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STATE OF MISSISSIPPI
LAFAYETTE COUNTY



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This instrument prepared by:
Bela J Chain III, Lawyer
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Oxford, MS 38655
(601) 234-1667

GRANTOR:
BLUE SKY DEVELOPMENT, LLC
P.O. BOX 1460
OXFORD, MS 38655
662 816-8187

INDEXING: A tract of land containing 22.30 acres, more or less, being a fraction of the Southwest Quarter (SW 1/4) of Section 5, and a fraction of the North Half (N ½) of the Southeast Quarter (SE 1/4) of Section 6, Township 9 South, Range 2 West, Lafayette County, Mississippi.

STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE

DECLARATION OF COVENANTS
AND RESTRICTIONS
(THE HIGHLANDS, PHASE XII, PROPOSED)

WHEREAS on April 26, 2004 by instrument found among the land records of Lafayette County, Mississippi in Deed Book 524 at Page 569 the DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE HIGHLANDS were enrolled as relates to Phase I of the said Highlands Subdivision. The Declaration of Covenants and Restrictions for the Highlands were thereafter amended by instrument found as instrument no. 200404363 (this being the A.R. C. Design Guidelines for Phases I through VIII) and further

amended by instrument found at 200800188.

WHEREAS THE HIGHLANDS SUBDIVISION, PHASE XII has received, at this point only preliminary plat approval.

WHEREAS the developer of THE HIGHLANDS is desirous in having all of Phase I, Phase II, Phase III, Phase IV, Phase V, Phase VI, Phase VII, VIII, IX, X, XI and XII subject to the same covenants and restrictions, EXCEPT FOR CERTAIN CHANGES TO THE A.R.C. GUIDELINES which have heretofore been referred sometimes as Exhibit "D" to the Declaration of Covenants and Restrictions for The Highlands and as further found as instrument no. 200404363.

WHEREAS the developer recognizing the unique terrain of the within described property (proposed Phase XII) is replacing, in total, the A.R.C. guidelines as heretofore employed in Phases I through VIII that appears as Exhibit "D" and recorded as instrument no. 200404363 with the A.R.C. Design Guidelines for the within described property (proposed, The Highlands, Phase XII), attached hereto and made a part herein by reference as Exhibit "A";

NOW THEREFORE, Blue Sky Development, LLC, declares that the property herein described herein below and now known as THE HIGHLANDS, PHASE XII, as proposed, be held subject to those certain DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE HIGHLANDS as found in Deed Book 524 at Page 569, as amended by instrument no. 200800188 as further amended herein with Exhibit

"A" of the land records of Lafayette County, Mississippi, and to be known as THE HIGHLANDS, PHASE XII, to wit:

A tract of land being a fraction of the Southwest Quarter (SW 1/4) of Section 5, and a fraction of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 6, Township 9 South, Range 2 West, Lafayette County, Mississippi; being described in more detail as follows:

Beginning at a 1" iron pipe found marking the Southeast corner of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 6, Township 9 South, Range 2 West, Lafayette County, Mississippi; run thence N 89° 54' 46" W along the South line of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 6 for a distance of 261.44 feet to a 1/2" rebar set; run thence N 00° 05' 14" E leaving said South line for a distance of 185.00 feet to a 1/2" rebar set at the beginning of a circular curve to the right; run thence along said curve having an arc length of 23.56 feet, a chord bearing of N 45° 05' 14" E, a chord length of 21.21 feet, and a radius of 15.00 feet to a 1/2" rebar set; run thence N 89° 54' 46" W for a distance of 80.00 feet to a 1/2" rebar set at the beginning of a circular curve to the right; run thence along said curve having an arc length of 23.56 feet, a chord bearing of S 44° 54' 46" E, a chord length of 21.21 feet, and a radius of 15.00 feet to a 1/2" rebar set; run thence S 00° 05' 14" W for a distance of 185.00 feet to a 1/2" rebar set on the aforementioned South line of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 6; run thence N 89° 54' 46" W along said South line for a distance of 605.46 feet to a 1/2" rebar set; run thence N 24° 40' 34" E leaving said South line for a distance of 965.70 feet to a 1/2" rebar set on the South right-of-way line of Highlands Circle (30.00 feet from centerline), said rebar also being at the beginning of a circular curve to the right; run thence along said South right-of-way line (30.00 feet from centerline) as follows: along said curve having an arc length of 15.04 feet, a chord bearing of S 60° 56' 28" E, a chord length of 15.04 feet, and a radius of 970.00 feet to a 1/2" rebar set; run thence S 60° 29' 49" E for a distance of 416.73 feet to a 1/2" rebar set at the beginning of a circular curve to the left; run thence along said curve having an arc length of 405.03 feet, a chord bearing of S 74° 28' 36" E, a chord length of 401.02 feet, and a radius of 830.00 feet to a 1/2" rebar set; run thence S 88° 27' 23" E for a distance of 245.44 feet to a 1/2" rebar set at the beginning of a circular curve to the right; run thence along said curve having an arc length of 179.37 feet, a chord bearing of S 77° 31' 25" E, a chord length of 178.28 feet, and a radius of 470.00 feet to a 1/2" rebar set; run thence S 66° 35' 27" E for a

