

CONDITIONS AND RESTRICTIONS

On that property owned by Larkin H. Harris and Ruth N. Harris located on Mary Ann Beach Road.

1. RESIDENTIAL USE ONLY

No lot may be improved, used or occupied for other than a private single-family residence, with no commercial activity thereon, except that farm operations may be carried out upon said land, subject only to the restrictions hereinbelow.

2. TYPE AND SIZE OF BUILDING

No building shall be erected, altered, placed, or permitted to remain on said lot other than one single-family dwelling which shall consist of at least 1,600 square feet, exclusive of basements, open porches and garages, provided, however, that a detached garage, guest house or other out-buildings may be erected.

3. LOCATIONS OF BUILDINGS

No dwelling, or other structure, or any part thereof, exclusive of steps or eaves, shall be located on any lot nearer than 50 feet to the nearest right-of-way line of roads bordering or nearer than 20 feet to any property line.

4. BEAUTIFICATION AND MAINTENANCE OF LOTS

All lots shall be maintained in a neat, attractive and presentable condition at all times. In accordance with this requirement, all outside garbage disposal equipment and containers shall be kept in a clean and sanitary condition.

5. OFFENSIVE ACTIVITIES, ETC.

No noxious or offensive activities shall be permitted nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No animals may be kept, bred or maintained for any commercial purpose. Animals permitted are limited to one horse or cow per acre per lot unit at any one time with no hogs or chickens. This restriction is directed specifically to prohibit the maintenance of dog kennels on the premises, and the stacking of unused and junk cars, trucks or other such items.

6. TEMPORARY STRUCTURES OR TRAILERS

No structure of a temporary character, trailer, tent, shack, garage, barn or other out-building shall be used on any lot at any time as a residence, either temporary or permanent. All structures must comply with the restrictions in No. 2 above.

7. RESUBDIVISION

No lot or lots may be subdivided or sold in parcels other than according to the original lot, or less than two acre lots if resubdivided. County Health Department rules and regulations must be complied with in any resubdivision.

8. WATER SUPPLY AND SEWAGE DISPOSAL

No individual water supply system or individual sewage disposal system shall be permitted unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the Baldwin County Health Department.

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9. TERMS

These covenants are to run with the land and shall be binding on all parties, their heirs and assigns, or any person claiming under them for a period of ten years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of twelve years unless an instrument signed by 65% of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part as provided in Paragraph 10.

10. MODIFICATION OF COVENANTS, RESTRICTIONS AND LIMITATIONS

The covenants, agreements, conditions, reservations, restrictions and charges created and established herein for the benefit of said tract and each lot therein may be waived, abandoned, terminated, modified, altered or changed as to the whole of said tract or any portion thereof with the written consent of the owners of 65% of the lots in the tract. No such waiver, abandonment, termination, modification or alteration shall become effective until the proper instrument in writing shall be executed and recorded in the Office of the Judge of Probate of Baldwin County, Alabama.

11. ENFORCEMENT

Should any provision, clause, restriction, limitation, or condition of these restrictive covenants be declared unenforceable, illegal, against public policy, or inconsistent with or contrary to the Constitution or Laws of the United States of America or the State of Alabama by any Court of competent jurisdiction or by any legislative enactment, every remaining provision, clause, restriction, limitation, or condition contained therein not affected by such judicial or legislative declaration, decision or act shall in no wise be altered or invalidated.

The owner or owners of any part of the land hereby restricted shall have the right to prosecute any proceedings at law or in equity against any person or persons violating or attempting to violate any of these restrictions, conditions, or limitations and either prevent him or them from so doing or recover damages or other compensation for such violation. The failure of the owner of any lot so restricted to enforce any of the restrictions herein set forth at the time of their violation shall in no event be deemed a waiver of the right to do so thereafter.

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