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**DECLARATION OF RESTRICTIONS  
PHASE I  
LOONEY'S CREEK SUBDIVISION**

**1. LAND USE AND BUILDING TYPE;** NO TRACT OF LAND SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES ONLY. NO BUILDING SHALL BE PERMITTED TO BUILT ON ANY TRACT OTHER THAN A SINGLE-FAMILY DWELLING. ONLY ONE RESIDENT PER TRACT. NO ROAD CAN BE BUILD THRU ANY TRACT GOING TO ANY OTHER PROPERTY WITH LESS RESTRICTONS THAN LOONEY'S CREEK SUBDIVISON.

**2. MOBILE HOMES:** NO MOBILE HOMES, PREFABRICATED HOMES, MODULAR HOMES OR ANY TRAILOR TYPE HOME ON ANY TRACK EITHER TEMPORARY OR PERMANENT.

**3. MINIMUM SQUARE FOOTAGE;** ALL ONE LEVEL HOMES SHALL HAVE A MINIMUM OF 2,000 SQ. FEET HEATED SPACE; ALL OTHER HOMES SPLIT LEVEL, SPLIT FOYER, ONE AND ONE HALF STORY, TWO LEVELS OR MORE MUST HAVE A MINIMUM OF 2,000 SQ FEET HEATED SPACE WITH NO LESS THAN 1,200 SQ. FEET ON THE MAIN GROUND LEVEL OF THE HOME. THE MINIMUM HEATED SPACE CANNOT INCLUDE ANY GARAGES, PORCHES, BREEZEWAYS, SUN ROOMS, OR BASEMENTS. NO BASEMENT FINISHED OR OTHERWISE CAN BE USED TO COMPUTE HEATED SQUARE FOOTAGE;

**4. BUILDING LOCATIONS;** NO BUILDING SHALL BE LOCATED ON ANY TRACT NEARER THAN 40 FT FROM THE FRONT LINE, OR 10 FT FROM EITHER SIDE OR 15 FT FROM BACK LINE.

**5. TEMPORARY STRUCTURES;** NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN, OUTBUILDING, OR ANY OTHER TYPE OF TEMPORARY STRUCTURE SHALL NOT BE USED ON ANY TRACT AT ANY TIME AS A RESIDENCE EITHER TEMPORARILY OR PERMANENT.

**6. OUTBUILDINGS;** ALL STRUCTURES SHALL HAVE A MINIMUM OF 300 SQ. FT. AND CONSTRUCTED IN THE SAME WORKMANLIKE MANNER AS THE MAIN STRUCTURE OF THE RESIDENCE. THE OUTSIDE OF SUCH OUTBUILDING MUST BE FINISHED TO MATCH THE EXTERIOR OF THE MAIN STRUCTURE OF THE RESIDENCE.

**7. FOUNDATIONS;** NO BUILDING SHALL BE CONSTRUCTED ON ANY TRACT WITH EXPOSED CONCRETE BLOCKS. ALL CONCRETE BLOCKS ABOVE THE FINISHED GROUND ELEVATION OF ANY STRUCTURE MUST BE COVERED WITH STONE OR BRICK OR DECORATIVE BLOCK.

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**8. DRIVEWAYS;** ALL DRIVEWAYS FROM STREET TO HOUSE MUST BE CONCRETE OR HOT MIX ASPHALT IN NO LESS THAN ONE YEARS FROM COMPLETION OF HOME. DRIVEWAYS MUST BE DESIGNED AND MAINTAINED TO WHERE THERE WILL BE NO WASHING OF DIRT, MUD, STONE OR OTHER DEBRIS INTO LOONEY'S CREEK ROAD;

ANY DAMAGE OR CLEAN-UP WILL BE DONE IMMEDIATELY AT THE EXPENSE OF THE TRACT OWNER.

**9. VEHICLES;** NO ABANDONED, DISABLED, DISMANTLED, OR PARTIALLY DISMANTLED VEHICLES ARE TO BE PARKED ON THE STREETS OR ON ANY TRACT.

**10. GARBAGE AND REFUSE DISPOSAL;** NO TACT SHALL BE USED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTE OF ANY KIND. ALL TRASH SHALL BE IN SANITARY CONTAINERS. GARBAGE SHOULD BE DISPOSED IN THE PROPER MARION COUNTY GARBAGE SITES..

**11. LIVESTOCK, POULTRY, ANIMALS;** NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY TRACT. HOUSEHOLD PETS MAY BE KEPT PROVIDED THEY ARE NOT KEPT OR BRED FOR COMMERCIAL PURPOSES. HOUSEHOLD PETS INCLUDE DOGS, CATS OR ANY IN HOUSE PETS

**12. DAMAGES;** ANY DAMAGES DONE TO STREET OR CURBING BY THE OWNER OR CONTRACTOR OF OWNER WILL BE REPAIRED IMMEDIATELY AT THE EXPENSE OF THE OWNER.

