

## Amendment to Protective Covenants

STATE OF ALABAMA  
SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Henry Grady Yarborough, Jr., individually and as executor of the Last Will & Testament of Henry Grady Yarborough, Sr., deceased is the owner of approximately fifteen (15) acres in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Sec. 1, Township 19 South, Range 1 West in Shelby County, Alabama, and more particularly described in Exhibit A attached hereto and made a part hereof by reference and,

WHEREAS, Rodney D. During and wife, Kathy H. During are the owners of approximately five (5) acres in the SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Section 1, Township 19 South, Range 1 West in Shelby County, Alabama and more particularly described in Exhibit B attached hereto and made a part hereof by reference and,

WHEREAS, R. C. Bolton<sup>Jr.</sup> and wife, Elizabeth Bolton are the owners of approximately nine and 64/100 (9.64) acres in the SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Section 1, Township 19 South, Range 1 West in Shelby County, Alabama and more particularly described in Exhibit C attached hereto and made a part hereof by reference, and,

WHEREAS, the properties herein described owned by said Henry Grady Yarborough, Jr., individually and as executor of the Last Will & Testament of Henry Grady Yarborough, Sr., deceased, Rodney D. During and Kathy H. During and R. C. Bolton and Elizabeth Bolton are adjoining properties and said property owners are desirous of amending restrictions previously recorded in Book 51, page 919, Probate Office of Shelby County, Alabama and subjecting all of said property they own and as described herein to certain limitations, conditions and restrictions as hereinafter set forth,

NOW THEREFORE, the said property owners, Henry Grady Yarborough, Jr., individually and as executor of the Last Will & Testament of Henry Grady Yarborough, Sr., deceased, Rodney D. During and Kathy H. During and R. C. Bolton and Elizabeth Bolton do hereby expressly adopt the following protective covenants, conditions and limitations for said property as follows:

1. No permanent dwelling or residence shall be erected, constructed or permitted on any lot or portion thereof which shall contain less than <sup>1200</sup> ~~900~~ square feet <sup>of heated living area</sup> ~~on the main floor of the structure~~, exclusive of any porches and garages, it being understood that a property owner occupying a mobile home temporarily on subject property is not prohibited.
2. No lot or portion thereof shall be used for any business or commercial purposes of any kind and the rental, lease or permit of any lot or portion thereof

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World Properties  
2820 Columbia Rd.  
Birmingham AL 35216

for the use of mobile homes, trailers, tents, shacks, barns, busbody or any other structures of a temporary nature to be used as a dwelling or residence is strictly prohibited, provided however, such owner occupied dwelling is not prohibited. This prohibition, however, shall not prohibit using the property to teach horse-back riding and the boarding of horses.

These covenants and restrictions shall run with the land and shall be binding upon the undersigned, their heirs, successors, and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands and seal, this 29<sup>th</sup> day of October, 1984.

Henry Grady Yarborough, Jr.  
Henry Grady Yarborough, Jr., individually

Rodney D. During  
Rodney D. During

Kathy H. During  
Kathy H. During

R. C. Bolton, Jr.  
R. C. Bolton, Jr.

Elizabeth Bolton  
Elizabeth Bolton

Henry Grady Yarborough, Jr.  
Henry Grady Yarborough, Jr., as  
executor of the Last Will & Testament  
of Henry Grady Yarborough, Sr., deceased

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Henry Grady Yarborough, Jr.; Rodney D. During and wife, Kathy H. During; R. C. Bolton, Jr. and wife, Elizabeth Bolton whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 29<sup>th</sup> day of October A.D., 1984.

James R. [Signature]  
Notary Public

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Henry Grady Yarborough, Jr., as executor of the Last Will & Testament of Henry Grady Yarborough, Sr., deceased whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under by hand and official seal this 29<sup>th</sup> day of October A.D., 1984.

James R. [Signature]  
Notary Public

\* In his capacity as executor of the Last Will & Testament of Henry Grady Yarborough, Sr., deceased.

