

STATE OF ALABAMA
COUNTY OF MOBILE

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**DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR FOREST COVE UNIT TWO**

WHEREAS, The Mitchell Company, Inc., an Alabama Corporation, hereinafter referred

to as "Developer" is the owner of that certain real property located in Mobile County, Alabama

which has been subdivided and is more particularly described as follows:

Forest Cove, Unit Two according to plat thereof recorded in Map Book 110 page 53, of the records in the Office of the Judge of Probate, Mobile County, Alabama.

WHEREAS, Developer, as owner of said unit of Forest Cove Subdivision, desires to subject said property to and impose upon each lot therein certain mutual and beneficial easements, restrictions, covenants, terms, conditions and limitations, for the benefit of said lots in Unit Two of said subdivision; and

WHEREAS, Developer has previously subdivided and developed Forest Cove Unit One, and has adopted a Declaration of Covenants, Conditions and Restrictions for Forest Cove Unit One, which is recorded in Real Property Book 5742, page 955 of the Mobile County Probate Court records; and

WHEREAS, Developer is desirous of adopting substantially the same restrictions and covenants for Forest Cove, Unit Two as have been adopted and recorded for Forest Cove, Unit One in order to insure conformity for the benefit of the lot owners in said two (2) units of Forest Cove as described in said Covenants, Conditions and Restrictions, with the exceptions of minimum square footage of dwellings in Forest Cove Unit Two as hereinafter provided.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that Developer does hereby proclaim, publish and declare that the above described real property and all of the lots in Unit Two of Forest Cove shall be subject to the provisions of the Declaration of Covenants,

Conditions and Restrictions for Forest Cove, Unit One as recorded in Real Property Book 5742, page 955 of the Mobile County Probate Court records, and the same are hereby adopted as the Covenants, Conditions and Restrictions for Forest Cove, Unit Two, except for Article VI Section 2, Minimum Square Footage. In lieu of said provision in Forest Cove Unit One, the following shall apply in Forest Cove Unit Two:

Article VI, Section 2, Minimum Square Footage. No one story dwelling shall be erected in Forest Cove Unit Two having a living area of less than 900 square feet. All square footages shall be exclusive of open porches, carports or garages.

Dated this the 30 day of January, 2006.

THE MITCHELL COMPANY, INC.

BY: *Stephen Schuchmann*
Its *Senior Vice President*

STATE OF ALABAMA
COUNTY OF MOBILE

Stephen Schuchmann whose name as *Senior Vice President* of The Mitchell Company, Inc., an Alabama Corporation, 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 the instrument he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and notarial seal this the 30 day of January, 2006.

Jan M. Willard
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Dec 3, 2008
BOUNDED THIRD NOTARY PUBLIC LICENSE#120818

This instrument prepared by:
Beth McFadden Rouse
McFADDEN, LYON & ROUSE, L.L.C.
718 Downtowner Blvd.
Mobile, Alabama 36609
(951) 342-9172

State of Alabama-Mobile County
I certify this instrument was filed on:
January 31, 2006 @ 4:23:39 PM
S.R. FEE \$2.00
RECORDING FEES \$6.00
TOTAL AMOUNT \$8.00

2006007101