

Inst # 1999-33855

**Declaration of Protective Covenants and Restrictions for
Bailey's Wall Farm Road Subdivision**

This Declaration of Protective Covenants and Restrictions is made this 9TH day of August, 1999, by Jim Bailey Incorporated (hereinafter referred to as "owner" who is the owner of Lots 1 through 8, according to the survey of Bailey's Wall Farm Road Subdivision as recorded in Map Book 25 page 149, in the Probate office of Shelby County, Alabama.

Now, therefore in order to enhance and protect the value, attractiveness, and desirability of the property, the owner hereby declares that all of the property described herein shall be subject to the following covenants and restrictions:

- 1) All lots shall be used for single family purposes, except for one apartment above a two-car garage may be allowed. Otherwise, no part of any lot shall be used or caused to be used in any way directly or indirectly, for business, commercial, manufacturing, warehousing, or other nonresidential purposes. No lot may be subdivided.
- 2) Homes shall contain no less than 1650 square feet of heated and cooled space on the main level of a one level or story and a half style home; and no less than 1200 square feet of heated and cooled space on each of two levels of a two story style home. No homes shall be occupied prior to final completion.
- 3) No home or other building may be constructed nearer than 80 feet from the front lot line and a minimum of 60 feet from the rear lot line and a minimum of 30 feet from both side lines unless otherwise approved in writing by the developer Jim Bailey Inc. or the Shelby Co. Planning Commission.
- 4) No disabled, non-operating or wrecked vehicles shall be permitted on any lot or on the street. All vehicles permitted must be parked inside an enclosed garage, near carport or

08/12/1999-33855
08:39 AM CERTIFIED
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behind the back lot line of the house. Garages or carports may not be open in the front of the house.

5) No materials, debris, junk or trash may be kept on the lot at any time except during construction.

6) No manufactured homes or mobile home trailers will be allowed on the lots. Vacation motor homes, utility campers, boats or trailers etc. if present must be hidden from view using natural plantings or natural wood fencing.

7) Only one additional separate building such as an enclosed shed or barn shall be allowed per lot and must be placed behind the back and/or backside of the home and at least 35 feet from back property line. Such building must be constructed of wood materials only on the side.

8) Home plans, other building designs, exterior colors and plans to cut trees must be presented to developer for written or signed approval no less than 30 days prior to beginning of construction.

- a) All roof pitches must be a minimum 8/12 pitch for homes in a minimum of 5/12 pitch for any other separate building. No metal roofs will be allowed on homes.
- b) Only brick or brick and frame exteriors will be allowed. No block, concrete, synthetic stucco, aluminum or plastic siding will be allowed.
- c) Windows must be wood or vinyl framed. No metal frames will be allowed. No shutters may cover exterior windows.
- d) Any visible framing beside or in front of the home must include wood post and nails. Chain linked fences are not allowed.
- e) All mailboxes must be constructed of brick.
- f) All access drives or entrances to lots must remain as initially located unless otherwise approved by Shelby Co. Planning and the highway authority.

- g) The owner of a lot shall not erect or allow to be erected or grant to any entity a right or permit to erect overhead poles, towers, billboards, or communication towers or communication satellite dishes.**
- 9) Owners will be allowed ordinary household pets such as dogs or cats. Cats must remain inside at all times and dogs contained by invisible electric fencing. Horses may be allowed as per Shelby Co. regulation. No animals may be kept for commercial uses. No other animals may be kept without consent of all Shelby Co. authorities and the other lot owners in the sub-division.**
- 10) It is intended that lots will remain naturally treed and all trees to be cut, except for the home placement, must be approved by a developer.**

The covenants and restrictions shall:

- a) run with the land**
- b) be binding upon any and every person or entity having any rights, title or interest in the property, or any part thereof; and such person's or entity's heirs, executors, administrators, successors and assigns**
- c) insure to the benefit of every portion of the property and every interest therein, and d) be binding and in effect from this day forward as the date this instrument is recorded in the Probate office of Shelby County, Alabama, unless an instrument amending or modifying this instrument, executed by a majority of the lot owner shall be recorded in the Probate Office of Shelby County, Alabama.**

If any lot owner or their heirs or assigns shall violate, or attempt to violate any of the covenants herein, it shall be lawful for any other person, persons or entity, owning real property situated in said sub-division to prosecute any proceedings at law or in equity against the person, persons or entity violating or

attempting to violate any such covenant, and either to prevent it, him or them from doing so, or to recover damages, count cost and/or attorneys' fees or other expenses from such violation.

In witness whereof, the undersigned owner(s) set their hands and seals this 9th day of August, 1999.

Jim Bailey Inc.
Jim Bailey Inc.
Jim Bailey Pres.
Jim Bailey, Pres.

State of Alabama
County of Shelby

I the undersigned hereby certify that Jim Bailey Inc. and Jim Bailey whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed by the conveyance they executed the same voluntarily on the day of same bears date.

Given under my hand this 9th day of August 1999,

Lolyn A. Kayser
Notary Public
Commission Expires

NOTARY PUBLIC - STATE OF ALABAMA
MY COM. EXPIRES 08/12/2002
FORGED NOTARY PUBLIC ENDORSEMENTS

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08/12/1999-33855
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