

0213238

THE BROOKS

FINAL  
RECORDED

RESTRICTIONS AND COVENANTS FOR  
THE BROOKS, A SUBDIVISION LOCATED  
IN THE CITY OF HEADLAND, ALABAMA

STATE OF ALABAMA  
HENRY COUNTY

The undersigned, being the owners of and all parties having any right title or interest in that certain subdivision shown and designated on a map and plat as The Brooks and recorded in the office of the Judge of Probate of Henry County, Alabama in Town Plat Book 2, at page 33, hereby impose upon all of the lots of The Brooks subdivision the following covenants and restrictions:

1. All lots of the subdivision shall be used for single family residential purposes only, and may not be subdivided. All homes shall be constructed on site, by an Alabama licensed builder, and as provided in the zoning and building regulations of the city of Headland, Alabama.
2. Square footage building requirements for the main residential building, exclusive of patios, porches, garages, basements, carports, storage, etc. shall be as follows:
  - A. Residences shall have no less than 1800 sq. ft. of HVAC space (2200 sq. ft. for multi-story).
  - B. All residences shall have enclosed garages of not less than 350 sq. ft.
  - C. Minimum pitch on primary roof system shall be no less than 8' on 12'.
3. All proposed home plans shall be subject to the review and approval of the subdivision developer.
4. No building shall be erected nearer to the front lot line than the minimum building line except on cul-de-sac lots unless approved by developer. Building site approval is required by developer on all lots.
5. ~~Storage buildings and/or boat houses shall be of permanent structure and of same decor as each main structure residential building.~~
6. To the extent of interest of the owner of a lot, the owner of a lot will not erect or grant to any person, firm, or corporation the right, license, or privilege to erect or use or permit the use of overhead wires, poles, or overhead facilities of any kind for electrical or telephone service on any

lot. All electrical and telecommunication lines located upon any lot and property subject to this declaration shall be installed and maintained underground.

7. All structures, landscaping and other improvements upon individual lots shall be continuously maintained by the owner thereof so as to preserve a well kept appearance, especially along the perimeters of any lot, including a vacant lot. Lots must be kept neat, clean, orderly, free of debris and litter, mowed, and/or trimmed.

8. No lumber, metals, bulk materials (except lumber, metals, bulk materials as is usual in the maintenance of a private residence and which must be stored in such a manner so that it cannot be seen from adjacent and surrounding property) refuse or trash shall be kept, stored or allowed to accumulate on any part of the properties except building materials during the course of construction of any approved structure. Builders must provide dumpsters on the property during the construction period.

9. No weeds, underbrush or other unsightly growth shall be permitted to grow or remain upon any part of a lot and no refuse pile or unsightly object shall be allowed to be placed or suffered to remain upon any part of a lot, including undeveloped lots. Owners will be required to keep undeveloped lots safe, neat, clean, orderly, free of debris and litter, mowed and/or trimmed within thirty (30) feet of the front line of said lot parcel and thirty (30) feet of the side line of any corner lot or parcel.

10. No structure of a temporary character, trailer, basement, tent, or shack shall be used at any time as a residence either temporarily or permanently.

11. No chain link fences shall be used. No fence of any type shall be used on the front of any lot.

12. No signs shall be displayed on any lot except that of a real estate company or for sale by owner pertaining to that particular residence.

13. No business is to be operated out of any residence on any lot.

14. Garage openings will be permitted on the front of the main structure only on lots 1 through 8 and lot 20, and all will remain screened or closed except for egress and access.

15. Parking in street will not be permitted.

16. Parking only on concrete drives or in garages will be permitted. No parking on lawns.

17. No inoperable vehicles shall be stored on any lot.

18. Outside air conditioning units may not be located in the front yard. All outside air conditioning units shall be hidden from view by shrubbery, or other foliage or fence that otherwise satisfies the requirements hereof. No wall or window air conditioning shall be permitted. No plumbing or heating vent shall be placed on the front side of the roof. All vents protruding from roofs shall be painted the same color as the roof covering.

