

PROPERTY RESTRICTIONS OF
SOUTHLAND ESTATES

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Luke Cooley
Judge of Probate
Houston County, Alabama

STATE OF ALABAMA,
HOUSTON COUNTY.

PART A. PREAMBLE

The following minimum restrictions are placed on each and every lot on McCallister Road and Hwy. 109, Houston County, Alabama. *(Recorded in Plat Book 12 PAGE 19, DATED 6/1/07.)*

PART B. AREA OF APPLICATION

B-1 Fully Protected Residential Area. The residential area covenants in Part C in their Entirety shall apply to residential lots in Southland Estates.

PART C. RESIDENTIAL AREA COVENANTS

C-1 Land Use and Building Type. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two and one-half stories in height and a private garage for not more than three cars.

C-2 Architectural Control. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the exact location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, the general design and appearance of the structure, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed, or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval by the committee of other matters may be required hereinafter. Approval shall be as provided in Part D.

C-3 Dwelling Size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than 1200 square feet heated and cooled on McCallister Road and 1200 square foot heated and cooled on Hwy. 109 and must have at least a single car garage. The Architectural Control Committee may require that the minimum square footage on any dwelling be increased to a larger minimum. All structures shall have 100% brick foundation or the front elevations must have 25% covered in brick, plat line down. Roof pitch must be at least 5 on 12. No metal roofs.

see survey @ min on McCallister Road

C-4 Building Location. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines. In any event, no building shall be located on any lot nearer than 35 feet to the front line or nearer than 10 feet to any side street line. No building shall be located nearer than 10 feet to an interior lot line for a garage or other permitted accessory building located 10 feet or more from the minimum building setback line. No dwelling shall be located on any lot nearer than 35 feet to the rear lot line. For the purpose of the covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

C-5 Easements. Easements to each individual lot for installation and maintenance of utilities and drainage facilities are reserved as shown on the plat to be recorded. 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 driveway or open lawn area shall also be granted on each lot from the front lot line to the rear lot line to any utility company having an installation into the easement. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

C-6 Nuisances. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. No vehicles other than vehicles regularly used for transportation shall be kept on the premises except in enclosed garages. All lots and yards are to be kept neat and clean, shrubs and grass should be kept neat and cut.

C-7 Structures Other Than Permanent Dwelling. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot any time as a residence either temporarily or permanently. No outbuildings, storage buildings, garages, or structures shall be permitted without approval of the Architectural Control Committee, which approval or disapproval shall be binding and final.

C-8 Signs. No sign of any kind shall be displayed to the public view on any lot except one name sign of not more than one square foot, one sign of not more than nine square feet advertising the property for sale or rent or signs used by a builder to advertise the property during the construction and sales period.

C-9 Oil and Mining Operations. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

C-10 Livestock and Poultry. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. Household pets that become an annoyance or nuisance to the neighborhood by behavior or lack of supervision shall not be kept in the subdivision and or lot.

C-11 Garbage and Refuse Disposal. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for storage or disposal of such materials shall be kept in clean and sanitary condition.

C-12 Water Supply. No individual water-supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards, and recommendations of both state and local public and health authorities. Approval of such system as installed shall be obtained from such authority.

C-13 Sewage Disposal. No individual sewage disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of both state and local public health authorities. Approval of such system as installed shall be obtained from such authority.

C-14 Sight Distance at Intersections. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 3 feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersections of the street lines, or in the case of a founded property corner from the intersection of the street property lines extended. The same line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway. No tree shall be permitted to remain within such distances of such intersections unless foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

C-15 Satellite or Radar Dish or Clothesline. Any satellite or radar dish or clothesline erected on any residential lot shall be limited to the backyard of any house, not be closer than 35' to any adjacent lot line and shall not be in plain view of any public road.

C-16 Requirements for Swimming Pools, etc. Swimming pools and similar structures may be installed only after obtaining written approval as to type, location, construction material and design from the Architectural Control Committee. No pools in front yard. All pools to be fenced in.

PART D. ARCHITECTURAL CONTROL COMMITTEE

D-1.Membership. The Architectural Control Committee is composed of Jack Grisham and Dwayne Bowman. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.

D-2 Procedure. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

PART E. GENERAL PROVISIONS

E-1 Term. These covenants are to run with the land and shall be binding on all parties and all persons claiming under team for a period of 25 years from the date these covenants are recorded after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

E-2 Amendment. This restriction may be amended at any time by an instrument in writing signed by the then record owners of a majority of the lots in the subdivision which instrument must be filed for record in the office of the Probate of Houston County, Alabama.

E-3 Enforcement. Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

E-4 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.

This the 4th day of Dec, 2008

Owner: Southland Enterprises, LLC
By: Dwayne Bowman
By: _____