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2700 Hwy. 280 East, Suite 290E  
Birmingham, Alabama 35223

State of Alabama )  
County of Shelby )

Inst # 1998-19414

05/28/1998-19414  
09:44 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
009 MEL 28.50

SUPPLEMENTARY DECLARATION OF  
PROTECTIVE COVENANTS FOR  
BROOK HIGHLAND

KNOW ALL MEN BY THESE PRESENTS THAT,

WHEREAS, Eddleman Properties, Inc., an Alabama Corporation 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, Eight, Twentieth, Ninth, Tenth, Twenty-First, Eleventh Sector, First Phase, Eleventh Sector, Second Phase, 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,

CLAYTON T. SWEENEY, ATTORNEY AT LAW

10/24/1997-34700  
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and 99 A & B, Map Book 14 at Pages 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 at Page 63, Map Book 17, Page 108, Map Book 18 at Pages 36 A & B, Map Book 18 at Pages 52 A & B, Map Book 18 at Page 129, Map Book 19 at Page 68 and Map Book 22 at Pages 36 A & B, in the Probate Office of Shelby County, Alabama;

WHEREAS, Eddleman Properties, Inc., an Alabama Corporation (hereinafter referred to as "Declarant") is the owner of additional real property (the "Subject Property") situated in Shelby County, Alabama, which it proposes to be developed as part of Brook Highland, and which is more particularly described on Exhibit "A" which is attached hereto and made a part hereof;

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 owner 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 recorded in Real 194, Page 254, and 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 880, Page 623, and Real 380, Page 627, and Instrument No. 1992-16104, Instrument No. 1993-18798, Instrument NO. 1993-31073, Instrument No. 1994-06901, Instrument No. 1994-29497, Instrument No. 1995-01043 and Instrument No. 1997-06062, in the Probate Office of Shelby County, Alabama, 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. The Original Declaration is hereby amended in the following respects with respect to the Subject Property only and such amendments shall apply only with respect thereto.

- (a) Article VI, Section 6.03, of the Original Declaration, as amended by Instrument No. 1994-09886 in the Probate Office of Shelby County, Alabama, is hereby further amended with regard to

the Subject Property and with respect to any real property which may hereafter be submitted to the Original Declaration as heretofore amended and as amended hereby to provide 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 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.



(b) There shall be a Fifty (50') foot natural buffer zone on the Subject Property where the Subject Property adjoins the Eleventh Sector, Second Phase of Brook Highland as recorded in Map Book 19, Page 68, in the Probate Office of Shelby County, Alabama. The owners of those lots in Brook Highland, Eleventh Sector, Second Phase, as recorded in Map Book 19, Page 68, in the Probate Office of Shelby County, Alabama, shall be permitted under the ARB guidelines to enter upon the Fifty (50') natural buffer zone to selectively trim or cut down and remove any trees or tree limbs which obstruct the view from said Lots in the Eleventh Sector, Second Phase of Brook Highland. Such selective trimming or cutting down and removal of trees shall be conducted only after obtaining written approval from the ARB. The owners of those lots in Brook Highland, Eleventh Sector, Second Phase, Map Book 19, Page 68, which are adjoin the Subject Property, are hereby granted an easement for ingress and egress for the purposes of selectively trimming, cutting down or removing any trees which are deemed by the ARB as being an obstruction to the view from said Lots.

(c) Article VII, Section 7.05 Utilities is hereby amended to add the following sentence: "No cellular or communication towers shall be permitted to be installed on the Subject Property."

(d) Article VII, Section 7.01 (a) is hereby amended as follows with regard to the Subject Property and with respect to any real property which may hereafter be submitted to the Original Declaration as heretofore amended and as amended hereby by deleting the first sentence of Section 7.01 (a) and substituting in lieu

thereof the following:

"No Structure, improvement, appurtenance or tower shall be erected, altered, placed or permitted to remain on any Lot which shall be a part of the Subject Property other than a main single family dwelling not to exceed two and one-half stories, or Forty (40) feet in height and a private garage for not more than four cars."

All other terms and conditions of the Original Declaration shall remain in full force and effect unaltered.

Declarant hereby declares that said provisions of the Original Declaration as so amended shall run with the land and be binding upon, and shall insure 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 II

The Association has joined in the execution of this Supplemental 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 Supplemental Declaration with the Office of the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, the undersigned have caused this

Supplement to Declaration of Protective Covenants to be executed as  
of the 3rd day of October, 1997.

DECLARANT:

