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JOHN THORNTON
PROBATE JUDGE
Elmore County, AL
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STATE OF ALABAMA
COUNTY OF ELMORE

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
OLD SALEM PROPERTY SHOWN ON MAP ATTACHED HERETO**

HAYNIE PROPERTIES, L.L.C, AS OWNER AND DEVELOPER OF ALL THE LOTS AND LANDS EMBRACED WITHIN THE LAND DESCRIBED ON THE EXHIBIT A, ATTACHED HERETO, WHICH IS SOMETIMES REFERRED TO AS THE OLD SALEM PROPERTY, DOES HEREBY ADOPT THE FOLLOWING PROTECTIVE COVENANTS AND IMPOSE THEM UPON ALL THE PROPERTY COMPRISING SAID AREA, THE SAME TO RUN WITH THE TITLE TO THE LAND AND TO BE ENFORCEABLE IN LAW AND EQUITY.

1. LAND USE: ALL PROPERTY SHOWN ON THE ATTACHED EXHIBIT A, WHICH SHALL HEREAFTER BE SUBDIVIDED INTO RESIDENTIAL LOTS, WITH EACH LOT BEING FILED AS A SEPARATE PLAT, SHALL BE USED FOR SINGLE FAMILY RESIDENTIAL PURPOSES WITH ONLY ONE RESIDENCE PER LOT AND NO LOT SHALL BE FURTHER DIVIDED SO AS TO CREATE ADDITIONAL LOTS. SUBDIVISION IS ALLOWED, HOWEVER, TO INCREASE OR DECREASE THE SIZE OF LOTS IN SUCH SUBDIVISION IF NO ADDITIONAL LOTS ARE CREATED BY SUCH SUBDIVISION. ALL IMPROVEMENTS TO BE CONSTRUCTED ON SAID LOTS SHALL BE IN COMPLIANCE WITH THE TERMS OF THIS DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS AND SHALL BE SUBJECT TO THE REQUIREMENTS OF THE ARCHITECTURAL CONTROL COMMITTEE (HEREINAFTER REFERRED TO AS THE "ACC").

2. DWELLING TYPE, SIZE AND LOCATION: THE GROUND FLOOR AREA FOR A ONE-STORY DWELLING, EXCLUSIVE OF OPEN PORCHES AND GARAGES, SHALL BE NOT LESS THAN 1800 SQUARE FEET. THE GROUND FLOOR AREA FOR A DWELLING OF MORE THAN ONE STORY SHALL BE NOT LESS THAN 1,800 SQUARE FEET OF AIR CONDITIONED AND HEATED AREA, EXCLUSIVE OF OPEN PORCHES, ATTACHED GARAGES, CARPORTS AND OTHER NON-LIVING AREAS. GARAGES AND/OR CARPORTS MUST OPEN FROM THE SIDE OR REAR ONLY WITH THE APPEARANCE OF THE FRONT OF A RESIDENCE BEING A CONTINUATION OF DESIGN OF THE HOME. ALL CONSTRUCTION MUST BE DONE IN CONFORMANCE WITH THE INTERNATIONAL BUILDING CODE AND THE REQUIREMENTS OF THE ALABAMA STATE PUBLIC HEALTH DEPARTMENT. ONCE CONSTRUCTION OF THE MAIN DWELLING HAS BEGUN THE SAME MUST BE COMPLETED WITHIN 270 DAYS. A PENALTY IN THE AMOUNT OF \$25.00 PER DAY FOR EACH DAY AFTER 270 DAYS SHALL BE ASSESSED AGAINST THE OWNER OF THE LOT. THE PENALTY SHALL BE PAID TO HAYNIE PROPERTIES, L.L.C., WHO SHALL BE ENTITLED TO FILE A LIEN AGAINST SUCH LOT FOR ANY UNPAID AMOUNTS. ALL CONSTRUCTION MUST BE PERFORMED BY A LICENSED CONTRACTOR, EXCEPT THAT A VARIANCE IN WRITING FROM THE ACC MAY BE GRANTED FOR AN OWNER TO ACT AS THE GENERAL CONTRACTOR FOR PURPOSES OF HIRING AND SUPERVISING SUBCONTRACTORS IF 1) IN THE OPINION OF THE ACC

