

STATE OF ALABAMA )  
 )  
 Shelby COUNTY)

WHEREAS, the undersigned owners of record of the following described real estate in  
Shelby County, Alabama, to wit: Mallard Pointe,  
1st Addition except lots 1, 33 and 34 Subdivision as  
 shown on the plat recorded in Map Book 11, Page 86, in the Office of  
 the Judge of Probate of Shelby County, Alabama; and

NOW, THEREFORE, the undersigned owners do hereby adopt the following conditions, restrictions, covenants and limitations which shall apply in their entirety to all lots in the said Subdivision and shall be included as a part of the consideration in transferring and conveying title to any or all of said lots in said subdivision:

BOOK 160 PAGE 670

3. Alabama Power Company, its successors and assigns, will retain title to the underground service lateral and outdoor metering trough serving each said house, and said service entrance facilities provided by Alabama Power Company will not in any way be considered a fixture or fixtures and thereby a part of said real estate, but will remain personal property belonging to Alabama Power Company, its successors and assigns, and will be subject to removal by Alabama Power Company, its successors and assigns, in accordance with applicable Rules and Regulations filed with and approved by the Alabama Public Service Commission.

4. These covenants and restrictions touch and concern and benefit the land and shall run with the land and shall be binding on Alabama Power Company, the undersigned, their respective heirs, successors and assigns. Invalidation of any one of the foregoing covenants and restrictions shall in no way affect any other provision contained herein.

IN WITNESS WHEREOF, this instrument has been executed this 10th day of November, 19 87.

Mallard Pointe Partnership  
Developers

[Signature]  
Developer's Authorized Agent

STATE OF ALABAMA )

\_\_\_\_\_ COUNTY )

\_\_\_\_\_, a Notary Public in and for said County, in said State, hereby certify that \_\_\_\_\_, of whose name as \_\_\_\_\_

a corporation, is signed to the foregoing restrictive covenants, and who is known to me, acknowledged before me on this date that, being informed of the contents of the agreement, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation.

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF ALABAMA )

Shelby COUNTY )

Carol Joyce Yancy, a Notary Public in and for said County, in said State, hereby certify that

whose name(s) Carol Joyce Yancy signed to the foregoing restrictive covenants, and who is known to me, acknowledge before me on this day that, being informed of the contents of the agreement, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 10th day of November, 19 87

Carol Joyce Yancy  
Notary Public

my commission expires 10-1-88

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

1987 NOV 19 AM 10:31

Thomas A. Snowden, Jr.  
JUDGE OF PROBATE

RECORDING FEES  
Recording Fee \$ 5.00  
Index Fee 1.00  
TOTAL \$ 6.00