

501

7305  
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STATE OF MISSISSIPPI  
COUNTY OF PEARL RIVER

WAIVER AND AMENDMENT OF RESTRICTIVE COVENANT PROVISION

WHEREAS, the undersigned, Rocky N. Lumpkin, Diane B. Lumpkin, James B. Sampson, Thomas S. Teague, Staci R. Lumpkin a/k/a Staci S. Stockstill, Robert C. Piot and wife, Pamela D. Piot, Joseph M Duzac, Sr. and wife, Deborah M. Duzac, Gary Petit, Jay F. Harvey, Clay Framing Contractors, Inc., by Clay Stockstill, Trenton Brock McCoy and wife, Heather L. McCoy, Robin Jeremy Weir and wife, Tracy M. Weir, Dana E. Smith and wife Vickie L. Smith, Anthony J. Sghranbrach and wife, Kristy V. Sghranbrach, constituting Sixty Six and Two-Thirds (66 2/3) percent of the owners of the lots in that certain subdivision known as, Hidden Oaks Subdivision, which the Official Plat thereof is currently on file in the Office of the Chancery Clerk of Pearl River, County, Mississippi, in Slide No. A-195.

WHEREAS, the Hidden Oaks Subdivision is burdened and otherwise encumbered by those certain covenants, conditions and restrictions set forth and attached herein as Exhibit "A".

WHEREAS, Paragraph Twelve (12) of the hereinbefore described covenants, conditions and restrictions set forth in Exhibit "A" attached hereto specifically prohibits the subdividing of any and all of the lots contained in the Hidden Oaks Subdivision, said provision reading as follows to-wit:

"12. No parcel may be divided. Only one living unit shall be allowed on each tract."

WHEREAS, Paragraph Sixteen (16) of the hereinbefore described covenants, conditions and restrictions set for the in Exhibit "A" specifically provides for the modification, amendment and/or termination of the hereinbefore described covenants, conditions and restrictions by a sixty-six and two-thirds percent (66 2/3%) majority vote of the lot owners of Hidden Oaks Subdivision.

WHEREAS, the undersigned constitute the a 66 2/3 percent majority of the lot owners of Hidden Oaks Subdivision and do hereby agree, consent and approve the following change and/or amendment to Paragraph 12, of the subject covenants, conditions and restrictions of Hidden Oaks Subdivision to read as follows, to-wit:

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"Parcels may be subdivided into lots no less than one (1) acre each. Only one living unit shall be allowed on each tract."

WHEREAS, it is the intention of the undersigned hereto to memorialize in writing their agreement, consent, approval and/or ratification relative to the alteration of the covenants, conditions and/or restrictions of the Hidden Oaks Subdivision described herein as Exhibit "A".

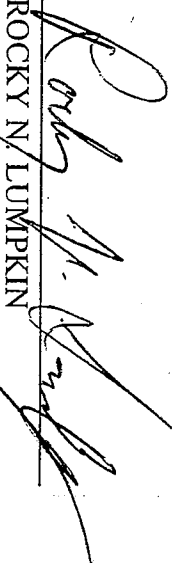
WHEREAS, upon reasonable consideration and further, to effect the sale, purchase and/or finance of the lots of Hidden Oaks Subdivision, Paragraph 12 of the covenants, conditions and restriction of Hidden Oaks Subdivision, Pearl River County, Mississippi, be, and the same are hereby amended, modified and changed accordingly as set forth above.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged and confessed, the undersigned have and do by their presents, hereby amend, modify, change and/or alter only Paragraph 12 of the covenants, conditions and restrictions of the Hidden Oaks Subdivision which is an Official Plat of record currently on file in the Office of the Chancery Clerk of Pearl River County, Mississippi, in Slide A-195 as follows, to-wit:


"Parcels may be subdivided into lots no less than one (1) acre each. Only one living unit shall be allowed on each tract."

WITNESS our signatures on this, the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 1999.

Owner Lots 11,13,14,15 &16

  
ROCKY N. LUMPKIN

Owner Lots 11,13,14,15 &16

  
DIANE B. LUMPKIN

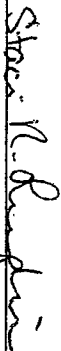
Owner Lot 17 & part of Lot 16

  
JAMES E. SAMPSON

Owner Lot 17 & part of Lot 16

  
THOMAS S. TEAGUE

Owner Lot 12

  
STACI R. LUMPKIN a/k/a  
STACI S. STOCKSTILL

545

735/5-16

Owners of Lot 24

ROBERT C. PIOT



PAMELA D. PIOT

Owners of Lot 20

*Pamela D. Piot*

*Joseph M. Duzac*  
JOSEPH M. DUZAC, SR.

*Deborah M. Duzac*  
DEBORAH M. DUZAC

Owners of Lots 11, 18, 19, 25

*Gary Pett*  
GARY PETT

Owner of Lot 27

*Jay F. Jarvey*  
JAY F. JARVEY

Owner Lot 22

*Clay Framing Contractors, Inc.*  
CLAY FRAMING CONTRACTORS, INC.  
CLAY STOCKSTILL

Owner Lot 10

*Trenton Brock McCoy*  
TRENTON BROCK MCCOY

*Heather L. McCoy*  
HEATHER L. MCCOY

Owners Lot 5, 6

*Robin Jeremy Weir*  
ROBIN JEREMY WEIR

*Tracy M. Weir*  
TRACY M. WEIR

Owner Lot 3

735  
5-17

DANA E. SMITH

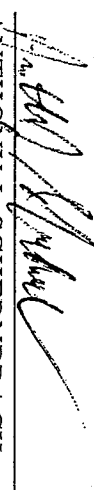


VICKIE L. SMITH



Owners Lot 21

ANTHONY J. SGHERNBRACH



KRISTY V. SGHERNBRACH



STATE OF MISSISSIPPI )

COUNTY OF PEARL RIVER )

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **ROCKY N. LUMPKIN and wife, DIANE B. LUMPKIN**, who acknowledged to me that they signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of June, A.D., ~~1999~~ 2000

  
NOTARY PUBLIC

STATE OF MISSISSIPPI )  
COUNTY OF PEARL RIVER )

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **JAMES E. SAMPSON**, who acknowledged to me that he signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of June, A.D., ~~1999~~ 2000

  
NOTARY PUBLIC

My Commission Expires:

4-12-2002

STATE OF MISSISSIPPI )  
 )  
 )  
COUNTY OF PEARL RIVER )

735  
518

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **THOMAS S. TEAGUE**, who acknowledged to me that he signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan,  
A.D., ~~1999~~ 2000

Reggie M. Brooks  
NOTARY PUBLIC

My Commission Expires:

4-12-2002

STATE OF MISSISSIPPI )  
 )  
 )  
COUNTY OF PEARL RIVER )

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **STACI R. LUMPKIN, a/k/a STACI S. STOCKSTILL** who acknowledged to me that she signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan,  
A.D., ~~1999~~ 2000

Reggie M. Brooks  
NOTARY PUBLIC

My Commission Expires:

4-12-2002

STATE OF MISSISSIPPI )  
 )  
 )  
COUNTY OF PEARL RIVER )

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **ROBERT C. PIOT and wife, PAMELA D. PIOT** who acknowledged to me that they signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan,  
A.D., ~~1999~~ 2000

Reggie M. Brooks  
NOTARY PUBLIC

My Commission Expires:

4-12-2002



STATE OF MISSISSIPPI )  
 )  
COUNTY OF PEARL RIVER )

7-3-95  
7-5-19

513

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **JOSEPH M. DUZAC, SR. and wife, DEBORAH M. DUZAC**, who acknowledged to me that they signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan, A.D., ~~1999~~ 2000.

Peggy M. Brooks  
NOTARY PUBLIC

My Commission Expires:  
4-12-2002  
STATE OF MISSISSIPPI )  
 )  
COUNTY OF PEARL RIVER )



PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **GARY PETT**, who acknowledged to me that he signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan, A.D., 1999.

Peggy M. Brooks  
NOTARY PUBLIC

My Commission Expires:  
4-12-2002  
STATE OF MISSISSIPPI )  
 )  
COUNTY OF PEARL RIVER )



PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **JAY F. HARVEY**, who acknowledged to me that he signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan, A.D., 1999.

Peggy M. Brooks  
NOTARY PUBLIC

My Commission Expires:  
4-12-2002



5-10-02

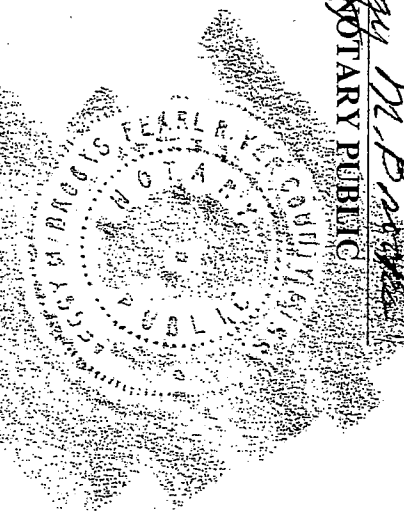
735 / 520

STATE OF MISSISSIPPI )  
 )  
COUNTY OF PEARL RIVER )

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **CLAY FRAMING CONTRACTORS, INC., CLAY STOCKSTILL** who acknowledged to me that he signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan,  
A.D., ~~1999~~ 2000

*Peggy M. Brook*  
NOTARY PUBLIC



My Commission Expires:

4-12-2002

STATE OF MISSISSIPPI )  
 )  
COUNTY OF PEARL RIVER )

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **TRENTON BROCK MCCOY and wife, HEATHER L. MCCOY**, who acknowledged to me that they signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan,  
A.D., ~~1999~~ 2000

*Peggy M. Brook*  
NOTARY PUBLIC



My Commission Expires:

4-12-2002

STATE OF MISSISSIPPI )  
 )  
COUNTY OF PEARL RIVER )

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **ROBIN JEREMY WEIR and wife, TRACY M. WEIR**, who acknowledged to me that they signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan,  
A.D., ~~1999~~ 2000

*Peggy M. Brook*  
NOTARY PUBLIC



My Commission Expires:

4-12-2002

STATE OF MISSISSIPPI )  
 )  
COUNTY OF PEARL RIVER )

735/521  
502

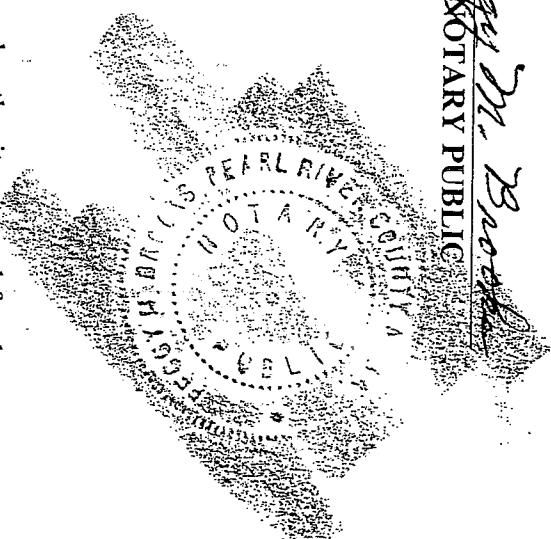
PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **DANA E. SMITH and wife, VICKIE L. SMITH**, who acknowledged to me that they signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan,  
A.D., ~~1999~~ 2000

My Commission Expires:

4-12-2002

STATE OF MISSISSIPPI )  
 )  
COUNTY OF PEARL RIVER )



Peggy M. Brook  
NOTARY PUBLIC

PERSONALLY came and appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named **ANTHONY J. SGHERNBRACH and wife, KRISTY V. SGHERNBRACH** who acknowledged to me that they signed, executed and delivered the foregoing Waiver and Amendment of Restrictive Covenant Provision on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, upon this, the 6 day of Jan,  
A.D., ~~1999~~ 2000

Peggy M. Brook  
NOTARY PUBLIC



My Commission Expires:

4-12-2002

PLEASE INDEX: Lots 1 through 27  
Hidden Oaks Subdivision

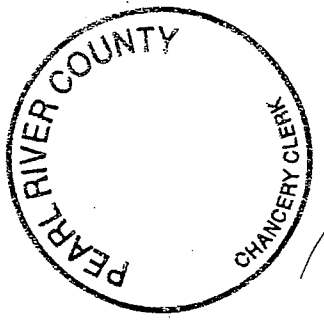






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/ 524



PEARL RIVER COUNTY, I hereby certify the foregoing instrument was filed for record in  
STATE OF MISSISSIPPI, 3 day of February, 1935 at 9:30 o'clock A. M. and that the  
same is now duly recorded in Book No. 11 on page 54524 of Record  
at Meridian Miss. Deeds in my office.  
(Given under my hand and Seal of office this 3 day of February, 1935)

