

ATC 1-C
L3340

SUPPLEMENTARY DECLARATION OF
COVENANTS AND RESTRICTIONS OF
THE COMMUNITIES OF CASTLEWOODS FOR
AZALEA TRAILS OF CASTLEWOODS, PART ONE-C

THIS SUPPLEMENTARY DECLARATION, made and executed on this the 21ST day of FEBRUARY, 1992, by BAYCASTLE PROPERTIES, L.P., a Mississippi limited partnership, (hereinafter referred to as "Declarant").

WITNESS

WHEREAS, Declarant is the owner of that certain real property situated in Rankin County, Mississippi, more particularly described on Exhibit "A" attached hereto, and desires to create and develop thereon a residential community; and

WHEREAS, to this end, Declarant, as successor in interest pursuant to those certain Assignments of Rights Under Covenants as recorded in Book 639 at Page 475 in the office of the Chancery Clerk of Rankin County, desires to subject all of said real property described in Exhibit "A" hereto to those certain covenants, restrictions, uses, limitations, obligations, easements, servitudes, charges and liens heretofore set forth in that certain instrument, executed by the Declarant's predecessor in title, dated January 29, 1986, and entitled "Declaration of Covenants, Conditions and Restrictions for the Communities of Castlewoods", (which instrument is referred to herein as the "Declaration") which Declaration is of record in the office of said Chancery Clerk of Rankin County in Book 501 at Page 92 and reference thereto is hereby made for all purposes; and

WHEREAS, the Declarant deems it desirable to extend the scheme of the covenants and restrictions set forth in the Declaration to the additional real property described in Exhibit "A" to this Supplementary Declaration, which additional real property is a part of the Additional lands referred to in the Declaration and is being added to and made a part of the property which is subject to the Declaration pursuant to Section 2 of Article XIII of the Declaration; and

WHEREAS, the Declarant deems it desirable also to subject Azalea Trails of Castlewoods, Part One-C, to the additional covenants and restrictions as hereinafter set forth;

NOW THEREFORE, the Declarant hereby states and declares as follows, to wit:

(1) Azalea Trails of Castlewoods, Part One-C, has been divided into various lots and parcels as is shown and depicted on a Plat thereof, which Plat has been filed for record in the office of the Chancery Clerk of Rankin County, in Plat Cabinet "B" at Slot 301 thereof. Reference to said Plat is hereby made for all purposes.

(2) All the terms, provisions and conditions of the Declaration are hereby imposed upon Azalea Trails of Castlewoods, Part One-C, and hereafter Azalea Trails of Castlewoods, Part One-C, and each and every portion thereof, is and shall be held, conveyed,

hypothecated or encumbered, sold, leased, rented, used, occupied and improved subject to each and all of the covenants, restrictions, uses, limitations, obligations, easements, servitudes, charges and liens set forth in the Declaration, as the same may be amended in accordance with the provisions thereof, to the same extent and with like force and effect as if each and all of such covenants, restrictions, uses, limitations, obligations, easements, servitudes, charges and liens were set forth herein.

(3) In addition, Azalea Trails of Castlewoods, Part One-C, and each and every portion thereof, is and shall be held, conveyed, hypothecated or encumbered, sold, leased, rented, used, occupied and improved subject also to each and all of the additional and supplemental covenants, restrictions, uses, limitations, obligations, easements, servitudes, charges and liens herein set forth below, as follows, to wit:

(a) All Lots, with no exceptions, in said Subdivision shall be known, described and used as residential lots, and no building shall be erected, altered, placed or permitted to remain on any one of said Lots other than one single-family dwelling, together with reasonable accessory buildings and outbuildings. No dwelling shall exceed two stories in height, except that three-story dwellings will be permitted if the additional story is a basement, or if a minimum of fifty percent (50%) of the additional story is below street grade of the street or streets abutting the Lot upon which the dwelling is situated. Each accessory building and outbuilding shall be attractive in appearance and shall have a roof and outside walls constructed of the same materials, respectively, as those used in the dwelling on the same Lot.

(b) Except as otherwise provided, no dwelling, nor any other building, shall be located on any Lot in said Subdivision nearer than twenty (20) feet from the adjoining right-of-way line of the street abutting the front side of the Lot, nor nearer than twenty (20) feet to any right-of-way line of a street abutting any other side of the Lot. No dwelling or any other building shall be located on either of Lots 33, 34, 35 or 36 in said Subdivision nearer than thirty (30) feet to the proposed street along the east side of said Lots. No dwelling or any other building on any of Lots 33, 34, 35 or 36 in said Subdivision shall face the street proposed along the east sides of said lots.

(c) Except as otherwise provided, no dwelling or any other building, shall be located on any Lot in said Subdivision closer than five (5) feet to any interior side line of said Lot.

