

STATE OF ALABAMA )

COUNTY OF SHELBY )



19790117000007050 1/2 \$.00  
Shelby Cnty Judge of Probate, AL  
01/17/1979 12:00:00 AM FILED/CERT

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DECLARATION OF COVENANTS

WHEREAS, Alpha Partnership, Ltd., an Alabama limited partnership ("Alpha") is the owner of certain land situated in part of the SW 1/4 of the NE 1/4 of Section 12, Township 20 South, Range 3 West in Shelby County, Alabama, said land being more particularly described in Exhibit A hereto ("Parcel IV"); and

WHEREAS, Alpha, as "Declarant", entered into that certain Declaration of Restrictions and Easements dated December 29, 1977 with respect to Parcel IV and certain other land, the same being recorded at Misc. Book 23, Page 178 et. seq. in the Probate Office of Shelby County, Alabama, as corrected by instrument dated May 3, 1978 and recorded at Misc. Book 25, Page 29 in said Probate Office (collectively the "Declaration"), to the end that Parcel IV and adjacent land would be developed in accordance with a mutually beneficial building plan, automobile parking plan and compatible plan for the arrangement and design of improvements and the permitted use thereof, all as is more particularly described in the Declaration; and

WHEREAS, Eckerd's-Alabama, Inc., a corporation ("Eckerd's"), a tenant of a portion of the land subject to the Declaration, consented to the same as evidenced by instrument recorded at Misc. Book 25, Page 38 in said Probate Office; and

WHEREAS, a condition to Eckerd's' consent to the Declaration was the agreement by Alpha to impose certain building restrictions with respect to the northernmost 40 feet of Parcel IV during the term of Eckerd's' lease, or any extension or renewal thereof, to the end that line of sight visibility between Eckerd's' leased

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*Jerome K. Lanning*  
1212 Bank for Savings Bldg.  
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premises and U.S. Highway 31 shall not be obstructed; and

WHEREAS, Alpha has agreed to impose such building restrictions and desires to evidence the same by subjecting the northernmost 40 feet of Parcel IV to the building restrictions herein provided for.

NOW, THEREFORE, Alpha does by these presents adopt the following covenant which is to run with the Parcel IV land for the period of time hereinafter provided for:

1. No improvements, signs, fences, or other structures shall be constructed or placed upon the northernmost 40 feet of Parcel IV with an elevation exceeding 3 feet above the existing ground contour without the prior written consent of Eckerd's.

2. This restrictive covenant shall run with the Parcel IV land for the term of that certain lease between Eckerd's, as lessee, and Shelby Mart, Ltd., an Alabama limited partnership, as lessor, dated August 10, 1977, as amended, together with any extensions or renewals thereof.

IN WITNESS WHEREOF, Alpha Partnership, Ltd. has caused this instrument to be executed on this 16th day of January, 1979.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

1979 JAN 17 AM 8:32

*Thomas G. Snowlin, Jr.*  
JUDGE OF PROBATE

STATE OF ALABAMA )

JEFFERSON COUNTY )

ALPHA PARTNERSHIP, LTD.

By: James H. White, III  
Its General Partner



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I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that JAMES H. WHITE, III, whose name as General Partner of Alpha Partnership, Ltd., a limited partnership, 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 said instrument, he, as such General Partner, and with full authority, executed the same voluntarily for and as the act of said limited partnership.

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