Exhibit "A"

Begin at the Northeast corner of the Southwest quarter of the Southwest quarter of Section 1, Township 19 South, Range 1 West, Shelby County, Alabama, thence run Westerly along the North line of said quarter-quarter a distance of 1,038.50' to a point, Thence turn an angle of 88 degrees 10 minutes to the Right and run Southerly a distance of 288.51' to a point, Thence turn an angle of 98 degrees 31 minutes 38 seconds to the Left and run 63.83' to a point, Thence turn an angle of 24 degrees 14 minutes 11 seconds to the Right and run a distance of 381.39' to a point, Thence turn an angle of 71 degrees 30 minutes 49 seconds to the Right and run Southerly a distance of 99.37' to a point, Thence turn an angle of 60 degrees 03 minutes 17 seconds to the Left and run Southeasterly a distance of 206.44' to a point, Thence turn an angle of 65 degrees 05 minutes 10 seconds to the Right and run Southerly a distance of 176.04' to a point, Thence turn an angle of 29 degrees 47 minutes 52 seconds Left and run 191.00' to a point, Thence turn an angle of 32 degrees 02 minutes 07 seconds Right and run 124.13' to a point, Thence turn an angle of 39 degrees 12 minutes 12 seconds Left and run 73.09' to a point, Thence turn an angle of 29 degrees 10 minutes 44 seconds Left and run 102.24' to a point on the North right of way line of Shelby County highway number 43, Thence turn an angle of 72 degrees 48 minutes 27 seconds Left and run Northeasterly along said right of way line a distance of 347.71' to a point on the East line of said Southwest quarter of the Southwest quarter of Section 1, Thence turn an angle of 44 degrees 48 minutes 07 seconds Left and run Northerly along said quarter-quarter line a distance of 930.40' to the point of beginning containing 16.00 acres. There is a existing access easement along the West meandering line of this property that is recorded in the probate court of Shelby County, Alabama.

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Exhibit "B"

Commence at the Northwest corner of the Southwest quarter of the Southwest quarter of Section 1, Township 19 South, Range 1 West, Shelby County, Alabama, thence run Easterly along the North line of said quarter-quarter a distance of 297.0' to a point, thence turn 91°-50' right and run Southerly a distance of 288.51 to the point of beginning of the property being described, thence continue Southerly along last described course a distance of 436.23' to a point, thence turn 87°-29'-12" left and run Easterly a distance of 612.41' to a point on the West line of a 30' wide access easement of ingress, egress and the construction required utility service lines, thence turn 90°-15'-33" left and run Northerly along the West line of said access easement road a distance of 176.04' to a point, thence turn 65°-05'-10" left and run Northwesterly a distance of 206.44' to a point, thence turn 60°-03'-17" right and run Northerly a distance of 99.37' to a point, thence turn 71°-30'-49" left and run Westerly a distance of 381.39' to a point, thence turn 24°-14'-11" left and run Northerly along same access road easement line a distance of 63.83' to the point of beginning, containing 5.0 acres and marked on the corners with steel rods or iron pins as represented on the plat by small open circles. Said property is subject to all agreements, easements of restrictions of probated record or state law.

Exhibit "C"

Commence at the Southwest corner of the Southwest quarter of the Southwest quarter of Section 1, Township 19 South, Range 1 West, Shelby County, Alabama, thence run Easterly along the South line of said quarter-quarter a distance of 297.0' to the point of beginning of the property being described, thence continue along last described course a distance of 651.83' to a point on the North right of way line of Shelby County Highway number 43, thence turn 46°-09'-30" left and run Northeasterly along said right of way line a distance of 250.83' to a point on the West line of a 30' wide access easement road, thence turn 107°-11'-33" left and run Northwesterly along West line of said easement road a distance of 102.24' to a point, thence turn 29°-10'-44" right and run Northwesterly along West line of said access road a distance of 73.09' to a point, thence turn 39°-12'-12" right and run Northeasterly a distance of 124.13' to a point, thence turn 32°-02'-07" left and run Northwesterly along said access road line a distance of 191.00' to a point, thence turn 59°-56'-35" left and run Westerly a distance of 612.41' to a point, thence turn 92°-30'-48" left and run Southerly a distance of 613.74' to the point of beginning, containing 9.64 acres and marked on the corners with steel rods or iron pins as represented on the plat by small open circles. Said property is subject to all agreements, easements or restrictions of probated record or state law.

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

1984 OCT 30 PM 3:26

*Thomas A. Snowden, Jr.*  
JUDGE OF PROBATE

*Rec 1250*  
*Ind. 400*  
*1650*