

County Division Code: AL040
Inst. # 2018121544 Pages: 1 of 5
I certify this instrument filed on
11/30/2018 8:35 AM Doc: REST
Alan L. King, Judge of Probate
Jefferson County, AL. Rec: \$28.00

Clerk: HERVEYA

STATE OF ALABAMA
JEFFERSON COUNTY

DECLARATION OF PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, Lisa G. Jones and Jeffrey P. Gilliam is/are the owner(s) of the following described real property, located in Jefferson County, Alabama, with an address of 3758 Rock Brook Lane, 35223, more particularly described on Exhibit "A" and illustrated in the accompanying map entitled Exhibit "B," which are attached hereto and made a part hereof; and

WHEREAS, the undersigned desires to subject said Property with the conditions, limitations, and restrictions hereinafter set forth.

The undersigned does hereby expressly engraft the following restrictive and protective covenants, conditions, covenants, and limitations on the real property hereinafter described in Exhibit A attached hereto:

1. EXCLUSIVE RESIDENTIAL USE AND IMPROVEMENTS.
 - a. The real estate shall not be subdivided into more than three (3) lots, all of which shall be at least three (3) acres in size, and which must conform to the lot standards for the Residence A zoning district.
 - b. There shall be no more than one single-family, residential home constructed on each lot.
 - c. Setbacks shall conform to appropriate Residence A zoning district regulations in effect at the time of the execution and recording of these protective covenants.
 - d. The minimum square footage of heated and cooled area of any residence constructed on the real estate shall be a minimum of 4,500 square feet.
 - e. Any home constructed on the real estate shall not exceed two and one-half (2-1/2) stories and must include a private garage for not more than four (4) vehicles.
 - f. The exterior of any home constructed on the real estate shall be of brick or better materials and shall not include wood, drivet, or vinyl siding materials
2. GENERAL PROVISIONS.
 - a. The property owner(s) shall use their best efforts to prevent the development or occurrence of any unclean, unsightly, or unkempt conditions of buildings or grounds on the real estate which shall tend to decrease the beauty of the area.

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- b. No weeds, underbrush, or other unsightly growth shall be permitted to grow or remain from the building line forward and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain upon the real estate.
- c. No animals, livestock or poultry of any kind shall be raised, bred or kept on the real estate except dogs, cats or other household pets. Said household pets may be kept provided they are not kept, bred or maintained for any commercial purposes and provided that they are not permitted to roam freely; and provided further that when they are outside they are kept within a fenced area behind and to the rear of the residential dwelling(s).
- d. No vegetables or other crops may be grown on the real estate except to the rear of the house on the real estate and only if said plants are screened by fencing or shrubbery to reduce visibility.
- e. Fencing is permitted but must not be within the requisite building set back lines and must complement the area in appearance. Therefore, if fencing is chain link, it must be dark coated. Any fence erected on a corner Lot must extend from the rear corners of the residence and such fence shall not encroach within the building set back lines.
- f. All retaining walls constructed on the real estate must be faced with brick, stone, stucco or other finished material
- g. No noxious or offense trade or business shall be carried on upon the real estate which may be or become a nuisance to the neighborhood.
- h. No oil drilling, development or refining shall be permitted upon the real estate. No quarrying or mining operation of any kind shall be permitted and no oil wells, tanks, tunnels, mineral excavations or shafts shall be permitted upon or in or through the real estate. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted on the real estate.
- i. No trash, garbage or other refuse shall be dumped, stored or accumulated on the real estate. Trash, garbage or other waste shall not be kept on the real estate except in sanitary containers or garbage compactor units. Garbage containers shall be kept clean and shall be placed so as not to be visible from any road at any time except during refuse collection periods. No outside burning or trash, garbage or household refuse shall be permitted except during construction period.
- j. No structure of temporary character such as a trailer, mobile home, manufactured home, double-wide manufactured home, tent or shack shall be used as a residence either temporarily or permanently.
- k. Vehicles larger than passenger vehicles including trucks, boats, campers and recreational vehicles shall not be kept at the residential dwelling(s) unless said vehicle or trailer is located behind the building set back lines.
- l. No clubhouse, tree-house, swing-sets, outdoor gym sets, outdoor batting cages, or other types of children's play structures or apparatus wider that a basketball goal

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shall be erected or placed within the 40 foot building set back lines as reflected on said recorded plat.

- m. No sign of any kind shall be displayed to the public view on the real estate except on professional sign of not more than 3 square feet advertising property for sale.
- n. During construction, any damage to street and curbs must be repaired by builder. During construction, all builders must keep the home, garage and building site clean. All building debris, papers, stumps and trees must be removed from the property by the builder as often as necessary to keep the house(s) and said real estate clean and attractive.
- o. When the construction of the residence(s) has begun, work thereon must be pursued diligently and continuously and must be completed within 12 months.
- p. Garage doors will not be permitted on the front of the residence. All exterior colors of doors, windows and exterior paint must be in keeping with the general appearance of the neighborhood.
- q. No outside air conditioning units shall be permitted in the front yard of the real estate. The outside air conditioning unit(s) must be located only on the side or rear of the residences.

