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AFFIDAVIT AT TO MODIFIED FRONT SET BACK LINE

I am James W. Woods and I am President of James Woods Development, Inc. which has built a residential house on Lot 927, Greystone Legacy 9th Sector Map Book 32 Page 44 A & B located at 908 Glassford Court.

The said house encroaches into the front set back line as per the Covenants and Restrictions stating a 50 foot set back line. See the survey dated August 19, 2005 prepared by Miller, Triplett and Miller Enterprises, Inc. a copy of which is attached to this affidavit as Exhibit "A".

The location of the house was approved by the Greystone Architectural Committee on 8/25/05 as shown by the approval attached hereto as Exhibit "B".

The above referenced lot is zoned as PRI which is shown by the zoning certificate prepared by the City of Hoover a copy of which is attached as Exhibit "C".

The City of Hoover zoning regulations on page D-3 allow the Greystone Architectural Control Committee to increase or decrease setback lines without further action by the City of Hoover. A copy of these regulations are attached hereto as Exhibit "D".

The Greystone Architectural Control Committee has seen the survey prepared by Miller, Triplett and Miller Enterprises, Inc. and has approved the setback violation of the house into the front setback line. This approval is attached hereto as Exhibit "E". The ACC has approved the site plans and the location of the structure as stated in the Greystone Legacy Declaration of Covenants, Conditions & Restrictions.

James Woods Developments, Inc.

