

Our File No. 10-216  
Recording Fees: \$27.00

**FIRST AMENDMENT TO EXHIBIT "A"**  
**OF THE DECLARATION OF PROTECTIVE COVENANTS**  
**FOR COTTAGES ON THE GREENE, A PLANNED UNIT DEVELOPMENT**

**THIS AMENDMENT TO EXHIBIT "A" OF THE DECLARATION OF PROTECTIVE COVENANTS FOR COTTAGES ON THE GREENE, A PLANNED UNIT DEVELOPMENT**, (this "Amendment") is made this, the 26<sup>th</sup> day of JANUARY, 2011, by the Architectural Review Board, ("A.R.B.").

**RECITALS:**

**WHEREAS**, the A.R.B. desires to amend Paragraph 6 of Exhibit "A" to the Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development, (the "Declaration") as recorded on October 21, 2005 in the Office of the Judge of Probate of Baldwin County, Alabama at Instrument Number 931273 in order to revise the size of the main structure from one thousand five hundred (1,500) square feet to one thousand eight hundred (1,800) square feet of heated and air conditioned space. The A.R.B. also desires to add the following statement: "All construction must conform with the Current Adopted Building Code for the City of Foley, Alabama."

**WHEREAS**, Article V, Paragraph 4 of the Declaration provides that the Architectural Guidelines may be amended by the A.R.B. by a simple majority vote of the members of the A.R.B. and by recording an amendment hereto in the Office of the Judge of Probate of Baldwin County, Alabama.

**WHEREAS**, the members of the A.R.B. do hereby unanimously consent to and hereby adopt the following amendment to the Architectural Guidelines of the Declaration of Protective Covenants for Cottages on the Greene, A Planned Unit Development.

**NOW, THEREFORE**, the premises considered, the Architectural Guidelines are amended and restated as follows:

**EXHIBIT "A"**  
**to the foregoing**  
**DECLARATION OF PROTECTIVE COVENANTS FOR COTTAGES ON THE**  
**GREENE, A PLANNED UNIT DEVELOPMENT**

**ARCHITECTURAL GUIDELINES**

1. **BUILDING LOCATION.** No building or structure shall be located on any lot nearer to any lot line than the setback line noted or shown on the recorded planned unit



development plat, unless approved by the Architectural Review Board and a variance is obtained from the City of Foley. If no such setback line is noted or shown on the plat, then all minimum set backs shall be in conformity with the Foley Zoning Ordinances as they pertain to this planned unit development.

2. EXTERIOR FINISHES. Exterior finish materials shall be of high quality and durable, such as wood, cement based plank, brick, stucco for accent. No materials constructed out of vinyl or fiberglass shall be allowed, except for fiberglass insulation. All exterior materials, including roofing, windows and other materials shall be approved by the Architectural Review Board before use.

3. DETACHED BUILDINGS. Any detached building must be architecturally in keeping with the main dwelling and be approved by the Architectural Review Board.

4. TRAFFIC HAZARDS. No fence, wall hedge, shrub, bush, tree or other thing, natural or artificial, shall be placed, maintained, or permitted to remain on any lot or area, if the location of such item obstructs the vision of a motorist.

5. RESTRICTIONS OF EASEMENTS. No title to land in any street is intended to be conveyed, or shall be conveyed to the grantee under any deed, or the purchaser under any contract of purchase, unless expressly so provided in such deed or contract or purchase.

Easements for installation and maintenance of utilities and drainage facilities are reserved as noted or shown on the recorded plat.

No dwelling house, garage, outbuilding or other structure of any kind shall be built, erected or maintained upon any such easements, and said easements shall, at all times, be open and accessible to public or quasi-public utility corporation, and other persons erecting, constructing or servicing such utilities and Declarant, its successors and assigns, all of whom shall have the right of ingress and egress thereto, and therefrom and the right and privilege of doing whatever may be necessary in, under and upon said locations for the carrying out of any of the purposes for which said easements, reservations and rights-of-way are reserved, or may hereinafter be reserved.

6. DWELLING QUALITY, SIZE AND DESIGN. The main structure shall be not less than one thousand eight hundred (1,800) square feet of heated and air conditioned space and shall be not more than three (3) stories or a maximum of fifty (50) feet in height above grade. Application may be made to the Architectural Review Board for special exceptions to the square footage requirement in order to approve the construction of a dwelling with less square footage.

The primary roof pitch of the main structure shall not be less than 7/12, unless the main structure is a full two (2) stories. If the main structure is a full two (2) stories, then the primary roof pitch of the main structure shall not be less than 6/12. All building plans shall be approved by the Architectural Review Board. All construction must conform with the Current Adopted Building Code for the City of Foley, Alabama.

7. DRAINAGE. Drainage flow shall not be obstructed nor be diverted from drainage or utility easements as designated on said plat. Each lot shall be developed in such a manner as to carry away surface water that may exist either prior to, or as a result of, the development of the lot. Each lot shall further be developed in such a manner as to include common lot line swales and designed to prevent water from draining onto neighboring lots. No fences or other structure shall be erected in a manner that will hinder or prohibit the free flow from the drainage easement, and the owner will keep the same clean and free from obstruction. For a period of five (5) years from the date of conveyance of any lot, Declarant reserves a blanket easement on, over and under the ground within the Planned Unit Development to maintain and correct drainage or surface water in order to maintain health, safety and appearance. Such right expressly includes the right to cut trees, bushes and shrubbery, make any grading of the road or take similar action, following which Declarant will restore the property as nearly as possible to its original condition.

8. FENCES. All proposed fences must be submitted to the Architectural Review Board for approval. Any fence to be constructed in the front yard of a dwelling shall be no higher than thirty-six (36) inches. Fences must be constructed on the Lot Owner's deeded property. When an approved fence is installed in front of or between dwellings or to the rear of a dwelling along an alleyway, the finished side of the fence shall face outward.

9. EXTERIOR COLOR SCHEMES. Exterior color schemes shall be submitted to the Architectural Review Board for approval, this requirement shall also include all exterior maintenance painting, unless the original color scheme is retained. The Architectural Review Board shall maintain a list of approved colors from which to choose to paint the exterior of a dwelling.

10. GARAGES AND CARPORTS. All home sites will provide for parking automobiles or other motorized vehicles either in an enclosed garage or a permanent covered area or carport that includes a garden storage room of not less than 100 square feet. The garden storage room and exterior of the garden storage room shall be constructed of the same material as the home and shall be the same color as the home.

11. ROOFS. Roofs shall only be constructed out of either metal shingles, metal roofing ("standing seam" or "crimped"), slate or high definition, thirty-year, double glue tab, composition shingles.

12. PORCHES. Every dwelling will have either a front or a side porch with a minimum five (5) foot depth.

13. DECKS. All decks must be architecturally consistent with the dwelling. All underpinnings exposed to the elements must be pressure treated or greater.

14. WINDOWS. All windows shall be foam sealed and must be constructed out of wood, vinyl clad or vinyl construction that meets all applicable building code requirements, have double panes and be marine glazed to withstand wind loads of up to at least 140 miles per hour and must further meet all applicable building codes.

15. STRUCTURE. All exterior walls must be constructed using a minimum of two inch by six inch studs on sixteen inch centers, and all interior walls shall be framed with at least 2 inch by four inch wall studs on 16 inch centers.

16. FOUNDATION. All first floor elevations will be a minimum of thirty-six inches above site grade, and each plan review shall contain a foundation drawing stamped by an engineer licensed in the State of Alabama.

17. HEATING, VENTILATION AND AIR CONDITIONING. All heating, ventilation and air conditioning equipment located outside of a dwelling must be placed to the rear of the dwelling and enclosed in such a manner so as to be hidden from view and to muffle the sound.

18. ANTENNAS AND SATELLITE DISHES. All antennas and satellite dishes must be located to the rear of the dwelling and must not exceed eighteen inches in diameter. No exterior pole antenna will be allowed.

19. DOGHOUSES. All doghouses must be located to the rear of the dwelling and must be approved by the Architectural Review Board.

20. TRASH CONTAINERS. Must be kept in an enclosure hidden from plain view.

21. SCREENS. There shall be no front (main floor level) porches screened. All other screened porches, patios or balconies must be approved by the Architectural Review Board, and any

such screened porch, patio or balcony must meet or exceed quality and framing standards set by the Architectural Review Board.

22. EXTERIOR WALL FLOOR PLATES. All exterior wall floor plates shall be pressure treated and sealed.


23. UP LIFT TECHNIQUES. Extensive use of metal ties, uplift hold down rods and other hold down techniques shall be required on all structures.

24. PREVENTION OF MOISTURE INTRUSION. The exterior of all dwellings shall be caulked in order to prevent moisture intrusion.

