

949-790

STATE OF ALABAMA

COUNTY OF MADISON

SUPPLEMENTAL DECLARATION  
OF  
ARBOR WOODS FIFTH ADDITION

STATE OF ALABAMA  
RECORDS  
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WHEREAS heretofore on the 8<sup>th</sup> day of April, 1992, the undersigned Hampton Community, Inc., an Alabama Corporation as Declarant, did promulgate and file for record Declaration of Protective Covenants for Hampton Cove, a planned residential community, which said Declaration of Protective Covenants are recorded in Deed Book 789, page 182, Office of the Judge of Probate of Madison County, Alabama.

WHEREAS, Article X, Section 1 of said declaration of Protective Covenants of Hampton Cove provides that the Declarant may subject additional parcels of real property described in Exhibit "C" of said Declaration and may promulgate Special Parcel Use Restrictions for such additional parcels of real property platted within Hampton Cove by the filing of such use restrictions in the Office of the Judge of Probate of Madison County, Alabama as provided for in Article VI, Section 29 of said Declaration of Protective Covenants.

NOW THEREFORE, pursuant to the provisions of said Article X, Section 1 and Article VI, Section 29 of the Declaration of Protective Covenants of Hampton Cove as the same are recorded in the Office of the Judge of Probate of Madison County, Alabama, the undersigned, Hampton Community, Inc., an Alabama Corporation does by these presents add Parcel Number 85, ARBOR WOODS FIFTH ADDITION and does make and promulgate the following use restrictions pertaining to the use and enjoyment of all the lots of ARBOR WOODS FIFTH ADDITION according to the plat of said subdivision shown of record in the Office of the Judge of Probate of Madison County, Alabama in Plat Book 38, Page 55. The use restrictions described in this instrument are to be in conjunction with the use restrictions as described in said Declaration of Protective Covenants of Hampton Cove, but not in derogation thereof.

1. All dwellings and permitted accessory buildings constructed on the lots of said subdivision shall have an exterior of at least 90% masonry brick construction, including gable ends. The purpose of this provision is to restrict construction that has only siding on any given side thereby creating additional architectural interest.
2. All dwellings shall have side or rear entry garages.
3. Roofs of dwellings constructed on all of said lots shall have a minimum of 6/12 roof pitches and shall be of regular or architectural grade shingles.
4. Dwellings constructed on the lots of said subdivision shall have at least 2,400 square feet of heated area.

5. All chimneys that are on the exterior wall must have brick or stone on the three exterior sides of the chimney. All interior chimneys may have a siding or stucco product on all four sides of the chimney.
6. No fence or fencing type barrier of any kind shall be placed, erected, allowed, or maintained upon any portion of the community, including any residence, without prior written consent of the Board or its designee. Fence will be compatible with the home and have architectural interest. No fence will be higher than 6 feet from the final ground level to the top of the fence. The exterior side of the fence must be finished, specifically the structural characteristics must be covered. Within the construction of the fence there must be some brick or stone masonry, and stone or brick is required at the corner posts. Additional posts are required if the fencing is longer than 75 feet in length on any given side or on the rear. Roughsawn board of any kind will be used in the fence. All wood will be painted or opaque stained and maintained in a satisfactory manner. No chain link fence will be allowed within the subdivision. Fences, regardless of construction, will not be permitted any nearer to front lot line than the rear most corner of the dwelling.
7. On all corner lots, homes must be facing at greater than a 30° angle from the respective corner. Any variations must be approved by the Architectural Control Committee.
8. House number of home shall be recessed in concrete on the front of the home, comparable to that of existing homes in Hampton Cove.
9. Landscape requirements:
  - (a) All planting beds shall be mulched with bark, using edging materials such as brick, steel, stacked stone or hi-grade vinyl.
  - (b) The front yard of each lot shall be planted with four (4) large trees (d, i, ii, iii) and three (3) small trees (d, iv, v), to include no more than one (1) evergreen. Shrubbery required in the front yard shall be a minimum of twelve (12) shrubs, with all foundation plantings to be at least 90% evergreen and 3 gallon in size (36" in height of B & B) and must be spaced no further than 3 feet apart.
  - (c) The rear yard shall be planted with two (2) large trees (d, i, ii, iii) and one (1) small tree (d, iv, v).
  - (d) All proposed trees shall conform to the minimum size standard listed below, based on American Standards for Nursery stock, ANSI Z60.1, published by the American Association of Nurserymen and approved by the American National Standards Institute, as follows:

**Suggested Large Trees:**

- (i) Type 1, Shade Trees, 2.5" caliper, 12' height range – Sugar Maple, Red Maple, Tulip Poplar, Sycamore, Red Oak, White Oak, and Willow Oak.
- (ii) Type 2, Shade Trees, 1.5" caliper, 6' to 8' height range – Bradford Pear, Goldenrain Tree, Southern Magnolia, Zelkova, River Birch, and European Birch.
- (iii) Type 5, Coniferous Evergreens, 5' to 6' height range – Pine species, Hemlock and Spruce.

**Suggested Small Trees:**

- (iv) Type 3, Small Upright Trees, 1" caliper, 6' to 7' height range – Redbud, Crabapple, Crepe Myrtle, Cherry Laurel, Flowering Peach, and Flowering Plum.
  - (v) Type 4, Small Spreading Trees, 5' to 6' height range – Flowering Dogwood, Star Magnolia, Flowering Cherry, and Japanese Maple.
- (e) If existing trees meet requirements of this covenant in all respects, required trees of the covenant may be omitted. Each existing tree meeting requirements may count, at the option of the owner, for one (1) of the trees in its required class, provide it:
- (i) Is not one of the following species: Boxelder, Silver Maple, Catalpa, Cottonwood, Camphor, Mimosa, Chinaberry, Princess tree, or Siberian Elm.
  - (ii) Has a live crown and is free from serious root, trunk, and crown injury.
  - (iii) Is indicated on the landscaping plan as a tree "to be saved."
  - (iv) Is indicated so that it can be incorporated into the landscape with minimal grade, cut, or fill under the drip line of the tree.
- (f) Sod is required in all front and side yards, with seeding or sprigging being allowed in the backyard if it is the correct time of year.

The above described use restrictions are in addition to those use restrictions pertaining to Hampton Cove as recorded in Deed Book 789, Page 182, (and amended in Deed Book 789, Page 398, and Deed Book 826, Page 585) Office of the Judge of Probate of Madison County, Alabama and shall run with the land and become binding upon all the owners of lots embraced within ARBOR WOODS FIFTH ADDITION, their heirs, successors and assigns.

Enforcement of the above described additional use restrictions shall be in the same manner and direction as described in the Declaration of Protective Covenants of Hampton Cove.

IN WITNESS WHEREOF, the undersigned Hampton Community, Inc., an Alabama Corporation has caused this instrument to be executed on this the 23rd day of JUNE, 1999.

HAMPTON COMMUNITY, INC.  
An Alabama Corporation


By:   
John Hays, President

STATE OF ALABAMA

COUNTY OF MADISON

Before me, the undersigned authority, this day personally appeared JOHN HAYS whose name as PRESIDENT of Hampton Community, Inc., an Alabama Corporation is signed to the foregoing instrument and who is known to me, acknowledged before me that, on being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date in his capacity as such officer and for the act of said corporation.

This the 23rd day of JUNE, 1999.

  
Notary Public

My Commission Expires 06-12-2002