THE LOT OWNER HAS SUFFICIENT KNOWLEDGE AND SUPERVISING EXPERIENCE, AND 2) THE LOT OWNER'S WRITTEN APPLICATION TO THE ACC MEETS ALL GUIDELINES, EXPERIENCE AND KNOWLEDGE REQUIREMENTS AS SET OUT IN THE ACC POLICIES AND PROCEDURES.

3. **BUILDING LOCATION:** NO BUILDING SHALL BE PLACED NEARER THAN THE BUILDING LINE SHOWN ON THE PLAT OR NEARER THAN SIXTY FEET TO ANY PROPERTY LINE, IF NO OTHER SETBACK LINE IS SHOWN BELOW:

SET BACK DISTANCE FROM LOT BOUNDARY

<u>LOT #</u>	<u>SHARED DRIVEWAY EASEMENT SIDE</u>	<u>OLD SALEM ROAD SIDE</u>
10	-----	120'
11	100' from the Shared Driveway Easement	-----
12	-----	-----
13	80'	-----
14	-----	120'
15	-----	-----
16	100'	-----
17	60' if south or 130' if north of main natural drain	-----
18	-----	-----
19	-----	-----

4. **ARCHITECTURAL CONTROL COMMITTEE (ACC):** THE ARCHITECTURE OF ANY HOUSE TO BE ERECTED ON SAID LOTS IN ADDITION TO THE SQUARE FOOT LIMITATIONS CONTAINED ABOVE SHALL BE IN SUBSTANTIAL HARMONY AND CONFORMITY WITH THE GENERAL PREVAILING TYPE ARCHITECTURE IN THE VICINITY. NO BUILDING OR ADDITION THERETO, OR FENCE, OR ANCILLARY STRUCTURE SHALL BE ERECTED, ALTERED OR PLACED ON ANY LOT UNTIL AND UNLESS THE CONSTRUCTION PLANS AND SPECIFICATIONS AND A PLAN SHOWING THE LOCATION OF THE STRUCTURE ON THE LOT HAVE BEEN APPROVED BY THE ACC. THE ACC SHALL BE COMPRISED OF NOT LESS THAN LESS THAN ONE (1) INDIVIDUAL AS DESIGNATED BY HAYNIE PROPERTIES, L.L.C., OR ITS SUCCESSORS AND ASSIGNS SHOULD ANY MEMBER OF THIS COMMITTEE DIE, RESIGN, OR FAIL TO ACT, THE REMAINING COMMITTEE MEMBER SHALL NAME A REPLACEMENT. COMMITTEE MEMBERS SHALL NOT BE ENTITLED TO ANY COMPENSATION FOR THEIR SERVICES ON THE COMMITTEE. THE ACC MUST APPROVE ANY AND ALL CONSTRUCTION AND IMPROVEMENTS ON EACH LOT WITHIN THE PLAT HEREIN SET OUT, INCLUDING BUILDINGS, SITE PLANS, AND LANDSCAPE PLANS FOR THE INDIVIDUAL LOTS PRIOR TO WORK BEING COMMENCED FOR SAME. EACH REQUEST FOR APPROVAL MUST BE FURNISHED TO THE ACC A MINIMUM OF FORTY-FIVE (45) DAYS PRIOR TO THE BEGINNING OF SUCH WORK AND MUST BE ACCOMPANIED WITH TWO (2) SETS OF PLANS FOR THE PROPOSED CONSTRUCTION, RENOVATION, IMPROVEMENTS, OR OTHER ACTION REQUIRING ACC APPROVAL. ONE SET WILL BE RETAINED BY THE ACC, AND ONE SET WILL BE RETURNED TO THE BUILDER OR LOT

