

STATE MS.-DESOTO CO.
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Dec 6 4 38 PM '99

BK 364 PG 69
W.F. DEWITT CH. CLK.

STATE MS.-DESOTO CO.
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Nov 29 2 43 PM '99 P²

BK 363 PG 494
W.F. DEWITT CH. CLK.

AMENDED DECLARATION

OF

COVENANTS, CONDITIONS AND RESTRICTIONS

THIS AMENDED DECLARATION, made on the date hereinafter set forth by CHEROKEE DEVELOPMENT CO., INC., a Mississippi corporation, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declaration of Covenants, Conditions and Restrictions for Cherokee Trail, Part of Cherokee Valley P.U.D., situated in Section 32, Township 1 South, Range 6 West, DeSoto County, Mississippi/dated March 21, 1997 as recorded in Plat Book 56, Page 30, as recorded in Book 313, Page 708 of the Land Deed Records, Chancery Clerk's Office, DeSoto County, Mississippi and Amended Declaration of Covenants, Conditions and Restrictions dated November 23, 1998 as recorded in Book 343, Page 366 of the Land Deed Records, Chancery Clerk's Office, DeSoto County, Mississippi; and

WHEREAS, the parties hereto are desirous of amending same.

NOW THEREFORE, said covenants as referenced hereinabove be amended as follows, to-wit:

1) Article III, Item 4 is hereby amended to read as follows:

Organizational Meeting. The Association membership shall hold an organizational meeting at the call of the Developer, but not later than within thirty (3) days after the sale and conveyed of 75% of the lots in the subdivision or December 31, 1999, whichever shall occur earlier. The organizational meeting of the Association membership shall be held for the purposes of electing a Board of Directors and establishing procedures for the proper Functioning of the Association.

2) Article V, Item 4(H) is hereby amended to read as follows:

There shall be no silver finish metal doors (including glass sliding doors) or windows of any kind, however, a factory painted or anodized finished may be used. The type of wood material or an upgraded material shall be submitted to Architectural Control Committee for approval on all windows visible from street or golf course;

3) Article V, Item 4(N) is hereby deleted.

4) Article V, Item 4(P) is hereby amended to read as follows:

P. Every one story dwelling erected on lot that adjoins or abuts a lake or the golf course property, exclusive of open porches, garages, carports and finished basements, shall have not less than 1,900 heated square feet of floor space. Every dwelling or building erected on any lot which does not abut or adjoin the golf course property or a lake, shall have not less than 1,700 square feet of heated floor space. No dwelling shall be more than two stories in height. The approval by the Committee as to house design shall include approval for roof style and type of architectural dimensional shingle and brick color and brick style. Exterior materials of each unit shall consist of brick or stucco. Cedar siding homes or log homes are categorically excluded. All roof lines shall be pitched at a ratio of 8 in 12 or greater. Exterior lighting shall be directed towards grade as is practical and in no case shall exterior lighting be directed towards adjoining properties of the street. No exterior lighting shall create offensive glare or intensity in adjoining properties or in the street. All exterior lighting shall be white. Colored exterior lighting, except decorative lighting associated with holidays and special occasions, is categorically excluded. All exterior paint and roof colors shall be of muted earth tones. All entrance doors visible from the street or golf course shall contain a glass surface and shall be of wood construction, unless otherwise approved by Architectural Control Committee, Front Door must have glass side lights.

5) Article V is hereby amended to include Item 4(V) as follows:

Stone address blocks to be placed on front of home as approved by Architectural Control Committee.

6) It is further agreed by and between the parties that with the exception as to the amendment noted herein, the Declaration of Covenants, Conditions and Restrictions as recorded in Book 313, Page 708 and Book 343, Page 366 of the Land Deed Records, Chancery Clerk's Office, DeSoto County, Mississippi shall remain in full force and effect.

7) These amendments are made by the undersigned pursuant to authority under Article VIII of the Declaration of Covenants, with the undersigned being the majority lot owner.

IN WITNESS HEREOF, the undersigned, being the Declarant herein, has hereunto set their hand and seal on this 24 day of November, 1999.

CHEROKEE VALLEY DEVELOPMENT CO., INC.

BY: Anthony L. Jones
ANTHONY L. JONES, PRESIDENT

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for said county and State, on this 24 day of November, 1999, within my jurisdiction, the within named ANTHONY L. JONES, who acknowledged that he is the President of CHEROKEE VALLEY DEVELOPMENT CO., INC., a Mississippi corporation, and that for and on behalf of said company, and as its act and deed he executed the above and foregoing instrument, after having been duly authorized by said company so to do.

Jerry A. Wilson
NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/1/2002



PREPARED BY AND RETURN TO:
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