distance of 110.46 feet to a ½" rebar set; run thence S 08° 28' 03" W leaving said South right-of-way line for a distance of 533.89 feet to a ½" rebar set; run thence N 85° 11' 46" W for a distance of 693.11 feet to the Point of Beginning of the herein described tract of land. Said tract contains 22.30 acres, more or less.

"True" Geodetic Bearings were established from GPS Observation by Williams Engineering Consultants, Inc. (662-236-9675).

Witness the execution of this document on the 24th day of November, 2021.

BLUE SKY DEVELOPMENT, LLC
John G. McCurdy

JOHN G. MCCURDY, MEM./MGR.

**STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE**

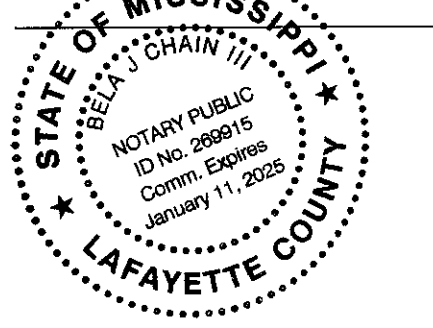
THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named John G. McCurdy who acknowledged that he is member/manager of Blue Sky Development, LLC, and that for and on behalf of said limited liability company, and as its act and deed he executed the above and foregoing instrument, after having been duly authorized by said company so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL on this, the 24 day of November, 2021.

[Signature]

NOTARY PUBLIC

My Commission Expires:



INFORMATION FOR PROSPECTIVE PROPERTY OWNERS AND A.R.C DESIGN GUIDELINES FOR THE HIGHLANDS PHASE 12

November, 2021

Welcome to The Highlands, Phase 12.

For the past several years as The Highlands development has grown, the developer and the Property Owners Association have worked together to produce a special place for families to relax and enjoy their surroundings.

The information in this booklet has been prepared so that before you make your final decision to become a part of The Highlands, you will understand the regulations governing new home construction, the role of the A.R.C., and the plan approval process.

We welcome your questions. Please feel free to contact J.W. McCurdy at (662) 816-2700.

PART I – Basic construction regulations

- A. Minimum size – 2,250 sq. ft. as measured from the outside face of the outside wall and not including garages, porches, decks, patios, and bonus rooms (unless bonus rooms are completely finished at the time of construction).
- B. Minimum height of finish floor above finished exterior grade is to be no less than 11.5 inches.
- C. Location and orientation on the site – All components of the project except the portion of the driveway extending from the front setback to the street curb must be completely inside setback lines. No variance will be issued for projects that extend beyond the setback lines. Property owners are strongly advised to “stake out” the project on the site using preliminary sketches rather than pursuing a complete set of plans for a project that may not fit within the setback lines. The main front entry should face the street.
- D. Garage door –Garage doors may not face the street. Side-Load, Auto-Court and rear of house garages are all allowed.
- E. Maximum number of stories – 2 above grade plus walk-out basement. (If site permits)
- F. Setbacks – All setbacks will be shown on the recorded Plats.
- G. Landscaping requirements are fairly extensive in The Highlands Phase 12, and must be approved by the developer.

