

STATE OF ALABAMA)
COLBERT COUNTY)

RESTRICTIVE COVENANTS

Book 317
Page 885
Filed: 14 April 11

KNOW ALL MEN BY THESE PRESENTS that Bennie Ray Aycock and wife, Sammie M. Aycock, sole owners of all of the property embraced in that subdivision shown on the map and plat prepared by James E. Hall, Land Surveyor, which said subdivision is described and designated as "Aycock Heights", located in Colbert County, Alabama, and said map and plat is recorded in the office of the Judge of Probate in Plat Book 5, page 2, do hereby impose on all the lots included in said plat, except Lots Numbered and labeled 1, 32, and A, the hereinafter setforth building restrictions and protective covenants, for the benefit of the present owners and their heirs and assigns as follows:

(1) No building shall be erected neared to the front lot line than 35 feet and no building shall be erected nearer to either said lot line than 10 feet. Only one dwelling shall be erected on any lot in said subdivision.

(2) The ground floor area of any dwelling house constructed in said subdivision shall be at least 1150 square feet, if said dwelling does not have a car port, however, if the dwelling has a carport attached, then the ground floor area of the dwelling, exclusive of the carport, shall be at least 1000 square feet. No dwelling shall be constructed of exposed concrete blocks, painted or unpainted, or of asbestos siding, provided that the concrete blocks may be used for foundation not higher than the first floor level if same are covered. No dwelling shall be constructed unless at least 50% of the outside structure consists of brick or stone. No artificial brick and no artificial stone will be allowed.

(3) No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, temporarily or permanently.

(4) 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.

(5) Should any person or persons violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to restrain him or them from so doing or to recover damages for such violation.

(6). These covenants shall run with the land and be binding upon all parties and persons claiming thereunder until April 15, 1981, at which time said covenants shall be automatically extended for successive periods of ten years, however, the owners of the property in said subdivision, by a majority vote, may discontinue or change said covenants in whole or in part at any time.

(7) Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

This 14th day of April, 1971.

Bennie Ray Aycock (SEAL)
Bennie Ray Aycock

Sammie M. Aycock (SEAL)
Sammie M. Aycock

STATE OF ALABAMA)
COLBERT COUNTY)

I, Margaret Simpson, a Notary Public in and for said County in said State, hereby certify that Bennie Ray Aycock and his wife, Sammie M. Aycock, whose names are signed to the foregoing covenants and restrictions, and who are known to me, acknowledged before me on this day that, being informed of the contents of the covenants and restrictions, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 14th day of April, 1971.

Margaret Simpson
NOTARY PUBLIC



STATE OF ALABAMA
COUNTY OF COLBERT

5015


VACATION OF EASEMENT

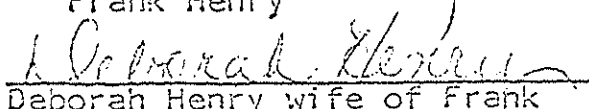
Whereas, Bennie Ray Aycock and wife, Marie Aycock, hereinafter called "developers", did purchase and develop the property described as "AYCOCK HEIGHTS", according to the map and survey of said subdivision as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Plat Book 5, at Page 2, and,

Whereas, in said recorded survey of said subdivision Lots Numbered 24 through 35 show a utility easement ten (10) feet in width off the west end of each of said lots, and there is no subdivided property to the west of said lots, and there are no existing utilities of any kind whatsoever, the said property to the west being open pasture land, and at the date of this instrument the utilities thusfar installed have all been along the right-of-way of the street fronting on the lots stated to the east thereof, and the ten (10) foot easement therefore no longer being required for the purpose for which it was intended, and,

Whereas, it being the desire of each of the undersigned as owners of the respective lots as set out after each of their names to mutually release to each other, and the developers as grantors in the conveyances to each property owner, or their predecessors in title, any right, title or interest the said developers may have in said easement, it is, therefore,

Agreed, that the ten (10) foot easement off the west end of each of the respective lots of the owners of said lots as set forth hereinafter, be and is hereby vacated and any other rights or interests that any of the signers of this instrument may have in any of the lots not owned by each of them be relinquished to the present owner of each lot and said easement is declared by them to be vacated.



