

RESTRICTIVE COVENANTS MODIFICATION

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, the undersigned, Bessie M. Mussey, individually, and Bessie M. Mussey, as Executrix of the Last Will and Testament of Howard Eugene Mussey, deceased (hereinafter called "Mussey"), did on the 14th day of September, 1967, establish certain restrictive covenants covering certain lots situated in Brookstone Subdivision, Shelby County, Alabama, together with/that certain property described in Exhibit "A" attached hereto and made a part hereof, said restrictive covenants being recorded in the Probate Office of Shelby County, Alabama, in Deed Book 249, page 924; and

WHEREAS, said Mussey did thereafter file Restrictive Covenants Corrective Amendment in said Probate Office of Shelby County, Alabama, in Deed Book 251, page 930 pertaining to said property described in Exhibit "A" attached hereto, and

WHEREAS, it is provided in Paragraph 8 of said Restrictive Covenants that Mussey can amend and modify such restrictions, and

WHEREAS, said Mussey, being the person holding the right to amend said restrictions, now desires to modify and amend said restrictions recorded in Deed Book 249, page 924, as amended in Deed Book 251, page 930, in said Probate Office, as hereinafter set forth;

NOW, THEREFORE, in consideration of the premises, the undersigned Mussey hereby agrees that Paragraph 6 of said restrictions recorded in Deed Book 249, page 924, as amended and Deed Book 251 at page 930 in said Probate Office, insofar as said Paragraph 6 applies to that certain property described in Exhibit "A" which is attached hereto and made a part hereof, is hereby deleted in full, and there is substituted in lieu thereof the following:

"No parcel may be subdivided or reduced in size by voluntary alienation, judicial sale or other proceedings to less than two and one-fourth (2 1/4) acres per lot without the written consent of the owner, her heirs, successors and assigns."

Except as otherwise<sup>and</sup> herein modified, said restrictions are hereby expressly ratified and approved by the said Mussey.

This Restrictive Covenants Modification will inure to and be binding upon the said Mussey, her heirs, successors, and assigns.

X Bessie M. Mussey  
Bessie M. Mussey, individually

X Bessie M. Mussey  
Bessie M. Mussey, as Executrix of the Last Will and Testament of Howard Eugene Mussey, deceased

STATE OF ALABAMA

JEFFERSON COUNTY

I, J B Davis, a Notary Public in and for said County in said State, hereby certify that Bessie M. Mussey, a widow, individually, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 15<sup>th</sup> day of April, 1968.

X J B Davis  
Notary Public

STATE OF ALABAMA

JEFFERSON COUNTY

I, J B Davis, a Notary Public in and for said County in said State, hereby certify that Bessie M. Mussey, whose name as Executrix of the Last Will and Testament of Howard Eugene Mussey, deceased, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she, in her capacity as such Executrix, executed the same voluntarily on the day the same bears date.

Given under my hand this 15<sup>th</sup> day of April, 1968.

X J B Davis  
Notary Public

EXHIBIT "A"

Begin at the NE corner of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 21, Township 19 South, Range 2 West, run thence south along the east line of said quarter-quarter section 661.87 feet, more or less, to the NE corner of Lot 34, Brookstone Estates, 3rd Sector, as recorded in Map Book 4, page 53, in the Office of Judge of Probate, Shelby County, Alabama; thence in a westerly direction along the north line of Lots 34, 33, and 32 of said survey for a distance of 795.54 feet; thence 87 deg. 22 min. 45 sec. to the right and in a northerly direction parallel with the west line of said quarter-quarter section to a point on the north line of said quarter-quarter section; thence in a easterly direction along said north line 795 feet, more or less, to the point of beginning. Containing 12 acres, more or less.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1955 APR 16 PM 8:59  
U.C.C. FILE NUMBER CR  
REC. BK. & PAGE AS SHOWN ABOVE  
*Consolidated*  
JUDGE OF PROBATE