*Edward G. ...*  
Chancery Clerk  
*Edw. G. ...*

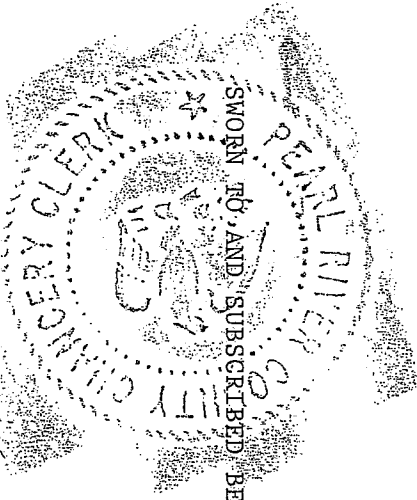
621  
480

HIDDEN OAKS  
PROTECTIVE COVENANTS

1. Lots shall be used for residential purposes only.
2. All residences constructed on any parcel of the above described property shall be fully finished dwellings of generally accepted building material and constructed according to conventional methods of construction, using conventional materials, and completed within six (6) months from the date construction is commenced.
3. All residences must have a minimum of 1400 square feet of heated and cooled floor area, exclusive of basements, porches, and garages.
4. No mobile homes shall be located on the above described property at any time.
5. No travel trailer, basement, tent, shack, garage, barn or any other separate out building shall be used as a residence. Any separate structure such as equipment sheds, animal shelters, barns, green houses, out-buildings or storage buildings must be placed to the rear of the dwelling. Any boats or RV's must also be placed to the rear of the dwelling.
6. Commercial or industrial use of any part of this property is prohibited.
7. No structure shall be constructed or placed nearer than seventy-five feet from the front boundary line or twenty-five feet from the side and rear boundary lines. This restriction shall not apply to driveways or mailboxes.
8. Individual sewage disposal systems (septic tanks) shall be installed in accordance with the Mississippi State Board of Health Regulations.
9. The dumping, storing or accumulation of trash, debris, junk or junk cars on this property is prohibited. Junkyard is defined as two (2) or more inoperative vehicles.
10. No chicken, swine, goats, cattle or horses shall be permitted on this property. A reasonable number of pets may be kept on each parcel, provided they are not allowed to become a nuisance or hazard to other property owners.
11. No noxious, immoral, illegal or offensive activity shall be carried on upon any lot nor shall anything be done hereon which may be or become an annoyance or nuisance to the public.
12. No parcel may be divided. Only one living unit shall be allowed on each tract.
13. Each lot shall be kept in a clean and sightly condition.

- 14. Developer, or its assigns, shall have the right, but not the obligation, to clean up debris, trash, junk, cut grass or take any other actions as it deems necessary to enforce these covenants. If developer, or its assigns, is required to take such action and incurs expenses therefore, developer shall be entitled to impress a lien on the owner's land in the office of the Chancery Clerk and file suit in the appropriate court, to recover all damages incurred.
- 15. Fines must be enclosed, contained and carefully supervised.
- 16. These covenants shall run with and bind the land, and shall insure to the benefit of and be enforceable by the owner of any part or parcel of the herein above described land, their respective legal representatives, heirs, successors, and assigns for a term of twenty (20) years from the date of this instrument and shall be automatically renewed for successive ten (10) year periods thereafter unless modified, amended, or terminated by a 66 2/3 percent majority vote of the lot owners.
- 17. No fences above four feet in height shall be placed anywhere in front of a dwelling.

Rocky N. Lumpkin  
ROCKY N. LUMPKIN



W. R. Davis  
D. R. DAVIS, CHANCERY CLERK  
W. R. Davis

SWORN TO, AND SUBSCRIBED, BEFORE ME THIS 11TH DAY OF DECEMBER 1995.

