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STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER

PROTECTIVE COVENANTS FOR WESTCHESTER HEIGHTS SUBDIVISION,
BY DECLARATION OF MAJORITY OF LOT OWNERS

Pursuant to the Provisions of Protective Covenants applicable to Westchester Heights Subdivision, recorded October 11, 1963, and on file in the Office of the Chancery Clerk of Pearl River County, Mississippi; and,

The Protective Covenants therein set forth are to run with the land and the title thereto and shall be binding on all parties owning or claiming under them by purchase, inheritance, device, or otherwise, for a period of thirty-five (35) years, and upon expiration of said period of thirty-five years from this date, said covenants shall automatically terminate and end; however, these covenants may be amended, changed or extended for an additional period of ten (10) years and for successive periods of ten years by a majority vote of the then owners of a majority of the lots in said subdivision; and it is in this regard that this instrument is filed for record to state and record the amendments to said protections, covenants, and conditions agreed upon and signed by a majority of the Lot Owners in said subdivision, to-wit:

TABULATION OF LOT OWNER VOTES

Number of lots in subdivision; 120.
Maximum number of votes; 120 (one vote per lot -- owners of multiple lots cast one vote per lot.)

Votes cast in favor of adopting these Protective Covenants; 68 being 56.67 percent in favor.

The tabulation being a majority, and more, of the lots owned in the Westchester Heights Subdivision, under the authority herein recited, have and do by this instrument:

impress each of the specifically numbered lots designated in the Plat of Westchester Heights Subdivision, inclusive, (as distinguished from such land, if any, within the limits of such Subdivision which is not specifically plotted and numbered as lots) with the following Protective Covenants for the purpose of carrying out a general plan of development, maintenance, and protecting the value of subject premises.

AMENDMENT AND EXTENSION OF PRIOR PROTECTIVE COVENANTS

If this document is signed by a majority (one vote per lot) of the Lot Owners of Westchester Heights Subdivision, as evidence of their vote attached herewith, then in that event, the Protective Covenants applicable to Westchester Heights Subdivision recorded October 11, 1963, and filed with the Subdivision Plat in the Office of the Chancery Clerk of Pearl River County, Mississippi, are amended and extended by these Protective Covenants effective upon the date of filing this document.

DEFINITIONS

1. For the purpose of this document the following definitions apply throughout:

a) "Lot" shall mean each numbered Lot as shown upon the plat of Westchester Heights Subdivision, on file in the Office of the Chancery Clerk of Pearl River County, Mississippi.

b) "Lot Owner" shall mean the name of the individual or individuals shown on the document conveying title to each Lot as shown in the Record of Land Deeds on file in the Office of the Chancery Clerk of Pearl River County, Mississippi.

PROTECTIVE COVENANTS
WESTCHESTER HEIGHTS SUBDIVISION
PEARL RIVER COUNTY, MISSISSIPPI

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1. All of the above described land in said subdivision shall be known, described and used as residential lots except as noted on official plat.
2. No residence or dwelling house shall be constructed, erected, built, moved upon or otherwise placed upon any of said lots except residences and dwelling houses commonly known and described as detached single family residences or dwelling houses and no such residences shall be so constructed, erected or built as to consist of more than two (2) stories. Garages, servants quarters and storage rooms may be constructed as auxiliaries to said detached single family residences or dwelling houses, but garage apartments and temporary structures are expressly prohibited.
3. No buildings or other structures may be constructed, erected, moved upon or otherwise placed upon any of said lots which are commonly known and described as temporary buildings, structures and trailers.
4. No such detached single family one story residence shall consist of less than 1,000 square feet of ground floor space, exclusive of porches and terraces, and no such single family one and one-half story or two story residence shall contain less than 900 square feet of ground floor space, exclusive of porches and terraces. Also, each residence constructed in said subdivision shall have a construction cost of no less than \$12,000, exclusive of cost of lot, as based on present construction costs.
5. No residential structure shall be erected or placed on any building plot which has less than 15,000 square feet area, and no residential structure shall be erected or placed on any building plot nearer than 30 feet to the street line the structure faces, nor nearer than 5 feet to the side boundary line of any such plot.
6. No private or public nuisance may be created or maintained upon any of said lots.
7. These Protective Covenants shall run with said lots and the title thereto and shall be binding on all parties and persons claiming under them by purchase, inheritance, device or otherwise until October 11, 2008, after which time said Protective Covenants shall be automatically extended, for successive periods of ten (10) years unless an instrument signed by the then majority of the Lot Owners, with one vote per owned lot, has been recorded, agreeing to a change in said covenants in whole or in part.
8. If the owner or claimant of any of said lots shall violate or attempt to violate any of the conditions, restrictions or covenants herein contained, then in such event any other person or persons owning any other of said lots or portion thereof or interest therein may institute and prosecute any appropriate proceeding or proceedings either at law or in equity for damage therefor, but there shall be no forfeiture or reversion of title because of any such violation or attempted violation of any of said conditions, restriction or covenants.
9. If any one or more of the conditions, restrictions or covenants herein contained shall be held by any Court of competent jurisdiction to be invalid for any reason any such holding shall not affect the validity and effectiveness of the other conditions, restrictions and covenants herein contained.
10. The subdividers reserve the right to make minor changes and alterations in these covenants and to waive minor violations of the same.

