

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

LOWDER NEW HOMES/DUBOSE, LLC. AN ALABAMA LIMITED LIABILITY CORPORARTION, AND LOWDER NEW HOMES, INC. AN ALABAMA CORPORATION, OWNERS OF THE PROPERTY SHOWN ON THIS PLAT. WHICH PROPERTY CONSTITUTES A PORTION OF A DEVELOPMENT KNOWN AS HIGHLAND RIDGE IN AUTAUGA COUNTY, ALABAMA, HEREBY DECLARES THAT THE PROPERTY SHOWN HEREON AND OWNERSHIP OF THE LOTS PLATTED HEREBY ARE EXPRESSLY MADE SUBJECT TO ALL OF THE TERMS AND PROVISIONS OF THE ARTICLES OF INCORPORATION (“ARTICLES”) OF HIGHLAND RIDGE HOMEOWNERS’ ASSOCIATION, INCORPORATED, AND THE ACCOMPANYING CORPORATE BYLAWS OF THE ASSOCIATION (“BYLAWS”), WHICH ARE RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF AUTAUGA COUNTY, ALABAMA, IN CORPORATE BOOK 027, PAGE 309-327, AND THE ARTICLES OF AMENDMENTS TO THE ARTICLES OF INCORPORATION, WHICH ARE RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF AUTAUGA COUNTY, ALABAMA, IN CORPORATE BOOK 028, PAGE 91-95, AS THE ARTICLES AND BYLAWS MAY BE AMENDED OR MODIFIED FROM TIME TO TIME AS PERMITTED THEREIN. CAPITALIZED TERMS NOT OTHERWISE DEFINED IN THIS DECLARATION SHALL HAVE THE MEANING ASCRIBED TO THEM IN THE BYLAWS. EACH PERSON OWNING A LOT SHOWN ON THIS PLAT SHALL BE A MEMBER OF THE ASSOCIATION AND SUBJECT TO ALL OF THE TERMS AND PROVISIONS OF THE ARTICLES. THE BYLAWS AND OTHER ASPECTS OF THE ASSOCIATION. REFERENCES IN THIS DECLARATION TO THE WORD “OWNER” AND/OR “HOMEOWNERS” SHALL HAVE THE SAME MEANING AS A MEMBER AS DEFINED IN THE BYLAWS.

DEVELOPER DOES HEREBY CREATE. ESTABLISH AND IMPOSE THE FOLLOWING COVENANTS AND RESTRICTIONS UPON THE PROPERTY EMBRACED WITHIN THIS PLAT:

- 1) NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES.
- 2) 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 STORIES IN HEIGHT. THIS SHALL NOT BE CONSTRUED TO PREVENT NECESSARY OUTBUILDINGS AS HERE AFTER AUTHORIZED AND PROVIDED.
- 3) NO RESIDENCE SHALL BE ERECTED UPON OR ALLOWED TO OCCUPY ANY LOT UNLESS THE GROUND FLOOR AREA OF THE MAIN STRUCTURE EXCLUSIVE OF OPEN PORCHES, ATTACHED GARAGES, OR CARPORTS, IS AT LEAST 1,200 SQUARE FEET, IN THE CASE OF A ONE STORY DWELLING, OR AT LEAST 800 SQUARE FEET LIVING AREA ON THE GROUND FLOOR OF A ONE AND ONE-HALF STORY DWELLING.

