

This instrument was prepared by: Jack P. Stephenson, Jr.  
420 N. 20th Street, Suite 3000  
Birmingham, Alabama 35203

STATE OF ALABAMA )  
COUNTY OF SHELBY )

**SUPPLEMENTARY DECLARATION OF  
PROTECTIVE COVENANTS OF  
BROOK HIGHLAND, A RESIDENTIAL SUBDIVISION  
TWENTY-FIRST SECTOR**

**KNOW ALL MEN BY THESE PRESENTS THAT,**

**WHEREAS,** Eddleman & Associates, an Alabama general partnership has previously filed a Declaration of Protective Covenants and Agreements in the Probate Office of Shelby County, Alabama, in Real 194, at page 254, (the "Original Declaration") for the benefit of certain real property situated in Shelby County, Alabama, which is part of a residential subdivision known as Brook Highland, A Residential Subdivision, and which is more particularly described in the Plats of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Twentieth, Ninth, Tenth (First Phase) and Tenth (Second Phase) Sectors of Brook Highland, as respectively recorded in Map Book 12, at pages 62 A & B, 63 A & B, and 64 A & B, Map Book 13 at pages 12, 36 A & B, and 99 A & B, Map Book 14 at page 71 and 83 A & B, Map Book 15 at pages 50 A & B, 105 and 106, Map Book 16 at pages 76 and 96, Map Book 16 at page 148, Map Book 17, page 63, Map Book 17, page 108, and Map Book 18, page 36 A & B, in the Probate Office of Shelby County, Alabama;

**Inst # 1994-09886**

169987.2

**03/25/1994-09886  
02:32 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
007 MCD 23.50**

**CANTON L. SWANER, ATTORNEY AT LAW**

**WHEREAS,** AmSouth Bank, N.A. as Ancillary Trustee for NationsBank of North Carolina, N.A. as Trustee for the Public Employees Retirement System of Ohio (hereinafter referred to as the "Declarant") is the owner of certain additional real property (the "Subject Property") situated in Shelby County, Alabama, which is proposed to be developed as part of Brook Highland, and which is more particularly described in the Plat of Brook Highland 21st Sector, as recorded in Map Book 18 at page 52A;B in the Probate Office of Shelby County, Alabama;

**WHEREAS,** the Declarant desires to submit the Subject Property to the Original Declaration in accordance with and pursuant to Section 2.02 of the Original Declaration which permits the owners of any property, with the approval in writing of the Association (as defined in the Original Declaration), to submit such property to the Original Declaration by filing a Supplementary Declaration to that effect in the Office of the Judge of Probate of Shelby County, Alabama;

**NOW THEREFORE,** the Declarant, together with Brook Highland Homeowners' Association, Inc. (the "Association") do, upon the recording hereof, declare and make the Subject Property and any portion thereof subject to the covenants, conditions, restrictions, uses, limitations and affirmative obligations of the Original Declaration, as heretofore amended and as amended hereby, all of which are declared to be in furtherance of a plan for the use and improvement of the Subject Property in a desirable and uniform manner suitable in architectural design and for the enforcement of

such uniform standards and the maintenance and preservation of the common amenities within the property subject to the Original Declaration.

#### ARTICLE I

The Declarant hereby reaffirms and restates the terms and provisions of the Original Declaration as amended and/or supplemented by the instruments recorded in Book 228 at Page 882, Book 228 at page 886, Book 255 at page 131, Real 263, page 604, Real 311, page 78, Real 317, page 767, Real 353, page 969, Real 380, page 623, and Real 380, page 627, and Instrument No. 1992-16104, Instrument No. 1992-20484, Instrument No. 1993-01877, Instrument No. 1993-18798, Instrument No. 1993-31073, and Instrument No. 1994-06820, in the Probate Office of Shelby County, Alabama, in their entirety without any change whatsoever, except as follows:

1. The legal description of the property subject to the Original Declaration in Section 2.01 thereof is hereby amended to include the Subject Property.