Revised by X list

Rocky N. Lumpkin  
PO Box 198  
Lawrence MO 64526  
798-2462 pd

RECORDED, PLACED IN THE OFFICE OF THE CHANCERY CLERK, AND FOR RECORD IN MY OFFICE ON THE 11th day of December, 1995. My Seal is here attached. I certify in my office. Given under my hand and Seal of office this 11th day of December, 1995.

W. R. Davis  
D. R. DAVIS, CHANCERY CLERK

95-11-9 on page 480 of 481 of Record

W. R. Davis  
W. R. DAVIS, CHANCERY CLERK

664  
411

HIDDEN OAKS

PROTECTIVE COVENANTS

1. Lots shall be used for residential purposes only.
2. All residences constructed on any parcel of the above described property shall be fully finished dwellings of generally accepted building material and constructed according to conventional methods of construction, using conventional materials, and completed within six (6) months from the date construction is commenced.
3. All residences must have a minimum of 1400 square feet of heated and cooled floor area, exclusive of basements, porches, and garages.
4. No mobile homes shall be located on the above described property at any time.
5. No travel trailer, basement, tent, shack, garage, barn or any other separate out building shall be used as a residence. Any separate structure such as equipment sheds, animal shelters, barns, green houses, out-buildings or storage buildings must be placed to the rear of the dwelling. Any boats or RV's must also be placed to the rear of the dwelling.
6. Commercial or industrial use of any part of this property is prohibited.
7. No structure shall be constructed or placed nearer than seventy-five feet from the front boundary line or twenty-five feet from the side and rear boundary lines. This restriction shall not apply to driveways or mailboxes.
8. Individual sewage disposal systems (septic tanks) shall be installed in accordance with the Mississippi State Board of Health Regulations.
9. The dumping, storing or accumulation of trash, debris, junk or junk cars on this property is prohibited. Junkyard is defined as two (2) or more inoperative vehicles.
10. No chicken, swine, goats, cattle or horses shall be permitted on this property. A reasonable number of pets may be kept on each parcel, provided they are not allowed to become a nuisance or hazard to other property owners.
11. No noxious, immoral, illegal or offensive activity shall be carried on upon any lot nor shall anything be done hereon which may be or become an annoyance or nuisance to the public.
12. No parcel may be divided. Only one living unit shall be allowed on each tract.
13. Each lot shall be kept in a clean and slightly condition.
14. Developer, or its assigns, shall have the right, but not the obligation, to clean up debris, trash, junk, cut grass or take any other actions as it deems necessary to enforce these covenants. If developer, or its assigns, is required to take such action and incurs expenses therefore, developer shall be entitled to impress a lien on the owner's land in the Office of the Chancery Clerk and file suit in the appropriate court, to recover all damages incurred.
15. Fires must be enclosed, contained and carefully supervised.
16. These covenants shall run with and bind the land, and shall insure to the benefit of and be enforceable by the owner of any part or parcel of the herein above described land, their respective legal representatives, heirs, successors, and assigns for a term of twenty (20) years from the date of this instrument and shall be automatically renewed for successive ten (10)

160 A  
160 A130

year periods thereafter unless modified, amended, or terminated by a 66 2/3 percent majority vote of the lot owners.

17. No fences above four feet in height shall be placed anywhere in front of a dwelling.

WITNESS my signature, upon this, the 20<sup>th</sup> day of February, A.D., 1997.

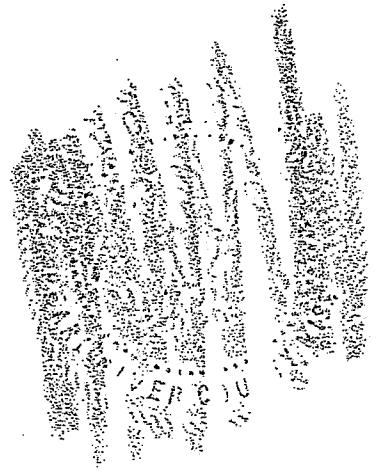
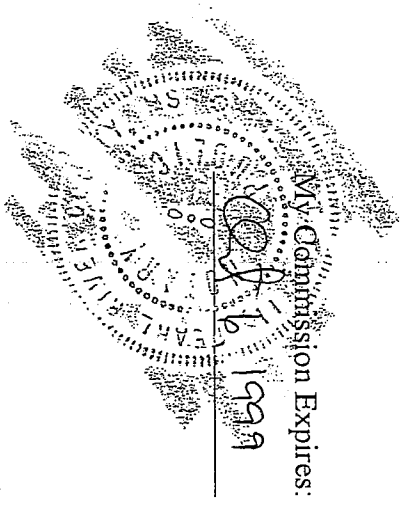
Rocky N. Lumpkin  
Rocky N. Lumpkin