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STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER

DECLARATION OF LOT OWNER AGREEING TO AMEND AND EXTEND
THE ORIGINAL PROTECTIVE COVENANTS
FOR WESTCHESTER HEIGHTS SUBDIVISION

Amended 1998
Westchester Dr.

The undersigned being the owner/owners of lot(s) Westchester Dr., Pearl River County, Mississippi, have and do by this instrument hereby declare this one-page document to be their Declaration Agreeing to Amend and Extend the Original Protective Covenants applicable to their said property, as recorded and filed in the official plat and records of Westchester Heights Subdivision, dated October 11, 1963, in the Office of the Chancery Clerk of Pearl River County, Mississippi; by amending and extending the original Protective Covenants for Westchester Heights Subdivision, a copy dated the 8th day of October, A.D., 1998, of which has been filed for reference with the subdivision plat in the Office of Chancery Clerk of Pearl River County, Mississippi.

The undersigned establishes that the original Protective Covenants shall be amended and extended as set forth herein. Paragraph 7 of the original covenant shall be replaced with the following:

7. These Protective Covenants shall run with said lots and the title thereto and shall be binding on all parties and persons claiming under them by purchase, inheritance, device or otherwise until October 11, 2008, after which time said Protective Covenants shall be automatically extended, for successive periods of ten (10) years unless an instrument signed by the then majority of the Lot Owners, with one vote per owned lot, has been recorded, agreeing to a change in said covenants in whole or in part.

The undersigned duly authorizes Leslie S. Trest and Kenneth D. Gashion, Westchester Heights Subdivision property owners, to tabulate and report the undersigned's vote in favor of the said extended Protective Covenants; and, to attach this declaration to and make it a part of the Protective Covenants for Westchester Heights Subdivision by Declaration of Majority of Owners, to be filed for record in the Office of the Chancery Clerk of Pearl River County, Mississippi.

Witness our signature upon this, the 9th day of October, A.D., 1998.

Leslie S. Trest
Kenneth D. Gashion

STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER

Leslie S. Trest
Kenneth D. Gashion

This day came and personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named:

who acknowledged that they signed, executed, and delivered the above and foregoing Declaration Agreeing to amend and extend the Original Protective Covenants for said Subdivision on the date and for the purpose herein stated,

given under my hand upon this, the 9th day of October, A.D.

Notary Public



DOCUMENT PREPARED BY

9/16/76 KENNETHI QASHION 157 TENNYSAN GOUVE 39466
PICAYUNE MS

LESLIE S. TREST 165 TENNISON GOUVE 39466
PICA YUNE MS 39466
798-6218

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PEARL RIVER COUNTY, I hereby certify the foregoing instrument was filed for record in
STATE OF MISSISSIPPI, my office on the 13 day of October, 1978 at 8:01 o'clock A.M. and that the
same is now duly recorded in Deed Record No. 7112 on page 18-712 of Record
of Deeds in my office. Given under my hand and Seal of office this 13 day of October, 1978.

D. R. DAVIS
Chancery Clerk
Dorlene Rungbe

