

STATE OF ALABAMA

COUNTY Shelby

COVENANTS TO RUN WITH LAND

Inst # 1997-29006

WHEREAS, Scott Davis are the owners of certain real property situated in Shelby County, Alabama, described on Exhibit "A" hereto and incorporated herein fully, and

WHEREAS, upon said property the owners, Scott Davis desire to construct a single family residence; and

WHEREAS, said residence shall become, subsequent to this construction, the property of various persons and entities; and

WHEREAS, the approval by the Shelby County Health Department for the alternative sewage disposal system for the single family residence is granted upon the covenant by the owners and their successors in title that it or they will satisfy all requirements of the Shelby County Health Department and be responsible to correct, repair and replace any parts, equipment, apparatus, field lines, pumps, motors and other equipment necessary to properly assure the proper functioning of the alternative sewage disposal system.

NOW, THEREFORE, in consideration of the premises, the owners, Scott Davis, hereby grants and convey as encumbrances on land described as Exhibit "A" the following restrictions and covenants to run with the land as hereinafter described:

✓ Scott Davis  
8425 1st AVE N  
B'ham, AL  
35206

09/09/1997-29006  
11:42 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 16.00

1. That the undersigned owners, Scott Davis  
its successors, assigns and subsequent purchasers of a single family residence in Lot 15A Bent River Commons subdivision shall own the said residence subject to the continuing condition that the right to use the said residence and right to continue to occupy the said residence will be subject to the proper functioning of the alternative sewage disposal system which is being approved by the Shelby County Health Department. In the event it is determined by the Shelby County Health Department that the alternative sewage disposal system is no longer functioning properly and that the continued occupancy of their residence is detrimental to their health or the health of other occupants or residences in the general area, then the owner or occupant agrees upon written notice from the said Health Department to vacate said residence as directed in said notice.
2. The owners and his successors in title will install and maintain for the disposal of sewage and alternative sewage disposal system approved under the provisions of Alabama's Onsite Sewage Rules Chapter 420-3-1, Alabama Administrative Code.
3. The owners and their successors in title shall install and maintain low water use type flush toilets, shower heads and other water saving fixtures, where applicable, whether new or replacement fixtures as determined to be acceptable by the Shelby County Health Department.

4. That the whole of the land in Exhibit "A" shall not be subdivided until a public or private sanitary sewer system is available.
5. No repair, alteration or addition shall be made to the approved alternative sewage disposal system without the written approval of the Shelby County Health Department.
6. That these covenants shall run with the land and be binding on all present owners and future owners or occupants of said residence and the lot on which it is situated until such time as the alternative sewage disposal system is no longer required by the Shelby County Health Department, the same being the occasion when the residence is connected to a public or private sanitary sewer system.

Dated this the 9<sup>th</sup> day of September 1997

Michael Scott Davis  
Owner's Signature

Larry W. Rush 9-9-97  
Health Department Official

EXHIBIT "A"

All property in the survey of \_\_\_\_\_ a map of which is recorded in Map Book \_\_\_\_\_, Page \_\_\_\_\_, in the Probate office of Shelby County, Alabama. Or described as all property in the survey of \_\_\_\_\_ described by metes and bounds as:

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said County, in said state, hereby certify that Larry W. Rush, whose name is signed Health Official to the foregoing instrument, and who is known to me, acknowledges before me this day, that being informed of the contents thereof, has executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 9 day of Sept, 1997.

Shelia D. Stutz  
Notary Public  
My Commission Expires 9/11/99

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said County, in said state, hereby certify that Michael Scott Davis whose name is signed to Owner's Name the foregoing instrument, and who is known to me, acknowledges before me this day, that being informed of the contents thereof, has executed the same voluntarily on the day of the same bears date.

Given under my hand and official seal this 9<sup>th</sup> day of September, 1997.

Tronica Wazette  
Notary Public  
My Commission Expires 6/5/2000

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