(d) Except as otherwise provided, no dwelling or any other building shall be located on any Lot in said Subdivision closer than twenty (20) feet to the back lot line of said Lot.

(e) No dwelling shall be constructed, placed, or moved or maintained upon any Lot in said subdivision unless such dwelling shall contain at least One Thousand Six Hundred (1,600) square feet of heated floor space exclusive of open porches and unheated storage spaces. If any dwelling having more than one story consists in part of a basement (which word, as used herein, shall mean a story so situated that a minimum of fifty percent (50%) of such story is below street grade of the street or streets abutting the Lot upon which the dwelling is situated), the floor space in the basement, whether heated or not, shall not be considered in determining whether the dwelling complies with the requirements of this Subparagraph (e).

(f) Due to the natural terrain, lot configurations and/or proximity of adjacent structures, it may be inadvisable to enforce the above stated set-back and square footage requirements. Therefore, notwithstanding anything herein to the contrary, the Architectural Review Committee may approve specific deviations to said set-back requirements and square footage requirements which it believes to be beneficial to a specific home site or to adjacent home sites.

(g) Except as otherwise provided, each dwelling shall be served with off-street parking in the form of a concrete driveway extending from the pavement on a public street abutting the Lot on which the dwelling is situated to a garage or carport, which garage or carport must be attached to the dwelling. Said garage or carport must provide space for parking of not less than two (2) or more than three (3) standard-size automobiles. No dwelling or any other building on any of Lots 33, 34, 35 or 36 may be served with a driveway extending from the street proposed along the east sides of said Lots.

(h) The builder of the original dwelling on each Lot in said Subdivision shall construct a sidewalk four (4) feet in width along the entire length of that portion of the public street or streets which abut the Lot, except that for the purposes of this requirement the builders of the original dwelling on those lots in said Subdivision which abut proposed Azalea Trails Drive shall not be required to construct a sidewalk along either of these two streets. The edge of each such sidewalk nearest to the street along which it is constructed shall be located two (2) feet from the back of the curb alongside the street, unless it becomes necessary to curve the sidewalk away from the curb so as to avoid a fire hydrant, street sign, tree or other obstruction; and if it becomes necessary so to curve the sidewalk, the sidewalk shall be curved smoothly, uniformly and attractively away from the curb and around the obstruction so that neither the obstruction nor the sidewalk itself will become a hazard to persons using the sidewalk. Construction and/or maintenance of the sidewalk either within the street

right-of-way or on private property shall constitute the granting or permission to use the sidewalk to any and all persons who use same in a safe and reasonable manner. The grade of each such sidewalk shall be uniform and consistent with, and shall vary uniformly and consistently with, the grade of the top of the curb along which the sidewalk is constructed. Each such sidewalk shall be scored at four-foot intervals, with an expansion joint every eight (8) feet, and shall be constructed of broom finish concrete four (4) inches in thickness.

(i) Plans for the construction of any fence must be submitted to and approved by the Architectural Review Committee before any fence is placed or construction is commenced on any Lot in said Subdivision. Such plans must include the location, materials, height, design, character and color of each and all components of said fence. Any fence which does not comply with the plans approved therefor shall be removed or brought into full compliance with the approved plans. On Lots 33, 34, 35 or 36 of said Subdivision, any fence erected along the side or sides of the lot abutting the street proposed along the east sides of Lots said 33, 34, 35 and 36 must meet the requirements promulgated by the Architectural Review Committee for perimeter fencing for Azalea Trails.

(j) Complete plans for each and all dwellings, buildings and improvements shall be submitted to and approved by the Architectural Review Committee before any such dwelling, building or other improvement is placed or construction is commenced on any Lot within the subdivision.

(k) The ownership, maintenance and repair of any and all drainage pipes, stormwater inlets, and other appurtenant drainage facilities located on any Lot shall be that of the Owner of the Lot on which such pipes, inlets and facilities are located. The Declarant shall have the right to improve, maintain and repair such pipes, inlets and drainage facilities at any time for any purpose. In no event shall the Declarant have the duty to improve, maintain or repair any drainage pipe, stormwater inlet or other appurtenant drainage facility located within Azalea Trails of Castlewoods, Part One-C. Under no circumstances shall drainage pipes, stormwater inlets, and other appurtenant drainage facilities be considered a "utility" which is reserved to the Declarant by the Reservation on the Plat of said Subdivision.

(l) The more restrictive provisions set forth in Subparagraphs (b), (c), and (d) above shall apply to specific Lots therein mentioned.

(4) This Supplementary Declaration may be amended in the same manner and to the same extent as if provided in the Declaration.

(5) All words and expressions in this Supplementary Declaration shall have the same meanings, respectively, as are attributed to them by the Declaration, except that the word "herein", as used in this Supplementary Declaration, shall mean in this Supplementary Declaration.