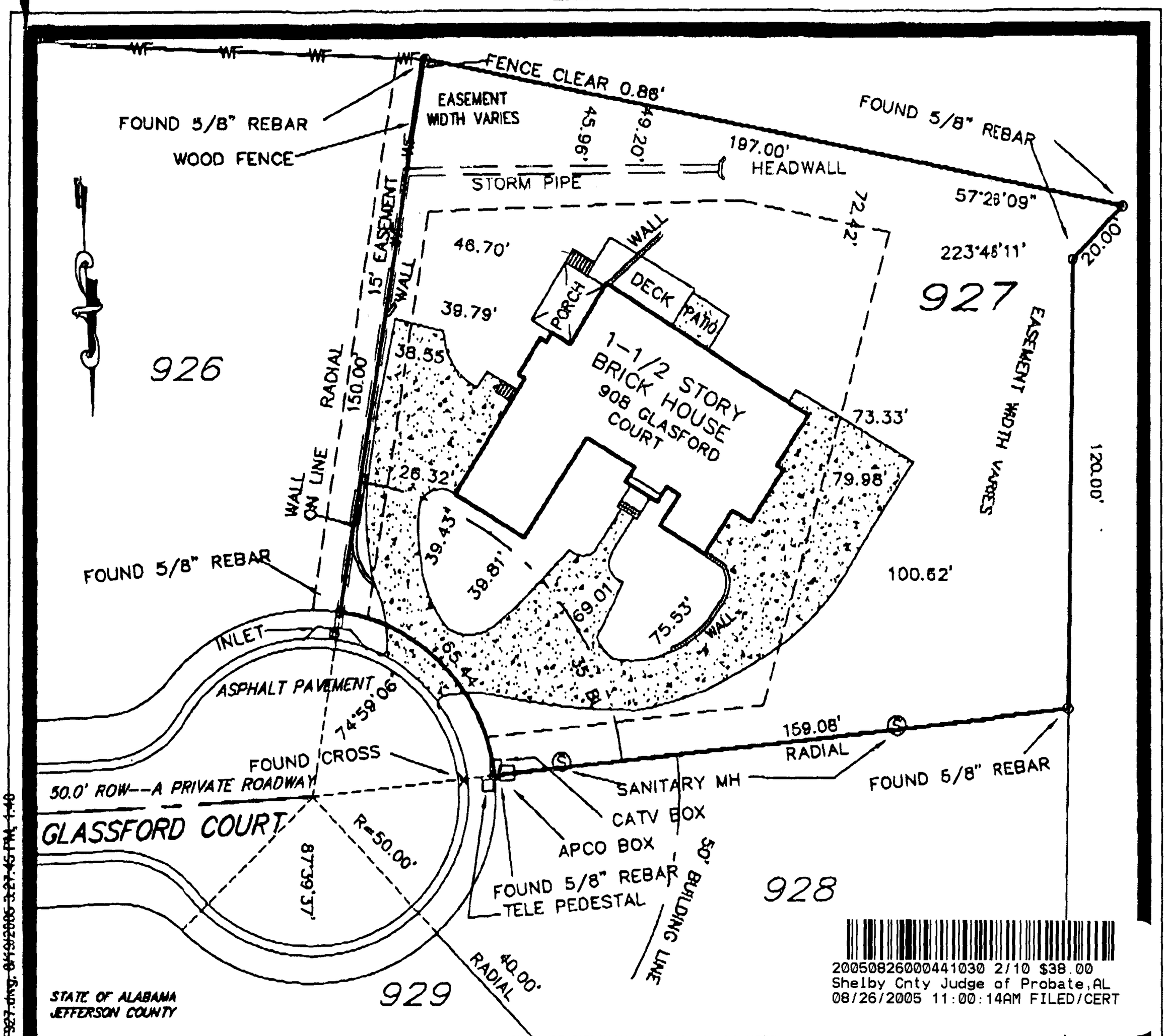
By: James W. Woods, President

Sworn and subscribed to me this 25th day of August, 2005.

Notary Public

COURTNEY H. MASON JR.
COMMISSION EXPIRES MARCH 5, 2007

EXHIBIT "A"



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STATE OF ALABAMA
JEFFERSON COUNTY

I, JOSEPH A. MILLER, III A REGISTERED CIVIL ENGINEER AND LAND SURVEYOR OF BIRMINGHAM, ALABAMA DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT MAP OR PLAT OF THE SURVEY MADE BY ME AND DESCRIBED OF:

LOT 927 OF GREYSTONE LEGACY 9TH SECTOR

AS RECORDED IN MAP BOOK 32, PAGES 44A AND 44B, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

THE SOLE PURPOSE OF THIS SURVEY IS FOR USE AS A MORTGAGE LOAN CERTIFICATE SURVEY OR MORTGAGE LOAN CLOSING SURVEY SHOWING THE EXISTENCE OR NONEXISTENCE OF ENCROACHMENTS INTO OR OUT OF SAID PROPERTY. I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; THAT THE BUILDINGS NOW ERECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES OF SAME EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ENCROACHMENTS FROM ADJOINING PROPERTY EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO RIGHTS OF WAY, EASEMENTS, OR JOINT DRIVEWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ELECTRIC OR TELEPHONE WIRES (EXCLUDING SERVICE WIRES THAT SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREFOR, INCLUDING POLES, ANCHORS, AND GUY WIRES, ON OR OVER SAID PREMISES EXCEPT AS MAY BE SHOWN; THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO FEMA PANEL NUMBER 010191 0025 B DATED: SEPTEMBER 18, 1982. THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EASEMENTS, ZONING RESTRICTIONS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY MAY BE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY OF EASEMENTS OR RESTRICTIONS.

ALABAMA REGISTERED No. 17054 PROFESSIONAL & LAND SURVEYOR ENGINEER JOSEPH A. MILLER, III

THE CORRECT STREET ADDRESS IS: 908 GLASSFORD COURT, HOOVER ALABAMA 35242

FEMA PANEL: NO. 010191 0025 B DATED: SEPTEMBER 18, 1982
DATE: AUGUST 18, 2005
INVOICE NO. 34315 ATTORNEY: C. MASON
ORDERED BY: R WOODS-08-10-05
OWNER: FRANK AND ROBIN DURCI
FIELD FILE: GREY1927.CRS FILED: LOT 927/CERTS/PLOTS/FOUNDATIONS
SURVEYOR AND FIELD WORK DATE: FM-08-18-05 DRAWN BY: JBC

PREPARED BY:
MILLER, TRIPLETT AND MILLER ENGINEERS, INC.