OWNER. ALL APPROVALS BY THE ACC MUST BE IN WRITING AND SIGNED BY ONE MEMBER OF THE ACC. THE DEVELOPER MAY ASSIGN THE DUTIES OF THE ACC OR DISSOLVE THE ACC AT SUCH TIME THAT THE RESIDENTIAL DEVELOPMENT IS SUBSTANTIALLY COMPLETE. SHOULD THE ACC FAIL TO APPROVE OR REJECT THE PLANS AND SPECIFICATION AS SUBMITTED WITHIN THIRTY (30) DAYS, THEN THE SAME SHALL BE DEEMED TO HAVE BEEN APPROVED, AND THE OWNER OR BUILDER SEEKING SUCH APPROVAL SHALL BE ENTITLED TO PROCEED WITH CONSTRUCTION AS IF APPROVAL WAS GIVEN.

5. OUTBUILDINGS: DETACHED GARAGES, WORKSHOPS, STORAGE SHEDS, BARNs, OR OUTBUILDINGS MAY BE CONSTRUCTED INCIDENTAL TO THE MAIN RESIDENTIAL UNIT, HOWEVER, ANY SUCH BUILDING(S) MUST CONFORM TO THE STANDARDS AND DESIGN OF THE RESIDENTIAL UNIT AND HAVE A GOOD APPEARANCE. STORAGE SHEDS SUCH AS THOSE MADE OF SHEET METAL AND OPEN SIDED POLE TYPE BARNs ARE NOT CONSIDERED TO CONFORM TO THIS STANDARD. ALL OUTBUILDINGS MUST BE APPROVED IN ADVANCE BY THE ACC AND BE LOCATED IN THE REAR YARD ONLY. NO OUTBUILDINGS MAY BE ERECTED UNTIL THE FOUNDATION OF THE DWELLING IS COMPLETED. HOWEVER, IF AN OWNER OWNS TWO ADJOINING LOTS AND IS BUILDING A DWELLING ON ONE LOT, THE OWNER MAY ERECT AN ACC APPROVED OUTBUILDING ON THE OTHER LOT.

6. MOBILE HOMES OR TEMPORARY STRUCTURES: NO MODULAR HOMES, DOUBLE-WIDE HOMES, PREFAB HOMES, TRAILERS, TENTS, MOBILE HOMES OR SIMILAR STRUCTURES OR OUTBUILDINGS SHALL BE PLACED OR ALLOWED ON ANY LOT EITHER TEMPORARILY OR PERMANENTLY. A STRUCTURE OF A TEMPORARY NATURE SHALL NOT BE PLACED UPON A LOT AT ANY TIME WITH THE EXCEPTION OF SHELTERS USED BY THE CONTRACTOR DURING THE CONSTRUCTION OF THE DWELLING UNIT. IT IS CLEARLY UNDERSTOOD THAT THESE TEMPORARY CONSTRUCTION SHELTERS MAY NOT AT ANY TIME BE USED AS RESIDENCES OR PERMITTED TO REMAIN AFTER THE COMPLETION OF CONSTRUCTION.

7. DRIVEWAYS: EACH LOT OWNER SHALL BE REQUIRED TO FURNISH AND PLACE A DRIVEWAY PIPE AT EACH DRIVEWAY OF THE SIZE AND REQUIREMENTS WHICH CONFORM TO STANDARDS OF THE ELMORE COUNTY ENGINEER'S OFFICE, EXCEPT THAT ALL DRIVEWAY PIPES SHALL BE CONCRETE PIPE.

8. FENCING: FENCES ARE TO BE CONSTRUCTED OF CHAIN LINK, BRICK OR WOOD OR OTHER MATERIAL APPROVED BY THE ACC AND ARE NOT TO EXTEND FORWARD PAST THE REAR CORNERS OF ANY RESIDENCE AND MUST BE APPROVED IN ADVANCE BY THE ARCHITECTURAL CONTROL COMMITTEE.

