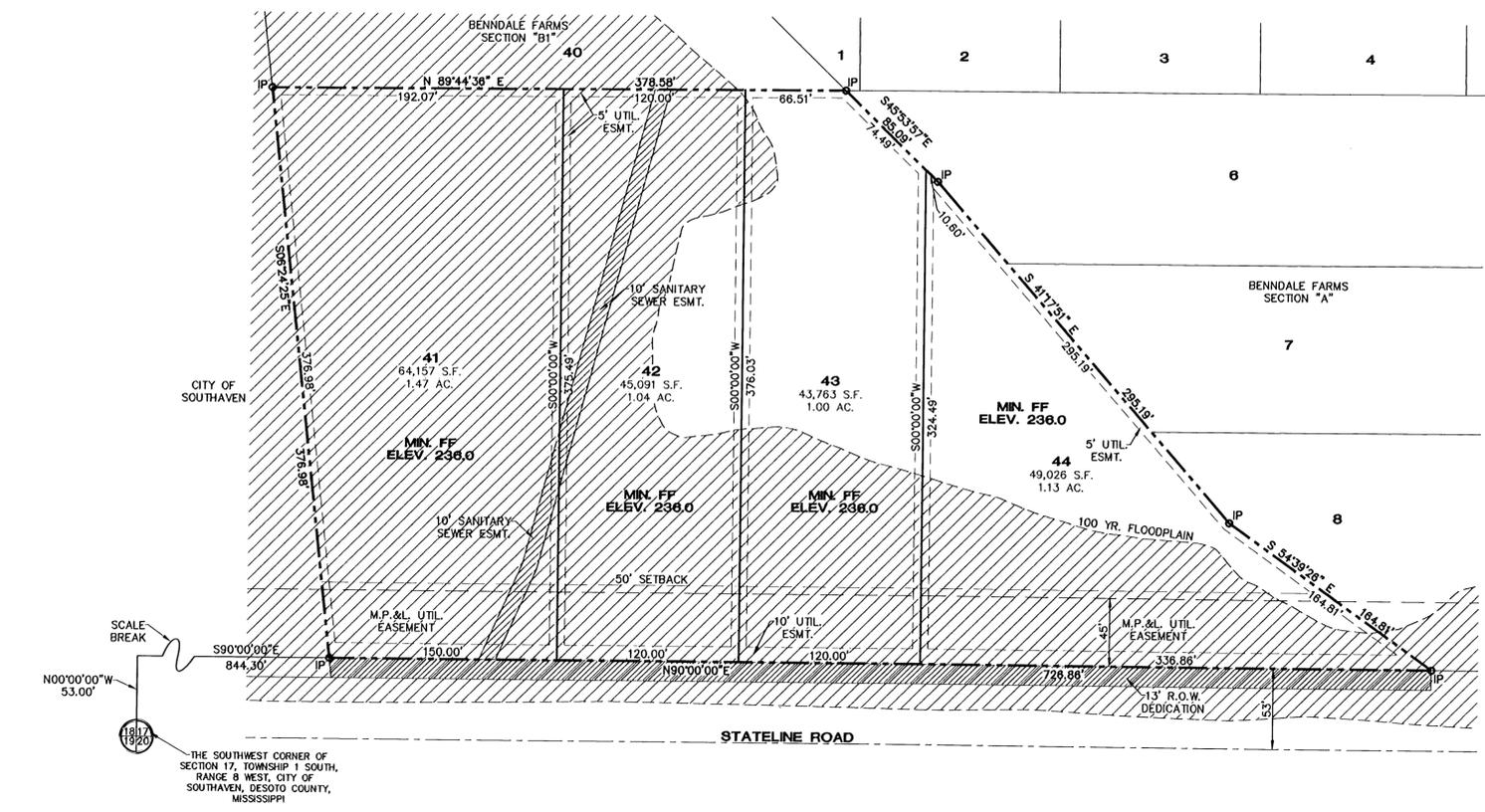
MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

FINAL PLAT
SECTION "B"
BENDDALE FARMS
SUBDIVISION
SECTION 17, TOWNSHIP 1 SOUTH, RANGE 8 WEST
SOUTHAVEN, MISSISSIPPI

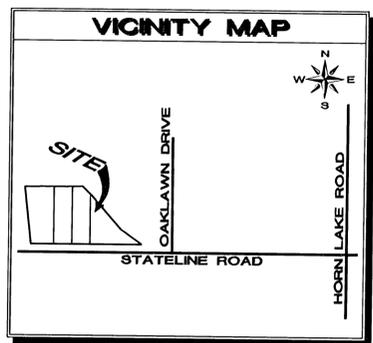
FEBRUARY 2003
ZONING: AR
TOTAL AREA: 4.64 ACRES
TOTAL LOTS: 4
DEVELOPER
BEN SMITH
891 RASCO ROAD EAST
SOUTHAVEN, MS 38671



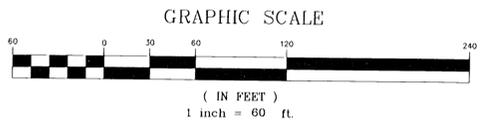
CULVERT TABLE	
LOT #	SIZE
41	72"x44"
42	65"x40"
43	65"x40"
44	65"x40"



THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 8 WEST, CITY OF SOUTHAVEN, DE SOTO COUNTY, MISSISSIPPI



- NOTES:
- MINIMUM SETBACKS ARE AS FOLLOWS: (UNLESS OTHERWISE NOTED)
 A. 50' FRONT YARD
 B. 15' SIDE YARD
 C. 50' REAR YARD
 - A 10 FEET WIDE UTILITY EASEMENT IS REQUIRED ON ALL STREET FRONTAGE. A 5 FEET WIDE UTILITY EASEMENT IS REQUIRED ALONG EACH SIDE OF EACH LOT LINE AND ALONG ALL REAR LOT LINES. (UNLESS OTHERWISE NOTED)
 - WATER AND SEWER SERVICE WILL BE PROVIDED BY THE CITY OF SOUTHAVEN.
 - THIS PROPERTY IS LOCATED IN A HUD IDENTIFIED SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA MAP NO. 28033C0030 E DATED JUNE 19, 1997.
 - 1/2" ELECTRICAL CONDUIT PIPE IS SET ON ALL PROPERTY CORNERS.
 - THIS IS A CLASS 'B' SURVEY.



FINAL PLAT
 SECTION "B"
BENNDALE FARMS
SUBDIVISION
 SECTION 17, TOWNSHIP 1 SOUTH, RANGE 8 WEST
 SOUTHAVEN, MISSISSIPPI
 SCALE: 1" = 60'
 FEBRUARY 2003

ZONING: AR
 TOTAL AREA: 4.64 ACRES
 TOTAL LOTS: 4

DEVELOPER
 BEN SMITH
 891 RASCO ROAD EAST
 SOUTHAVEN, MS 38671

SES SMITH
 ENGINEERING FIRM, INC.
 891 RASCO ROAD EAST SOUTHAVEN, MISSISSIPPI 38671
 (601) 393-3348
 FAX (601) 393-0714