- 4) NO BUILDING SHALL BE ERECTED, ALTERED, PLACED ON ANY LOT UNTIL THE CONSTRUCTION PLANS AND SPECIFICATIONS AND A PLAN SHOWING THE LOCATION OF THE STRUCTURE HAVE BEEN APPROVED BY A MEMBER OF THE ARCHITECTURAL CONTROL COMMITTEE AS TO THE QUALITY OF WORKMANSHIP AND MATERIALS, HARMONY OF EXTERNAL DESIGN WITH FINISHED GRADE ELEVATIONS. NO FENCE OR WALL SHALL BE ERECTED OR PLACED ON ANY LOT NEARER TO ANY STREET THAN THE MINIMUM SETBACK LINE UNLESS SIMILARLY APPROVED. APPROVAL SHALL BE BY THE ARCHITECTURAL CONTROL COMMITTEE APPOINTED BY THE DEVELOPER. TWO (2) COMPLETE SETS OF BUILDING PLANS AND SPECIFICATIONS AND ALSO PLOT PLANS SHOWING EXACT LOCATION OF BUILDINGS, STRUCTURES, FENCE LOCATION AND MATERIALS, DRIVES AND PARKING AREAS WITH RESPECT TO LOT LINES. PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION, MUST BE SUBMITTED TO SAID COMMITTEE FOR WRITTEN APPROVAL SAID COMMITTEE SHALL COMPLETE ITS REVIEW WITHIN SIX (6) DAYS FROM RECEIPT OF SAID PLANS AND SPECIFICATIONS. THE ARCHITECTURAL CONTROL COMMITTEE APPROVAL IS REQUIRED IN WRITING. IN THE EVENT THE COMMITTEE FAILS TO APPROVE OR DISAPPROVE WITHIN TEN (10) DAYS AFTER PLANS AND SPECIFICATIONS HAVE BEEN SUBMITTED TO IT OR, IN ANY EVENT, IF NO SUIT TO ENJOIN THE CONSTRUCTION PRIOR TO THE COMPLETION OF SAME. APPROVAL WILL NOT BE REQUIRED AND THE RELATED COVENANTS SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH. SAID COMMITTEES APPROVAL SHALL BE INDICATED BY THE MEMBERS SIGNATURE ON ONE COPY OF THE PROPOSED DEVELOPMENT PLANS AND SPECIFICATIONS WHICH WILL BE RETURNED TO PROPOSED BUILDER OR OWNER OF LOT. ONE COPY OF SAID DEVELOPMENT PLANS AND SPECIFICATIONS WILL BE RETAINED BY THE ARCHITECTURAL CONTROL COMMITTEE.
- 5) NO BUILDING SHALL BE ERECTED ON ANY LOT NEARER TO THE FRONT LOT LINE OR NEARER TO THE SIDE STREET LINE THAN THE MINIMUM BUILDING SETBACK LINES SHOWN ON THE RECORDED PLAT. SIDE YARD SETBACKS TO INTERIOR LOT LINES SHALL BE AS FOLLOWS: 8 FEET ON ONE SIDE, 6 FEET ON THE OTHER SIDE SO THAT THE MINIMUM SIDE DISTANCE BETWEEN MAIN STRUCTURES ON ADJOINING LOTS IS NO LESS THAN 12 FEET, EXCEPT THAT ` 6 FOOT MINIMUM SIDE YARD SHALL BE PERMITTED FOR A GARAGE OR OTHER PERMITTED ACCESSORY BUILDING ON THE REAR ONE-QUARTER OF THE LOT. FOR PURPOSES OF THIS COVENANT, CAVES, STEPS, STOOPS OR ENTRANCE PLATFORMS, AND ORNAMENTAL PLANTING BOXES 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 ANOTHER LOT.
- 6) NO DWELLING SHALL BE ERECTED ON ANY LOT HAVING AN AREA OF LESS THAN 7,500 SQUARE FEET.

- 7) THE LOTS SHOWN ON THIS MAP SHALL BE FURTHER SUBDIVIDED FOR THE PURPOSE OF INCREASING THE SIZE OF ADJACENT LOTS. HOWEVER, NO ADDITIONAL BUILDING LOTS MAY BE CREATED BY RESUBDIVISION OF THE LOTS SHOWN HEREON. IN THE EVENT ANY SUBDIVISION OF THE LOTS SHOWN ON THIS MAP. THE TRACT SO CONSTITUTED SHALL BE CONSIDERED AS AND REFERRED TO AS ONE LOT FOR THE PURPOSE OF THESE COVENANTS AND THESE COVENANTS SHALL APPLY THE SAME AS IF SAID TRACT HAD BEEN PLATTED AS ONE LOT ON THIS MAP. SHOULD THE OWNER OF TWO ADJACENT LOTS DESIRE TO BUILD AND MAINTAIN A DWELLING ON BOTH LOTS. THE SIDE YARD RESTRICTION SHALL APPLY TO THE EXTREME SIDE LINE OF THE COMBINED LOTS.
- 8) EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED AS SHOWN ON THE PLAT. 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 IS RESPONSIBLE.
- 9) THE OWNER OF THE LOTS WITHIN SAID SUBDIVISION WILL NOT ERECT OR GRANT TO ANY PERSON, FIRM OR CORPORATION, THE RIGHT, LICENCE OR PRIVILEGE TO ERECT OR PERMIT THE USE OF OVERHEAD WIRES, POLES, OR OVERHEAD FACILITIES OF ANY KIND FOR ELECTRICAL OR TELEPHONE SERVICE OF SAID REAL ESTATE (EXCEPT SUCH POLES AND OVERHEAD FACILITIES AS MAY BE REQUIRED AT THOSE PLACED WHERE DISTRIBUTION FACILITIES ENTER AND LEAVE SAID SUBDIVISION). NOTHING HEREIN SHALL BE CONSIDERED TO PROHIBIT OVERHEAD STREET, LIGHTING OR ORNAMENTAL YARD LIGHTING WHERE SERVICED BY UNDERGROUND WIRES OR CABLES.
- 10) NO SEPARATE GARAGES OR OUTBUILDINGS OF ANY KIND OR NATURE EXCEPT GARDEN OR ORNAMENTAL LANDSCAPE STRUCTURES SHALL BE ERECTED OR ALLOWED TO OCCUPY ANY LOT EXCEPT THAT PORTION OF THE LOT IN THE REAR OF THE RESIDENCE. AND NO SUCH BUILDING SHALL BE CONSTRUCTED OR OCCUPIED PRIOR TO THE CONSTRUCTION OF THE MAIN HOUSE EXCEPT SUCH AS MAY BE USED IN STORING TOOLS AND MATERIALS FOR THE CONSTRUCTION OF THE MAIN HOUSE.
- 11) NO NOXIOUS OR OFFENSIVE TRADE OF ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR A NUISANCE TO THE NEIGHBOURHOOD.
- 12) NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, TENT, BASEMENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDINGS SHALL BE USED AT ANY TIME AS A RESIDENCE EITHER TEMPORARILY OR PERMANENTLY.

