20060601000259730 1/2 $14.00
Shelby Cnty Judge of Probate, AL
06/01/2006 01:26:19PM FILED/CERT

VARIANCE OF SET-BACK LINE

THE UNDERSIGNED, IS A REPRESENTATIVE OF THE DEVELOPER OF EAGLE COVE UNDER THE DECLARATION OF PROTECTIVE COVENANTS, & RESTRICTIONS OF EAGLE COVE, RECORDED INSTRUMENT #20050920000488820 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. ALSO, ROGER WILKINS IS A REPRESENTATIVE OF THE ARCHITECTURAL CONTROL COMMITTEE IN THE EAGLE COVE SUBDIVISION. UNDER SAID COVENANTS EITHER THE DEVELOPER OR THE ARCHITECTURAL CONTROL COMMITTEE HAS THE POWER TO AMEND SET-BACK LINES AND RESTRICTIVE COVENANTS IN SAID SUBDIVISION INCLUDING THE POWER TO GRANT VARIANCES FROM SET BACK VIOLATIONS AS SET OUT IN PARAGRAPH 6 OF THE RESTRICTIVE COVENANTS.

WE BOTH HAVE SEEN THE ATTACHED SURVEY DATED MAY 23, 2006 AND PREPARED BY HILL SURVEYING ON LOT 61 EAGLE COVE RECORDED IN MAP BOOK 35 PAGE 121, IN THE OFFICE OF THE JUDGE OF PROBATE IN SHELBY COUNTY, ALABAMA AND WE ARE AWARE OF THE LOCATION OF THE DECK SHOWN ON THIS SURVEY. IT IS OUR JUDGMENT THAT THE DECK DOES NOT ENCROACH INTO THE REAR BUILDING SET BACK LINE BECAUSE SUCH IS SPECIFICALLY EXCLUDED IN PARAGRAPH 6.04 (b). HOWEVER, TO THE EXTENT THAT ANYONE SHOULD CHALLENGE THIS DECISION, THE DEVELOPER AND THE ARCHITECTURAL CONTROL COMMITTEE HAVE THE POWER AND DO HEREBY GRANT A VARIANCE FROM THE REAR SET-BACK LINE TO PERMIT THE IMPROVEMENTS ON SAID LOT TO BE LOCATED AS SHOWN IN THE ATTACHED SURVEY.