**13. COMPLETION;** ALL STRUCTURES MUST BE COMPLETELY FINISHED ON THE EXTERIOR BEFORE THE STRUCTURE CAN BE OCCUPIED. THE OWNER HAS ONE YEAR FROM START OF STRUCTURE TO COMPLETE EXTERIOR. THIS INCLUDES STEPS AND FINISHED FOUNDATIONS, SIDEWALKS, SEEDING AND STRAWING OF LAWN AREA, AND MINIMUM LANDSCAPING.

**14. NUISANCES;** NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON AND TRACT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYING OR NUISANCE TO THE NEIGHBORHOOD. BURNED BUILDING NOT REPAIRED OR REMOVED WITHIN 90 DAYS SHALL BE CONSIDERED NUISANCES.

**15. SEWAGE;** BEFORE ANY RESIDENCE SHALL BE OCCUPIED, THE RESIDENCE SHALL BE CONNECTED TO PUBLIC SEWER IF AVAILABLE OR SHALL INSTALL PROPER PRIVATE SEPTIC TANK SEWAGE DISPOSAL SYSTEM THAT SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE SANITATION CODE AND SPECIFICATION PRESCRIBED IN THE MARION COUNTY HEALTH DEPARTMENT.

**16. EASEMENTS;** EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED AS SHOWN ON THE RECORDED PLAT. WITHIN THESE EASEMENTS NO STRUCTURE, PLANTING OR OTHER MATERIALS SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION AND MAINTENANCE OF UTILITIES, OR WHICH MAY CHANGE THE DIRECTION OF FLOW OF DRAINAGE CHANNELS IN THE EASEMENTS, OR WHICH MAY OBSTRUCT OR RETARD THE FLOW OF WATER THROUGH DRAINAGE CHANNELS IN THE EASEMENTS. THE EASEMENT AREA OF EACH TRACT AND ALL IMPROVEMENTS IN IT SHALL BE IMPROVEMENTS FOR WHICH A PUBLIC AUTHORITY OR UTILITY COMPANY IS RESPONSIBLE.

**17. ENFORCEMENT;** IN THE EVENT ANY ONE OR MORE OF THE FOREGOING RESTRICTIVE CONDITIONS BE VIOLATED BY ANY PART, EITHER OWNER OR TENANT, THEN THE PARTY GUILTY OF THE VIOLATION SHALL BE SUBJECT AND LIABLE AT THE SUIT OF ANY INTERESTED OWNER OR HOLDER OF ANY GROUP OF OWNERS OR HOLDERS AND ANY TRACT OR TRACTS, OR OF THE THEN CONSTITUTED PUBLIC AUTHORITIES, TO BE ENJOINED BY PROPER PROCESS FROM SUCH VIOLATION AN SHALL BE LIABLE FOR THE PAYMENT INJUNCTIVE PROCEEDINGS WHICH COSTS AND ATTORNEY FEES ARE PRESCRIBED AND LIQUIDATED DAMAGES, AND SHALL ALSO BE LIABLE FOR IN THIS PARAGRAPH SHALL NOT BE EXCLUSIVE BUT SHALL BE IN THE ADDITION TO ANY OTHER REMEDIES ALLOWED BY LAW IN SUCH CASES AT THE TIME OR TIME OF VIOLATIONS OF SAID RESTRICTIONS.

**18. SEVERABILITY;** INVALIDATION OF ANY ONE OR MORE OF THE COVNANTS BY JUDGEMENT OF A COURT SHALL IN NO MANNER AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

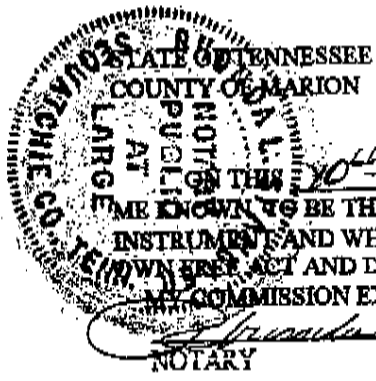
**IN TESTIMONY WHEREOF, WE HAVE HEREUNTO SET OUR SIGNATURES**

State of Tennessee, County of MARION  
 Received for record the 14 day of  
 DECEMBER 1999 at 9:39 AM. (RECH 44424)  
 Recorded in official records  
 Book 275 Pages 1483-1485  
 Notebook 17 Page 249  
 State Tax \$ .00 Clerks Fee \$ .00,  
 Recordings \$ 14.00, Total \$ 14.00.  
 Register of Deeds WINFRED HAGGARD  
 Deputy Register RENEE FOSHEE

*Wilburn N. Lofty*  
 WILBURN N. LOFTY

*James E. Lofty*  
 JAMES E. LOFTY

*James B. Lofty*  
 JAMES B. LOFTY.



ON THIS 10<sup>th</sup> DAY OF DEC, 1999 BEFORE ME PERSONALLY APPEARED TO ME KNOWN TO BE THE PERSONS DESCRIBED IN A AND WHO EXECUTED THE FOREGOING INSTRUMENT AND WHO ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR OWN FREE ACT AND DEED.  
 MY COMMISSION EXPIRES: Jan. 22, 2003  
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 NOTARY