

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

CHESTNUT HILL HOMEOWNERS ASSOCIATION, INC. PETITIONER

VS. CAUSE NO.: 2017-702-W

CHESTNUT DEVELOPERS, LLC RESPONDENT

ORDER ON DECLARATORY JUDGMENT DECLARING
AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR CHESTNUT HILL FILED ON NOVEMBER 4, 2016
IN BOOK 2410, PAGES 727-730 NULL AND VOID

THIS CAUSE came on this day for hearing on the *Petition to Set Aside Amendment to Declaration of Covenants, Conditions and Restrictions for Chestnut Hill and Petition for Preliminary and/or Permanent Injunction* filed by the Petitioner, Chestnut Hill Homeowners Association, Inc., against the Respondent, Chestnut Developers, LLC, and having reviewed the submissions of the parties, exhibits, testimony, and arguments by counsel, the Court finds that said Petition is well taken and shall be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Amendment to Declaration of Covenants, Conditions and Restrictions for Chestnut Hill filed by Respondent on November 4, 2016 in Book 3410, Pages 727-730 in the land records of Madison County, Mississippi reducing the minimum dwelling size square footage for Lots 87, 88, 89, 90, 91, 92, 92A, 93, 93A, 94, 95, 96, and 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108 and 109 from Thirty-Five Hundred (3,500) square feet down to Twenty-Five Hundred (2,500) square feet is hereby declared null and void.

IT IS, THEREFORE, FURTHER ORDERED AND ADJUDGED that the minimum dwelling size square footage for lots within Chestnut Hill subdivision shall be as set forth in Article III, Section 2 of the original Declaration of Covenants, Conditions and Restrictions for Chestnut Hill filed on September 24, 2007 in Book 2241, Pages 0283-0394.

FILED
MADISON COUNTY

DEC 11 2017

RONNY LOTT, CHANCERY CLERK
BY Kim Sievers D.C.

IT IS, THEREFORE, FURTHER ORDERED AND ADJUDGED that the parties shall file this Order with the Chancery Clerk of Madison County and the Clerk is requested to cross index this Order with the covenants of Chestnut Hill currently on file in the land records of Madison County so any party conducting a search of the covenants of Chestnut Hill is aware of this Order and the effect thereof.

IT IS, THEREFORE, FURTHER ORDERED AND ADJUDGED that any advertisement for the sale of any lots within the Chestnut Hill subdivision that contains any reference to the minimum dwelling size square footage being Twenty-Five Hundred (2,500) square feet shall be immediately withdrawn and no reference to said minimum dwelling size square footage being Twenty-Five Hundred (2,500) square feet may be made on any marketing materials relating to the sale of the any lot within the Chestnut Hill subdivision.

IT IS, THEREFORE, FURTHER ORDERED AND ADJUDGED that any further relief requested by the parties is hereby denied, including, but not limited to, Respondent's Motion to Dismiss and the parties separate requests for attorney's fees.


SO ORDERED AND ADJUDGED, this the 11th day of December, 2017.


CHANCERY COURT JUDGE

AGREED AS TO FORM:



DAVID LEE GLADDEN, JR., ESQ.
Attorney for Petitioner



ANDY J. CLARK, ESQ.
Attorney for Respondent