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STATE OF ALABAMA)
COUNTY OF MARSHALL)

STATE OF ALA. MARSHALL CO.
RECORDS DEPARTMENT
95 MAY 18 AM 11:18
RECORDED & INDEXED ABOVE
[Signature]

WAIVER BY THE ARCHITECTURAL COMMITTEE OF CHEROKEE RIDGE SUBDIVISION

01 24-95

WHEREAS, the residence to be constructed on Lot 86 (hereinafter "Lot") of Cherokee Ridge Subdivision as recorded in Plat Book 7 at Page 267 (hereinafter "Plat") of the Probate Records of Marshall County, Alabama, is proposed to be set back twenty feet from the margin of the street upon which the Lot fronts; and

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Cherokee Ridge Subdivision (hereinafter "Declaration") as recorded in Book 1114, Page 22, et seq., of the Probate Records of Marshall County, Alabama, requires all construction be subject to the minimum set back building line as indicated on the Plat; and

WHEREAS, the Plat establishes twenty-five feet as the minimum set back from the margin of the street fronting the Lot for building on the Lot; and

WHEREAS, the Architectural Committee of Cherokee Ridge Subdivision has duly met and unanimously determined that pursuant to Article IV, Section 1, Sub-paragraph C(9) of the Declaration, strict enforcement of the set back building lines and distances required in said Declaration and indicated on the Plat would work unnecessary hardship in the specific case of the construction of the dwelling on the Lot, and that a waiver of such requirement is appropriate to be granted to the owners of the Lot and the minimum set back building line of twenty feet from the margin of the street fronting the Lot be established for the Lot.

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1.00
5.00
11.00*

NOW, THEREFORE, the premises considered and in consideration of the unnecessary hardship to be worked upon Kathryn V. Wilke and husband, J. Anton Wilke, the owners of the Lot, should the waiver described herein not be granted, the undersigned Architectural Committee of Cherokee Ridge Subdivision does, upon unanimous determination, hereby grant to Kathryn V. Wilke and J. Anton Wilke, their heirs, successors and assigns, a waiver of the front set back line regarding the Lot to a minimum set back building line of twenty feet from the margin of the street fronting and contiguous to the Lot.

IN WITNESS WHEREOF, the Architectural Committee of Cherokee Ridge Subdivision has caused this document to be executed by

its duly authorized and empowered officer on this the 24TH
day of January, 1995.

ARCHITECTURAL COMMITTEE OF
CHEROKEE RIDGE SUBDIVISION

BY: Sid McDonald
Sid McDonald
Its Chairman

STATE OF ALABAMA)
COUNTY OF MARSHALL)

I, the undersigned, a Notary Public in and for said
County and State, hereby certify that Sid McDonald, whose
name as Chairman of the Architectural Committee of Cherokee
Ridge Subdivision, is signed to the foregoing waiver and who
is known to me, acknowledged before me on this day, that,
being informed of the contents of the waiver, he as such
officer and with full authority, executed the same
voluntarily on the day the same bears date.

Given under my hand and official seal this the 24TH
day of January, 1995.

Robley N. Hyatt
Notary Public
My Commission Expires: 4-23-96