25. GABLE ENDS. All gable ends shall require hurricane strong ties, and the first run of roof sheeting shall be nailed with #8 sinker nails or greater on 4 inch spacing. In addition to the foregoing, the first run of roof sheeting shall be glued with liquid nails to the rafters.

26. CRAWL SPACES. There shall be no exposed crawl spaces under a dwelling. If there is a space or gap between the floor of the dwelling and the ground, such space or gap shall be dressed to grade with acceptable material.

This Amendment shall be amended to the Declaration and all exhibits and amendments thereto as if set forth herein. The provisions of the Declaration and the exhibits and amendments thereto not specifically amended hereby shall not be affected by this Amendment.

**IN WITNESS WHEREOF**, the members of the A.R.B. do hereby unanimously consent to and hereby adopt this amendment to the Architectural Guidelines of the Declaration of Protective Covenants for Cottages on the Greene, A Planned Unit Development, and have caused this instrument to be properly executed on this the 26<sup>th</sup> day of January, 2010. 

ARCHITECTURAL REVIEW BOARD

By:  (SEAL)  
JACK L. WHITT, Member

By:  (SEAL)  
JEANNETTE WHITT, Member

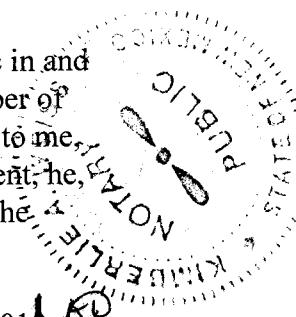
By: J. Wayne Musgrove (SEAL)  
J. WAYNE MUSGROVE, Member

By: Betty Musgrove (SEAL)  
BETTY MUSGROVE, Member

STATE OF New Mexico )

COUNTY OF Sierra )

I, Kimberlie A. Weiss, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that JACK L. WHITT, whose name as Member of the Architectural Review Board, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he, as such member duly authorized, has executed the same voluntarily for and as the act of the company on the day the same bears date.

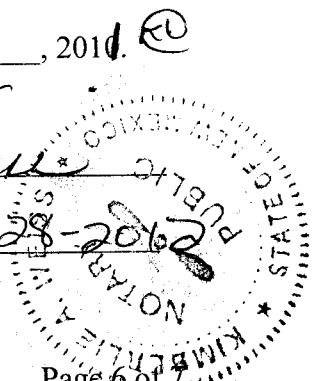
Given under my hand and seal this the 26<sup>th</sup> day of January, 2010. 

Kimberlie A. Weiss  
Notary Public  
My Commission Expires: 5-28-2012

STATE OF New Mexico )

COUNTY OF Sierra )

I, Kimberlie A. Weiss, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that JEANNETTE. WHITT, whose name as Member of the Architectural Review Board, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, she, as such member duly authorized, has executed the same voluntarily for and as the act of the company on the day the same bears date.

Given under my hand and seal this the 26<sup>th</sup> day of January, 2010. 

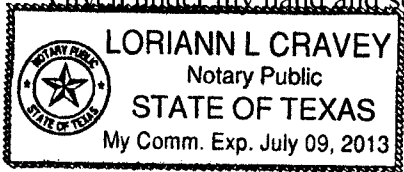
Kimberlie A. Weiss  
Notary Public  
My Commission Expires: 5-28-2012

STATE OF TEXAS )

COUNTY OF KERR ) Loriann L Cravey

I, ~~J. Wayne Musgrove~~ the undersigned authority, a Notary Public in and for said County in said State, hereby certify that J. WAYNE MUSGROVE, whose name as Member of the Architectural Review Board, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he, as such member duly authorized, has executed the same voluntarily for and as the act of the company on the day the same bears date.

Given under my hand and seal this the 7<sup>th</sup> day of December, 2010.



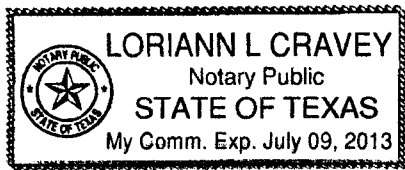
Loriann L Cravey  
Notary Public  
My Commission Expires: July 9, 2013

STATE OF TEXAS )

COUNTY OF KERR )

I, Loriann L Cravey, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that BETTY MUSGROVE, whose name as Member of the Architectural Review Board, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, she, as such member duly authorized, has executed the same voluntarily for and as the act of the company on the day the same bears date.

Given under my hand and seal this the 7<sup>th</sup> day of December, 2010.



Loriann L Cravey  
Notary Public  
My Commission Expires: July 9, 2013

THIS INSTRUMENT PREPARED BY:

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