Frank Henry


Deborah Henry wife of Frank
Henry

Owners of Lots 24 and 25

Triple H Brick, Inc.

By: Harvey H. Hasha
Harvey H. Hasha, President

Owner of Lots 29, 30, 31 and 32

Ruby Houser
Ruby Houser, a widow

Owner of Lots 27 and 28

587

Stephen Richey
Stephen Richey

Owners of Lot 26

Janice Richey
Janice Richey, wife of
Stephen Richey

Bennie Ray Aycock
Bennie Ray Aycock

Owners & developers of Aycock
Heights Subdivision

Marie Aycock
Marie Aycock

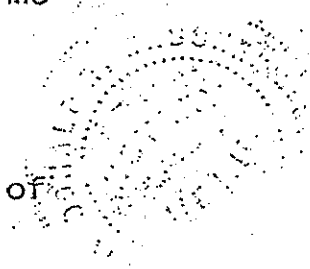
STATE OF ALABAMA

COUNTY OF COLBERT

I, Donald R. Wassner, a Notary Public in and for said County in said State, hereby certify that Frank Henry, and wife, Deborah Henry; Triple H Brick, Inc., by Harvey H. Hasha, President; Ruby Houser, a widow; Stephen Richey and wife, Janice Richey, whose names are signed to the foregoing Vacation of Easement, and who are known to me, acknowledged before me on this day, that being informed of the contents of said instrument they each executed same voluntarily.

WITNESS my hand and Notarial Seal this 21st day of October, 1977.

Donald R. Wassner
Notary Public

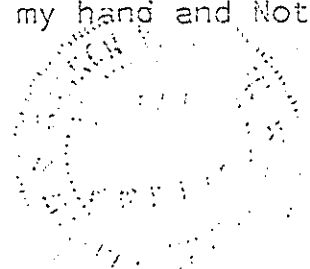


STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that Bennie Ray Aycock and wife, Marie Aycock, whose names are signed to the foregoing Vacation of Easement, and who are known to me, acknowledged before me on this day, that being informed of the contents of said instrument, they executed same voluntarily.

Witness my hand and Notarial Seal this 27th day of March, 1977.

Sharon V. Green
Notary Public
my Commission expires 7-13-81



ASSENT AND AGREEMENT TO VACATION OF EASEMENT

The undersigned, mortgagees of the respective properties indicated below, agree and assent to the vacation of the easement described in the above and foregoing instrument vacating the 10 foot easement adjoining on the West Lots 24 through 34 in "AYCOCK HEIGHTS SUBDIVISION":

1. Lots 24 and 25, mortgage shown in the Office of the Judge of Probate of Colbert County, Alabama, in Mortgage Book 557, Pages 497-500.

Dated this 6 day of April, 1978.

FIRST NATIONAL BANK OF FLORENCE,
A National Banking Association

By: [Signature]

Its: [Signature]

2. Lot 26, mortgage dated September 9, 1976, and recorded in said Probate Office in Mortgage Book 550, Page 496.

Dated this 10th day of March, 1978.

MILES HOMES OF ALABAMA, INC.
now INSILCO CORPORATION, by merger in December, 1976.

