

286686

**SUPPLEMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
CHEROKEE RIDGE SUBDIVISION**

STATE OF ALA. MARSHALL CO.
I CERTIFY THIS INSTRUMENT WAS FILED
05 SEP 30 AM 10:56
REC. BK 4 PAGE 2
J. S. [Signature]

THIS DECLARATION, made on this 28 day of August 2005, by Cherokee Ridge Corporation, an Alabama corporation (hereinafter referred to as "Declarant");

12.00
1.00
5.00

18.00

WITNESSETH:

WHEREAS, Declarant is the owner of certain property (hereinafter sometimes referred to as "Properties"), and Declarant has, heretofore imposed certain restrictions on the Properties for the benefit thereof which restrictions are filed for record in the Probate Office of Marshall County, Alabama in Book 1114, Page 22 et seq. which restrictions are incorporated herein by reference; and

WHEREAS, said restrictions, by their terms, apply to property of Declarant recently subdivided, identified as Phase IV, First Addition, Cherokee Ridge and filed for record in the Probate Office of Marshall County, Alabama on Sept. 30, 2005, in Plat Book 8, Page 193; and

WHEREAS, said restrictions provide that subsequent subdivisions, which are a part of the Properties, may also be subject to declarations and restrictions in addition to those

hereinabove mentioned.

NOW, THEREFORE, Declarant hereby declares that all of the property in Phase IV, First Addition, Cherokee Ridge, represented by the hereinabove mentioned Plat shall be held, sold and conveyed subject to the easements, restrictions, covenants, and conditions, which are filed for record in the Probate Office of Marshall County, Alabama, in Book 1114, at page 22 et seq., which are incorporated herein by reference and shall further be subject to the following restrictions, covenants, and conditions for the purpose of protecting the value and desirability of, and which shall run with, the Properties and be binding on all parties having any right, title or interest in the Properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

PROPERTY SUBJECT TO RESTRICTIONS

Section 1. GENERAL DECLARATION: The Declarant intends to sell and convey the Lots to Purchasers, subject to this Declaration and any subsequent amendment or supplement thereto. Declarant hereby declares that all of the Properties are and shall be held, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to this Declaration, as amended or supplemented from time to time. This Declaration is declared and agreed to be in furtherance of a general plan for

the subdivision and improvement of the Properties and is established for the purpose of enhancing and protecting the value, desirability and attractiveness thereof. All of the provisions of this Declaration shall run with the Properties for all purposes and shall be binding upon and inure to the benefit of Declarant, the Association, the Club, all Owners and their heirs, successors and assigns.

This Declaration shall not apply to or affect the Golf Course or Golf Course Property nor shall these Declarations apply to any other real property owned by the Declarant unless the same is subjected specifically by written instrument to this Declaration.

Section 2. **MINIMUM SIZE:** No residence shall be erected upon or allowed to occupy any lot unless the area of the heated main structure, exclusive of open porches, screen porches, basements (except as provided by the original Declarations), garages, attached garages and decks is not less than 2,850 square feet.

Minimum size requirements will be added by supplement to this Declaration, as determined by the Declarant, upon the subdivision, by Declarant, of additional lots contained in the Undeveloped Tract.

Section 3. **VARIANCES AND AMENDMENTS OF DECLARATION:** The restrictive covenants set forth herein may be waived, varied or amended only as provided herein or by the original Declaration.

IN WITNESS WHEREOF, Cherokee Ridge Corporation, an Alabama Corporation, the owner of all of the property made the subject of this Declaration has caused its name to be signed

and its corporate seal to be affixed this 28 day of August, 2005.

CHEROKEE RIDGE CORPORATION,
An Alabama Corporation

BY: Michael B. Bryan
Michael B. Bryan
Its Vice-President

STATE OF ALABAMA)

COUNTY OF MARSHALL)

I, Joanne Campbell, a Notary Public in and for said County and State, do hereby certify that Michael B. Bryan, Vice-President of Cherokee Ridge Corporation, an Alabama corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, on the day the same bears date.

Given under my hand and official seal this the 28 day of August, 2005.



Joanne Campbell
Notary Public
My Commission Expires: 4-29-2008