- 13) NO SUCH OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE PROFESSIONAL SIGN OF NOT MORE THAN ONE SQUARE FOOT, OR SIGN OF NOT MORE THAN FIVE 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.
- 14) NO IL 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, TUNNELS, TANKS, 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.
- 15) 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 PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSES.
- 16) NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINE AT ELEVATIONS BETWEEN 2 AND 3 FEET ABOVE THE ROADWAYS SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE SHEET PROPERTY LINES AND A LINE CONNECTING THEM AT POINTS 25 FEET FROM THE INTERSECTION OF THE STREET LINES. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN 10 FEET FROM THE INTERSECTION OF S STREET PROPERTY LINE WITH THE EDGE OF A DRIVEWAY PAVEMENT. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OR SUCH INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHTS TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES.
- 17) IN ORDER TO BEAUTIFY SAID SUBDIVISION FOR THE BENEFIT OF ALL LOT OWNERS AND PERMIT ALABAMA POWER COMPANY TO INSTALL UNDERGROUND ELECTRIC SERVICE TO EACH HOUSE IN SAID SUBDIVISION FOR THE MUTUAL BENEFIT OF ALL LOT OWNERS THEREON, NO OWNER OF LOT WITHIN SUCH SUBDIVISION WILL COMMENCE CONSTRUCTION OF ANY HOUSE ON ANY LOT UNTIL, SUCH OWNER (1) NOTIFIES ALABAMA POWER COMPANY THAT SUCH CONSTRUCTION IS PROPOSED. (2) GRANTS IN WRITING TO ALABAMA POWER COMPANY REQUESTS IN CONNECTION WITH ITS CONSTRUCTION. (3) PROVIDES HIS, HERS OR ITS OWN EXPENSE, AND IN ACCORDANCE WITH SPECIFICATIONS TO BE FURNISHED BY ALABAMA POWER COMPANY, ALL EXCAVATING, TRENCHING AND BACKFILLING WHICH ALABAMA POWER COMPANY REQUESTED IN CONNECTION WITH THE INSTALLATION OF THE UNDERGROUND SERVICE LATERAL ON EACH LOT.

- 18) PURSUANT TO AGREEMENT BETWEEN THE OWNER AND ALABAMA POWER COMPANY OF EACH LOT WITHIN SAID SUBDIVISION ON WHICH A HOUSE IS CONSTRUCTED WITH AN OUTDOOR METERING TROUGH OR HOUSE POWER BOX. ALABAMA POWER COMPANY WILL RETAIN TITLE TO THE UNDERGROUND SERVICE AND OUTDOOR METERING TROUGH OR HOUSE POWER BOX (EXCLUSIVE OF CIRCUIT BREAKERS) SERVICING EACH SAID HOUSE. AND SAID SERVICE ENTRANCE FACILITIES PROVIDED BY ALABAMA POWER COMPANY WILL NOT IN ANY WAY BE CONSIDERED A FIXTURE OR FIXTURES AND THEREBY A PART OF SAID REAL ESTATE. BUT WILL REMAIN PERSONAL PROPERTY BELONGING TO ALABAMA POWER COMPANY, AND WILL BE SUBJECT TO REMOVAL BY ALABAMA POWER COMPANY IN ACCORDANCE WITH APPLICABLE RULES AND REGULATIONS APPROVED BY THE ALABAMA PUBLIC SERVICE COMMISSION.

- 19) THESE COVENANTS AND RESTRICTIONS TROUGH AND BENEFIT THE LAND AND SHALL RUN WITH THE LAND AND SHALL BE BINDING ON ALABAMA POWER COMPANY AND LOWDER NEW HOMES/DUBOSE, LLC., THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. INVALIDATION OF ANY OF THE FOREGOING COVENANTS AND RESTRICTIONS SHALL IN NO WAY AFFECT ANY OTHER PROVISIONS CONTAINED HEREIN.

- 20) FENCES, STORAGE STRUCTURES, & SATELLITE ANTENNA DISKS MUST BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE AS TO SIZE AND LOCATION PRIOR TO INSTALLATION.

- 21) LOWDER NEW HOMES/DUBOSE, LLC. RESERVES THE RIGHT TO AMEND THIS PLAT AND/OR THESE COVENANTS AND RESTRICTIONS BY INSTRUMENT IN WRITING, WITHOUT THE CONSENT OF THE OTHER PROPERTY OWNERS SO LONG AS LOWDER NEW HOMES/DUBOSE, LLC. OWNS ANY LOTS IN THIS PLAT.