By: [Signature]

Ronald L. Nyberg, Vice President

Its: Miles Homes Division

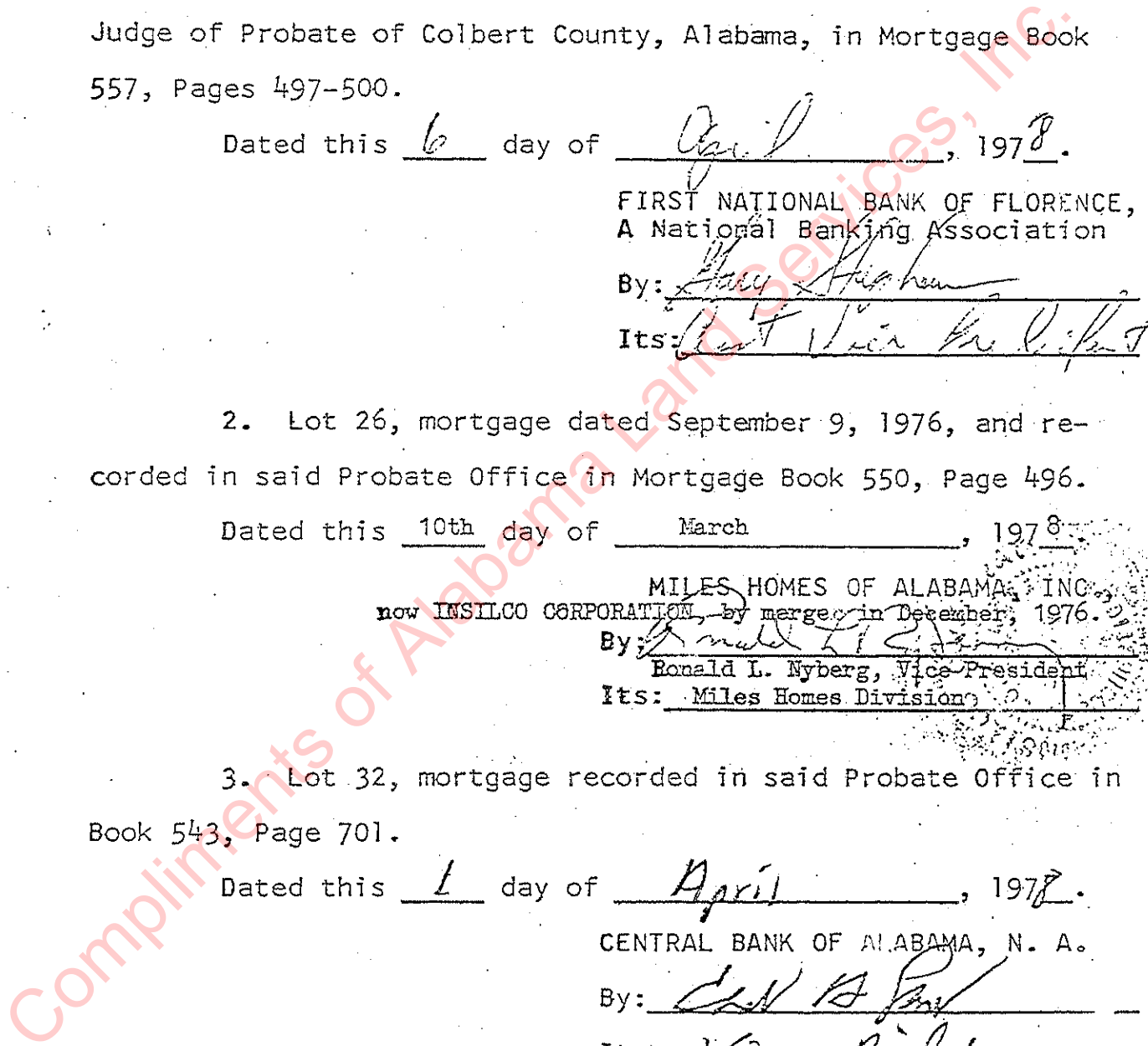
3. Lot 32, mortgage recorded in said Probate Office in Book 543, Page 701.

Dated this 1 day of April, 1978.

CENTRAL BANK OF ALABAMA, N. A.

By: [Signature]

Its: Vice President



STATE OF ALABAMA, COLBERT CO.
JUDGE OF PROBATE

Book 557, Pgs 497-500
Book 550, Page 496
Book 543, Page 701