

STATE OF ALABAMA)
SHELBY COUNTY)

WAIVER

This Waiver is made the 10th day of August, 1999 by and between Brantley Homes, Inc. (Brantley), L. Douglas Joseph (Joseph), Sam D. Joseph (the Lot 12 Owners), and the Architectural Review Committee of Ashton Woods, Phase I (the ARC).

WHEREAS, Brantley, Joseph and the Lot 12 Owners are the owner's of all of the lots contained in Ashton Woods, Phase I as recorded in Map Book 23, Page 160 Office of the Judge of Probate, Shelby County, Alabama (the Subdivision); and

WHEREAS, improvements in the Subdivision are subject to the approval of the ARC; and

WHEREAS, there are covenants for Ashton Woods as set forth in Instrument No. 1198-26349 and first amended in Instrument No. 1998-38689, both in the Office of the Judge of Probate, Shelby County, Alabama (collectively the Covenants); and

WHEREAS, due to topography and the shape of Lot 2 of Ashton Woods, Phase I, which Lot 2 is owned by Brantley, Brantley has been required to exceed the set back requirement of 30 feet as set forth in Article II, Paragraph (b) of the Covenants and as shown on the record map for the Subdivision; and

WHEREAS, the parties are desirous of waiving and approving this set back encroachment on the assumption that the parties have the ability to do so and that the Subdivision is not subject to zoning requirements from Shelby County, Alabama or any municipality.

Now, therefore, in consideration of the premises, the mutual covenants and for other good and valuable considerations, the parties agree as follows:

1. The parties hereby waive any complaint that they may have under the covenants or the record map for the Subdivision that relate to the porch which has been constructed on the dwelling on Lot 2, Ashton Woods being over the 30 foot set back line as set forth in the covenants and on the record map for the Subdivision. The ARC hereby approves the said porch.
2. This Waiver applies to the said porch on the said Lot 2 to the extent of said porch exceeding the 30 foot set back line in an amount not to exceed 5 feet (that is, the set back line for the said Lot 2 as it applies to said porch shall now be 25 feet).
3. Neither the ARC, Joseph nor the Lot 12 Owners represent or warrant that this Waiver in anyway is not violative of any governmental requirement. The signature of Joseph, Brantley, the ARC and the Lot 12 Owners to this document exists purely to waive any objections the parties may have as to said set back violation.
4. This Waiver shall be binding on the parties hereto and their respective heirs, successors and assigns and all of the Lots within Ashton Woods, Phase I

Done this 10th day of August, 1999.

Brantley Homes, Inc.

By: Shonda Brantley
Its: V.P.

Inst # 2000-04068

02/09/2000-04068
08:32 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
13.50
003 CJ1

L. Douglas Joseph
L. Douglas Joseph

ARCHITECTURAL REVIEW
COMMITTEE OF ASHTON WOODS,
PHASE I

By: *Kathy Joseph*
By: *L. Douglas Joseph*
By: *Tracie Pierce*

STATE OF ALABAMA)
Shelby COUNTY)

CORPORATION ACKNOWLEDGMENT

I, Beth Lewis, a Notary Public in and for said County in said State, hereby certify that Rhonda Brantley, whose name as Vice President of BRANTLEY HOMES, INC., a corporation is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation.

Given under my hand and official seal this 10th day of Aug., 1999.

Beth Lewis
Notary Public
My Commission Exp. Sept 3, 1999

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public for the State of Alabama at Large do hereby certify that L. DOUGLAS JOSEPH, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 10th day of Aug., 1999.

Beth Lewis
Notary Public

My Commission Expires Sept 3, 1999

AUG -05 99 (THU) 10:22 BURFORD ATTORNEY S

TEL 205-822-1706

P. 004

My Commission Exp. _____

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public for the State of Alabama at Large do hereby certify that Beth Lewis, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me this day that, being informed of the contents of said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 10 day of Aug, 1999

Beth Lewis
Notary Public
My Commission Exp. 9-3-99

STATE OF ALABAMA)
Shelby COUNTY)

I, Beth Lewis, a Notary Public in and for said County in said State, hereby certify that L. DOUGLAS JOSEPH, KATHY JOSEPH AND TRACIE PIERCE, whose names as members of ASHTON WOODS, PHASE I ARCHITECTURAL REVIEW COMMITTEE, a committee are signed to the foregoing conveyance, and who are known to me, acknowledged before me this day that, being informed of the contents of the conveyance, they, as such members and with full authority, executed the same voluntarily for and as the act of the committee.

Given under my hand and official seal this 10th day of Aug, 1999

Beth Lewis
Notary Public
My Commission Exp. Sept. 3, 1999
Aug. 26, 2003 *EL*

02/09/2000-04068
08:32 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 CJ1 13.50