

10371

STATE OF ALA. MARSHALL CO.
I HEREBY CERTIFY THAT
INSTRUMENT NO. 1142
92 AUG 26 PM 2:55
G. J. [Signature]
CLERK OF PROBATE

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

THIS DECLARATION, made on this 26TH day of AUGUST,
1992, by Cherokee Ridge Corporation, an Alabama corporation
(hereinafter referred to as "Declarant");

W I T N E S S E T H:

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, p. 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
Cherokee Ridge, Phase, II, and filed for record in the Probate
Office of Marshall County, Alabama on August 26TH, 1992, in
Plat Book 7, at pages
281, 282, 283, 284, 285, 286 & 287; and

7.50
1.00

8.50

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 Cherokee Ridge, Phase II, represented by the hereinabove mentioned Plats filed for record on August Zbtk, 1992, 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:

- (a) For Lot 28 through Lot 29, inclusive, 3,000 square feet;
- (b) For Lot 101 through Lot 140, inclusive, 2,000 square feet;
- (c) For Lot 141 through Lot 143, inclusive, 2,400 square feet;
- (d) For Lot 144 through Lot 169, inclusive, 1,500 square feet; and

(e) For Lot 171 through Lot 215, inclusive,
2,400 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. PROPERTY USE. Lot 101 may be used for a real estate sales office and Lots 144 through 169 may be used for construction of patio homes, all as provided by Section 3 of Article III of the original Declarations.

Section 4. FURTHER SUBDIVISION. Lots numbered 141, 142, and 143, may be redivided into multiple lots for any purpose authorized by the original Declarations and made the subject of further or different declarations and restrictions at any time that the Declarant is the sole owner of all three lots.

Section 5. PATIO HOMES. Lot 144 through Lot 169, inclusive, being designated for patio home construction shall be exempt from the requirements in the original Declarations that garage doors shall not face any street and shall further be exempt from any set back building line requirement for any side lot line.

Section 6. 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 26th day of August, 1992.

Corporate
Seal

CHEROKEE RIDGE CORPORATION,
an Alabama Corporation,

By: *Sid McDonald*
It's President

STATE OF ALABAMA
COUNTY OF MARSHALL

I, *Willene M. Clark*, a Notary Public in and for said County and State, do hereby certify that Sid McDonald, whose name as President of Cherokee Ridge Corporation, a 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 26th day of August, 1992.

Willene M. Clark
NOTARY PUBLIC

