

STATE OF MISSISSIPPI
LAFAYETTE COUNTY

Chancery Clerk
Lafayette County, Mississippi
I certify the instrument
was recorded on
JANUARY 7 2008 11:57:09AM
Instrument 200800188 Page 1 of 11
Witness my hand and seal
Sherry Wall

STATE OF MISSISSIPPI

2008 JAN -7 AM 11:45

COUNTY OF LAFAYETTE

CHANCERY CLERK

BY: _____

**AMENDMENT TO DECLARATION OF COVENANTS AND
RESTRICTION FOR THE HIGHLANDS**

WHEREAS the Declaration of Covenants and Restrictions for The Highlands were recorded in the land records of Lafayette County, Mississippi, in **Deed Book 524 at Page 569** as amended by instrument found as no. **200404363**, Phase II as instrument no. **200509991**, Phase III as instrument no. **200610869** and Phase I-First Addition as instrument no. **200709606**;

WHEREAS the developer, Blue Sky Development, LLC, desires to make certain changes and to provide more definite guidelines as to matters that are already contained in said covenants of The Highlands Subdivision in its various phases;

WHEREAS the said modifications and amendments are contained in Exhibit A attached hereto and incorporated herein by reference;

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged we, the undersigned, do hereby amend the Declaration of Covenants and Restrictions for The Highlands as is set out herein in Exhibit A.

WITNESS the execution of this document on this the 7 day of January, 2008.

BLUE SKY DEVELOPMENT, LLC



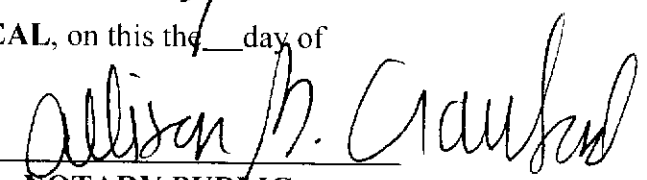
John G. McCurdy, Member/Manager

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, Member/Manager**, for and on behalf of Blue Sky Development, LLC, who acknowledged that he signed and delivered the above and foregoing instrument on the day and year therein mentioned after being first so authorized to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 7 day of January, 2008.



NOTARY PUBLIC

My Commission expires:

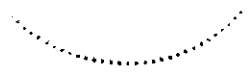


Exhibit A
(9 pages total)

Amendment to The Highlands Declaration of Covenants and Restrictions filed in the Lafayette County Chancery Clerks office April 26th, 2004 and duly recorded in book 524 on page 569.

Subject: Building Quality Requirements

Normal quality control dealing with strength, safety, and code issues during the construction process is the responsibility of the builder as a part of his construction contract with the property owner and will not be addressed in this document.

The appearance of the completed project is a primary concern of The Highlands Declaration of Covenants and Restrictions as it has a direct bearing on the overall appearance and experience of The Highlands therefore property owners are requested to take all necessary measures to insure that their individual projects meet these requirements.

During construction.

- (1) All workmanship to be of first quality.
- (2) All exterior materials and elements to be neat, straight, plumb, level, and secure.
- (3) All joints of a common material in same plane to be flush unless designated on plans to be otherwise.
- (4) All materials, components, assemblies, and elements to be completely secured with faces and corners dressed and finished uniformly according to the requirements of each particular material.

Upon completion of construction

- (1) 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.
- (2) No unpainted exterior ferrous metals.
- (3) No visible patches.
- (4) No broken, damaged, or incomplete exterior finishes.
- (5) No discarded or excess building or excavation materials visible on property.
- (6) No waste materials left on property.
- (7) No felled trees or tree trimmings left on property.
- (8) No construction vehicles or dumpsters left on property
- (9) No construction signs left on property.

Amendment to The Highlands Declaration of Covenants and Restrictions

Subject: **Elevations facing lake.**

Property owners in selecting their plans or having their plans designed are requested to remember that the houses in The Highlands are more often viewed from the water than from the land. Therefore considerable attention should be paid to the appearance of the rear of the project. Rather than being of secondary importance aesthetically, the rear of projects built in The Highlands are of at least equal importance as the front. While the front is often approached only via a secluded and winding drive, the rear is often clearly seen from hundreds of yards away and careful attention to the design details of the rear elevation will result in a pleasant and harmonious appearance throughout The Highlands enhancing the experience of use and appreciation of the lake.

Amendment to The Highlands Declaration of Covenants and Restrictions

Subject: **Masonry requirements.**

Each exterior wall must contain approved masonry materials equaling a minimum of 15% of the total surface area of the wall. This will be enforced for each individual wall so that a full height masonry wall on one face will not be considered as an offset for the construction of a wall containing no masonry on another wall. Exceptions due to a unique design, topographical constraint, or other situations will be considered by the ARC on a case-by-case basis.

Amendment to The Highlands Declaration of Covenants and Restrictions

Subject: **Color pallets.**

At this time, a color pallet for use on exterior materials and finishes has not been adopted by The Highlands. However, the use of loud, objectionable, non-complementary colors and finishes as determined by the ARC is prohibited. Rather than the publishing of a pallet which will serve to restrict the property owner to a narrow spectrum of colors, the following guidelines have been adopted.