3. GENERAL PROVISION.

- a. Each and every covenant and restriction contained herein shall be considered to be an independent and separate covenant and agreement, and in the event any one or more of said covenants or restrictions shall, for any reason, be held invalid or unenforceable, all remaining covenants and restrictions shall nevertheless remain in full force and effect in all matters and respects.
- b. The covenants and restrictions herein shall enure to the benefit of the real estate described above and shall run with the land. If any person shall violate or attempt to violate any of such restrictions or covenants, it shall be lawful for the undersigned or the City of Mountain Brook, Alabama: (a) to prosecute proceedings at law for the recovery of damages against person or persons so violating or attempting to violate any such covenant or restriction, or (b) to maintain an action in equity against the person or persons so violating or attempting to violate any such covenant or restriction for the purpose of preventing such violation; provided, however, that the remedies contained in this paragraph shall be construed as cumulative of all other remedies now or hereafter provided by law.
- c. The covenants and restrictions set forth herein are made for the mutual and reciprocal benefit of the real estate herein described are intended to create: (i) mutual, equitable servitude upon the real estate; (ii) reciprocal rights between and among the respective owners and future owners of each Lot within such Subdivision and (iii) a privity of contract and estate between the grantees of the real estate, their respective heirs, personal representatives, successors and assigns.

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d. The restrictions, covenants and provisions contained herein shall remain in full force and effect for a period of twenty-five (25) years from the date hereof, after which time said restrictive, covenants and provisions shall be automatically extended for successive periods of ten (10) years.

e. The covenants and restrictions set forth herein shall not be revised, modified or otherwise altered until after such time as all of the Lots to which the written conditions, limitations and restriction are applicable have developed with single family detached residences; provided however, that additional or supplemental covenants and restrictions that are not inconsistent with the covenants and restrictions set forth herein may be adopted prior to such time.

IN WITNESS WHEREOF, Lisa G. Jones and
Jeffrey P. William (owners) authorized, to execute this Declaration of
Protective Covenants on this 28 day of NOVEMBER 2018.

Signature Page Follows

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ATTEST:

Jeffrey P. Gilliam
(Printed Name)

BY: [Signature]
(Printed Name)

Lisa G. Jones

BY: [Signature]
(Printed Name)

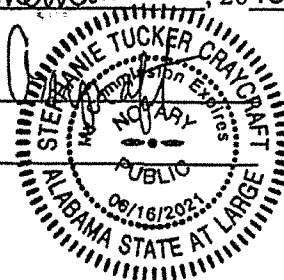
THE STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Jeffrey P. Gilliam a executed the forgoing Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the covenants, they have with full authority, executed the same voluntarily.

Given under my hand and official seal this the 28th day of November, 2018.

Stephanie Tucker Craycraft
NOTARY PUBLIC
My commission expires:



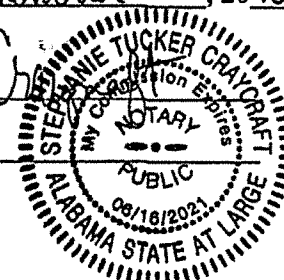
THE STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Lisa G. Jones a executed the forgoing Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the covenants, they have with full authority, executed the same voluntarily.

Given under my hand and official seal this the 28th day of November, 2018.