- H. These A.R.C Design Guidelines are fully and wholly ruled and governed by the Declaration of Covenants and Restrictions for The Highlands which are filed in the Lafayette County Chancery Clerk's Office in Book 524, on page 569, dated April 26, 2004.

PART II – The A.R.C.

A. The A.R.C. stands for Architectural Review Committee. During the Interim Period, the Developer shall perform the duties of and serve as the Architectural Review Committee. Thereafter, the A.R.C. shall be comprised of a group of people. This group (usually 3-4 persons) is charged with reviewing plans for any type of construction in The Highlands Phase 12, and reviewing future modifications and/or changes to the project or the lot on which the project is built. The A.R.C. is usually composed of residents of The Highlands together with at least 1 professional architect.

B. How do I work with the A.R.C.?

1. The A.R.C. serves 2 purposes:
 - i. To make residents feel welcome to The Highlands Phase 12
 - ii. To maintain an overall quality of design throughout The Highlands Phase 12 that will ensure the fundamental stability of the development and the continued growth of the property values resulting in a better quality of life in The Highlands.
2. If you are working with a designer, we will be happy to look at an early sketch of the outside of your project and to offer an overall opinion before you expend funds on a complete set of plans. If you are planning to order plans from the Internet, direct us to the website and the model number of the house you are considering before you place your order. You won't be charged and review fee for our looking at a preliminary sketch. Remember, the interior layout of your house is completely up to you. Our interest is only the exterior appearance, the materials used, colors, workmanship, and how the design relates to your particular site and to the rest of the development.
3. We all know that taste is a subjective thing and everyone doesn't like exactly the same things. However, pleasing proportions, attention to detail, proper materials, pleasant colors and care used in construction are things that most people will agree make for a more pleasant and successful project.

C. How do I submit plans to the A.R.C. for review?

Submit 1 set of plans to J.W. McCurdy at jw@mrconstructionoxford.com or text him at (662) 816-2700 for other instruction if necessary.

- i. Site plan with property line, setback lines, existing tree line, perimeter of proposed house, elevation of finish floor, size, location, and materials of driveway, sidewalks, patio decks and any detached buildings.
- ii. Floor plans of all floors indicating square footage, height above grade at each exterior door.
- iii. Exterior elevations of all faces of proposed buildings (or buildings) with all materials clearly identified. Please note: in identifying materials do not use generic labeling such as "metal roofing". Use labeling such as "prefinished aluminum standing seam roofing".

PART III – Detailed construction regulations

A. SITE LAYOUT AND MATERIALS

1. Land clearing – Property owners are strongly advised to work with their respective architectural designers and/or to make themselves thoroughly familiar with the locations of established trees (trunks 8" diameter or larger) so as to avoid unnecessary removal of large trees. This does not mean that tree cutting is prohibited, only that excessive tree removal and clear-cutting is discouraged.
2. Land shaping and grading – Grading necessary to permit reasonable construction is expected. In addition, reasonable grading necessary to permit vehicular access from road to property and into garage is expected. However, Phase 12 is gently rolling terrain and minimal grading (if any) will be required. Site grading that will result in water runoff on to adjacent property is prohibited.
3. Fencing
 - i. Chain-link fencing of any kind is prohibited.
 - ii. Mesh fencing of any kind is prohibited.
 - iii. Barbed wire fencing is prohibited.
 - iv. Electrified fencing is prohibited.
 - v. Concrete block fencing is prohibited unless faced on both sides with masonry (i.e. brick, stone, & etc.). Paint is not an acceptable facing material for concrete block.
 - vi. Poured concrete fencing is prohibited unless faced on both sides with masonry (i.e. brick, stone, & etc.). Paint is not an acceptable facing material for poured concrete.
 - vii. Masonry fencing (i.e. brick, stone & etc.) is acceptable. Maximum height is 6'-0" and design must be approved in writing by A.R.C. prior to erection of any fence.
 - viii. Painted cast iron, painted wrought iron, decorative painted or stained wood, decorative synthetic or simulated wood may be used either alone or in

combination with masonry as described above. Maximum height is 6'-0" and design must be approved in writing by the A.R.C. prior to erection of and fence. If A.R.C. written approval is issued, no alteration to the approved design may be made without written approval of the A.R.C.