JOSEPH A. MILLER, III, P.E. & L.S. NO 17054
3020 7th AVENUE SOUTH
BIRMINGHAM, ALABAMA 35233
TELEPHONE (205) 320-0114

SCALE: 1" = 40'

I:\AAAPLOTS\FOUNDATIONS\CERTS\GREYSTONE LEGACY 9TH SECTOR\LOT927.dwg, 08/19/2005 3:27:45 PM, 1:40

GREYSTONE

Exhibit "B"

August 25, 2005

To Whom It May Concern:

RE: Completion – Lot 927 – The Legacy – 9th Sector

The Greystone Legacy Architectural Review Committee is aware that the structure on Lot 927 in Greystone Legacy violates the 50' setback line as stated in the Greystone Legacy Declaration of Covenants, Conditions and Restrictions. We have approved the site plan and structure as shown on the survey.

Sincerely,

GREYSTONE ARCHITECTURAL COMMITTEE

Steve Janney
Chairman

SJ/jal

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GREYSTONE PLACE
FOUR THOUSAND GREYSTONE DRIVE
BIRMINGHAM, ALABAMA 35242
205-443-4650
FAX 443-4654

CITY OF HOOVER
2020 VALLEYDALE RD. S.103
HOOVER, ALABAMA 35244
444-7522

EXTERIOR WORK AUTHORIZED BY
THIS PERMIT 6 AM - 9 PM MONDAY-
SATURDAY 8 AM- 5 PM ON SUNDAY

BUILDING PERMIT Exhibit "C"

Application Number . . . . . 04-00022420 Date 8/25/05
Property Address . . . . . 908 GLASSFORD CT
parcel number . . . . . 03-6 -14-0-000-002000
lot number 927
Tenant nbr, name . . . . . L.927 G'STONE LEGACY/J.WOODS
Application type description NEW SINGLE FAMILY DETACHED
Property Zoning . . . . . PR1 PLANNED SNGLE FAMILY
Application valuation 450000
Contractor . . . . . JAMES WOODS DEV
Contr address . . . . . P.O. BOX 382226
BIRMINGHAM AL 35238
(205) 699-2131
--- Structure Information 000 000 NEW SINGLE FAMILY
Other struct info . . . . . PLANS, PLOT, FINAL OR ALL ALL
NUMBER OF BEDROOMS 4
NUMBER OF BATHROOMS 4
FOUNDATION TYPE BASEMENT
NUMBER OF STORIES 2
HEAT GAS
SEWER/SEPTIC TANK 207041
SQUARE FEET LIVING 4665
SQ FT NON LIVING AREA 3800
POST FDTN SURVEY REQUIRED YES
EROSION CONTROL BOND WAIVED
ZIP CODE 35242

Permit . . . . . A SINGLE FAMILY
Additional desc . .
Permit Fee 2700.00
Issue Date . . . . 9/03/04 Valuation 450000

Special Notes and Comments
BMP INSTALLATION PLAN APPROVED KM/HJ
RELEASED VIA FAX & EMAIL @ 10:15 PER
WL/KB
NO BASEMENT FINISH
RELEASED VIA FAX @ 2:10 PER LF/KB
FAXED 2ND TIME @ 9:55 PER LF/KB
NEED PUD APP. PRIOR TO SCHEDULING BLDG. FINAL

Other Fees . . . . . BASE FEE RESIDENTIAL 1500.00
EROSION SINGLE FAMILY 100.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	2700.00	2700.00	.00	.00
Other Fee Total	1600.00	1600.00	.00	.00
Grand Total	4300.00	4300.00	.00	.00

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THIS PERMIT VOID IF WORK IS NOT BEGUN WITHIN 180 DAYS OR IF WORK IS STOPPED FOR 90 DAYS. PERMIT SUBJECT TO COMPLIANCE WITH THE BUILDING CODE AND ALL LAWS & ORDINANCES OF HOOVER.