1. Primary colors i.e. bright red, bright green, bright yellow, bright blue, bright purple, bright orange, etc. are prohibited. Also, pastel versions of these colors are subject to ARC approval.
2. Intense colors are to be used with great restraint and are subject to ARC approval on a case-by-case basis.
3. Non-complementary colors are prohibited. Colors and color combinations are subject to ARC approval.
4. Neutrals and earth-tones are encouraged. Colors that will blend with the

natural surroundings and are appropriate to the architectural design are pleasing and relaxing and give a sense of permanence and harmony of design throughout The Highlands.

5. Frequently changing colors i.e. various walls of the same project or a single wall painted several colors is discouraged and is subject to ARC approval.
6. Exceptions will not be made because of limited color selections of any material chosen by the property owner for use at The Highlands. Early consultation with the ARC is recommended so as to avoid a problem during or after construction.
7. Change orders made during the course of construction which contain color selections of exterior materials must receive ARC approval of colors and materials must be as stated in The Highlands Declaration of Covenants and Restrictions
8. Property owners have the right to appeal an ARC decision denying the use of a requested color. The ARC will not suggest an alternative color for any material or project. It is the property owner's responsibility to secure ARC approval. ARC is a reviewing board only.

The Highlands reserves the right at some future date and with the approval of all property owners in The Highlands to establish a color pallet should the need or desire arise.

Amendment to The Highlands Declaration of Covenants and Restrictions

Subject: **Site Lighting**

The decision to install site lighting rests with the property owner. All ground-mounted and/or pole mounted light fixtures are subject to ARC approval. Spotlights and/or floodlights may not be targeted at another property owner's house or property and may not be targeted to project horizontally across the lake. Strobing, flashing, or blinking lights are prohibited. Lights timed to blink with music are prohibited. Multi-colored lights other than for short-term seasonal decorations i.e. Christmas displays are prohibited.

- I. Select lot for purchase.
- II. Thoroughly review the contract, website, CCR's (covenants, codes and restrictions) & ARG's (Architectural Review Guidelines) aka Exhibit "D".
- III. Sign contract and pay earnest money (5%) on selected lot.
- IV. Close the purchase on selected lot. Pay prorated Property Owner's Association / Lake Management fee; 50.00 per month. Sign Wastewater Maintenance Agreement. Receive all forms you need at closing.
- V. Contact the engineering firm of Hill, Lewis & Wrenn, LLP at 662-513-0991. **You are required to use this engineering and survey firm for preparing your site plan** indicating location of house, entry drive, trees greater than 4 inches in diameter to be removed, setting layout and grade stakes, surface water drainage plan and erosion control plan, locating boundary lines and setbacks. Arranging Soil boring samples (Dabbs Engineering (662) 841-0162) for house foundations and meeting with your builder/architect. The fee for their services can range from \$500 to \$2,000 depending on the extent of services you require of them. **This firm also offers complete home site preparation and tree removal services with their Dozer and Trackhoe at very reasonable rates.**
- VI. Provide the ARC (Architectural Review Committee) with a copy of the "Sketch Review" as outlined in your Design Review Guidelines on pages 6&7. Mail all required materials along with payment in the amount of \$400.00 payable to Ronald Garner Architect, Inc. 2801 West Main Street, Suite "2A", Tupelo, MS 38801. Telephone (662) 842-9040.
- VII. Contact the Appraiser of your choice to appraise your new home and site at The Highlands after receiving plan approval from Mr. Garner.
- VIII. Submit Form 908. (request for Individual On-site Wastewater System), to Ms Ramona Reed at the Lafayette County Health Department located on Hwy 7 South. Telephone number 234-5231. Ms Reed will come out and take a soil sample after receiving your form and will make the necessary recommendation for which size and type of system to install.
- IX. Contact installer (see attached list) to setup initial meeting with you after the Health Department has determined the type and setup and location of your Wastewater System in advance of "Final Review". Use a licensed installer that will insure that all wastewater is handled properly to insure the high water quality of our lake for years to come.
- IX. Contact all utility companies to acquire their services. They are listed on our website (www.highlandsoxford.com) under the covenants heading then subheading; Highlands's amenities and facts sheet.
- X. Provide the ARC with a copy of the "Final Review" as outlined in your Design Review Guidelines on pages 7&8. Attached for your convenience.
- XI. Receive approval of house and site plans from the ARC. Contract with Builder to build home. Strictly adhere to the erosion control guidelines

in the Covenants sections 10.1.17 and 10.9 . Move in. ENJOY LIFE!

** Note: The foundation of your home is the most important aspects of building. The Highlands strongly recommends you follow our recommendations in item V. above.

