

839/852

STATE OF ALABAMA

MADISON COUNTY

SUPPLEMENTAL DECLARATION
OF
CUMBERLAND COVE
SUBDIVISION
FIFTH ADDITION

RECORDED AT THE OFFICE OF THE JUDGE OF PROBATE
& \$ DEED TAX HAS BEEN PAID ON THIS INSTRUMENT
Shirley M. Riddick
JUDGE OF PROBATE

94 AUG 16 AM 10:01

STATE OF ALA. MADISON CO
I CERTIFY THIS INSTRUMENT
WAS FILED ON

WHEREAS, heretofore on the 8th 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. And,

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 49, CUMBERLAND COVE FIFTH ADDITION Subdivision and does make and promulgate the following use restrictions pertaining to the use and enjoyment of all the lots of CUMBERLAND COVE FIFTH ADDITION Subdivision according the plat of said subdivision shown of record in the Office of the Judge of Probate of Madison County, Alabama, in Plat Book 31, Page 1. 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 60% (with not less than 40% brick or stone on any one side of building) masonry brick or stone 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 be of regular or architectural grade shingles.

4. Dwellings constructed on the lots of said subdivision shall have at least 2,700 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 the prior written consent of the Board or its designee. Fence will be compatible with the home and have architectural interest. Flat wood fence with no relief will not be approved. 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 has to 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 the preferred material to use at the corner posts. No roughsawn board of any kind will be used in the fence. All wood will be painted 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.

The above described use restrictions are in addition to those use restrictions pertaining to HAMPTON COVE as recorded in Deed Book 789, Page 182, Office of the Probate Judge of Madison County, Alabama, and shall run with the land and become binding upon all the owners of lots embraced within Cumberland Cove Third Addition Subdivision, 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 as described above.

IN WITNESS WHEREOF, the undersigned Hampton Community, Inc., an Alabama Corporation has caused this instrument to be executed on this the 15 day of August, 1994.

HAMPTON COMMUNITY, INC.
An Alabama Corporation

BY: [Signature]
Its: [Signature]

STATE OF ALABAMA

MADISON COUNTY

Before me, the undersigned authority, this day personally appeared Jeff Einfinger whose name as Vice 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 as and for the act of said corporation.

This the 15 day of August, 1994.

Richard G. Kuse
Notary Public
My commission expires: 3-29-97

This instrument prepared by:
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