

924-728

STATE OF ALABAMA  
MADISON COUNTY

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

98 JUL 14 PM 2:05

SUPPLEMENTAL DECLARATION  
OF  
TREYBURNE FOURTH ADDITION

RECORDED & MTG TAX  
DEED TAX HAS BEEN  
PAID ON THIS INSTRUMENT  
*Frank H. Friedrich*  
JUDGE OF PROBATE

WHEREAS heretofore on the 14th day of July, 1998, the undersigned Hampton Community, Inc., an Alabama Corporation, as Declarant, did promulgate and file for record that certain 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, Office of the Judge of Probate of Madison County, Alabama.

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 platted 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, 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 or Probate of Madison County, Alabama, the undersigned, Hampton Community, Inc., an Alabama Corporation does by these presents add Parcel Number 77, TREYBURNE FOURTH ADDITION and does make and promulgate the following use restrictions pertaining to the use and enjoyment of all the lots of TREYBURNE FOURTH ADDITION according to the plat of said subdivision shown of record in the Office of the Judge of Probate of Madison County, Alabama in Plat Book 36, page 58. 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 the lots of said subdivision shall have an exterior of at least 80% (with not less than 50% brick or stone on any one side of building) masonry brick or stone construction, including gable ends. The purpose of this provision is to restrict construction that has only siding on any given side thereby creating additional architectural interest.
2. All dwellings shall have side or rear entry garages.
3. Roofs of dwellings constructed on all of said lots shall have a minimum of 6/12 roof pitches and shall be of architectural grade shingles.
4. Dwellings constructed on the lots of said subdivision shall have at least 3,000 square feet of heated living area.
5. All chimneys that are on the exterior wall must have brick or stone on the three exterior sides of the chimney. Interior chimneys can be constructed with siding or brick.
6. Approval by the Architectural Review Committee is required before construction begins on any dwelling/building.
7. All dwellings constructed on corner lots must be facing at an approximate 45 degree angle from the respective corner. Any variations must be approved by the architectural control committee.

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

9. 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% evergreen and 3 gallon in size (36" in height of B & B) and must be spaced no further than 3 feet apart.

(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, Red Oak, White Oak, and Willow Oak.

(ii) Type 2, Shade trees, 1.5" caliper, 6' to 8' height range - Bradford Pear, Goldenrain 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 the following species: Boxelder, 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 allowed.

(i) Ground cover may include shrubs and low-growing plants such as 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 part of an approved plan.

(k) The lot shall be completely landscaped. However, planned natural areas will be allowed provided that the lawn and the natural area form a cohesive whole.

(l) Driveways shall coordinate with the topography and existing vegetation to preserve all trees greater than 10 inches in diameter at breast height. "Straight in" driveways should be avoided.

10. 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 or its designee. Any approved fence will be compatible with the home and have architectural interest. No fence will be higher than 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 required at the corner posts. No roughsawn board of any kind will be used in the fence. All wood will be painted or opaque stained and maintained in a satisfactory manner. No chain link fence will be allowed within the subdivision. Fences, regardless of construction, will not be permitted any nearer to front lot line than the rear most corner of the dwelling.

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

The above described use restrictions are in addition to those use restrictions pertaining to Hampton Cove as recorded in Deed Book 789, page 182, (and amended in Deed Book 789, Page 398, and Deed Book 826, Page 585) Office of the Judge of Probate of Madison County, Alabama and shall run with the land and become binding upon all the owners of lots embraced within TREYBURN FOURTH ADDITION, 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 has caused this instrument to be executed on this the 14th day of July, 1998.

HAMPTON COMMUNITY, INC.  
an Alabama Corporation

BY: \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF ALABAMA

COUNTY OF MADISON

Before me, the undersigned authority, this day personally appeared John W. Hays, whose name as PRESIDENT of Hampton Community, Inc., an Alabama Corporation is signed to the foregoing instrument and who is known to me, acknowledged before me that, on being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date in his capacity as such officer and for the act of said corporation.

This the 14th day of July, 1998.

  
NOTARY PUBLIC Commission Expires 06-12-2002

THIS INSTRUMENT PREPARED BY:  
Samuel H. Givhan  
WATSON, FEES & JIMMERSON, P.C.  
200 Clinton Avenue, West  
Huntsville, AL 35801