Eddleman Properties, Inc.,  
an Alabama Corporation

By:   
Douglas D. Eddleman  
Its President

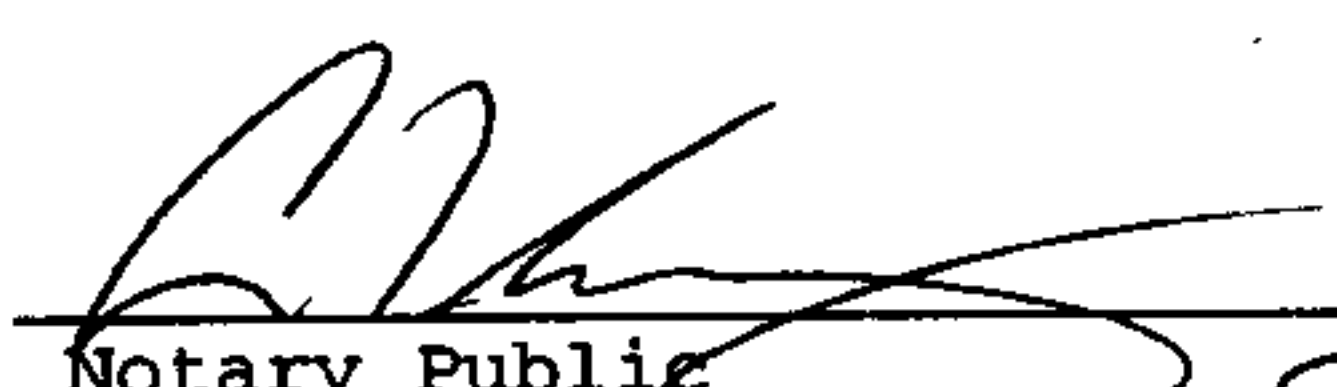
Brook Highland Homeowners'  
Association, Inc.

By:   
Douglas D. Eddleman  
Its President

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 Eddleman Properties, Inc., an Alabama  
Corporation, is signed to the foregoing Supplemental 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 Supplemental Declaration of Protective Covenants, he,  
as such officer and with full authority, executed the same  
voluntarily for and as the act of said Corporation.

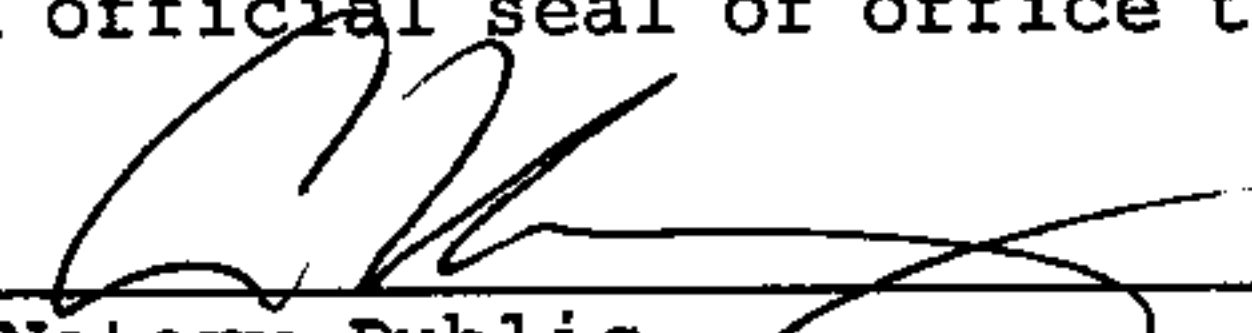
Given under my hand and official seal of office this 3rd  
day of October, 1997.

  
Notary Public  
My Commission Expires: 5-28-99

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 Supplemental Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Supplemental Declaration of Protective Covenants, he as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation. *del*

Given under my hand and official seal of office this 3<sup>rd</sup> day of October, 1997.

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

My Commission Expires: 5-25-98

Inst # 1997-34700

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EXHIBIT "A"

DAE

A parcel of land situated in the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 30, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Begin at a concrete monument found locally accepted to be the Southwest corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section, thence run east along the South line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section and also along the North line of Eagle Ridge Apartments as recorded in Deed Book 67, on Page 967, in the Office of the Judge of Probate, Shelby County, Alabama, for a distance of 71.35 feet to an iron pin found at the Southwest corner of Lot 1183 in Brook Highland 11th Sector Phase 2, An Eddleman Community, as recorded in Map Book 22, on Pages 36 A & B, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the left of  $64^{\circ} 42' 34''$  and run in a northeasterly direction along the Northwest line of Lots 1183 through 1192 in said Brook Highland 11th Sector Phase 2 for a distance of 1,271.30 to the Northwest corner of said Lot 1192; thence turn an angle to the left of  $20^{\circ} 23' 58''$  and run in a northeasterly direction for a distance of 175.38 feet to a point on the North line of said  $\frac{1}{4}$  -  $\frac{1}{4}$ ; thence turn an angle to the left of  $95^{\circ} 12' 45''$  and run in a westerly direction along the North line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section for a distance of 165.02 feet to a point; thence turn an angle to the left of  $57^{\circ} 01' 00''$  and run in a southwesterly direction for a distance of 59.87 feet to a point on a curve to the left having a central angle of  $11^{\circ} 51' 00''$  and a radius of 560.01 feet; thence run in a southwesterly direction along the arc of said curve for a distance of 115.82 feet to a point; thence run tangent to last stated curve in a southwesterly direction for a distance of 322.42 feet to a point on a curve to the right having a central angle of  $20^{\circ} 12' 00''$  and a radius of 571.76 feet; thence run in a southwesterly direction along the arc of said curve for a distance of 201.58 feet to a point; thence run tangent to last stated curve in a southwesterly direction for a distance of 54.25 feet to a point on a curve to the right having a central angle of  $95^{\circ} 25' 00''$  and a radius of 63.80 feet; thence run in a southwesterly to northwesterly direction along the arc of said curve for a distance of 106.25 feet to a point; thence run tangent to last stated curve in a northwesterly direction for a distance of 60.53 feet to a point on the West line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section; thence turn an angle to the left of  $137^{\circ} 11' 02''$  and run in a southerly direction along the West line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section for a distance of 697.05 feet to the point of beginning. Said parcel containing 6.86 acres more or less.

THIS DECLARATION IS BEING RE-RECORDED TO ADD THE ATTACHMENT EXHIBIT "A"

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