Stephanie Tucker Craycraft
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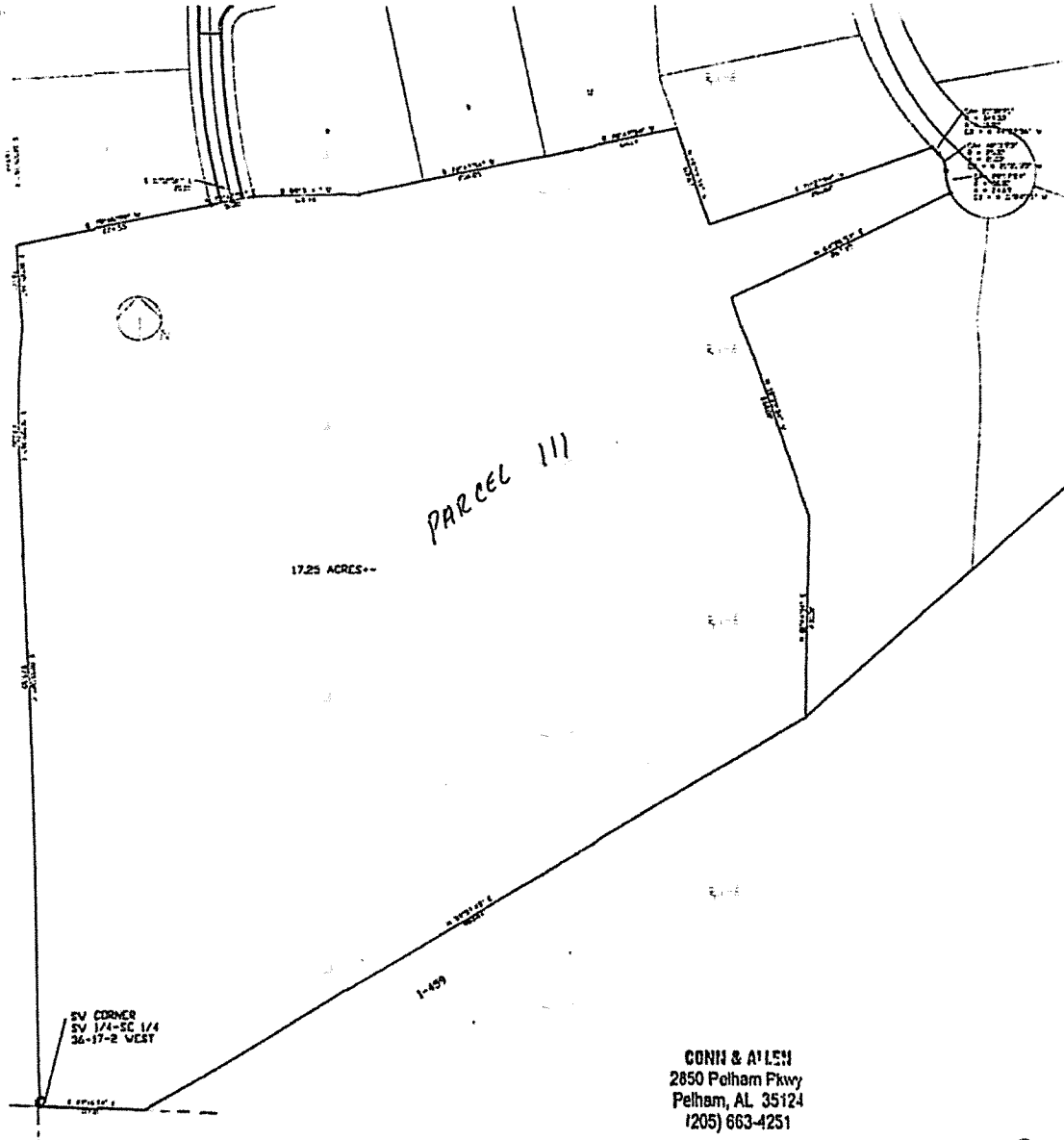


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EXHIBIT A

STATE OF ALABAMA
COUNTY OF SHELBY

Beginning at the southwest corner of the southwest quarter of the southeast quarter of Section 36, Township 17 south, Range 2 west, Jefferson County, Alabama and run thence S 87°16' 04" E along the south line of said quarter-quarter section a distance of 117.01' to a corner; Thence run N 59° 57' 45" E along the northerly right of way line of Interstate Highway 459 a distance of 883.94' to a corner; Thence run N 01° 44'54" E a distance of 230.00' to a corner; Thence run N 18° 09' 34"W a distance of 260.00' to a corner; Thence run N 64° 26' 53" E a distance of 267.95' to a corner on the westerly arc of a curve de sac; Thence run along the arc of a curve to the right having central angle of 28°17' 24" and a radius of 50.0' an arc distance of 24.69' to a P.O.R. C. to the left having a central angle of 48°11' 23" and a radius of 25.0'; Thence run along the arc of said curve an arc distance of 21.03' to the P.T. of said cul de sac curve; Thence run along a curve to the right having a central angle of 01°38' 21" and a radius of 349.55' an arc distance of 10.0' to a corner; Thence run S 71° 27' 04" W a distance of 161.42' to a corner; Thence run N 18° 09' 34" W a distance of 112.67' to a corner; Thence run S 78° 47' 54" W a distance of 110.14' to a corner; Thence run last described call a distance of 256.85' to a corner; Thence run N 88° 31' 41" W a distance of 118.48' to a corner on the east margin of a public street; Thence run S 78° 42' 58" W a distance of 50.0' to a corner on the west margin of same said street; Thence run S 78° 46' 59" W a distance of 214.55' to a corner; Thence run S 00°05'56" E a distance of 78.0' to a corner; Thence run S 00° 05' 36" E a distance of 270.00' to a corner; Thence run S 00° 01' 32" E a distance of 975.55' to the point of beginning, containing 17.25 acres, more or less. Property is subject to any and all agreements, easements, restrictions, limitations and / or omissions of probated record and / or applicable law.



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EXHIBIT B

