

Walker County, GA  
 RETURN TO: Filed and Recorded in the office  
 WOODS CHRISTIAN TITLE AGENCY Recorded in Deed Book 1115 Page 467 469 467  
 110 HOWARD STREET  
 ROSSVILLE, GA 30087  
 Bill McDaniel, Clerk

**RESTRICTIVE COVENANTS ON  
 APRIL VALLEY ESTATES**

WHEREAS, CHARLES R. SIMERLEY, d/b/a C.R. SIMERLEY, INC., hereinafter "Developer," is the owner of a tract of land as described by deed in Book 1088, page 755 in the Office of the Clerk of the Superior Court of Walker County, Georgia; and

WHEREAS, said tract has been divided into a residential subdivision known as APRIL VALLEY ESTATES, as shows by plat of record in Plat Book (To Be recorded), page (To Be Recorded), in the Office of the above-said Clerk; and

WHEREAS, Developer desires to impose RESTRICTIVE COVENANTS on said Subdivision in order to promote the orderly development of said tract as a residential subdivision for the benefit of Developer and the future owners of lots in said Subdivision.

NOW, THEREFORE, Developer imposes the following RESTRICTIVE COVENANTS, which shall run with the land, on all the lots in said Subdivision:

1. Homes of rancher style construction in said subdivision must contain at least 1400 square feet of living space, on same level, exclusive of garages, enclosed porches and decks, and other spaces. Homes of two-story construction must contain at least 700 square feet of living space on each level and homes of one and one-half story construction must contain at least 1400 square feet of living space, exclusive of such spaces. All homes must be single-family residences. Mobile homes, modular homes, duplexes and apartment are prohibited.
2. No exposed concrete blocks may be used in the construction of any home in said subdivision. Foundations must be faced with brick or mountain stone, except that stucco may be used on the rear elevation of foundations of homes not on corner lots. Corner lots are to have brick or stone on all sides. The use of permastone in construction is prohibited.
3. Exterior walls of homes must be painted, unless faced with brick or mountain stone or vinyl siding.
4. All homes must have at least a two-car garage. The construction of carports is prohibited.
5. All driveways must be constructed of concrete.
6. All homes must have a roof pitch of at least 7/12 and must be guttered in front and rear.
7. The foundation of all front porches or front stoops and steps must be of masonry construction.
8. All homes must fully comply with all local building codes and ordinances.
9. All homes built must be completely finished, including yard, driveway, landscaping, and painting, within six months of the date construction began.

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10. Outbuildings, detached garages, pools, and fences may be built in rear yards only. Outbuildings and detached garages must be built of the same construction as the one on the lot and painted the same color as the home. Foundation's have the same requirements as the house.
11. No building shall be located on any lot nearer than sixty (60) feet from the center line of the street, and no building shall be located nearer than fifteen (15) feet to any interior lot line.
12. All pets shall be kept within fences in said subdivision. No horses, cattle, goats, sheep, swine, or other farm livestock may be kept on any lot.
13. No truck larger than one ton in size may be parked or kept on any lot, except during the construction of the home.
14. No junk or inoperable cars or cars in need of body repair may be parked or kept on any lot.
15. No satellite dishes or external antennas which exceed 40 inches in diameter may be erected on any lot or home. All satellite dishes must be located at the rear of the homes.
16. All mailboxes shall be constructed of brick or mountain stone and include at least one electric night light to serve as street lighting. Any other night lighting must be attached to the home or outbuilding.
17. Each lot owner agrees to bear an equal share of the costs of maintenance of the subdivision entrance sign.
18. No public or private street or roadway shall be constructed on, through, or across any of said restricted boundaries on any of said lots or roadways or any existing easements within said development, except or unless C.R. Simerley, Inc. shall rearrange the boundaries on any of said lots and replat same in such a way as to provide for such street or roadway.
19. Dimensional shingles required.

These RESTRICTIVE COVENANTS are hereby declared to be severable. In the event any one of them is declared invalid by the final judgment of a court of law, the remainder shall continue in full force and effect. These COVENANTS shall be in effect for a period of twenty-five (25) years, and shall automatically be renewed for successive periods of twenty-five (25) years, unless canceled or amended by a two-thirds majority of the then lot owners, evidenced in writing, recorded in the Offices of the Clerk of the Superior Court of Wilkes County, Georgia. Developer shall have power, during the construction of homes on said lots, to grant waivers or minor violations of these RESTRICTIVE COVENANTS which, in their opinion, do not materially affect the purpose of these COVENANTS. Developers reserve the right, as long as Developers own any lot in this subdivision, to amend any or all of these RESTRICTIONS, as they see fit. All other amendments shall be made by a two-thirds majority of the lot owners, evidenced in writing, recorded in said Clerk's Office. Either Developer or lot owner shall have power to enforce these RESTRICTIVE COVENANTS on any person violating them by appropriate action in a court of law of competent jurisdiction. Any person violating these RESTRICTIVE COVENANTS shall be liable for any damages caused and the cost of enforcement, including court costs and attorney's fees.

Developer requests that a set of plans be submitted for office file. Those plans must be approved by the Developer.

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IN WITNESS WHEREOF, the undersigned have hereunto set their hands and affixed their seals on the 10 day of November 2002

*Charles R. Somerville* (Seal)  
CHARLES R. SOMERVILLE

Signed, sealed, and delivered  
in the presence of:

*Wanda D. Catino*  
Witness

*Carolyn P. Hill*  
NOTARY PUBLIC  
NOTARY PUBLIC  
My Commission Expires: 11/18/04  
NOTARY PUBLIC  
WALKER COUNTY, GEORGIA