4. Driveway

- i. Gravel or any type of loose stone drives may not be used.
- ii. Acceptable driveway materials are concrete, exposed aggregate concrete, brick pavers over concrete slab (brick pavers over sand bed are not allowed), colored concrete, concrete stamped with a decorative pattern. Driveways utilizing combinations of materials such as concrete and brick are also acceptable.

5. Gated or Posted Entrances

- i. Gated entrances are not allowed.
- ii. Posted entrances (i.e. decorative masonry and/or painted cast iron column) on one or both sides of the drive entrance may be permitted. The design of any posted entrance must be approved in writing by the A.R.C. prior to its construction.

6. Sidewalks, patios and decks

- i. Sidewalks and patios shall be concrete, exposed aggregate concrete, brick pavers over concrete slab (brick pavers over sand bed are not allowed), colored concrete or concrete stamped with a pattern. Sidewalks and patios utilizing combinations of materials such as concrete and brick are also acceptable.
- ii. Elevated decks shall be concrete, exposed aggregate concrete, brick pavers over concrete slab (brick pavers over sand bed are not allowed), colored concrete, concrete stamped with a pattern, wood, or synthetic decking as required by the method of construction.
- iii. Deck handrails shall be synthetic handrail material, painted cast iron, painted wrought iron, masonry or a combination of these materials.

B. THE BUILDING

1. Exterior walls

- i. Brick veneer, stone veneer, cast stone, cement core painted horizontal siding, wood painted horizontal siding, wood painted vertical board and batten (or reverse board and batten) siding, painted or stained cedar shingles, synthetic stucco, and real stucco are all acceptable materials used individually or in combination.
- ii. Aluminum siding and vinyl siding may not be used.
- iii. The use of details such as quoins, corbelled brick, and water tables is encouraged.
- iv. The use of details to articulate a design and draw the eye is encouraged as are pleasing proportions both vertical and horizontal.
- v. The use of covered open front porches and covered, open or screened side and rear porches is encouraged.

2. Exterior columns

- i. The use of columns if appropriate to the design of the house is encouraged.
- ii. Columns of treated wood, polymer, fiberglass, resin, stone or concrete may be used.
- iii. Vinyl and aluminum columns and/or vinyl and aluminum column wraps may not be used.
- iv. Exposed structural steel columns may not be used.
- v. Wrought iron and cast iron "carport" columns may not be used.
- vi. Columns should be complementary to the design of the project and should consist of a base, shaft, and capital. Special attention should be given to the scale of the various elements of the column as well as the basic height to width proportions and the spacing of columns.
- vii. Columns used in pairs are permitted.

3. Roofing, chimneys and dormers.

- i. Acceptable roofing materials are architectural -grade asphalt shingles, slate shingles, pre-finished metal standing seam roofing. In special instances, small areas of flat or low-slope roofing such as EPDM may be permitted. Design in which the majority of the roof is flat or low-slope is discouraged.
- ii. The use of chimneys is encouraged. Chimney design should complement the design of the house and should be constructed of materials matching or relating to that of the exterior walls. Interior chimneys may be synthetic stucco, thin masonry veneer or full thickness masonry. Chimneys made of siding are not permitted. Exposed vent pipes must be in the rear and painted to match roof.

4. Windows

- i. Aluminum clad wood and pre-finished aluminum are allowed. Vinyl windows are not allowed.
- ii. Windows facing the street must be true divided or simulated divided light.

5. Exterior doors

- i. Exterior doors shall be painted or stained wood stile and rail doors, painted raised panel hollow metal doors, or pre-finished aluminum clad wood and glass French doors. Main front door shall be painted or stained wood stile and rail door with or without decorative glass inserts.
- ii. Exterior garage doors shall be pre-finished metal, pre-finished wood, or jobsite painted or stained wood. Style of doors shall be in keeping with style of the house. Overhead coiling garage doors are not permitted. Carriage type swing doors may be used if design is in keeping with design of the house.