EXHIBIT D

DEVELOPMENT CRITERIA FOR PLANNED SINGLE-FAMILY (PR-1) DISTRICTS

A. **Minimum/Maximum Land Use Density**. The Master Plan for the Property indicates that approximately 1,827 gross acres of land will be developed as part of the PR-1 zoning classification. For the purpose of the Application and Development Plan, the Golf Club Property, the lake areas, natural areas and parks shown on the Master Plan and the "Medium Density" areas, as hereinafter defined, are considered part of the PR-1 land use district for the Property. The PR-1 land use areas indicated on the Master Plan shall be utilized for the following purposes:

Single-Family	1,239 acres
Medium Density	108 acres
Golf Club Property and Club Facilities	180 acres
Parks and Natural Areas	300 acres
Total Approximate Acreage	1,827 acres

The proposed development of the PR-1 land may include attached and detached single-family dwellings (including attached and detached single-family and two-family residential dwellings, townhouses, condominiums, cooperatives, duplexes, zero-lot-line homes, cluster homes and patio homes), accessory structures and any other uses allowed under Article XII of the Zoning Ordinance. Notwithstanding anything provided herein to the contrary, (i) the boundaries and legal description of the Golf Club Property may be subject to change following completion of the golf course and related improvements thereto and (ii) all references herein to the Golf Club Property shall mean the real property upon which the golf course and related improvements are situated following completion of the same.

Within the PR-1 zoning classification, certain areas thereof have been designated as "Medium Density". These areas are indicated on the Master Plan as "MD". Any portion of the Property which is designated as MD (hereinafter referred to as "Medium Density") on the Master Plan may be developed for attached or detached single-family dwellings, townhouses, condominiums, cooperatives, duplexes, zero-lot-line homes, cluster homes, patios homes or for accessory structures and any other uses allowed under Article XII of the Zoning Ordinance.

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With the exception of the Medium Density areas shown in the Master Plan, the number of single-family detached dwelling units to be built on the 1,719 acres of land comprising the PR-1 Districts of the Property shall not exceed 1,525 dwelling units. For the purposes hereof, gross acreage of the PR-1 Districts of the Property includes the Golf Club Property and all land utilized for roads, recreational facilities and related amenities, natural areas, lake areas, parks and nature trails. This development density equates to 0.89 dwelling units per gross acre (exclusive of Medium Density areas) and is substantially less than the density allowed for the single family (R-1) zoning classification set forth in Article VI, Section 4 of the Zoning Ordinance of the City (which allows 2.9 units per acre). With the exception of the Medium Density areas shown on the Master Plan, specific areas within the PR-1 Districts shown on the Master Plan may exceed 0.88 dwelling units per gross acre; however, the total number of single-family detached residential dwellings to be constructed within the 1,719 acres comprising the PR-1 Districts of the Property (exclusive of Medium Density areas), shall not exceed 1,525 dwelling units.

With respect to the Medium Density areas (designated as "MD" on the Master Plan), the Medium Density areas may be developed at a maximum density of five (5) dwelling units per gross acre within such area. This density is substantially less than the densities allowed under the R-T-4 zoning classification set forth in Article VI, Section 8 of the City's Zoning Ordinance (which allows 10 units per acre). Specific areas of the Medium Density areas shown on the Master Plan may exceed five (5) dwelling units per acre; however, when the total number of dwelling units built within all of the Medium Density areas is divided by the total gross acreage of all areas indicated as Medium Density areas on the Master Plan, the overall density shall not exceed five (5) units per acre.

Developer reserves the right, at any time and from time to time, to change the use of any Medium Density areas designated on the Master Plan as "MD" uses to detached single-family residential areas without the approval or consent of the City or any agency, department or commission thereof. If any Medium Density area is converted to detached single-family residential uses, the provisions set forth herein which are applicable to single-family detached dwellings shall be applicable to such areas.

B. <u>Setbacks/Yards</u>. The Restrictive Covenants for the PR-1 Districts of the Property shall specify and establish for each sector within the PR-1 land use classification for the Property minimum building

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setback/yard requirements for each subdivision. However, the following shall constitute the minimum building setback requirements for detached single-family residences and for all Medium Density areas shown on the Master Plan:

(i) **Single-Family Detached Dwellings**.

Front setback/yard:	35 feet
Rear setback/yard:	35 feet
Side setback/yard:	10 feet

(ii) **Medium Density Areas**.

Front setback/yard:	25 feet
Rear setback/yard:	25 feet
Side setback/yard:	5 feet

All setbacks are measured from the property line of the lot (or property) being developed. No side setback/yard requirements shall be applicable to Medium Density areas if the dwelling units shall have common walls, unless set forth in the Restrictive Covenants for such development. Without further action or approval of the City, the Restrictive Covenants for the land within the PR-1 land use districts of the Property as well as the ACC established under each set of Restrictive Covenants may increase or, where warranted, decrease, the minimum setback/yard requirements set forth above.