9. GENERAL APPEARANCE: UNSIGHTLY AND/OR HAZARDOUS CONDITIONS SHALL NOT BE ALLOWED. IT SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER TO PREVENT THE DEVELOPMENT OF ANY UNCLEAR, UNSIGHTLY, OR UNKEMPT CONDITIONS OF BUILDINGS AND/OR GROUNDS OF HIS RESPECTIVE LOT WHICH SHALL TEND TO SUBSTANTIALLY DECREASE THE BEAUTY OF THE NEIGHBORHOOD

SHALL TEND TO SUBSTANTIALLY DECREASE THE BEAUTY OF THE NEIGHBORHOOD AS A WHOLE OR THE SPECIFIC AREA. THIS INCLUDES SUCH THINGS AS UNKEPT STACKS OF FIREWOOD, BURN PILES, DISABLED OR INOPERABLE VEHICLES AND BOATS, ETC. THE DEVELOPER, HAYNIE PROPERTIES, L.L.C. RESERVES THE RIGHT, WITHOUT NOTICE TO THE OWNER OR OWNERS OF A LOT TO ENTER UPON ANY SOLD LOT WHICH HAS NO COMPLETED AND/OR OCCUPIED RESIDENCE FOR THE PURPOSE TO MOW, SPRAY OR OTHERWISE MAINTAIN THE LOT FOR PURPOSES OF REMOVING OR PREVENTING THE GROWTH OF WEEDS, GRASSES, BUSHES, SHRUBS, TREES, ETC. UNTIL THE RESIDENCE IS COMPLETED AND/OR OCCUPIED. HAYNIE PROPERTIES, L.L.C., AND ITS DESIGNEES, SUBCONTRACTORS, EMPLOYEES, ETC. SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES TO PLANTS OF ANY KIND, OR DAMAGE TO ANY OTHER PROPERTY ON THE LOT WHEN PERFORMING SAID ACTIONS IN A REASONABLE AND CUSTOMARY MANNER FOR PURPOSES OF ENFORCING THE PROVISIONS OF THIS PARAGRAPH.

10. NUISANCES: NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CONDUCTED UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE IN THE NEIGHBORHOOD.

11. LIVESTOCK AND POULTRY: NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS AND OTHER NORMAL OR COMMON HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR COMMERCIAL PURPOSES, PROVIDED THAT THEY ARE KEPT IN REASONABLE NUMBERS AND UNDER REASONABLE CONDITIONS SO AS NOT TO CREATE A NUISANCE AND NOT TO OTHERWISE UNREASONABLY DISTURB THE NEIGHBORS OR NEIGHBORHOOD.

12. OIL AND MINING OPERATION: NO OIL OR GAS DRILLING OR MINING OPERATION OF ANY KIND SHALL BE PERMITTED ON ANY LOT.

13. BILLBOARDS: NO BILLBOARDS OR OTHER ADVERTISING DEVICE SHALL BE ERECTED OR PERMITTED ON ANY LOT, NOR SHALL ANYTHING BE DONE OR PERMITTED ON ANY LOT WHICH WILL DEFACE OR MAR THE NATURAL BEAUTY THEREOF, EXCEPT THAT TEMPORARY "FOR SALE" OR CONSTRUCTION SIGNS WHICH DO EXCEED 2' X 2' IN SIZE WILL BE TEMPORARILY ALLOWED ON A LOT.

14. RECREATIONAL VEHICLES: RECREATIONAL VEHICLES, BOATS, BOAT TRAILERS, HORSE TRAILERS, CAMPERS OR SIMILAR VEHICLES MUST BE PROPERLY STORED ON THE REAR HALF OF THE LOT AND PROPERLY GARAGED OR SCREENED TO PRESERVE THE APPEARANCE OF THE SURROUNDING PROPERTY.

15. SEWAGE DISPOSAL: UNTIL PUBLIC-SEWER BECOMES AVAILABLE, SEWAGE FROM ANY LOT SHALL BE DISPOSED OF BY SEPTIC TANKS AND SUB-SURFACE DISPOSAL FIELD LINES OF A TYPE WHICH MEETS ALL LOCAL AND STATE REQUIREMENTS. APPROVAL OF SUCH SYSTEMS AS INSTALLED SHALL BE OBTAINED FROM SUCH AUTHORITY.

