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RESTRICTIVE COVENANTS APPLICABLE
TO J. B. DAVIS AND ROBBIE H. DAVIS SUBDIVISION
OF INDIAN HILLS SECTOR NO. 1

- A. The following restrictions and reservations shall be applicable to the subdivision known as INDIAN HILLS SECTOR NO. 1 as developed by J. B. Davis and Bobbie H. Davis, owned by J. B. Davis and Bobbie H. Davis of Jefferson County, Alabama - 2453 Dolly Ridge Trail, Birmingham 43.
- B. These restrictions shall apply to all lots which are shown on the map recorded in the office of the Probate Judge of Shelby County, Alabama, in Map Book 4 Page 81.
- C. The said property shall be used for residence purposes only, and not for any purpose of business or trade.
- D. No one-story dwelling house of less than 1500 square feet of area exclusive of porches, carports and terraces, and no one and one-half or two story dwelling house having less than 1200 square feet on the first floor shall be erected on any lot in said subdivision.
- E. No temporary buildings, servant houses, trailers, garages or other buildings shall be used for residence purposes prior to the completion of a dwelling house on said property, in accordance with these restrictions.
- F. No building, except a single dwelling house designed for use of only one family, with the necessary out buildings, shall be erected or maintained on any lot. It is intended hereby that there shall be only one dwelling house on each lot and that no multiple family occupancy of any dwelling house shall be permitted. No concrete block shall be used on the exterior of the front or sides of any building.
- G. No dwelling shall be erected on any lot of said property, the front line of which (which means the front line of any porch or terrace or any projection, not counting the steps) shall be nearer the road or street on which said lot of said property faces than 50 feet; and that no dwelling shall be erected on any lot of said property, the side line of which (which means the side line of porch or projection not counting steps) shall be nearer the side line of said lot than 15% of the lot width; on corner lots the side of no house shall be closer to street than 50 feet. However, the architectural control committee mentioned below, retains the authority to waive any violation of set back lines.
- H. No detached outbuilding, garage or servants house on said property shall be erected closer to the side lot line than 15 feet nor closer to the rear lot line than 15 feet and must be in the rear of the dwelling house.
- I. Fences, hedges and walls exceeding three feet in height shall not be built closer to any road or street than the front line of the house nearest to such road or street.
- J. No dwelling, outbuildings, garages or servants houses shall be erected or begun on said property without plans, specifications, architectural designs, grades and location therefore having first been delivered to and approved in writing by one of a committee composed of J. B. Davis and Bobbie H. Davis. If the plans, specifications, architectural design, grade and location of a dwelling or other building provided for herein, are actually delivered to one of the members of said committee for examination and approval and no member of said committee acts thereon within 30 days after such delivery by delivering notice in writing

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of his determination to the party requesting his approval, such plans, specifications, architectural designs, grades and location, as the case may be, shall be conclusively deemed to have been approved by the Committee.

- K. K. No lot may be subdivided or reduced in size by voluntary alienation, judicial sale or other proceedings, except at the discretion and with the approval of the said owner or their authorized agents;
- L. No lot shall be cultivated for crops of any sort, except in kitchen gardens of reasonable sizes, suitably located;
- M. There shall not be built, maintained, or kept on any lot of said property a cess pool, privy or privy vault, or receptacle of any kind for the storage of liquid waste, except septic tanks of an improved type, satisfactory to the County Health authorities. No septic tanks may be constructed within 10 feet of an adjoining property line. No sewer or drainage line shall be laid on any lot, which shall empty on or become a nuisance to the adjoining property;
- N. The grantor reserves the right to make any road or other improvements abutting on said property, to change the present road or street grades, if necessary, without liability to the purchaser or assigns for any claim for damages; and further reserves the right to change or modify the restrictions on any property in said subdivision.
- O. The construction, operation or maintenance of any Dairy, sanitarium, apartment house row house, double or duplex house, Inn, Hotel, Motel, Rooming House, Boarding House or place of any sort for the serving of food or refreshments to the public, public garage, public stable, public hall, transportation of equipment for doing work under a contract for hire, dog kennel or place for caring for or raising stock or other animals for commercial purposes, filling station, manufacturing plants, dry-cleaning establishments, office, store, commercial buildings or any other building or house not in conformity to the use which the remainder of the subdivision is devoted is hereby prohibited and no such building shall be constructed, maintained or operated on any lot in the subdivision, but this provision is not intended to prohibit any owner from keeping a pet dog, pet birds or other pet fowls so long as they do not become a nuisance. No cows shall be kept on the premise;
- P. Every contract to convey, and every Deed conveying any lot in the subdivision which is not first approved in writing by a member of the Committee named above, shall be void, but this Section shall not defeat the title of any purchaser on foreclosure of a valid mortgage on any lot, or defeat any mortgage made in good faith;
- Q. No occupant of any lot may accommodate boarders or lodgers for hire on the premises.
- R. In the event J. B. Davis and Bobbie H. Davis die or become incapacitated, the owners of a majority of the lots in Indian Hills Sector I may, by instrument in writing, signed by a majority of the owners of such lots, appoint a Committee of three of their number to perform all of the functions and exercise all of the rights, duties and powers hereby vested in J. B. Davis and Bobbie H. Davis, and a decision of a majority of the Committee thus selected by such owners shall be controlling. The Appointment of the Committee selected by the owners of a majority of the lots shall be in writing properly acknowledged, shall state the purpose for which the Committee is appointed and shall be filed for record in the Probate Office of Shelby County, Alabama, at the expense of the owners appointing the Committee. No lot owner shall have any right to object to the Committee on the ground that he or she was not consulted with respect to the appointment of the Committee.

It is understood and agreed that said conditions, limitations and restrictions shall attach to and run with the land for a period of 25 years from December 1, 1964, at which time said restrictions and limitations shall be automatically extended for successive periods of ten years, unless by a vote of a majority of the then owners of the lots it is agreed in writing to change said restrictions and limitations in whole or in part. If the parties hereto, or any of them, or their assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning real property situated in said development or subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from doing so or to recover damages or other dues from such violation.

Invalidation of any one of these covenants by judgment or Court Order shall in no wise affect any of the other provisions which shall remain in full force and effect.

These covenants are subscribed to on this 1st day of December, 1964.

BONNER & DAVIS REALTY COMPANY

BY: J. B. Davis
J. B. Davis

Bobbie H. Davis
Bobbie H. Davis

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 2/18
1965
RECORDED & S. MTG. TAX
& S. DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Joubert
JUDGE OF PROBATE

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