

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

RELATING TO CAYCE LAKES SUBDIVISION

THIS DECLARATION is made, published and declared, this the 29th day of May, 1997, by Landman, Inc., owner of Cayce Lakes Subdivision, (the "Developer").

WITNESSETH:

WHEREAS, the Developer is the fee simple owner of Lots 1 through 79 of Cayce Lakes Subdivision as shown on plat adopted by Developer and recorded in Plat File 825-A+B in the office of the Chancery Clerk, Marshall County, Mississippi (the "Property") and

WHEREAS, it is to the benefit, interest and advantage of the Developer and of each and every person or other entity hereinafter acquiring a lot or any interest in the Property that certain covenants and restrictions regulating the use and occupancy of the Property be established, fixed, set forth and declared as covenants running with the land;

NOW, THEREFORE, in consideration of the premises, the Developer does hereby publish and declare that all or any portion of Lots 1 through 79 of Cayce Lakes Subdivision according to plat recorded in Plat File 825 A-B in the office of the Chancery Clerk, Marshall County, Mississippi, (located in the Northwest Quarter and the Northeast Quarter of Section 34, Township 1 South, Range 4 West) is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied, and improved subject to the following covenants, conditions, restrictions, uses, limitations and obligations, all of which shall run with the land and shall be a burden and a benefit to the Developer, its successors and assigns, and any person or legal entity acquiring or owning any interest in any portion of the Property or any improvements thereon, their grantees, successors, heirs, executors, administrators, devisees, assigns and lessees.

COVENANTS AND RESTRICTIONS

1. Each lot shall be for single family residential use with customary outbuildings and/or agricultural use with no structure being used for any type of business or commercial enterprise other than agriculture or permitted "home businesses" as permitted by the Marshall County Zoning Ordinance. No more than one residence may be located on any lot and this only in compliance with the requirements of the Marshall County Planning Commission and the Marshall County Health Department. Lots may not be subdivided except by Developer and then only if the total number of lots is not increased and provided that all required approval from Marshall County is obtained.

2. All residences erected on the property shall contain a minimum of 1000 square feet of indoor heated area and shall be constructed of new material and completed within 12 months after construction begins. Other permitted residences shall include double wide mobile homes, sectional mobile homes or modular homes which have a minimum of 960 square feet and minimum dimensions of 24 x 40 (twenty four feet wide by forty feet long) or greater and shall be no older than five (5) years at the time of placement on the property. No other mobile homes are permitted. No single wide mobile homes may be joined together or have additions built onto them for the purpose of meeting the minimum square footage requirement. Within 30 days after placement on the lot, all mobile homes must be firmly anchored and fully underskirted with brick, painted concrete block, or underskirting designed to match the mobile home. Concrete block houses are prohibited.

3. No incomplete or junk type structures shall be permitted on the property, and no camper type trailer, tent or shack may be used either temporarily or permanently as a dwelling.

4. No animals may be raised or kept for commercial purposes, except as stated below. Household pets may be kept provided they are not kept, bred or maintained for commercial purposes and must be kept and maintained in accordance with the Marshall County Zoning Ordinance and all applicable laws. All swine are prohibited. Notwithstanding the above, horses and cattle may be raised and kept for commercial purposes provided that no more than two large animals (horses and cattle) per acre are permitted on any lot.

5. No inoperative or unlicensed vehicles, or parts of same, shall be permitted.

6. All buildings must comply with building set back lines as shown on the plat of the subdivision and with the building setback requirements of Marshall County.

7. No dumping or accumulation of trash, garbage, discarded personal effects, or other debris shall be permitted.

8. All water wells and sewerage disposal systems must comply with good practices and Health Department requirements.

9. All driveways installed to the property from its abutting roadway must use a pipe of sufficient size and length to insure proper drainage, if a pipe is needed.

10. No timber may be cut for sale without permission of the Developer.

11. These covenants, limitations, and restrictions are to run with the land and shall be binding upon all parties and all persons claiming under them until December 31, 2016, at which time said covenants, limitations and restrictions shall automatically extend for successive five-year periods unless, by a vote of the majority of the then owners of the lots in this subdivision, it is agreed to change said covenants in whole or in part.

12. There are restrictions within the easement of the existing T.V.A. power transmission line as shown on said Plat. All use of property within the power line easement must comply with the provisions of said easement. No buildings, brush, trees or any fire hazards may be placed within said easement. TVA has the right to keep the right of way clear of such obstructions.

13. These covenants, limitations, and restrictions, or any part of them, may be amended only by the vote of the owners of 80% of the lots in the subdivision with each owner given one vote for each lot owned.

14. The lake that is located on parts of Lots 53, 54, 65, 66, 67, 69 and 70 is for the private use of the owners and guests of those lots and is not intended to be for the use of the general public or other lot owners. Each of the owners of the above listed lake lots shall have an easement of enjoyment and the right to boat and fish on the entire lake. Said easement of enjoyment includes the lake area only and does not grant any lot owner the right to enter onto the shore or land portion of any lot other than his own. No fences or other such obstructions shall be erected in the lake. No trot line or jug fishing shall be allowed in said lake. No motors other than

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electric trolling motors shall be allowed in the lake. The owners of lots 67 and 69 shall be responsible for maintaining the lake levee at its present level and in its current condition.

IN WITNESS WHEREOF, Landman, Inc., being the declarant herein, has hereunto caused this instrument to be duly executed the day and year first above written.

LANDMAN, INC.
BY: *Oliver M. Burch, IV*
OLIVER M. BURCH, IV, PRESIDENT

STATE OF MISSISSIPPI
COUNTY OF MARSHALL

This day personally appeared before me the undersigned authority in and for said county and state, OLIVER M. BURCH, IV, President of LANDMAN, INC., a Mississippi corporation, who acknowledged that he signed and delivered the foregoing Declaration Of Covenants, Conditions and Restrictions of Cayce Lakes Subdivision as and for the act of said corporation for the purpose therein mentioned.

Given under my hand and official seal of office this the ^{4th} ~~29th~~ day of ^{June} ~~May~~, 1997.

(S E A L)

Sandra W. Lindner
NOTARY PUBLIC

My commission expires:

My Commission Expires October 6, 2000

Prepared By *Rth*
LANDman, Inc.
Oliver M. Burch, IV, Pres.
P.O. Box 807
Holly Springs, MS 38635
601-252-4592

STATE OF MS
COUNTY OF MARSHALL
FILED & RECORDED
97 JUN 16 AM 9:29
J. J. JR.
CHIEF CLERK

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