C. **Floor Areas**. The minimum floor areas for developments in the PR-1 Districts of the Property shall be as follows:

(i) **Single-Family Detached Dwellings**. One story detached dwellings shall have a minimum floor area of 1,500 square feet and, with respect to one and one-half story or two or more story detached dwellings, the first floor shall have a minimum of 1,000 square feet and the total minimum floor area of such detached dwelling unit shall be 1,900 square feet.

(ii) **Medium Density Area**. One story dwellings shall have a minimum floor area of 1,250 square feet per unit. With respect to two or three story dwellings, the first floor shall have a minimum of 750 square feet and the total minimum floor area of any multi-story dwelling unit shall be not less than 1,250 square feet.

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All floor areas described above shall mean the "floor-area -livable", as defined in the Zoning Ordinance. The minimum floor areas may be increased by the Developer or by the ACC without further approval or action by the City. The Restrictive Covenants applicable to each subdivision or development within the PR-1 Districts of the Property or the deed evidencing the conveyance of such lot shall specify the minimum floor areas for each development. Any decrease in the minimum floor areas set forth above must be approved by the City.

D. **Signage**. Developer shall have the right to install and maintain signage identifying subdivisions, individual developments within the Property and directional and informational signage utilizing such materials and in such form, shape and size as determined by Developer or, if so designated by Developer, the ACC for the applicable portions of the Property. In addition, Developer may, in its discretion, adopt standards for all mailboxes, street and traffic signage (so long as the traffic signage complies with the minimum standards and requirements of the City or are otherwise approved by the building inspector of the City), directional and informational signage and for-sale, rental and temporary signage. The Restrictive Covenants, Development Guidelines or architectural standards for each sector, subdivision or development within the PR-1 Districts of the Property shall specify rules and regulations which shall be applicable to all signage. The signage regulations set forth herein shall supersede the provisions of Article X of the Zoning Ordinance.

E. **Maximum Building Height**. Buildings or dwellings in the PR-1 Districts of the Property shall not exceed three (3) stories in height.

F. **Off-Street Parking**. The minimum off-street parking requirements for all dwellings built within the PR-1 Districts of the Property (including the Medium Density areas) shall be two (2) spaces per dwelling unit (garage, basement, carport and other off-street parking shall be included in determining the number of parking spaces for a unit).

G. **Greenbelt Requirements**. Except for greenbelts which may be established for conditional uses (which uses and the development plan for the same are to be approved by the City Planning and Zoning Commission), no greenbelts, shall be required in the PR-1 Districts of the Property. Greenbelts, if any, established for conditional uses within the PR-1 Districts of the Property may, in Developer's discretion, be maintained as natural areas without requirement that walls, fences or additional trees, shrubbery, plant life, landscaping or berming be installed, planted or maintained.

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H. **Exterior Lighting**. Exterior light fixtures shall not be installed at a point on any dwelling higher than the eaves of such dwellings. Free-standing street lights, both as to design, type of lighting and location shall be approved by Developer or the ACC. Additional lighting standards and regulations may be provided in the Restrictive Covenants or the Development Guidelines for each development within any portion of the PR-1 Districts of the Property.

I. **Conditional Uses**. The Master Plan sets forth various conditional uses within the PR-1 Districts of the Property, including, specifically, the Club Facilities for the Golf Club Property. Subject to the City's approval of the site development plan for the same, as required by Article XII of the Zoning Ordinance, all conditional uses shown on the Master Plan and the use of the Golf Club Property for any of the Club Facilities is hereby approved. Any conditional uses within the PR-1 Districts of the Property must be approved as provided in the Zoning Ordinance. Any such approved conditional uses shall comply with the Development Criteria set forth in this Application and Development Plan for the district in which it is expressly permitted.

