

STATE OF ALABAMA
COUNTY OF MADISON

**AMENDMENT TO THE
RESTRICTIONS
FOR
ABBINGTON DOWNS**

Deed Book 2022 Page 20773
Madison County, Alabama
Frank Barger, PROBATE JUDGE
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THIS AMENDMENT (the "Amendment") to the Restrictions for Abbington Downs (the "Restrictions"), recorded on December 1, 1992 at Deed Book 803 Page 384 in the Office of the Judge of Probate of Madison County, Alabama, is made on the date hereinafter set forth pursuant to Part E-1 of the Restrictions.

WHEREAS, Part E-1 of the Restrictions state that they may be amended by a majority of the owners of the lots.

WHEREAS, the Restrictions govern 102 lots.

WHEREAS, in 2021, Abbington Downs Homeowners Association (the "Association") proposed the below amendments to the Restrictions via signed referendum. All amendments passed by signed votes of a majority of the owners of the lots. The signed votes of the members are attached hereto as Exhibit "A."

WHEREAS, the Association, and the Members thereof, wish to amend the Restrictions as set forth herein.

NOW THEREFORE, the Restrictions are hereby amended as follows:

PART C: RESIDENTIAL AREA COVENANTS

C-1 LAND USE AND BUILDING TYPE

The third sentence of this section is amended to read as follows:

“No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than five cars.”

C-8 TEMPORARY STRUCTURES

This section is amended in its entirety, to read as follows:

“No structure of a temporary character, trailer, tent, shack, garage, barn, or other outbuildings shall be permitted on any lot at any time either temporarily or permanently with one exception. ADHA members desiring to expand utility storage space on their property must present for approval to the ADHA Architectural Control Committee a permanent detached accessory building plan that conforms to the following guidelines and restrictions before any such building commences on their property:

1. The only accessory buildings that will be approved are permanent structures which meet the following requirements:
 - a. Maximum size: 10'x14'
 - b. Maximum height: 9.5'
 - c. Built on a concrete slab
2. The building exterior must be compatible with the home (no metal, plastic, or plain plywood).
3. It must have a pitched roof (no barn style).
4. It is to be used for storage only, e.g., yard equipment.
5. The accessory building location will be reviewed on a case-by-case basis; some considerations:
 - a. Behind fence/not visible from the street
 - b. Should normally be at least 4-6 feet from property lot/fence line (pending easement)
 - c. Must avoid easements
 - d. May have power or other utility connections (permits required)
 - e. Neighbor comments may be required in some circumstances”

The third sentence of this part is amended to read as follows:

“Such plan must include a minimum of four (4) trees (2 in the front yard and 2 in the rear yard), each being at least 8 to 10 feet in height.”

IN WITNESS WHEREOF, the undersigned has executed this instrument on this the 28th day of April, 2022.

**ABBINGTON DOWNS
HOMEOWNERS ASSOCIATION, INC.**

By: Steve Moeller
Steve Moeller
Its: President

**STATE OF ALABAMA
COUNTY OF MADISON**

Before me, a Notary Public in and for said county and state, personally appeared Steve Moeller, who being first duly sworn, doth depose and say that he has personal knowledge of the facts set forth in the foregoing and that the same are true and correct to the best of his knowledge and belief.

Sworn and subscribed to before me this 28th day of April, 2022.

Candice Clark
Notary Public
My Commission Expires: 12.18.2024

This instrument prepared by:
Adam C. Dauro
Heard Ary & Dauro, LLC
303 Williams Ave., Ste 921
Huntsville, Alabama 35801

