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58-CV-2016-900687.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SCOTT KIDD AND KATHY KIDD,)

PLAINTIFFS,)

v.)

Case No.: 58-CV-2016-900687

**OAK MOUNTAIN PRESERVE
HOMEOWNERS ASSOCIATION, INC.,**)

DEFENDANT.)

ORDER

This matter comes before the Court on the Joint Motion of the parties to enter the following order, imposing certain covenants and restrictions on the subject property, pursuant to the Settlement Agreement of the parties. In consideration of the Joint Motion and any replies thereto, it is hereby **ORDERED, ADJUDGED, and DECREED**, as follows:

ONE: Scott and Kathy Kidd, a married couple, have fee simple title to certain real property situated in Pelham, Alabama as described in Exhibit A (the "Property"). The "Property" is identified in Exhibit A and the defined term includes any tract, parcel or lot resulting from a future subdivision of any part or all of the Property.

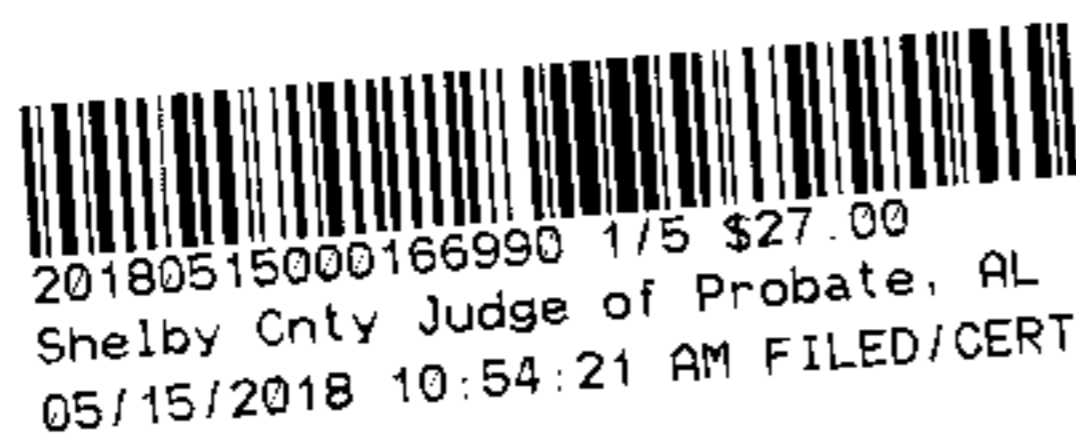
TWO: The Property shall be subject to the covenants and restrictions set forth herein, all of which shall run with the land and shall be binding on all persons, firms, or corporations having or acquiring any right, title, or interest in the Property, the lots, or any parts thereof.

THREE: The Property may be used only for single-family detached residential purposes, and no trade or business use will be permitted of or on the Property except for home occupations permitted pursuant to applicable zoning ordinances. Each subsequent lot or tract shall be a minimum of one (1) acre. No building or structure other than a single family dwelling or accessory building as permitted by the applicable zoning ordinances shall be erected on the Property except as otherwise permitted herein.

FOUR: No commercial breeding of any animal will be allowed on the Property.

FIVE: No single-family dwelling shall be erected on the Property, which contains less than 2,500 square feet of living space. Living space is defined as heated and finished areas. There shall be no more than one single-family residential dwelling on the Property or, if subdivided in the future, nor more than one on each tract or lot. No manufactured homes, mobile homes, campers, travel trailers or any similar styled residential structures shall be

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Certified a true and correct copy

Date: 5-15-2018

Mary H. Harris *gc*
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

permitted on the Property as a residence. No dwelling, outbuilding or other structures shall have any exposed concrete block or vinyl siding.

SIX: Except for the entrance to the Property and subject to the need to remove dead, dying or diseased trees or other damaged foliage and subject to the need to remove invasive plants and trees (e.g., kudzu, mimosa, privet, and the like), there shall remain an undisturbed buffer of 50 feet on that portion of the Property adjoining any boundary of Oak Mountain Preserve as depicted in Phase I at Map book 40, Page 144 and Phase II at Map Book 41, Page 54, other than utilities and underground septic tanks. See attached Exhibit B. Provided, however, Plaintiffs, their heirs and assigns may construct a fence within a five foot wide section of the aforesaid common boundary of Oak Mountain Preserve. In constructing or preparing to construct any such fence, however, Plaintiffs, their heirs and assigns shall not perform any clear cutting of vegetation or trees. All cutting shall be minimal and only to the extent required to construct the fence. Except as otherwise permitted herein (i.e. provisions for dying, diseased trees, damaged foliage, invasive plants and trees and activity relating to utilities and underground septic tanks), Plaintiffs, their heirs and assigns shall not remove, cut, knock down or grub any "mature" tree. "Mature" tree is defined as a hardwood tree having a circumference of twenty (20") or greater measured at four and one-half feet (4 ½') from the ground level. Any such fence shall comply with all applicable zoning, subdivision and other land use regulations and ordinances.