16. STORAGE TANKS: OUTSIDE STORAGE TANKS SUCH AS PROPANE TANKS, OR SIMILAR STORAGE RECEPTACLES, ARE REQUIRED TO BE BURIED UNDERGROUND OR TO BE SCREENED FROM VIEW BY SCREEN PLANTING OR FENCING.

17. SATELLITE DISHES: DUE TO THE AVAILABILITY OF CABLE TV, SATELLITE DISHES ARE DISCOURAGED, BUT IF ERECTED, MUST BE PLACED IN THE REAR YARD ONLY AND NO NEARER TO ANY SIDE OR REAR LOT LINE THAN TWENTY (20) FEET. SATELLITE DISHES WHICH HAVE A DIAMETER OF LESS THAN THREE (3) FEET MAY BE PLACED ON THE REAR ROOF OF A RESIDENCE.

18. GARBAGE AND REFUSE DISPOSAL: NO LOT SHALL BE USED, OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH. TRASH, GARBAGE AND/OR OTHER WASTE SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS. ALL EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIALS SHALL BE KEPT IN CLEAN AND SANITARY CONDITIONS. NO INCINERATORS FOR THE STORAGE OR DISPOSAL OF SUCH MATERIALS SHALL BE ALLOWED. NO GARBAGE CONTAINERS MAY BE LEFT AT THE STREET OVERNIGHT, AS THAT IT WOULD BE CONSIDERED A NUISANCE ACTIVITY.

19. EXTERIOR LIGHTING: ANY EXTERIOR LIGHTING NOT AFFIXED TO THE DWELLING OR ANY EXTERIOR LIGHTING NOT APPROVED BY THE ACC SHALL BE BY UNDERGROUND SERVICE ONLY AND MUST COMPLY WITH THE NATIONAL ELECTRICAL CODE, EXCEPT THAT ONE SECURITY LIGHT PER LOT SHALL BE ALLOWED WITH OVERHEAD SERVICE WHERE SO DESIGNATED ON THE PLAT AND SO APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.

20. MAILBOXES: ALL MAILBOXES SHALL BE CONSTRUCTED AND LOCATED ACCORDING TO PLANS AND SPECIFICATIONS APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE OR SHALL BE PURCHASED THROUGH THE COMMITTEE. ALL ORIGINAL MAILBOXES OR REPLACEMENT MAILBOXES IN THE SUBDIVISION SHALL BE OF LIKE KIND AND DESIGN AS APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.

21. EASEMENTS: ALL EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED AS WRITTEN ON THE PLAT, AND AS SET OUT IN OTHER RECORDED EASEMENTS. THE GRANTING OF THE EASEMENT OR RIGHT OF ACCESS SHALL NOT PREVENT THE USE OF THE AREA BY THE OWNER FOR ANY PERMITTED PURPOSE EXCEPT FOR BUILDINGS. A RIGHT OF PEDESTRIAN ACCESS BY WAY OF A DRIVEWAY OR OPEN LAWN AREA SHALL ALSO BE GRANTED ON EACH LOT, FROM THE FRONT LINE TO THE REAR LOT LINE, TO ANY UTILITY COMPANY HAVING AN INSTALLATION IN THE EASEMENT.

22. RIGHT OF WAY EXCAVATION: SHOULD THERE BE ANY EXCAVATION OR DISTURBING OF ROAD RIGHT OF WAY OR SHARED DRIVEWAY EASEMENT DURING CONSTRUCTION SUCH RIGHT OF WAY SHALL BE GRADED, SEEDED AND RE-

ESTABLISHED BY THE END OF CONSTRUCTION OF THE RESIDENCE. THIS RESPONSIBILITY SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER AND THE OWNER'S CONTRACTORS.