STATE OF MISSISSIPPI  
COUNTY OF PEARL RIVER

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named **Rocky N. Lumpkin**, who acknowledged to me that he signed, executed, and delivered the Hidden Oaks, Protective Covenants on the day, in the year, and for the purposes therein contained.

GIVEN under my hand and official seal of office, the 20<sup>th</sup> day of February, A.D., 1997.

[Signature]  
Notary Public



2. I, **HEAVY COINTEY**, Clerk of the County of Pearl River, State of Mississippi, do hereby certify that the foregoing instrument was filed for record in my office on the 24 day of February 1997.  
I have also filed for record in my office the same instrument, and that the same is now duly recorded in Book 109 of Records, Page 411-412 of Record.  
Given under my hand and seal of office this 24 day of February, 1997.

[Signature]  
Clerk





MINUTES BOARD OF SUPERVISORS JULY TERM, 2003  
PEARL RIVER COUNTY, MISSISSIPPI

ORDER TO APPROVE APPLICATION 02S-05 FOR RESUBDIVISION OF LOTS 16-17  
OF HIDDEN OAKS SUBDIVISION

There came on this day to be considered by the Board of Supervisors of Pearl River County, Mississippi, the matter of to approve application 02S-05 for resubdivision of lots 16-17 of Hidden Oaks Subdivision.

Upon motion made by Troy Stockstill and seconded by Robert Thigpen, the following order was adopted, to-wit:

Be It Ordered by the Pearl River County Board of Supervisors to approve the application 02S-05 for the resubdivision of lots 16-17 of Hidden Oaks Subdivision from property owner Rocky N. Lumpkin.

Ordered and adopted, this the 28th day of July, 2003.

Voting AYE: Anthony Hales, Charles Ray Perry, Larry Davis,  
Robert Thigpen and Troy Stockstill.

Voting NAY: None.

ORDER APPROVING APPLICATION FOR RESUBDIVISION OF LOTS 13-15 IN  
HIDDEN OAKS SUBDIVISION

There came on this day to be considered by the Board of Supervisors of Pearl River County, Mississippi, the matter of approving application for Hidden Oaks Subdivision.

Upon motion made by Charles Ray Perry and seconded by Robert Thigpen, the following order was adopted, to-wit:

Be It Ordered by the Pearl River County Board of Supervisors that the application for resubdivision for lots 13-15 in the Hidden Oaks Subdivision be approved.

Ordered and adopted, this the 26th day of June, 2000.

Voting AYE: Charles Ray Perry, Larry Davis, Robert Thigpen and  
Troy Stockstill.

Voting NAY: None

Absent: Anthony Hales.

ORDER APPROVING HIDDEN OAKS SUBDIVISION

There came on this day to be considered by the Board of Supervisors of Pearl River County, Mississippi, the matter of approving Hidden Oaks Subdivision.

Upon motion made by Charles Ray Stockstill and seconded by Thomas F. Spiers, the following order was adopted, to-wit:

Be It Ordered by the Pearl River County Board of Supervisors that the plat of Hidden Oaks Subdivision be approved and accepted by this Board and that said plat shall be recorded with the Chancery Clerk's Office.

Be It Further Ordered that the roads in said subdivision be accepted by this Board as public roads and shall be maintained by the County Road Department.

Ordered and adopted, this the 20th day of November, 1997.

Voting AYE: Anthony Hales, Charles Ray Stockstill, Charles Ray Perry, Luther Ladner, and Thomas F. Spiers.

Voting NAY: None.

Hidden Oaks S/B

Amend - 735/514 ✓

Covenants - 641/480 ✓

Covenants 669/411 ✓

Board min Approving ✓

Resub of Lot 16-17

Slide A-195 ✓