SEVEN: The Property or any subsequent tract or lot shall not be used as a dumping ground for rubbish, trash, garbage, or other waste.

EIGHT: Plaintiffs and their lineal descendants are excluded from the requirement that each residential dwelling contain at least 2,500 square feet of living space and exterior materials requirements, to the extent that Plaintiffs or their lineal descendants are collectively permitted to construct one (1), and no more than one (1), smaller home or cabin on the Property.

NINE: This Order shall be recorded in the Probate Court of Shelby County, Alabama, and shall be binding on the heirs, lineal descendants, and assigns of the Plaintiffs.

TEN: The provisions of this Order may be enforced by Defendant, as a party to the aforementioned Settlement Agreement, without regard to any lack of privity of estate or privity of contact, but shall not be enforceable by any individual member or members thereof.

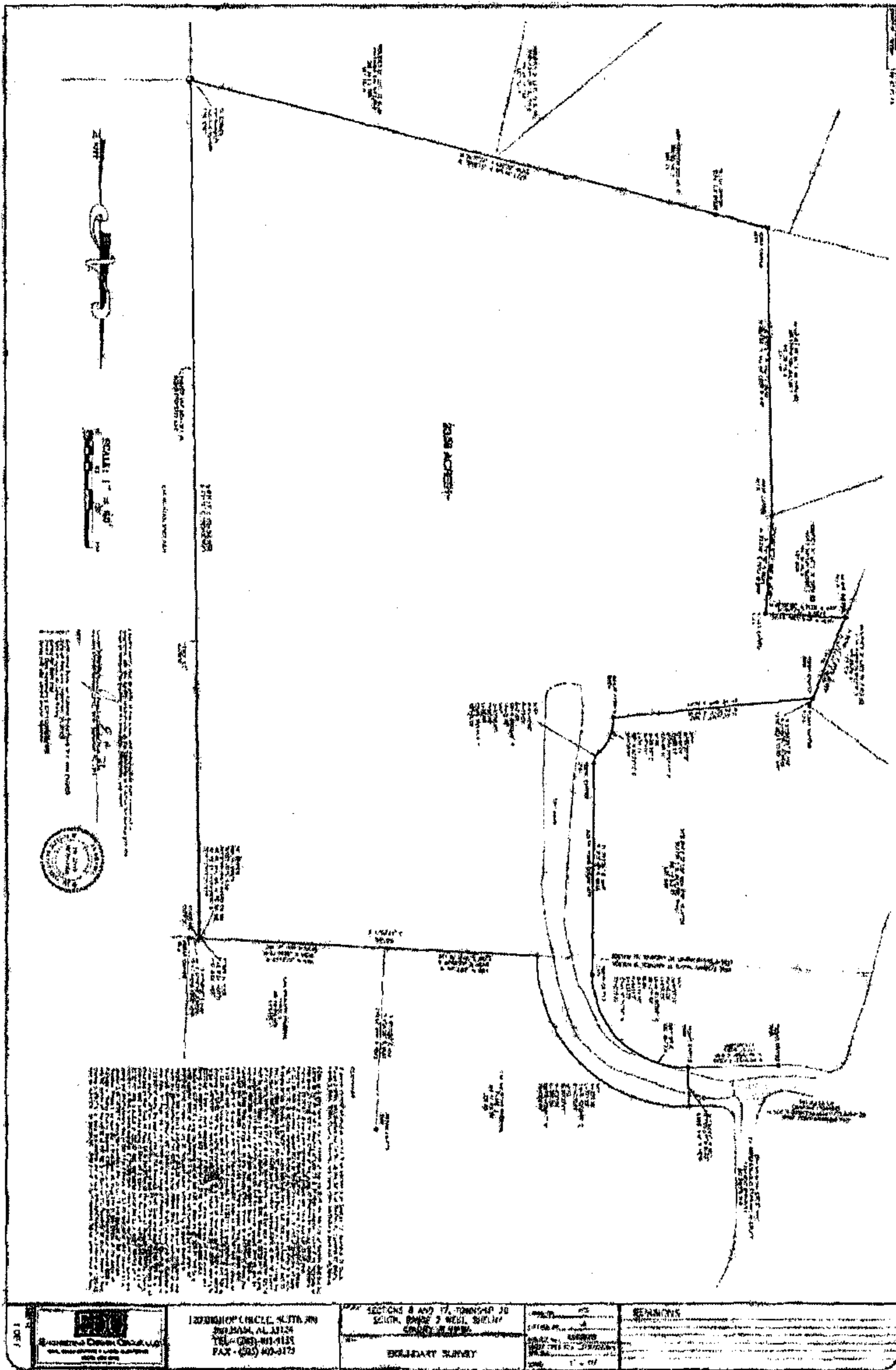
DONE and ORDERED this 4th day of May, 2018.


