

RESTRICTIONS AND CONDITIONS

OF THE 174 409

BARRON BRIDGE SUBDIVISION

THE STATE OF ALABAMA

TALLAPOOSA COUNTY

KNOW ALL MEN BY THESE PRESENTS, THAT

WHEREAS, Wind Creek Farms, Inc., a corporation, the owner of land in Tallapoosa County, Alabama, which it has caused to be subdivided and platted into blocks and lots and with streets and roads and known as Barron Bridge Subdivision, a map of which subdivision has been recorded in the office of the Judge of Probate of Tallapoosa County, Alabama, in Plat Book 44 at Page 185; and

WHEREAS, the said owner of Barron Bridge Subdivision, the said Wind Creek Farms, Inc., a corporation, is desirous that the use of said property shall be restricted as hereinafter provided for the benefit of the present owner as well as all future and subsequent owners, and to the end that said subdivision shall continue to be an uncongested, healthful and desirable place in which to maintain a home;

NOW THEREFORE, this INDENTURE WITNESSETH, that the said Wind Creek Farms, Inc., a corporation, does hereby declare that the lots in said Barron Bridge Subdivision, as shown by said recorded map thereof, with the exceptions hereinafter set out, shall be subject to the following restriction, conditions and limitations, to wit:

1. No building shall be erected upon any of said lots any portion of which building shall be within ten (10) feet of the front line of the said lot or within (10) feet to the property line of any adjoining lot owner.
2. No building shall be erected on any, of said lots with less than 400 square feet.
3. No building shall be erected on any of said lots except a dwelling house and private garage. Any garage erected on any of said lots must conform generally in appearance and material with any other dwelling on said lot. A duplex shall be considered as a dwelling house.
4. Every lot owner shall construct proper sanitary facilities for use of all those entering upon the premises conveyed to them by this corporation, occupying and using said dwellings or other buildings and facilities. Said sanitary facilities to be constructed at the time any dwelling or building is constructed on said lot. Waste and sewage from toilets, baths, wash basins and sinks shall not be dumped or drained into the lake or sloughs or creeks forming a part thereof, or emptying therein, but must be disposed of in an approved septic tank or system. No outdoor or outside privies or toilets shall be permitted. Garbage and trash shall not be dumped into said lake or sloughs or creeks.
5. No animals or poultry shall be kept or maintained on any of said lots except household pets.
6. The said premises shall not be used for any commercial, mercantile, or manufacturing purposes.
7. Any building constructed of wood on any of said lots must be stained or painted with at least two coats of stain or paint.
8. All streets, avenues, walk-ways and those areas designated "beach, parking and dock" on the plats of the property are dedicated to the use of the lot owners and their occupants.

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9. Lots adjoining Lake Martin are sold to the 490 contour lines, this being the property line of the Alabama Power Company.

10. Persons owning property in said subdivision shall not maintain said property in such a way as will be an offensive use of the premises and shall not maintain a nuisance thereon and shall maintain said property and buildings and facilities in good order at all times.

EXCEPT THAT Restrictions numbered 3 and 6 shall not apply to any sites of the said subdivision to be designated by the owner hereinabove named and which said sites may be used as business and/or well sites.

Wind Creek Farms, Inc., a corporation, its successors or assigns, upon obtaining the written consent of the property owners owning eighty (80) per cent of the subject property shall have the right at any time to alter, amend, modify, cancel or annul any or all of the conditions, restrictions and limitations herein and hereby created.

The subsequent invalidation of any one or more of the said conditions, limitations and restrictions by judgement or decree of any court order, shall in no wise affect or impair any of the other conditions, limitations and restrictions which shall remain in full force and effect.

Acceptance of a conveyance of any of said lots by the grantees shall evidence an understanding and agreement that as a part of the consideration for the conveyance, the grantee or grantees therein named shall conform to the foregoing conditions, limitations and restrictions and that the grantees in any deed, their heirs and assigns, as well as the owner from time to time, of any lot shown on the plat hereinabove referred to shall have the right to proceed at law or in equity against any person, persons or partnership or corporation violating or threatening to violate any of said conditions, limitations and restrictions and shall have the right to proceed in any court for a specific performance and execution of said conditions, limitations and restrictions, and that failure on the part of any person having the right herein specified to assert any such right as herein provided shall not be deemed a waiver thereof; and said conditions, limitations and restrictions shall attach to and be deemed covenants running with the land and shall inure to the benefit of and be binding upon all owners of lots in the said subdivision their heirs and assigns.

IN WITNESS WHEREOF, the said Wind Creek Farms, Inc., a corporation, has caused its corporate seal to behereto, affixed, and these presents to be signed by Ruben K. King, President of said corporation, and to be attested by Cloteal G. King, Secretary of said corporation, this the 17th day of August, 1965.

ATTEST:

Cloteal G. King
Cloteal G. King, Its Secretary

WIND CREEK FARMS, INC.

BY

Ruben K. King
Ruben K. King, Its President

THE STATE OF ALABAMA
TALLAPOOSA COUNTY

I, The Undersigned Authority, a Notary Public in and for said County, in said State, hereby certify that Ruben K. King, whose name as President of the Wind Creek Farms, Inc., a corporation, is signed to the foregoing instrument, and who is known to me, and Cloteal G. King, whose name as Secretary of Wind Creek Farms, Inc., a corporation, is signed in attestation to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, they as such officers, and with full authority, executed the same voluntarily for and as the act of said corporation.

Witness my hand and seal this the 17th day of August, 1965.