

1045-1028

EXHIBIT "B"

STATE OF ALABAMA )  
COUNTY OF MADISON )

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

03 APR 25 PM 2:20

RECORDED & \$ MTG TAX  
& \$ DEED TAX HAS BEEN  
PD ON THIS INSTRUMENT

*[Signature]*  
JUDGE OF PROBATE

**AMENDED  
SUPPLEMENTAL DECLARATION  
OF  
WINTZINGER PARCEL**

WHEREAS, Declarant, Hampton Community, Inc., and Owner, Roland G. Wintzinger, desire to amend the Supplemental Declaration of Wintzinger Parcel, as recorded in Deed Book 992, Page 561; and

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, (as amended in Deed Book 789, Page 398, and Deed 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 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, the Amended Supplemental Declaration of Wintzinger Parcel contained herein does take precedence over and supercedes the Supplemental Declaration of Wintzinger Parcel, as recorded in Deed Book 992, Page 561; and 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 92, Wintzinger Parcel, and does make and promulgate the following use restrictions pertaining to the use and enjoyment of all the lots that may be platted in the future from the Wintzinger Parcel as described in attached Exhibit "A", the same as if said Parcel had already been subdivided into lots, platted and shown of record 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. All dwellings and permitted accessory buildings constructed on any lots subdivided from said Parcel shall have an exterior of at least 80 percent masonry brick or stone construction, including gable ends, if any.

2. All dwellings shall have side or rear entry garages. No front entry garages will be permitted EXCEPT the Architectural Control Committee of Hampton Cove may permit a

different garage entry if topographical conditions warrant the same in the discretion of said committee.

3. Roofs of dwellings constructed on all lots subdivided from said Parcel shall be of regular or architectural grade shingles.

4. Dwellings constructed on lots subdivided from said Parcel shall have at least 4,000 square feet of heated area.

5. All chimneys of dwellings constructed on all the lots subdivided from said Parcel shall be of brick or stone construction only.

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 of its designee. Fence shall be compatible with the home and will have architectural interest. Flat wood fence with no relief will not be approved. 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 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 any subdivision subdivided from the Parcel. Fences, regardless of construction, will not be permitted any nearer to the front lot line than the rear most corner of the dwelling.

7. All dwellings constructed on corner lots must be facing at least an approximate 23-degree angle from the respective corner. Any variations must be approved by the Architectural Control Committee.

8. Board- approved mailboxes must be used as set forth in the Community Guidelines.

9. Heating and air conditioning units must be screened with either shrubbery or brick at the time of installation.

10. Approval by the Architectural Review Committee is required before construction begins on any dwelling/building.

11. Landscape requirements:

(a) A landscape plan shall be submitted to the Architectural Review Committee as part of the development package submittal. This plan is to be in accordance with the Community Guidelines and shall comply with the provisions below.

(b) The front yard of each lot shall be planted with four large trees (c,i and ii) and three small trees (c,iii and iv), to include no more than one evergreen. Shrubby

required in the front yard shall be a minimum of 18 shrubs, with all foundation plantings to be at least 90 percent evergreen and 3-gallon in size (36" in height of B&B) and must be spaced no further apart than three feet.

(c) The rear yard shall be planted with two large trees (c,i and ii) and one small tree (c,iii, and iv).

(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, Ted Oak, White Oak, and Willow Oak.

(ii) Type 2, Shade trees, 1.5" caliper, 6' to 8' height range – Bradford Pear, Golden rain Tree, Southern Magnolia, Zelkova, River Birch, and European Birch.

Suggested Small Trees:

(iii) Type 3, Small upright trees, 1" caliper, 6' to 7' height range – Redbud, Crabapple, Crepe Myrtle, Cherry Laurel, Flowering Peach, Flowering Plum, and Coniferous Evergreen (i.e. Canadian Hemlock or Nellie R. Stevens Holly).

(iv) 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, provided it:

(i) Is not one of the following species: Box elder, 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 situated 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 the year. While sod is recommended for the backyard, sprigging is permitted.

- (g) All beds must be edged with steel, brick or similar edging.
- (h) All beds must be mulched with bark mulch. Rock is not permitted.
- (i) Ground cover may include shrubs and low-growing plants such a Liriope, English ivy, periwinkle, and similar material. Ground cover may also include non-living organic materials such as bark or pine straw.
- (j) All trees greater than 10 inches in diameter at breast height shall be preserved, unless removal of them is necessary.
- (k) The lot shall be completely landscaped. However, planned natural areas will be permitted provided that the lawn and the natural area form a cohesive whole.
- (l) Driveways shall coordinate with the topography.

The above-described use restrictions are in addition to those use restrictions pertaining to Hampton Cove as recorded in Deed Book 789, Page 182, (as amended in Deed Book 789, Page 398, and Deed Book 826, Page 585), in the Office of the Judge of Probate of Madison County, Alabama, and shall run with the land and become binding upon all the owners of any lots embraced within or subdivided from Parcel No. 92, and to 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.

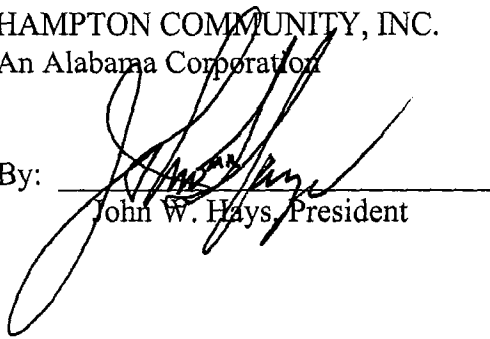
IN WITNESS WHEREOF, the undersigned Hampton Community, Inc., an Alabama Corporation, Declarant, and Roland G. Wintzinger, Owner, have caused this instrument to be executed on this the 22nd day of April, 2003.

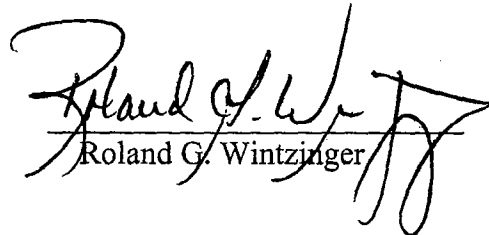
DECLARANT:

OWNER:

HAMPTON COMMUNITY, INC.  
An Alabama Corporation

By: \_\_\_\_\_

  
John W. Hays, President

  
Roland G. Wintzinger