IN WITNESS WHEREOF, the undersigned authorized officer of said ZACH T. HEDERMAN, JR., PROPERTIES, INC., as the corporate General Partner of BAYCASTLE PROPERTIES, L.P., the Owner, has caused this instrument to be executed and for and on behalf of said BAYCASTLE PROPERTIES, L.P., on this the 21st day of FEBRUARY, 1992.

BAYCASTLE PROPERTIES, L.P.
A Mississippi Limited Partnership

By its General Partner:

ZACH T. HEDERMAN, JR.,
PROPERTIES, INC.
A Mississippi corporation

By: Zach Hederman
Zach T. Hederman, Jr., President

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY came and appeared before me, the undersigned authority in and for said county and state, on this the 21st day of FEBRUARY, 1992, within my jurisdiction, the above and within named ZACH T. HEDERMAN, JR., who acknowledged that he is President of ZACH T. HEDERMAN, JR., PROPERTIES, INC., a Mississippi corporation and General Partner of BAYCASTLE PROPERTIES, L.P., a Mississippi limited partnership, and as its act and deed he executed the above and foregoing instrument of writing on the day and for the purposes therein mentioned for and on behalf of said corporation as said general partner of said limited partnership and as its own act and deed after first having been duly authorized so to do.

Robynn Powlett
NOTARY PUBLIC

My Commission Expires: My Commission Expires Jan. 5, 1996

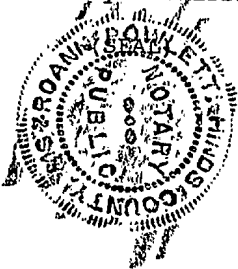


EXHIBIT "A"

AZALEA TRAILS OF CASTLEWOODS, PART ONE-C

Commence at the corner common to Sections 16, 17, 20 and 21, Township 6 North, Range 3 East, Rankin County, Mississippi and run thence South 00 degrees 02 minutes 04 seconds East along the line common to said Sections 20 and 21, for a distance of 3,308.67 feet to a point on the north right-of-way line of Castlewoods Boulevard, as said north right-of-way line is now laid out and established; run thence along said north right-of-way line of Castlewoods Boulevard as follows: run thence South 65 degrees 38 minutes 00 seconds East for a distance of 104.67 feet to the point of curvature of a curve to the left having a central angle of 06 degrees 52 minutes 58 seconds and a radius of 5,726.38 feet; continue thence along said curve to the left for an arc distance of 391.31 feet (chord bearing and distance: South 67 degrees 35 minutes 28 seconds East for distance of 391.24 feet; leaving said curve to the left, run thence North 51 degrees 24 minutes 28 seconds East for a distance of 108.93 feet; run thence North 19 degrees 24 minutes 04 seconds East for a distance of 31.67 feet to the intersection of the westerly right-of-way line of Azalea Trails Drive with the southerly right-of-way line of Formosa Drive and point of beginning of the parcel of land described as follows:

Run thence North 31 degrees 24 minutes 06 seconds East for a distance of 51.12 feet to the intersection of the westerly right-of-way line of Azalea Trails Drive with the northerly right-of-way line of Formosa Drive; run thence along the westerly right-of-way line of Azalea Trails Drive for the following bearings and distances: North 15 degrees 54 minutes 28 seconds East for a distance of 101.22 feet to the Point of Curvature of a curve to the right having a central angle of 32 degrees 10 minutes 28 seconds and a radius of 381.75 feet; continue thence along said curve to the right for an arc distance of 214.37 feet (chord bearing and distance: North 31 degrees 59 minutes 42 seconds for a distance of 211.57 feet) to the Point of Tangency of said curve; run thence North 48 degrees 04 minutes 57 seconds East for a distance of 85.00 feet; leaving said westerly right-of-way line of Azalea Trails Drive, run thence North 41 degrees 55 minutes 04 seconds West for a distance of 130.00 feet; run thence North 64 degrees 45 minutes 36 seconds West for a distance of 240.56 feet; run thence South 23 degrees 14 minutes 46 seconds West for a distance of 520.11 feet to a point on the southerly right-of-way line of Formosa Drive; run thence South 70 degrees 35 minutes 56 seconds East for a distance of 296.86 feet; along said southerly right-of-way line of Formosa Drive to the point of beginning.

The above described parcel of land is situated in the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 21, Township 6 North, Range 3 East, Rankin County, Mississippi, and contains 3.52 acres, more or less.



RANKIN COUNTY MS
THIS INSTRUMENT
WAS FILED FOR
RECORD

92 2721 AM 5:00
IN B 639 R 489
MURPHY ADKINS, CHY. CLK.
BY *[Signature]* D.C.