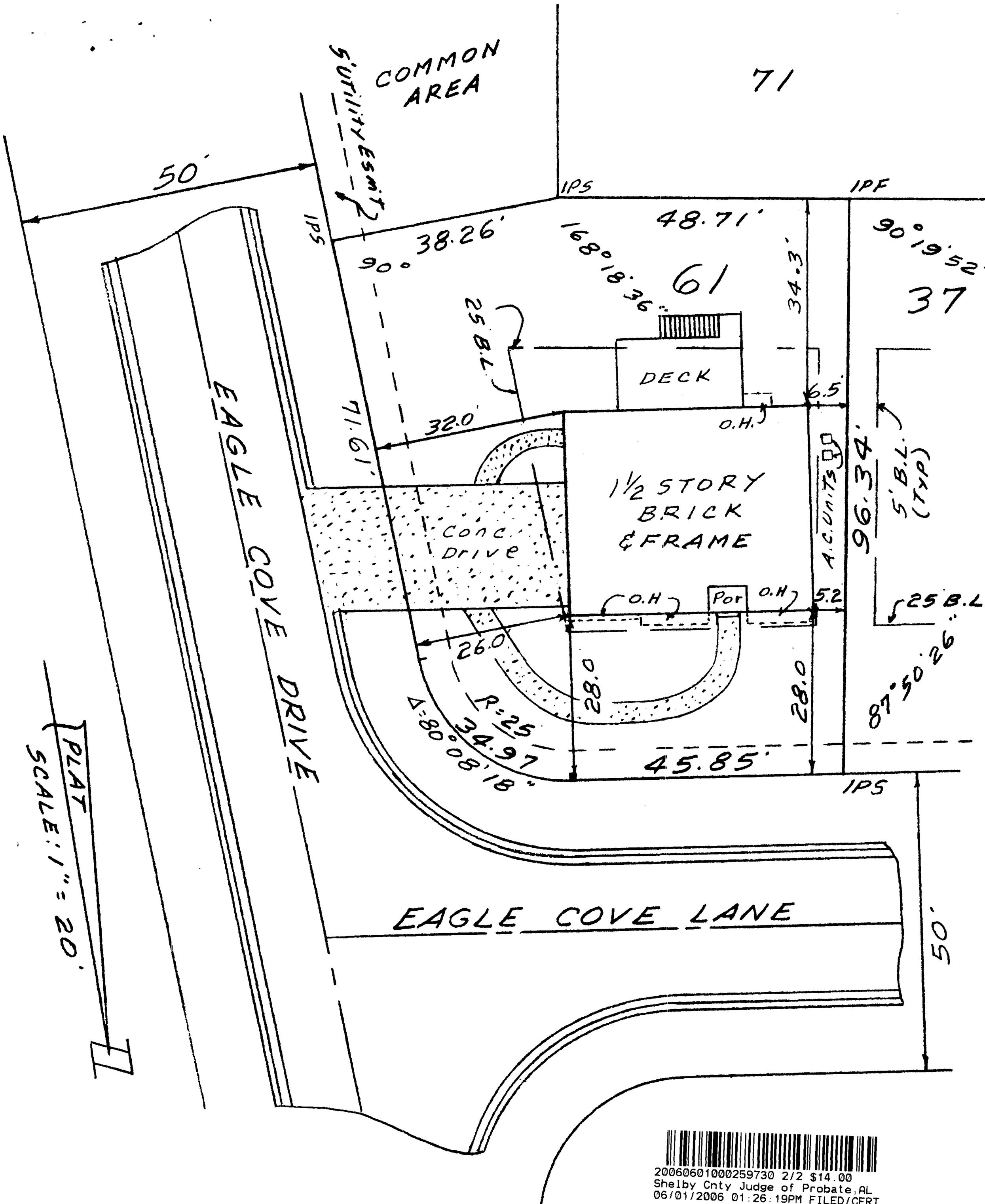
CARTER MASON INVESTMENTS, LLC

COURTNEY H. MASON, JR., MEMBER

ROGER WILKINS
AS MEMBER OF EAGLE COVE ARCHITECTURAL CONTROL COMMITTEE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 31st DAY OF MAY, 2006.

NOTARY PUBLIC
MY COMMISSION EXPIRES: 2/4/08



20060601000259730 2/2 $14.00
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STATE OF ALABAMA
JEFFERSON COUNTY

I, Joseph D. Hennessy, a Professional Engineer and Registered Land Surveyor in Birmingham, Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief and that this is a true and correct map of:

Lot 61 Block - EAGLE COVE SUBDIVISION

as recorded in Map Book 35 Page 121 in the Probate Office of SHELBY County, Alabama.

The correct street address according to the mailbox is 125 EAGLE COVE DRIVE according to my survey this 23RD day of MAY 2006.

Purchaser: HARDWICK Survey Type: CLOSING

FLOOD ZONE "C"
010193 0003 B
6-15-81

ALABAMA
PROFESSIONAL ENGINEER AND REGISTERED
No. 3641
LAND SURVEYOR
JOSEPH D. HENNESSY

HILL SURVEYING COMPANY
2301-A Second Avenue North
Birmingham, Alabama 35203
205-326-3388

Joseph D. Hennessy
Alabama Reg. No. 3641

Invoice No. 06309

Note: Unless otherwise indicated by (P) – record plat dimension, (D) – deed call, or (M) – measured dimension by survey, all bearings, angles and distances shown hereon are actual. Furthermore this survey was performed without the benefit of an abstract of title. There may be other matters of public or private record not depicted on this survey. In addition, underground utilities or subsurface features were not measured as a part of this survey unless otherwise shown. (IPF) - Iron Pin Found, (IPS) - Iron Pin Set.