

STATE OF ALABAMA
LEE COUNTY

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81/19/2005 11:12:46 AM
BILL ENGLISH
PROBATE JUDGE
LEE COUNTY
Recording Fee 26.00
TOTAL 26.00

COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

REVISION TIMBERWOOD SUBDIVISION, PHASE ONE, SECTION THREE-A

PLAT RECORDED IN PLAT BOOK 25, PAGE 178,
AND PLAT BOOK 26, PAGE 43

AND TIMBERWOOD SUBDIVISION, PHASE ONE, SECTION TWO-A

PLAT RECORDED IN PLAT BOOK 26, PAGE 50

LEE COUNTY RECORDS

The lots in that subdivision of land in Lee County, Alabama, known as Revision Timberwood Subdivision, Phase One, Section Three-A and Timberwood Subdivision, Phase One, Section Two-A are hereby subject to the following protective covenants, conditions and restrictions which shall run with the land and shall be binding upon all persons owning or occupying any above described lot in said subdivision. Unless otherwise specified herein, these covenants, conditions and restrictions shall remain in full force and effect for a period of 20 years from the date hereof. Thereafter, said covenants shall be renewed and extended automatically for successive periods of ten years each unless, in the last year of any particular term, an instrument in opposition to automatic renewal is signed by two-thirds of the lot owners and recorded in the land records of Lee County, Alabama, in which event the covenants will expire at the end of the then current term.

LAND USE

1. All above described lots in said subdivision shall be known, described and used as single family residential lots only and shall not be used for any other purpose.

DWELLING QUALITY AND SIZE

2. No building shall be erected, altered, placed or permitted to remain on any above described building lot other than one detached single family dwelling not to exceed two and one-half stories in height, or other approved structure.

3. No residence shall be erected on any above described lot in said subdivision with a heated and cooled floor area of less than 1200 square feet, exclusive of porches, unheated storage room, and garages.

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4. Only one residence shall be erected on any one above described lot. However, the owner of two adjacent above described lots may construct one residence on the two lots combined, provided the owner complies with all city/county regulations and other provisions of these covenants and restrictions.

5. No building, residence or structure previously used elsewhere may be moved upon any above described lot in said subdivision to be used as a residence.

BUILDING LOCATION

6. No residence, building or structure shall be located on any above described residential building lot nearer to any property line than that allowed by governing authority controlling said subdivision.

NUISANCES

7. No noxious or offensive trade or activity shall be carried on upon any above described lot, nor shall any activity be conducted thereon which may be, or become, an annoyance or nuisance to the neighborhood.

PAVING OF DRIVEWAYS

8. All driveways shall be a minimum of nine (9) feet in width and shall be paved the entire width and length of the driveway. The driveway shall be made of asphalt, concrete, or other acceptable hard surface paving. Gravel driveways of any substance are prohibited.

TEMPORARY STRUCTURES

9. No structure of a temporary character: trailer, mobile home, tent, shack, garage, barn or other building shall be used on any above described lot at any time as a residence or erected either temporarily or permanently. Builder/Developer may maintenance a temporary construction office trailer on site within subdivision.

UTILITY BUILDINGS

10. Utility building or greenhouses may be erected on the rear half of any above described lot provided such structures are in full compliance with all Auburn, Alabama ordinances and comply with written approval per CONSTRUCTION PLANS (ITEM 23).

LIVESTOCK AND POULTRY

11. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any above described lot except that dogs or cats or other household pets may be kept provided that they are not kept, bred, raised or maintained for sale or any commercial purpose.

GARBAGE AND REFUSE DISPOSAL

12. Trash, garbage, rubbish or other waste shall not be kept on any above described lot in said subdivision except in sanitary containers. All equipment for the disposal of such material shall be kept in a clean, sanitary condition, and shall be kept to the rear of the house.

SEWAGE DISPOSAL

13. No individual sewage disposal system shall be permitted on any above described lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of the Lee County Health Department.

LOT SUBDIVISION AND LAYOUT

14. The layout of the above described lots as shown on the plat of said subdivisions recorded in Plat Book 25, Pages 43 and 50, in the land records of Lee County Alabama, shall be fully adhered to and no dividing, subdividing or any other change from lots on plat shall be permitted, unless changed by the Developer.

PROPERTY APPEARANCES

15. The owners of above described lots in the subdivision shall keep lots mowed and maintained in presentable condition. Boats, trailers, and other recreational equipment shall be parked or placed so as to not be visible from any street. No cement blocks will be exposed on any residence or accessory building of any type. All gas tanks, fuel tanks, or containing tanks of any kind shall be placed underground. All gas meters, heat pumps or other heating or cooling devices shall be placed to the rear or side of the house and attractively hidden from view. No plumbing or heating vents shall protrude from the front or side of any roof. Television antennas will be placed to the rear or side of the house. No window air-conditioning units shall be installed on the front or side of any house.

SIGNS

16. No signs of any kind shall be displayed to the public view on any above described lot except that one sign of not more than five (5) square feet advertising the property for sale. Declarant or Builder may have larger signs to advertise the property during construction or sale are permissible.

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EASEMENTS

17. No above described lot owner may grant a private or public road easement to a third party over any above described lot in said subdivision. Fronts of any lot contained herein may have sidewalk on front lot within the 10' easement per recorded plat.

FENCES AND WALLS

18. Prior to the construction of any fence or wall, the plans including material to be used in construction and type of fence or wall and the location of the fence or wall on the lot, must be submitted in writing to the Architectural Control Committee for approval and may not be constructed until the Architectural Control Committee gives written approval to the lot owner. Fences or walls may only be erected in the rear yards and shall not be higher than six (6) feet. No fences or walls shall be placed nearer the front or side street than the rear face of the dwelling. The intent of this provision is to insure that fence structures do not detract from the decorum of the subdivision. Homeowner is responsible for compliance with all City of Auburn ordinances as pertains hereto. No fence or outbuilding may be constructed or placed on site which restrict access to utility or drainage easements or within the 100 year flood zone.

