

**DECLARATION OF COVENANTS, CONDITIONS,
& RESTRICTIONS**

**FOR
BERRYHILL ESTATES, PHASE II**

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COUNTY OF MADISON

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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
BERRY HILL ESTATES, PHASE II

WHEREAS, on July 22, 1997, there were heretofore filed for record in the Office of the Judge of Probate of Madison County, Alabama in Deed Book 901, Page 268, certain Declaration of Covenants, Conditions and Restrictions for Berry Hill Estates Home Owners Association; and

WHEREAS, said Declaration and Restrictions were amended on June 1, 1998, said amendment being filed for record on December 16, 1998 in Deed Book 935, Page 427, in the Office of the Judge of Probate of Madison County, Alabama; and were further amended on May 24, 2001, said amendment being filed for record on May 24, 2001 in Deed Book 995, Page 563, in the Office of the Judge of Probate of Madison County, Alabama; and

WHEREAS, it is the desire of the Declarant to adopt the Declaration of Covenants, Conditions and Restrictions for Berry Hill Estates, Phase I, as amended, for Berry Hill Estates, Phase II, with certain changes.

NOW, THEREFORE, the Declaration of Covenants, Conditions and Restrictions for Berry Hill Estates, Phase I, as amended, are hereby adopted as the Declaration of Covenants, Conditions and Restrictions for Berry Hill Estates, Phase II, with the following changes:

1. ARTICLE VI, Section 6 is to be deleted and the following is to be inserted in lieu thereof:

Section 6. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines. No tree shall be permitted to remain within such distances of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. No chain link or similar type fence shall be permitted.

Trees larger than six (6) inches in diameter at the base and all trees planted by Declarant regardless of size that are outside or beyond five (5) feet of the house foundation, driveways or walks shall not be removed without prior written approval of the Architectural Control Committee.

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2. ARTICLE VII, Section 4 is to be changed to require the minimum living space to be 2,000 square feet for each residence.

3. ARTICLE VII, shall also be modified as follows:

Section 7, subsections (c) and (d) are to be deleted.

Section 8 is to be deleted.

Section 10, paragraph two is to be deleted.

Section 13 is to be deleted.

ADOPTED this the 9th day of August, 2002.


Jeffrey M. Benton, Declarant

THIS INSTRUMENT PREPARED BY:
Paul L. Millirons
STEPHENS, MILLIRONS, HARRISON
& GAMMONS, P.C.
Post Office Box 307
Huntsville, AL 35804

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