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Madison Cnty Judge of Probate, AL
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STATE OF ALABAMA)
 :
COUNTY OF MADISON)

**SUPPLEMENTAL DECLARATION OF PROTECTIVE COVENANTS
OF HAMPTON COVE
FOR
DEFORD MILL ESTATES FOURTH ADDITION**

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 a Declaration of Protective Covenants for HAMPTON COVE, a planned residential community, which said Declaration of Protective Covenants is recorded in Book 789, Page 182, and amended in Book 789, Page 398, in the Office of the Judge of Probate of Madison County, Alabama, and further amended by that certain Second Amendment recorded in Book 826, Page 585, in the 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; and,

WHEREAS, OAKLEIGH, LTD, an Alabama limited partnership, is the Owner of all of the lots comprised by final plat of DEFORD MILL ESTATES FOURTH ADDITION, recorded as Document No. 20090129000052750, in the Office of the Judge of Probate of Madison County, Alabama.

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 is recorded in the Office of the Judge of Probate of Madison County, Alabama, the undersigned, HAMPTON COVE OWNERS ASSOCIATION, INC., an Alabama corporation, and OAKLEIGH, LTD, an Alabama partnership, do by these presents add to said Declaration all of the lots of DEFORD MILL ESTATES FOURTH ADDITION, and do make and promulgate the following use restrictions pertaining to the use and enjoyment of all of the lots of DEFORD MILL ESTATES FOURTH ADDITION according to the plat of said subdivision recorded as Document No. 20090129000052750, in the Office of the Judge of Probate of Madison County, Alabama. 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. Approval by the Architectural Control Committee is required before construction begins on any dwelling/building.
2. All dwellings and permitted accessory buildings constructed on the lots said subdivision shall have an exterior of at least eighty percent (80%) 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.
3. All dwellings shall have side-entry or rear-entry garages.
4. 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.
5. Dwellings constructed on the lots of said subdivision shall have at least 3,000 square feet of heated area.
6. All chimneys that are on an exterior wall must have brick or stone on the three (3) exterior sides of the chimney and the side facing over the dwelling may be sided. All interior chimneys may have a siding or stucco product on all four (4) sides of the chimney.
7. 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 of Directors or its designee. Fence will be compatible with the home and have architectural interest. No fence will be higher than six (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 seventy-five (75) feet in length on any given side or on the rear. No rough sawn board of any kind will be used in the fence

construction. All wood will be painted or opaque stained and will be 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.

8. All homes constructed within the subdivision shall have a uniform mailbox, the design of which will be furnished by the Architectural Control Committee.

9. House number of home shall be recessed in concrete on the front of the home, comparable to that of existing homes in Hampton Cove.

10. All air conditioning compressors and other similar items shall be located or screened so as to be concealed from view of neighboring streets and property.

11. Landscape requirements:

(a) All planting beds shall be mulched with bark, using edging materials such as brick, steel or stacked stone.

(b) The front yard of each lot shall be planted with 4 large trees (see Section 12(d)(i), (ii) and (iii)) and 3 small trees (see Section 12(d)(iv) and (v)), to include no more than 1 evergreen. Shrubbery required in the front yard shall be a minimum of 18 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 2 large trees (see Section 12(d)(i), (ii) and (iii)) and 1 small tree (see Section 12(d)(iv) and (v)).

(d) All proposed trees shall conform to the minimum size standard listed below, based on American Standards for Nursery Stock (ANSI 260.1), 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 – 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 1 of the trees in its required class, providing it:

(i) Is not one of the following species: Boxelder, Silver Maple, Catalpa, Cottonwood, Camphor, Mimosa, Chinaberry, Princessree 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, back and side yards. Sprinkler systems will be installed in the front and side of the yard.

12. The above described use restrictions are in addition to those use restrictions pertaining to HAMPTON COVE, as recorded in recorded in Book 789, Page 182, in the Office of the Judge of Probate of Madison County, Alabama, and that certain Amendment recorded in Book 789, Page 398, in the Office of the Judge of Probate of Madison County, Alabama, and further amended by that certain Second Amendment recorded in Book 826, Page 585, in the Office of the Judge of Probate of Madison County, Alabama, shall remain in full force and effect as written. 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 have caused these presents to be executed by their duly authorized representative on this the 18th day of August, 2011.

HAMPTON COVE OWNERS ASSOCIATION, INC.,
an Alabama corporation

By: [Signature]
Its: President

OAKLEIGH, LTD, an Alabama partnership

By: Mitzi Robinson
Its: General Partner

STATE OF ALABAMA)
:
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that Blake Bentley, whose name as President of HAMPTON COVE OWNERS ASSOCIATION, INC., an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, she, as such President, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this the 18 day of August, 2011.

[Signature]
Notary Public
My Commission Expires: January 27, 2014

STATE OF ALABAMA)
:
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that Mitzi Robinson, whose name as General Partner of OAKLEIGH, LTD, an Alabama partnership, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she, as such General Partner, and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and seal this the 18th day of August, 2011.

[Signature]
Notary Public
My Commission Expires: 08/16/2015

X
THIS INSTRUMENT WAS PREPARED BY: ROBERT E. RAWLINSON, STEPHENS, MILLIRONS, HARRISON & GAMMONS, P.C., 2430 L & N DRIVE, HUNTSVILLE, ALABAMA 35801/ang