

This Instrument Prepared By:
THE LAW OFFICE OF D. MICHAEL KRESS, II, 8 East Bockman Way, Sparta, TN 38583

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS is hereby made, published and declared this 27th day of July, 1998, by FRANK BOTTOMS and wife, JOANNE BOTTOMS and GARY SWINDELL and wife, DELORIS SWINDELL.

WITNESSETH:

WHEREAS, the owners own certain real property located in White County, Tennessee, said real property being more particularly described on a Platted Survey of record in Plat Book No. 2, Page 15, Slide 08, Register's Office of White County, Tennessee; and

WHEREAS, the owners intend to convey a portion of said real property at a date subsequent to the execution hereof; and

WHEREAS, any use of the singular form of expression herein shall be construed as the plural form, and any use of the neutral form of gender shall be construed as the masculine or feminine form where appropriate to clarify the meaning and intent of the provisions hereof; and

WHEREAS, this conveyance is expressly subject to the following agreements, covenants, and restrictions, which agreements, covenants, and restrictions, shall run with the land and relate to the entire real property described hereinabove, and provide a uniform plan for the improvement of the entire tract; and

WHEREAS, in pursuance of a general plan for the protection and benefit of all the property in the tract and all persons who may now or later become owners of any portion of the tract and as a part of the consideration for this conveyance, Owner, for itself and its successors and assigns, covenants, to hold the real estate and each tract upon the following terms and subject to the following conditions, restrictions, agreements, covenants, obligations and charges and fully and punctually to observe, comply with, perform and carry them out; and

WHEREAS, these restrictions and covenants shall remain in force and effect for a period of Twenty-Five (25) years from the date these restrictions and covenants are publicly lodged of record, unless and until an instrument executed by a majority of the owners of the original parent tract and tracts herein described has been publicly lodged of record agreeing to modify said restrictions and covenants in whole or in part. After elapse of the initial Twenty-Five (25) year term, these restrictions and covenants shall automatically be renewed and extended for consecutive and successive Ten (10) year terms thereafter, unless and until an instrument executed by a majority of the owners of the tract and tracts has been publicly lodged of record agreeing to modify said covenants in whole or in part.

NOW, THEREFORE, for an in consideration of the premises and of the benefits to be derived by the Owners, and each and every subsequent owner of any of the land or portion of the land described hereinabove, the Owners do hereby set up, establish, promulgate and declare the following protective covenants to apply to the property herein described and to all portions thereof, and to all persons owning any of said property or portions thereof, hereafter.

1. No commercial or business use shall be permitted. The real property shall be used for residential purposes only.
2. Trailers, mobile homes, modular housing of a temporary character, any home titled by the State of Tennessee, or any structure of a temporary nature shall not be permitted. However, a temporary dwelling may be placed upon the real property for the limited purpose of the construction of the

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dwelling upon said real property, but in no event shall any temporary dwelling remain situated on said real property for a duration in excess of one (1) year.

- 3. No swine or poultry shall be permitted on the property. Property owners may have pets, such as dogs or cats, but in no event shall commercial boarding or breeding of animals be permitted. Cat or dog kennels constituting more than three (3) total pets shall not be permitted.
- 4. No residence shall be erected on the real property, which does not have at least one thousand, four hundred (1,400) square feet of floor space devoted to the living area. All porches, stoops, breezeways, garages and similar structures shall be constructed in addition to the said minimum living area, and shall not be considered in calculating the said minimum living area.
- 5. Modifications or amendments to the herein set forth restrictions shall become effective only upon an affirmative vote by the majority of property owners and shall be lodged of public record in the Office of the Register of Deeds for White County, Tennessee. These restrictions shall be effective for a period of Twenty-Five (25) years, and, unless modified pursuant to the provisions herein, shall automatically renew for consecutive and successive Ten (10) year terms thereafter.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed by hereunto affixing a signature on the date indicated in the respective acknowledgment hereinbelow, to make this conveyance effective on this the 27th day of July, 1998.


FRANK BOTTOMS
OWNER/DEVELOPER


GARY SWINDELL
OWNER/DEVELOPER


JOANNE BOTTOMS
OWNER/DEVELOPER


DELORIS SWINDELL
OWNER/DEVELOPER

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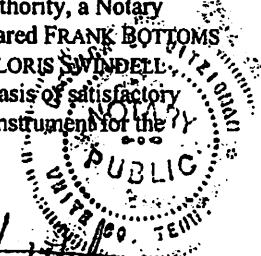
ACKNOWLEDGMENT(S) OF NOTARY PUBLIC

STATE OF TENNESSEE)
COUNTY OF WHITE)

PERSONALLY APPEARED before me, the undersigned authority, a Notary Public, in and for the aforesaid state and county, personally appeared FRANK BOTTOMS and wife, JOANNE BOTTOMS and GARY SWINDELL and wife, DELORIS SWINDELL with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand at office this 27th day of July, 1998.

Barbara L. White
NOTARY PUBLIC



My Commission Expires: 11-28-98

State of Tennessee, County of WHITE
Received for record the 27 day of
JULY 1998 at 9:03 AM. (RECH 4449)
Recorded in Book RB46 pages 667- 669
State Tax \$.00 Clerks Fee \$.00
Recordings \$ 14.00, Total \$ 14.00,
Register of Deeds GARY BROSDEN
Deputy Register

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