23. WAIVERS: THE DEVELOPER AND OWNER OF THE PROPERTY AT THE TIME OF THE RECORDING OF THESE RESTRICTIONS AND COVENANTS, THEIR HEIRS, SUCCESSORS AND ASSIGNS, HEREBY RESERVE UNTO THEMSELVES, THEIR HEIRS, SUCCESSORS AND ASSIGNS, UNTIL SUCH TIME AS ALL THE PROPERTY IDENTIFIED ON EXHIBIT A WITHIN THE SUBJECT SUBDIVISION HAS BEEN CONVEYED BY DEED FROM THE CURRENT OWNER OR OWNERS TO ANOTHER PARTY, THE RIGHT TO WAIVE ANY VIOLATION OF THESE RESTRICTIONS AND COVENANTS BY RECORDED WRITTEN INSTRUMENT UPON DETERMINATION THAT THE VIOLATION WAIVED IS MINOR, DOES NOT SUBSTANTIALLY ADVERSELY AFFECT THE VALUE, UTILITY OR ENJOYMENT OF ANY OTHER LOT IN SAID PLAT AND DOES NOT CONSTITUTE A SAFETY HAZARD TO ANYONE. THIS RESERVED RIGHT ALSO RELATES TO THE RELOCATION OF LOT LINES AND BOUNDARIES, AND ANY MATTERS APPEARING ON THOSE PLATS TO WHICH THESE RESTRICTIONS AND COVENANTS APPLY.

24. RAVINES, GULLIES, BLUFFS AND DITCHES: ALL LOT OWNERS RECOGNIZE THAT BECAUSE OF THE IRREGULAR TOPOGRAPHY WITHIN THE SUBDIVISION AND BECAUSE OF THE DESIRE TO MAINTAIN CERTAIN NATURAL BEAUTY AND AESTHETICS, VIEWS, AND NATURAL DRAINAGE AREAS, THAT THERE EXISTS WITHIN THE SUBDIVISION RAVINES, GULLIES, BLUFFS AND OPEN DITCHES. NO LOT OWNER SHALL FILL, BLOCK OR OTHERWISE INTERFERE WITH NORMAL SURFACE WATER DRAINAGE WITHIN THE SUBDIVISION AND IN PARTICULAR ON ANY PARTS OF THE SUBDIVISION WITHIN THEIR RESPECTIVE LOT. NO SURFACE WATER DRAINAGE WILL BE ARTIFICIALLY DIRECTED INTO EXISTING RAVINES, GULLIES OR OPEN DITCHES, EXCEPT AS APPROVED BY THE ACC AS A PART OF THE APPROVAL OF THE ORIGINAL PLANS AND SPECIFICATIONS OR SUBSEQUENT PLANS AND SPECIFICATIONS AND APPROVAL WILL ONLY BE GRANTED WHEN SAID ACTIVITY COMPLIES WITH PROFESSIONAL ENGINEERING STANDARDS. LOT OWNERS MAY FENCE OR OTHERWISE PROTECT ANY AREAS DEEMED DANGEROUS OR HAZARDOUS, SO LONG AS THEIR FENCING OR OTHER PROTECTION PLANS ARE APPROVED BY THE ACC.

25. COVENANT ENFORCEMENT: THESE PROTECTIVE COVENANTS FOR THE PROPERTY DESCRIBED ON EXHIBIT A ATTACHED HERETO MAY BE ENFORCED IN LAW OR IN EQUITY BY ANY AFFECTED PARTY WHO SHALL BE ENTITLED TO RECOVER ALL COSTS OF ENFORCEMENT INCLUDING A REASONABLE ATTORNEY'S FEE IF SUCH ENFORCING PARTY PREVAILS IN SUCH ACTION. THE ACC AND THE DEVELOPER SHALL BE ENTITLED BUT NOT OBLIGATED TO ENFORCE THESE COVENANTS.

26. ROOF PITCH: ALL ROOF PITCHES ON ANY AND ALL STRUCTURES INCLUDING RESIDENCES AND OUT BUILDINGS SHALL BE A MINIMUM OF 7 INCHES OF RISE ON 12 INCHES OF SLOPE, EXCEPT THE ACC CAN APPROVE DIFFERENT SLOPES FOR

PORCHES, WITH MORE CRITICAL ANALYSIS FOR FRONT PORCHES FACING OLD SALEM ROAD.