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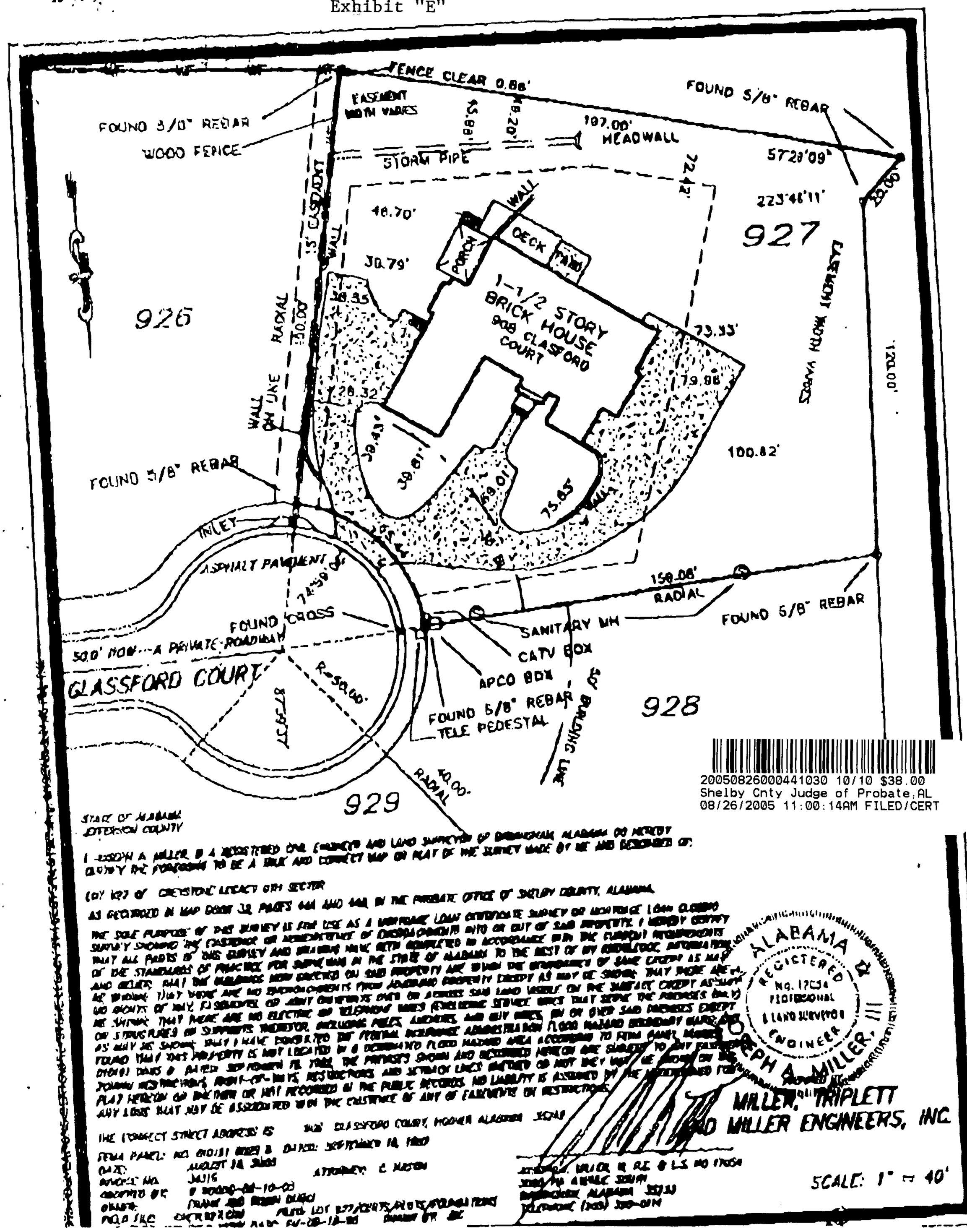
Exhibit "E"



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08/26/2005 11:00:14AM FILED/CERT

GREYSTONE ARCHITECTURAL COMMITTEE	
☒ SITE PLAN	☐ ARCHITECTURAL PRINTS
☐ COLORS SUBMISSION	☐ LANDSCAPE PLAN
☒ APPROVED	
☐ DISAPPROVED	
☐ APPROVED AS NOTED	
BY: Steve Janney	DATE 8/25/05
BY:	DATE