Circuit Judge



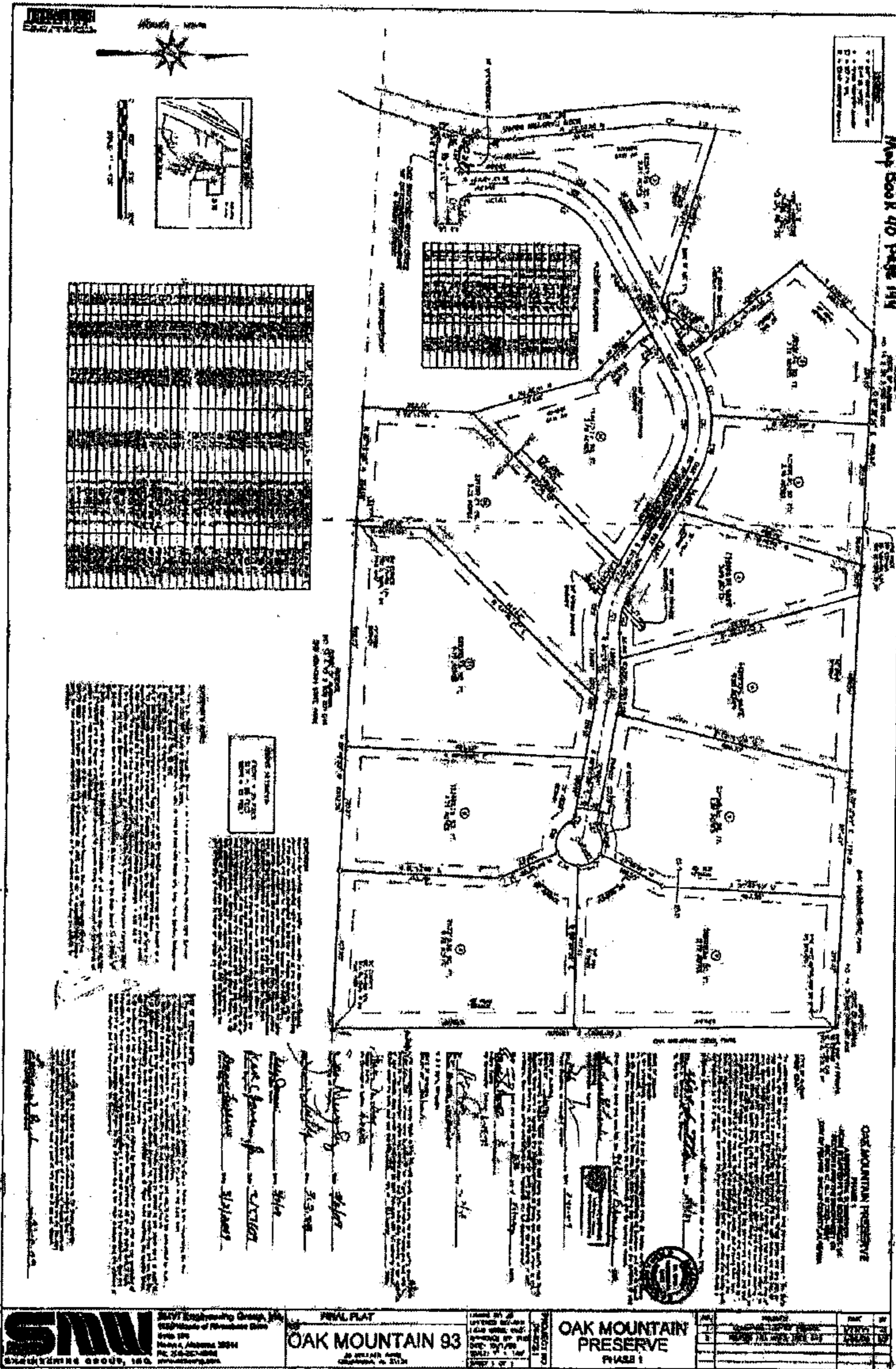
EXHIBIT "A"

KIM v. GMA Mountain Preserve, LLC
Survey attached to the original Complaint



	1200 BRIDGE CIRCLE, N.W. 3RD. ANN MOBILE, AL 36688 TEL - (251) 401-4111 FAX - (251) 400-3173	SECTIONS 8 AND 17, TOWNSHIP 20 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA BOUNDARY SURVEY	SHEET NO. 1 OF 1 DATE: 05/15/2018 BY: THE SURVEYOR	BEARINGS DISTANCES CURVES AREA VOLUME
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