27. STORMWATER PERMIT: EACH LOT OWNER SHALL BE RESPONSIBLE FOR A STORM WATER PERMIT, IF REQUIRED.

28. LOT PLATS AND UNDERGROUND UTILITIES: IN ACCORDANCE WITH THE ELMORE COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS THE PROPERTY DESCRIBED ON EXHIBIT A ATTACHED HERETO WILL BE SUBDIVIDED INTO SEPARATE LOTS THAT WILL BE INDIVIDUALLY PLATTED AND CONVEYED BY HAYNIE PROPERTIES, L. L. C. PRIMARY OVERHEAD POWER LINE POLES WILL BE ERECTED ALONG OLD SALEM ROAD RIGHT OF WAY AND ALONG THE TWO MAIN SHARED DRIVEWAYS. OTHERWISE, ALL UTILITY LINES, PIPES, CONDUITS AND WIRING FOR ELECTRICAL, GAS, TELEPHONE, CABLE, SEWER, SECURITY, ETC. SHALL BE INSTALLED BELOW GROUND; HOWEVER, OVERHEAD LINES ON INTERIOR LOTS ARE ALLOWED WHEN THE DISTANCES ARE SO FAR THAT THE OWNERS WOULD OTHERWISE HAVE TO USE GROUND TRANSFORMERS. IN THESE CIRCUMSTANCES, IN ORDER TO SAVE THE OWNERS FROM PAYING FOR GROUND TRANSFORMERS, OVERHEAD LINES ARE ALLOWED BUT THE DISTANCES OF OVERHEAD LINES SHOULD BE MINIMIZED AND THE LAST LEG TO THE BUILDING WILL BE UNDERGROUND.

29. TREES: NO TREES SHALL BE CUT AND HARVESTED EXCEPT FOR THE FOLLOWING:

A) TREES THAT ARE DISEASE AND DYING.

B) TREES THAT ARE LESS THAN TWELVE (12) INCHES IN DIAMETER AT THE STUMP, EXCEPT FOR AESTHETIC THINNING OF THE UN-THINNED STAND OF PINES ON THE NORTHERN MOST LOTS OF SUB-DOMINANT (SMALLER) TREES, IN ORDER TO MAINTAIN A HEALTHY AND PRODUCTIVE STAND OF THE REMAINING DOMINANT (LARGER) TREES, AFTER THINNING.

C) TREES THAT ARE LOCATED WITHIN ONE HUNDRED AND FIFTY (150) FEET OF A PROPOSED ACC APPROVED BUILDING.

D) TREES LOCATED IN AREA THAT IS GOING TO BE USED FOR A DRIVEWAY OR UTILITY ACCESS.

E) TREES THAT ARE IDENTIFIED TO BE REMOVED WITH SUBSTITUTE PLANTINGS AS PART OF A LANDSCAPING PLAN APPROVED BY THE ACC. MORE LATITUDE FOR SUBSTITUTION OF GARDENS, AND OTHER PLANTINGS LIKE PECAN TREES, PEACH TREES, OTHER FRUIT TREES, BLUEBERRY BUSHES, ETC. WILL BE ALLOWED ON LARGER BACK LOTS, AND ANY SUBSTITUTION FOR THE STANDING PINES WILL CLEARLY BE IDENTIFIED IN THE LANDSCAPING PLAN AND MUST BE APPROVED BY THE ACC IN WRITING.