DOCK REVIEW GUIDELINES

THE HIGHLANDS

Oxford, Mississippi

Developer:

Blue Sky Development, LLC
P.O. Box 1460
Oxford, MS 38655
Telephone (662) 816-8187
Fax: (601) 510-9195

Please Submit all required information and payment to:

Ronald Garner Architect, Inc.
2801 West Main Street
Suite 2A
Tupelo, MS 38801

Phone: 662-842-9040

Fax: 662-842-9447

Email: garnerronaldarch@bellsouth.net

Purpose

The following document is presented as the Architectural Review Guideline (ARG) for docks constructed in The Highlands. The intent is to ensure that docks designed and built in The Highlands will be aesthetically compatible with one another, will present an overall pleasing and harmonious appearance when viewed either from the water or from the land, and will serve to further enhance beauty of The Highlands.

Design Standards

The guidelines have been written to encourage an understated simplicity and uniformity in the design of dock structures and the materials used. Docks are intended for functional use rather than design statements. It is understood by the ARC that no guideline can encompass all possibilities and that rare instances may require special design measures be approved. Therefore, the design of all docks shall be submitted to the ARC for review and approval using submittal guidelines described in this document. Should a particular site condition necessitate the approval of a dock design ordinarily not permitted, this approval shall not constitute a precedent for future docks. Each dock shall be considered individually and every effort shall be made by the ARC to accommodate the needs and desires of the homeowner while maintaining aesthetic standards common to all docks constructed at The Highlands.

Definition

In these guidelines, a dock shall be considered as any permanent structure extending from the land over the water for the purpose of securing pleasure craft of the type and size permitted for use at The Highlands. Temporary docks are not permitted by these guidelines with the exception of such temporary structures as may be necessary during the course of construction of a permanent dock. Such temporary dock structures may be in place for a time not to exceed thirty (30) days.

Dock Placement

Docks may be placed at any point on the homeowner's shoreline so long as the location does not prevent the adjacent homeowner on either side from constructing, approaching, or using his dock. Certain shoreline configurations may require the use of common docks shared by more than 1 homeowner. In this case, each homeowner is responsible for the construction and maintenance of his portion of the common dock.

Allowable Dock Sizes

Docks may not exceed 200 sq. ft. in size and may not project beyond 22 feet from the natural shoreline as stated in subparagraph (i) of paragraph 12.1 of ARTICLE 12 – LAKES of Declaration of Covenants and Restrictions for The Highlands.

Variances

Variances will be considered on an individual basis should a particular situation necessitate the approval of a dock design ordinarily not permitted.

Covered Docks and Boathouses

Covered docks and boathouses are permitted as stated in subparagraph (i) of paragraph 12.1 of ARTICLE 12 – LAKES of Declaration of Covenants and Restrictions for The Highlands. The size limitation is the same as non-covered docks (200 sq. ft.).

Allowable Materials

Docks, support structures, railings, and walkways may be made of pre-finished aluminum or Brazilian Ipe wood provided that the wood used is 100% Brazilian Ipe throughout. Colors of all docks, railings and support structures must be approved by the A.R.C. prior to beginning construction. In the case of common docks, the entire common dock structure must be uniform. Roofs over boathouses shall be pre-finished aluminum standing seam roofing with color as approved by ARC prior to construction.

Adjacent Walkways and Patios

Ground supported walkways and patios connecting to dock walkways are permitted and may be of any reasonable size and configuration subject to ARC approval. Walkway and patio materials may be concrete (exposed aggregate, stained, stamped, etc.), stone, or masonry paving materials.

Dock Approval Procedure

Homeowner shall submit 3 copies of the following material to the ARC for review.

1. Plan of proposed dock with dimensions shown and location relative to property lines and natural shoreline.
2. Complete list of materials and colors for dock, dock support, handrails, walkways, and roofs.
3. Plan of proposed patio, ground mounted walkway, freestanding fireplace or barbeque grille with materials list and color selections. Plan shall indicate dimensions of patio, fireplace, etc. and dimensions indicating that freestanding fireplace, or barbeque grille is minimum 40' from natural shoreline.

The cost of the review process is One Hundred and 00/100 Dollars (\$100.00). Note: ARC review will be for aesthetics only and will not include any review for structural worthiness or code compliance. Compliance with all codes having jurisdiction over The Highlands is the responsibility of the homeowner. In addition, ARC review does not constitute a safety review. Responsibility for the safety of any person using the dock and walkway is solely the homeowner's.

Reviews will be conducted in a timely manner so as not to impede construction. One copy of all submitted materials shall be retained for permanent records.

Minor Change:

If a minor change is desired after final approval is obtained, the following shall be submitted to the ARC:

- 1 Two (2) sets of drawings, details and specifications as required to fully explain the change.

Appeals:

Should the owner have objections to comments made by the ARC during either the Sketch review, ARC Approval or the Minor change process, he shall have the right to present his objections to the ARC in person. The owner shall Contact the ARC and a meeting time shall be arranged convenient to both the owner and the ARC.

Please Submit all required information and payment to:

Ronald Garner Architect, Inc.
2801 West Main Street
Suite 2A
Tupelo, MS 38801

Phone: 662-842-9040

Fax: 662-842-9447

Email: garneronaldarch@bellsouth.net