6. Soffits and exterior trim

- i. Soffits (underside of roof overhang) shall be painted plywood, painted or stained tongue and groove wood, or pre-fabricated cement core ventilated soffit material. Pre-fabricated vinyl soffit material is prohibited.
- ii. Exterior trim shall be painted or stained wood, painted cement core trim material, or pre-fabricated synthetic trim material. Vinyl and aluminum trim is prohibited.

7. Standardized items

- i. House numbers are standardized throughout Phase 12.
- ii. Street-front mail boxes are standardized throughout Phase 12.
- iii. Exterior pole lighting to be used within the property is standardized throughout Phase 12.

8. Miscellaneous

- i. Exterior security and/or decorative lighting may be installed providing the following criteria are met:

- a. Lighting may not be directional or excessively bright so as to disturb another property owner.
- b. Lighting (other than seasonal, such as Christmas decorations) may not be colored and may not blink or strobe.
- ii. Exterior sound systems may be installed but may not be operated at such volume as to disturb another property owner. In addition, consideration is to be shown to adjacent property owners with respect to sound system volume after 8:00 p.m. and before 7:00 a.m.

9. Detached buildings

- i. Only 1 primary dwelling per lot is allowed. However, a detached storage building, gazebo, or garden structure may be allowed if the design of the detached building is in keeping with the design of the primary residence, makes use of the same or complementary materials, is constructed within the setback lines and is a reasonable distance from the primary residence.
- ii. A submittal of the proposed detached building shall be made to the A.R.C. for review and approval prior to construction.

10. Colors

- i. Proposed colors for exterior masonry, shingles, and paint shall be submitted to the A.R.C. for approval prior to application.
- ii. Primary colors (i.e. bright red, green, yellow, blue, orange, purple & etc.) are discouraged.

11. Workmanship and the construction process

- i. During construction
 - a. All workmanship to be of first quality.
 - b. All exterior materials and elements to be neat, straight, plumb, level and secure.
 - c. All joints of a common material in same plane to be flush unless designated on plans to be otherwise.
 - d. All materials, components, assemblies, and elements to be completely secured with faces and corners dressed.
- ii. Upon completion of construction
 - a. Completed projects shall be finished and closed...no open joints, no ragged edges or misaligned corners, no unsealed penetrations of exterior walls, no mismatched items.
 - b. No unpainted exterior ferrous metals.

- c. No visible patches.
- d. No broken, damaged, or incomplete exterior finishes.
- e. No discarded or excess building or excavation materials visible on property.
- f. No waste material left on property.
- g. No felled trees or tree trimmings left on property.
- h. No construction vehicles or dumpsters left on property.
- i. No construction signs left of property.

12. Landscaping

- iii. Basic landscaping (i.e. seed, sod, and/or ground cover) to prevent soil erosion shall be installed within 30 days of construction completion.
- iv. A landscaping plan for trees, decorative shrubs, fountains, water features, landscape lighting, & etc. shall be submitted to the A.R.C. for review and approval prior to implementation. All landscaping must be installed and completed within 60 days of construction completion.

13. Amendments to this document

- i. The Developer & The Declarant together reserve the right and authority to amend this document as they choose without the approval of the A.R.C. or the property owners.

FORM A

TO ACCOMPANY A SUBMITTAL OF DRAWINGS FOR A.R.C. REVIEW FOR THE HIGHLANDS PHASE 12

LOT NUMBER: _____

PHYSICAL STREET ADDRESS: _____

DATE OF SUBMITTAL: _____

PROPERTY OWNER(S): _____

PHONE NO.: _____

EMAIL ADDRESS: _____

HOW DO YOU PREFER TO BE CONTACTED? _____ PHONE _____ EMAIL _____ TEXT

GENERAL CONTRACTOR'S NAME: _____

GENERAL CONTRACTOR'S PHONE NO.: _____

GENERAL CONTRACTOR'S EMAIL ADDRESS: _____