30. SITE PLANS, LANDSCAPING, POOLS AND OTHER LAND IMPROVEMENTS: WHILE SITE PLANS AND LANDSCAPING PLANS DO NOT HAVE TO PROFESSIONALLY PREPARED, WE DO REQUIRE SIMPLE SKETCHES. THE SITE PLAN SHOULD IDENTIFY PROXIMATE LOCATIONS OF THE DWELLING, OTHER BUILDINGS, AND DRIVEWAY FOR ACC APPROVAL. THE SITE PLAN SHOULD INCLUDE THE DIRECTION THE DWELLING WILL BE FACING IDENTIFYING THE FRONT OF THE DWELLING AND FRONT VIEW. NO ABOVE GROUND POOLS ARE ALLOWED. A SIMPLE LANDSCAPE PLAN SKETCH MUST BE APPROVED BY THE ACC FOR EACH LOT, AND SHOULD IDENTIFY OTHER LAND IMPROVEMENTS, SUCH AS AN INGROUND POOL, GARDENS, TREE PLANTINGS, PINE TREE REMOVALS, ETC. WHEN MODIFICATION TO THE EXISTING LANDSCAPE OCCURS.

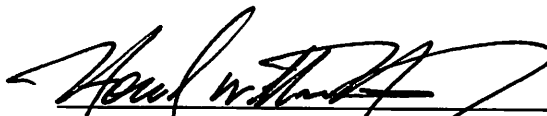
31. GENERAL PROVISIONS/TERMS: THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AN INSTRUMENT IS SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR PART.

32. SEVERABILITY: INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

33. HEADING AND CAPTIONS: THE HEADINGS AND CAPTIONS HEREIN ARE FOR CONVENIENCE ONLY AND ARE NOT TO BE INTERPRETED AS EXTENDING OR LIMITING THESE COVENANTS AND RESTRICTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED, HAYNIE PROPERTIES, L.L.C., HAS HEREUNTO SET ITS HAND AND SEAL THIS THE 30th DAY OF October, 2020.

HAYNIE PROPERTIES L.L.C., AN ALABAMA
LIMITED LIABILITY COMPANY

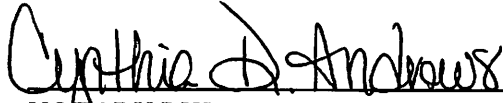


BY: HOWARD WILLIAMS HAYNIE, JR.
ITS: MANAGING MEMBER

**STATE OF ALABAMA
COUNTY OF ELMORE**

I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID STATE OF ALABAMA AT LARGE, HEREBY CERTIFY THAT HOWARD WILLIAM HAYNIE, JR. WHOSE NAME AS MANAGING MEMBER OF HAYNIE PROPERTIES, L.L.C., IS SIGNED TO THE FOREGOING DOCUMENT AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME THAT, BEING INFORMED OF THE CONTENTS OF SAID DOCUMENT, HE, AS SUCH MEMBER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF HAYNIE PROPERTIES, L.L.C.

GIVEN UNDER MY HAND AND SEAL THIS THE 30th DAY OF October, 2020.


NOTARY PUBLIC
MY COMMISSION EXPIRES: 10-20-2024

THIS DOCUMENT PREPARED BY:

**REGINA B. EDWARDS, ESQ.
109 E. BRIDGE STREET
WETUMPKA, AL 36092
OLD SALEM SUBDIVISION FILE**

**OFFICIAL SEAL
CYNTHIA D. ANDREWS
NOTARY PUBLIC - ALABAMA
STATE AT LARGE
MY COMMISSION EXPIRES 10-20-2024**

EXHIBIT "A"

45 ACRES, MORE OR LESS, IN SECTION 21, TOWNSHIP 19, RANGE 20, ELMORE COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL LYING NORTH OF OLD SALEM ROAD:

FIVE ACRES OF LAND ON THE EAST SIDE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 19, RANGE 20; ALSO, THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 19, RANGE 20, LESS FIVE ACRES OFF OF THE SOUTH END OF THE EAST HALF OF THE NORTHEAST QUARTER. CONTAINING 80 ACRES OF LAND, MORE OR LESS. THE ABOVE DESCRIBED PREMISES BEING KNOWN AS THE "JUSTICE PLACE", OR BOB MOORE PLACE AND BEING LOCATED ABOUT 2.5 MILES WEST OF ECLECTIC, ALABAMA.