2. Article VI, Section 6.03, of the Original Declaration, as amended by Instrument #1994 - 06820 in the Probate Office of Shelby County, Alabama, is hereby amended with respect to the Subject Property and with respect to any real property which may hereafter be submitted to the Original Declaration to provide a procedure for compliance with the storm water drainage and other requirements of

the General Permit issued by the Alabama Department of Environmental Management in favor of the Developer by deleting subparagraph (c) thereto in its entirety and substituting in lieu thereof the following:

(c) To require submission to the ARB of an Erosion Control Plan to be implemented with respect to any Lot becoming subject to the terms of the Original Declaration on or after the date hereof by the Owner or the Owner's builder or contractor, including any changes, modifications or revisions of such Erosion Control Plan. Any such Erosion Control Plan, to be approved by the ARB, must provide that gravel be placed in the driveway of the Lots during the construction period and that hay and silt fences be utilized during construction to minimize erosion. Such Erosion Control Plan must comply with all terms and conditions of any applicable General Permit issued by the Alabama Department of Environmental Management and made available to the Developer regarding storm water runoff from construction, excavation, land clearing and other land disturbance activities within the Property. Approval of the Erosion Control Plan by the ARB shall be granted or denied within the same time periods and in the same manner as set forth in paragraph (d) below.

Paragraphs (c) through (f) of Section 6.03 of the Original Declaration shall be renumbered as paragraphs (d) through (g), respectively.

3. Article VII of the Original Declaration is hereby amended with respect to the Subject Property only to modify the restrictions on the size of the residential dwellings to be constructed on Lots within the Subject Property by deleting Section 7.03(c) of the Original Declaration and adding the following as Section 7.03(c) thereof.



(c) Each main residential building (exclusive of open porches, garages, basements and carports) shall be subject to the following minimum size requirements: not less than 2500 square feet on the ground floor of any one-story building; not less than a total 3000 square feet for any 1-1/2 story building with a minimum of 2000 square feet being on the ground floor thereof; and not less than 3000 square feet in the case of a 2-story building with a minimum of 1500 square feet being on the ground floor thereof.

## ARTICLE II

Declarant hereby declares that said provisions of the Original Declaration as so amended shall run with the land and be binding upon, and shall inure to the benefit of, the Subject Property and all parties having or acquiring any right, title or interest in and to the Subject Property or any part thereof, and their successors in interest.

## ARTICLE III

The Association has joined in the execution of this Supplementary Declaration for the purpose of evidencing its written approval of the submission of the Subject Property to the Original Declaration as herein provided and does hereby authorize the filing of this Supplementary Declaration with the Office of the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, the undersigned have caused this Declaration to be executed as of the 25 day of March, 1994.

DECLARANT:

AMSOUTH BANK N.A., as Ancillary  
Trustee for NationsBank of North  
Carolina N.A., as Trustee for the  
Public Employees Retirement System  
of Ohio

By: [Signature]  
Its: Vice President & Trust Officer

BROOK HIGHLAND HOMEOWNERS'  
ASSOCIATION, INC.

By: [Signature]  
Its: PRESIDENT

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County in  
said State, hereby certify that John A. Bastwick, whose  
name as Vice Pres. & Trust Officer of AmSouth Bank, N.A., a national  
banking association, as Ancillary Trustee for NationsBank of North  
Carolina, N.A., as Trustee for the Public Employees Retirement  
System of Ohio, is signed to the foregoing Supplementary  
Declaration of Protective Covenants, and who is known to me,  
acknowledged before me on this day that, being informed of the  
contents of the above and foregoing Supplementary Declaration of  
Protective Covenants, he, as such officer and with full authority,  
executed the same voluntarily for and as the act of said national  
banking association acting in its capacity as Ancillary Trustee as  
aforesaid.

Given under my hand and official seal of office this 16<sup>th</sup> day  
of March, 1994.

Vicky B. Hoven  
Notary Public  
My Commission Expires: 1/21/98

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Douglas D. Eddleman whose name as President of Brook Highland Homeowners' Association, Inc., an Alabama nonprofit corporation, is signed to the foregoing Supplementary Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Supplementary Declaration of Protective Covenants, he as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal of office this 25<sup>th</sup> day of March, 1994.

Rebecca K. Rasato  
Notary Public  
My Commission Expires: 2/3/97

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