

**WHEREAS**, in order to issue the orderly development of said property, it is deemed necessary that the use of each and all of the said described subdivision tracts be restricted in the manner and to the extent hereinafter set forth; and

**NOW THEREFORE**, for and in consideration of the premises and of the benefits to be derived **TEN MILE CREEK CONSTRUCTION, LLC**, does hereby set up, establish, promulgate and declare the following protective covenants to apply to all of said tracts and to all persons owning said tracts or any of them, hereafter; these protective covenants shall become immediately effective and run with the land and shall be binding on all persons claiming under and through the said present owner until twenty (20) years after the date hereof.

- 1) Each of the said Tracts are as shown on that certain Plat of Survey entitled "PLAT OF SURVEY FOR COLE LIVINGSTON" dated May 16, 2025, prepared by Weston J. Hand, Hand Land Surveying Company, Georgia Registered Land Surveyor No. 2965, and designated as Tract 1 (2.323 acres), Tract 2 (2.173 acres), Tract 3 (2.257 acres), Tract 4 (2.650 acres), Tract 5 (2.322 acres), Tract 6 (2.329 acres), Tract 7 (2.329 acres), Tract 8 (2.266 acres), Tract 9 (2.567 acres) and Tract 10 (3.674 acres), recorded in Plat Cabinet 2, Slide \_\_\_\_\_, in the Office of the Clerk of Superior Court of Berrien County, GA, and the subdivision shall be known as \_\_\_\_\_. No Tract shall be re-subdivided so as to create any Tract of less area than as shown on the aforesaid survey or revision thereof and no Tract shall be otherwise diminished in size or changed in shape so as to have less than the area shown on said Plat of Survey.
- 2) No Tract shall be utilized for other than residential purposes. No dwelling house shall be erected or located upon any of the said tracts other than a single-family dwelling having at least one thousand five hundred (1,750) square feet of heated/cooled floor space, exclusive of porches, garages, carports, stoops and covered walkways or breezeways with such residences being homes, of brick, brick veneer, stucco, stone, fiber cement board, dryvit, vinyl siding or plaster construction. No residence shall use any other siding not approved by the Architectural Control Committee. Vinyl windows and vinyl soffit are permissible. The roof of the dwelling house shall have a pitch of at least 8/12 or greater and shall use architectural style shingles. No building shall be erected, altered, placed or permitted to remain on any tract other than one detached single-family dwelling not to exceed two and one-half (2½) stories in height and a private garage for no less than two (2) cars. All tracts shall at all times be maintained in a neat, clean and attractive appearance/condition including during the pre-construction ownership phase, the construction phase and the owner-occupied phase.