CLOTHESLINES

19. No lines, poles or other structures for the purpose of drying or hanging of clothes shall be erected, placed or permitted to remain outside any dwelling which may be visible from any street.

INOPERABLE MOTOR VEHICLES

20. The pursuit of hobbies or other activities, including but not limited to, the assembly and disassembly of motor vehicles or other mechanical devices, which might tend to cause disorderly, unsightly or unkempt conditions shall not be pursued or undertaken on any lot in said subdivision. All motor vehicles belonging to or used by anyone occupying the premises shall be maintained in proper operating condition so as not to be a hazard or nuisance by noise, exhaust emissions or appearance. The overnight parking of recreational vehicles shall be in garages or behind screened enclosures and "on street" regular parking of motor vehicles, boats, campers, trailers or motorcycles is prohibited.

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SWIMMING POOLS

21. Absent a County, City or State ordinance or statute dealing with the fencing of swimming pools, the Declarant reserves the right through the Architectural Control Committee to require fencing of swimming pools with child-proof fencing and gates.

BUILDING IMPROVEMENTS

22. During the construction of any structure, swimming pool or sport court upon any above described lot, the owner of said lot shall keep his lot in a reasonable neat and clean condition. All waste materials shall be removed from said lot and the subdivision in a prompt and efficient manner. All lots and the exterior of all improvements shall be maintained in a neat and attractive condition by and at the expense of the owner. The maintenance required hereby shall include, but not be limited to painting, staining, repairing, replacing and caring for roofs, gutters, downspouts, building surfaces, trees, shrubs, grass, walks, mailboxes, and other exterior improvements.

CONSTRUCTION PLANS

23. No building, fence, wall, swimming pool, sport court, or any other improvement or structure shall be erected, placed or suffered to remain upon any above described lot in this subdivision unless and until the owner of said lot shall submit to the Architectural Control Committee two sets of complete, final detailed construction plans and specifications showing the nature, kind, shape, height, location, materials, basic exterior finishes and colors, floor plans, front, side and rear elevations, of all improvements and structures and shall have received written approval thereof from the Architectural Control Committee. One approved copy of said plans and specifications shall be filed permanently with the Architectural Control Committee and the other approved copy shall be returned to the lot owner. If the Architectural Control Committee fails to approve or disapprove the plans and specifications within thirty (30) days after receipt thereof, the plans and specifications shall be deemed approved.

(a) Any substantial changes in any proposed construction, or any additions thereto, which might be desired by a lot owner after initial approval by the Committee must be resubmitted to the committee for its approval or rejection in accordance with the procedures hereinabove set forth prior to the construction in regard to any such proposed changes or addition.

(b) Said Architectural Control Committee shall be composed of three members, the initial members being as follows:

Darby D. Dennis

Harry D. Durand

Nancy N. Durand

(c) The Architectural Control Committee members shall vote to approve or disapprove all matters that come before the Architectural Control Committee. Approval or disapproval of any matter that comes before the Architectural Control Committee shall require a majority vote of those voting to effect such approval or disapproval.

(d) Upon the death or resignation of an Architectural Control Committee member, the remaining members shall promptly select a replacement.

ENFORCEMENT

24. If any of the within covenants and restrictions shall be violated, any person or persons owning a lot or lots herein referred to, shall have the right to and may prosecute any and all proceedings at law or in equity, or both, against the person or persons violating or attempting to violate any one or more of such covenants and restrictions either to restrain or enjoin such violation, or to recover damages, or both at law or in equity, or both, provided however, that the violation of one or more of said covenants shall in no way operate to work at forfeiture of the title of the person owning one or more of said lot.

STREET SURFACES

25. Anything contained herein to the contrary notwithstanding, the undersigned or City of Auburn or Lee County may at any time raise or lower the street surfaces to conform with the grades established by the city/county engineer and such action on the part of the undersigned or the city/county shall in no way be considered as a claim against the undersigned or the city/county, for damages to abutting property. The Declarant assumes no responsibility for erosion or overflow of natural drains beyond the extent of the street right-of-way or for the extension of culverts beyond those points shown on the subdivision plat.

AMENDMENTS


26. These restrictions may be altered, amended or modified by vote of the owners of two-thirds or more of all lots contained herein, plus Darby D. Dennis. Each lot owner is entitled

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to a total of one (1) vote per lot. Notwithstanding the above provisions, DRI Timberwood, LLC or DRI Timberwood #2, LLC reserves the right to amend the Covenants, Conditions, and Restrictions so long as either owns a lot within the subdivision.

IN WITNESS WHEREOF, DRI Timberwood, LLC has caused these Restrictions to be properly executed this 18th day of January, 2005.

DRI Timberwood, LLC




Harry D. Durand
Manager

STATE OF Georgia
COUNTY OF Lumpkin

I the undersigned authority, a Notary Public in and for said State, at Large, hereby certify that DRI Timberwood, LLC, a limited liability company, its Manager, Harry D. Durand, whose name is signed to the foregoing conveyance, who is known to me, acknowledged before me on this day, that being voluntarily on the day the same bears date.

In Witness Whereof I have hereunto set my hand and seal of office this 18th day of January, 2005.



Notary Public
My Commission Expires: September 30, 2007

The Grantee's address is: 89 Durand Road, LaGrange, Georgia 30241.
This instrument prepared by: DRI Timberwood, LLC, 89 Durand Road, LaGrange, Georgia 30241.

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