19. Satellite dishes permitted only in rear of lot or screened by shrubbery or other foliage or fence.

20. No boat, boat trailer, horse trailer, trailer, camper, motor home or any similar items shall be stored on or at any lot for a period of time in excess of twenty-four (24) hours unless housed in a carport or garage, or otherwise screened so that it cannot be seen from the street or from adjacent and surrounding property.

21. No commercial truck, vehicle, or equipment shall be permitted to be parked or to be stored in open view on any place of any lot. This prohibition on parking shall not apply to temporary parking of trucks and commercial vehicles used for pickup and delivery.

22. No maintenance or repairs shall be performed on any vehicle upon any portion of the property, unless performed in a garage, except in an emergency situation. Notwithstanding the foregoing, all repairs to disassembled vehicles within the property must be completed within four (4) hours from its immobilization or the vehicle must be removed.

23. No clothing or other household fabrics shall be hung in the open on any lot or property unless the same is not visible from any adjoining property or public view.

24. All initial mailboxes shall be furnished by the developer and, if damaged, shall be replaced with the same type unit at homeowner's expense.

25. No visible ham radios or radio transmission equipment shall be operated or permitted to be operated on any lot. No television or radio antennas shall be permitted on property.

26. No tree houses shall be permitted.

27. No oil drilling, oil development operations or 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 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.

28. 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.

29. All exterior finishes on the front and sides of any structure shall be of brick veneer, stone veneer, stucco, or an EIFS (Dryvit, Stucco, concrete plank, etc.) or an equivalent permanent exterior excluding only dormers, gables and covered porch areas.

30. All block work on sides of residential structure to be of brick, stone, or a plastered product of same decor as front of residential structure.

31. No awning type carport, etc. shall be added to the building. Any additions to the building shall be of the same roof and siding combinations as used in the original structure.

32. No longer than twelve (12) months shall be allowed for the completion of any structure computed from start date to completion date.

33. All garbage containers shall be of durable construction and in good repair to avoid leaks and spillage. Container lids will be attached to containers and sealed tightly. Containers should not be visible prior to the evening before scheduled pickup day and removed by evening of pickup day.

34. All driveways shall be paved with asphalt or concrete. Tile, pavers or designer surfaces may be added over paved surfaces.

35. In an attempt to maintain and assure maximum property values for all property owners at The Brooks, the developer shall approve any construction, site or addition plans prior to the initiation of any building/construction.

36. These covenants are to run with the land and shall be binding on all parties and persons claiming under them unless an instrument signed by the majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

37. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages thereof.

38. Invalidation of any one of these covenants by a Court Order shall in no way affect any of the

other provisions which shall remain in full force and effect.

IN WITNESS THEREOF, the undersigned officers of LAND-TAC, INC. hereby adopt, ratify, and confirm the foregoing by hereto setting their hands and seal on this 1<sup>st</sup> day of OCTOBER 2001.

LAND-TAC, INC.

Ted O. Wilson Ted O. Wilson, President  
Norma Wilson Newton Norma Wilson Newton, Vice-President  
Wayne D. Wilson Wayne D. Wilson, Secretary

STATE OF ALABAMA  
HENRY COUNTY

I, the undersigned, a Notary Public in and for said state, hereby certify that Land-Tac, Inc. officers, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me this date that, being informed of the conveyance, they executed the same voluntarily on the date the same dears date.

Given under my hand and seal on this the 1<sup>st</sup> day of Oct. 2001.

Annette M Chestnut  
 NOTARY PUBLIC 4/13/04

Developer, LAND-TAC, INC., address is 106 East Main Street, Headland, Alabama 36345

STATE OF ALABAMA, HENRY COUNTY,  
 FILED 10/09/2001 AT 8:30 A M FOR  
 RECORD AT PAGE 286-290 Misc  
 RECORD NO. 7 MTG. TAX  
 \$ 18.00 DEED TAX RECORDING FEE  
 \_\_\_\_\_ HEREBY CERTIFIED  
 LAMAR TURNER JUDGE OF PROBATE ck