

This instrument prepared by:  
David P. Condon  
David P. Condon, PC  
100 Union Hill Drive  
Suite 200  
Birmingham, Alabama 35209

20190430000141740  
04/30/2019 09:40:38 AM  
RESTCOVN 1/2

STATE OF ALABAMA     )  
                                  :  
SHELBY COUNTY         )

### **EASEMENT AND DECLARATION OF RESTRICTIVE COVENANT**

WHEREAS, Christopher Dalton Smith and his wife Stephanie Holden Smith are the Owners ("Owners") of the following described real property (the "Property") situated in Shelby County, Alabama:

**Lot 20, according to the Survey of Heritage Oaks, as recorded in Map Book 11, Page 23 A and B, in the Probate Office of Shelby County, Alabama**

and

WHEREAS, Owners are also the owners of the following described property which adjoins the Property on the east side:

**Lot 21A, according to a Resurvey of Lots 10 and 21 of Heritage Oaks, as recorded in Map Book 13, Page 138, in the Probate Office of Shelby County, Alabama ("Lot 21A property")**

; and

WHEREAS, Owners intend to convey the Property but will retain the adjoining Lot 21A (and Lot 22 which borders Lot 21A on the other side of Lot 21A from the Property); and

WHEREAS, Owners desire to restrict the use of the entire East 10' feet of the Property according to the following terms and provide access to the Property to the Owners of Lot 21A all of which shall be binding upon Owners and all subsequent owners of the Property;

NOW, THEREFORE, Owners do hereby grant, bargain and convey to Christopher Dalton Smith and Stephanie Holden Smith (as owners of the Lot 21A property, hereinafter "Grantees") an easement over, across and upon the entire East 10' of the Property for the purpose of planting, landscaping and maintaining this East 10' of the Property in a manner

which Grantees desire and in a manner that provides Grantees with privacy as owners and residents on the Lot 21A property.

AND FURTHER, Owners hereby declare and establish that the East 10' of said Property shall be used only as a landscaped area for the purpose of plantings that will allow maximum privacy to Grantees, their successor and assigns, with all plantings and landscaping to be designed, selected, arranged and maintained solely by Grantees, their successors and assigns. This easement area and restricted area is shown on the survey attached as Exhibit "A."

**EASEMENTS AND RESTRICTIVE COVENANTS RUNNING WITH THE LAND:**  
The easement and restrictive covenants created and established herein shall constitute a permanent and exclusive easement and permanent servitude in and upon the Property and shall run with the Property and inure to the benefit of and be enforceable by any owner of the Lot 21A property.

This Easement and Declaration shall become effective upon its execution on the date stated below and shall be recorded in the Office of the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, Owners have executed this Easement and Declaration on September 18, 2018.

OWNERS

By: Christopher Dalton Smith  
Christopher Dalton Smith

By: Stephanie Holden Smith  
Stephanie Holden Smith

STATE OF ALABAMA)

Shelby COUNTY)

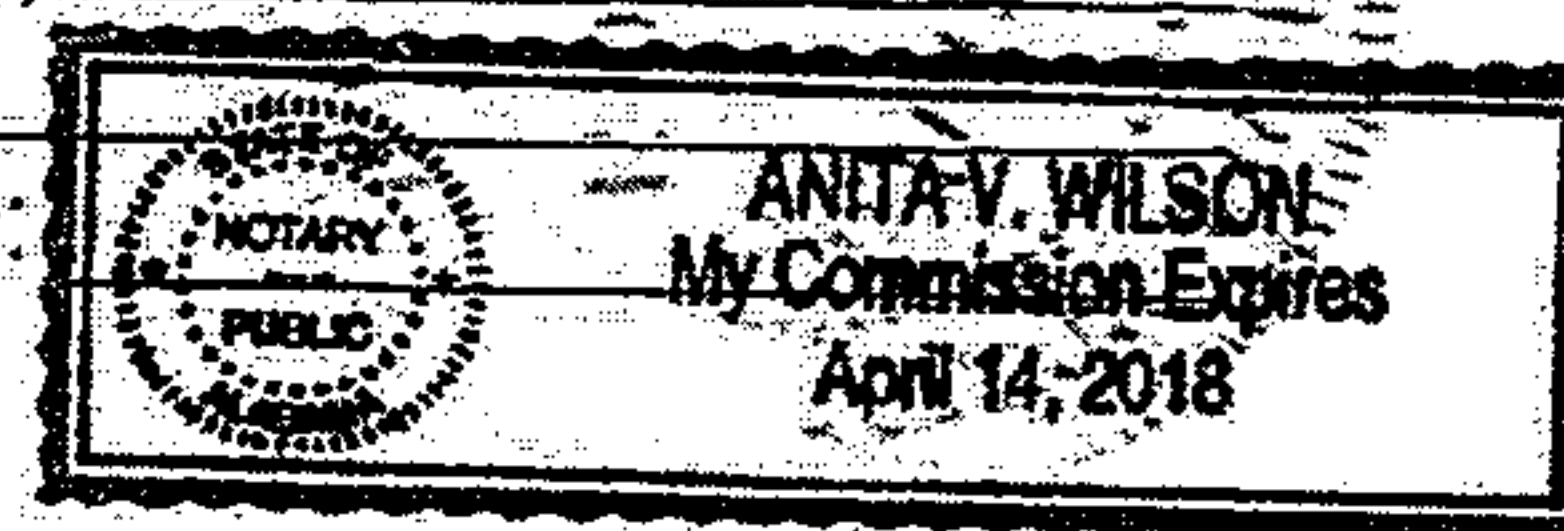
I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Christopher Dalton Smith and Stephanie Holden Smith, whose names are signed to the foregoing Easement and Declaration, and who are known to me, acknowledged before me on this day, that being informed of the contents of the Easement and Declaration, they have executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on September 18, 2018.

Anita V. Wilson

Notary Public.

Commission Expires:



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
04/30/2019 09:40:38 AM  
\$18.00 KIMBERLY  
20190430000141740

Page 2 of 2

Allie S. Bayl