

THIS INSTRUMENT PREPARED BY:

HERITAGE TRACE RESIDENTIAL ASSOCIATION
Vice President of Administration
P O Box 251
Montevallo AL 35115

STATE OF ALABAMA)
COUNTY OF SHELBY)

NOTICE TO REMOVE


20190124000025470 1/2 \$18.00
Shelby Cnty Judge of Probate, AL
01/24/2019 12:08:40 PM FILED/CERT

Heritage Trace Residential Association files this statement in writing, verified by oath of George Henry, as President of the Heritage Trace Residential Association, who has personal knowledge of the facts herein set forth:

That said Heritage Trace Residential Association directs that an unauthorized structure be removed from the following property, situated in Shelby County, Alabama, to wit:

Lot 79, according to the Survey of Heritage Trace Subdivision, Section 11, Township 22S, Range 03W, as recorded in Map Book 35, Page 81 in the Office of the Judge of Probate of Shelby County Alabama.

Parcel: **27 1 11 1 003 001.000**

On June 28, 2018, the property owner requested the Architectural Control Committee approve the installation of an accessory structure on his property. The ACC responded citing the Protective Covenant requirements for such a structure. On July 15, 2018, the owner placed another request on the front door of the Chair of the ACC. On July 16, 2018, the ACC responded to the owner that the proposed structure was still not in compliance with the HOA Covenants. On or about, July 18, 2018, the ACC received an updated request from Mr. Franklin with illustration of another shed very similar to the first one submitted. On July 24, 2018, the ACC again denied the owner's request as it did not comply with Covenant standards. On July 27, 2018, the owner appealed the ACC decision to the Heritage Trace Residential Association Board of Directors. Mr. Franklin's appeal was not an actual appeal, but a list of items he felt were not in compliance with the covenants in the neighborhood. His final statement in the "appeal" was "I have gone ahead and ordered my building which will be delivered and set up in the backyard." The Chair of the ACC responded to each of the items listed by Mr. Franklin in an email to Mr. Franklin on July 27, 2018. The President of the Association then reached out to Mr. Franklin via telephone. During his discussion with Mr. Franklin the President reiterated the requirements of the Covenants and the Board's decision concerning his proposed structure remained unchanged. On or about Sep 25, 2018, the owner installed an auxiliary structure in his back yard. It is not in compliance with the Protective covenants, sections 3.05 (a) and (p) and 3.11.

The owner is hereby directed to remove the accessory structure. The HOA reserves the right to use any means of Remedies for default to remove the structure as allowed by the Heritage Trace Residential Association in accordance with the Declaration of Covenants of Heritage Trace Residential Association, which is filed for record in the Probate Office of Shelby County Alabama.

Any action taken in this situation shall not be binding on the Architectural Control Committee or the HOA Board, nor shall it have any precedential value on any further requests by the owner or any other owner.

The names of the owners of said Property are **Bobby and Patricia Franklin.**

HERITAGE TRACE RESIDENTIAL ASSOCIATION

BY:

PRESIDENT

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned Notary Public, in and for said State at Large, hereby certify that George Henry, whose name as President of the Heritage Trace Residential Association, a corporation, is signed to the forgoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer with full authority, executed the same voluntarily for and as the act of said association.

Given under my hand and official seal, this 21 day of Dec, 2018

Notary Public:

MY COMMISSION EXPIRES JUNE 27, 2020

My commission Expires: _____

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