

STATE OF ALABAMA)

COUNTY OF SHELBY)

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, Windy Oaks, an Alabama partnership composed of Shelby Homes, Inc. and Roy Martin Construction, Inc. ("Owner"), is the owner of the real property located and situated in Shelby County, Alabama, and more particularly described as follows:

Part of Lot 4, Block B and the South 15.00 feet of that part of 10th Avenue S.E. lying West of Interstate I-65 and between Lots 4 and 5, Block B of Nickerson's Addition to Alabaster, as recorded in Map Book 3, Page 69, in the Probate Office of Shelby County, Alabama, being located in the SW 1/4 of Section 1, Township 21 South, Range 3 West, described as follows: Commence at the SE corner of the N 1/2 of the S 1/2 of the SW 1/2 of said Section 1 and go North 03 degrees 14 minutes 00 seconds East along the East boundary of said 1/4 Section for 667.00 feet; thence North 84 degrees 46 minutes 00 seconds West for 959.00 feet to the North boundary of Interstate I-65 and the Point of Beginning; thence North 51 degrees 55 minutes 32 seconds East for 22.73 feet to the center line of 10th Avenue S.E.; thence North 84 degrees 46 Minutes 00 seconds West along said center line for 369.39 feet; thence South 03 degrees 14 minutes 00 seconds West for 38.09 feet to the North boundary of Interstate I-65; thence three (3) courses along said North boundary as follows: go South 60 degrees 02 minutes 42 seconds East for 107.50 feet; thence South 82 degrees 29 minutes 19 seconds East for 176.16 feet; thence North 51 degrees 55 minutes 32 seconds East 107.00 feet to the Point of Beginning.

WHEREAS, Owner desires to impose certain restrictive covenants on the Property.

NOW, THEREFORE, in compliance with the requirements of a contract to purchase from Owner of real estate located nearby the Property, in consideration of the premises and the sum of One and No/100 Dollar (\$1.00) in hand paid to Owner, the receipt and sufficiency whereof is hereby acknowledged, Owner does hereby declare and impose on the Property the following restrictions, limitations and covenants which run with the land:

The Property is not to be used as a convenience store or gasoline outlet.

08/21/1995-22913
10:47 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 13.50

Inst # 1995-22913

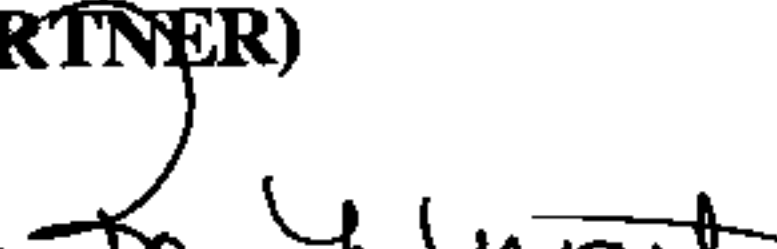
IN WITNESS WHEREOF, the undersigned have caused these Restrictive Covenants to be executed on this the 16th day of August, 1995.

WINDY OAKS, AN ALABAMA PARTNERSHIP

**By: SHELBY HOMES, INC.
(PARTNER)**

By: 
Reid Long, As its President

**By: ROY MARTIN CONSTRUCTION, INC.
(PARTNER)**

By: 
Roy L. Martin
As its President

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Reid Long, whose name as President of Shelby Homes, Inc., a corporation, as Partner of Windy Oaks, an Alabama 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as General Partner of Windy Oaks, an Alabama partnership.

Given under my hand and seal this _____ day of August, 1995.


Notary Public

My Commission Expires: _____

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Roy Martin, whose name as President of Roy Martin Construction, Inc., a corporation, as Partner of Windy Oaks, an Alabama 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as General Partner of Windy Oaks, an Alabama partnership.

Given under my hand and seal this 16th day of August, 1995.



Notary Public

My Commission Expires: 05/23/99

Inst # 1995-22913

08/21/1995-22913
10:47 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE