

PROTECTIVE COVENANTS  
OF  
GRAHAM CREEK ESTATES, a subdivision  
AS AMENDED AND RESTATED

December 29, 1995

It being the desire and intent of the undersigned persons to maintain the desirability of the property, and to promote attractive and healthful living conditions, the following revised covenants and reservations shall govern the sale, use, and development of all the properties in GRAHAM CREEK ESTATES Subdivision, as the same is presently and hereafter constituted. Unit One of the Subdivision is shown on the plat or map recorded at Slide No. 1173-A of the Baldwin County Probate Records. Graham Creek Estates, Inc., the developer of Unit One is also developing one (1) or two (2) additional phases to Graham Creek Estates. References in these Protective Covenants to "Graham Creek Estates" or "the Subdivision" shall be deemed to include Unit One, Unit Two when the developer records the plat for Unit Two, and (if the developer develops a third unit) Unit Three when the developer records the plat for Unit Three. (Certain obligations, restrictions and agreements in connection with such future development are set forth in that certain Agreement between the Association and the developer dated as of December, 1995.) A common water access lot, boat launching ramp, pier, parking area, with access drive, and detention area, are provided for all property owners in Graham Creek Estates Subdivision use and enjoyment. A property owner's association has been established by the developer of said subdivision and management and control of the association was transferred to the duly elected board of five directors at a meeting held at Bay Forest Association meeting hall on May 15, 1993 at 10:00 AM. The purpose of the association shall be to assume full responsibility of all management functions of common areas and the fair and equitable assessment of the membership to pay a pro rata share of the expenses, and to make such amendments to these covenants as necessary and to enforce these protective covenants. Amendments to these covenants shall be in accordance with the by-laws and regulations as set forth by the governing board of directors. These covenants can be amended by a majority of property owners in the subdivision; provided, however, that no amendment shall discriminate against any particular Unit (s) or the owners of lots therein including Graham Creek Estates, Inc. The following covenants shall run with the land, to wit:

1. All lots in Graham Creek Estates shall be known and designated as residential lots and shall be used for detached single-family residential dwellings only.
2. No commercial enterprise shall be carried on within the confines of any residential lot, or on any pier or other structure adjacent thereto; or in, or over the waters and areas adjacent to any residential lot within which any residential lot owner may have any riparian rights.
3. No residential lot may be divided or re-subdivided unless all portions of said lot are used to increase the size of adjacent lots as the same are shown upon the recorded plat of said subdivision.

4. No building shall be erected, altered, placed, or permitted to remain on any residential lot that may have been increased in size in accordance with No. 3 above other than one detached, single-family dwelling not to exceed two stories in height and a private garage and boathouse. Any additional building to the principle residence must conform to the architectural design of the principle residence and the exterior of any such addition building must be constructed of the same materials as the principle residence.

April 24, 2015 - Amendment

4. No residence shall be erected, altered, placed, or permitted to remain on any residential lot that may have been increased in size in accordance with No. 3 above other than one detached, single-family dwelling not to exceed two stories in height and a private garage and boathouse. Any addition to the principle residence, and any outbuildings on driveways and side lots must conform to the architectural design of the principle residence and the exterior of any such addition must be constructed of the same materials as the principle residence. Note: These outbuildings on driveways and side lots are using the same setbacks as the principle residence.

5. All dwellings constructed must be at least 1600 square feet of floor area for one-story buildings and 2400 square feet for two-story buildings, exclusive of open porches, open carports, and garages.

6. No building shall be located on any lot closer than 50 feet from the front road lot line nor any closer than 10 feet to the side lines, or any closer than 75 feet for lots in Unit One or 60 feet for lots Unit Two or Unit Three to the rear property line or water front as the case may be. A boathouse is exempted from this 75 foot provision.

April 24, 2015 - Amendment

6. No residence shall be located on any lot closer than 50 feet from the front road lot line nor any closer than 10 feet to the side lines, or any closer than 75 feet for lots in Unit One or 60 feet for lots in Unit Two or Unit Three to the rear property line or water front as the case may be. A boat house is exempted from this 75 foot provision.

7. No building may be constructed on any lot prior to the erection of the main dwelling.

8. No modular home, manufactured home, mobile home, trailer home, travel trailer, or recreational vehicle will be permitted as a residence. No commercial type vehicles, vans or trucks larger than three-quarter (3/4) ton pickup trucks, and no recreational vehicles such as motor homes, house trailers, and campers shall be stored or parked on any lot except while parked in a closed garage, nor parked on any residential street in the subdivision except while engaged in transporting merchandise or goods to or from a residence in the subdivision.

9. The Board of Directors will have the exclusive right to approve all plans and specifications for the construction of dwellings and all other improvements on each and every lot. A copy of all plans and specifications for the construction of any dwelling or other building shall be filed with the Association simultaneously with the filing of the plans and specification with the Baldwin County Building Inspector and any other appropriate government official.

April 24, 2015 - Amendment

9. The Board of Directors, in accordance with the Protective Covenants of Graham Creek Estates, will have the exclusive right to approve all plans and specifications for the construction of dwellings and all other improvements on each and every lot. A copy of all plans and specifications for the construction of any dwelling, improvement to dwelling, or other building shall be filed with the Association simultaneously with the filing of the plans and specifications with the Baldwin County Building Inspector and any other appropriate government official.

10. Lot owners shall submit to the Board of Directors, two sets of construction plans and specifications and plot plans showing the location of proposed improvements. Such plans shall meet all county and state building regulations for residential subdivisions. The Board of Directors reserves the exclusive right to approve, modify, or disapprove submitted plans and specifications for any reason, which it considers to be detrimental to the over-all benefit of the subdivision. Plans and specifications sent to the Board of Directors for approval will be receipted for, and the Board of Directors will have 30 days after receipt to approve or disapprove plans and specifications. If approved, the Board of Directors will mark "Approved," date and sign one set of construction plans and plot plan, and return them to the owner. Construction of all improvements shall be completed within six months from the date that construction commences.

June 7, 2016 - Amendment

10. Protective Covenant No. 10 will remain unchanged with the exception being the last sentence in the paragraph. It shall read as follows:

Construction of all improvements shall be completed within nine (9) months from the date that construction commences.

11. Building design criteria used for Architectural Review by the Board of Directors shall be as follows:

Homes should generally conform to the type of architecture that exists in the community at the time of plan submission.

12. All lots and rights-of-way between lot and shoulder of road, must be maintained by the appropriate lot owner in a tidy and satisfactory manner, and should said property not be properly maintained, the Board of Directors may provide such maintenance as it deems necessary and the owner agrees that costs for same will be paid by him upon billing by the Board of Directors.

13. No trade or business activity nor noxious or dangerous activity of any kind whatsoever shall be carried on upon any lot or adjacent waterfront, nor shall anything be done thereon which may be or become an annoyance, nuisance, or health hazard to the neighborhood.

14. No clotheslines or satellite antenna shall be permitted unless confined to the rear yard.

15. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. Containers will only be displayed on the right-of-way on the assigned day for trash pickup.

16. Vehicles are not to be parked overnight on any street of the subdivision or in the parking lot of the water-access lot.

17. Except as provided otherwise in this paragraph 17, no sign or signboard of any kind shall be displayed to the public view on any residential lot other than signs of not more than three square feet each, as may be used by a builder while a residential building or structure or swimming pool is under construction on the lot; or one of the same size at a house or lot being offered for sale. Notwithstanding the foregoing, however, Graham Creek Estates, Inc., developer, shall be entitled to erect and maintain a sign advertising lots for sale in the Subdivision until the developer has sold all lots located within Unit Two and Unit Three; such sign shall be located on lot 72 of Unit Two, may not exceed thirty-two (32) square feet, may not be illuminated, must be mounted from the ground within the confines of lot 72, must not be higher than ten (10) feet, and may be double-faced.

18. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that domestic pets, such as dogs and cats, may be raised, bred, harbored or kept on any lot provided that they are not raised or kept for any commercial use or purpose, and provided further that they do not become an annoyance or nuisance to the neighborhood. Any pet must be confined by a fence which conforms with Protective Covenant No. 21 below or must be confined on a leash so as not to be permitted to roam freely about the neighborhood.

19. All residences must be served by underground utilities, including but not limited to sewer, water, electricity and telephone. No individual water supply system (for human consumption) nor individual septic system shall be permitted on any lot. Easements of the recorded plat of the subdivision are hereby adopted as a part of these restrictions and all lots of the subdivision shall be subject to such easements.

20. All residences must have a driveway constructed of concrete, asphalt, shell, stone, or other material specifically approved by Board of Directors, and such driveway must be completed before the residence is occupied.

21. All fencing contained in the subdivision shall be reviewed and approved by the Board of Directors or a committee appointed thereby. All fencing may be constructed of wood. Fencing may be constructed of brick, stone, or stucco if such material matches the house decor as located on said lot. Chain link fencing may be used only around and as a security adjacent to swimming pools. All fencing located to screen or protect swimming pools must be constructed to meet all applicable building codes. No fence shall be located upon any lot so that any part of the fence extends beyond the forward most line of the rear wall or rear wall offset of the principle dwelling located on said lot. No fence shall be located upon any residential lot which exceeds a height of 48 inches. No fences shall be permitted in wetland areas, even if such fence may be approved by the U.S. Army Corps of Engineers. No hedge or natural growth fences may exceed a height of 48 inches. All fencing located on a corner lot shall be constructed as so to not to extend beyond the farthermost point or wall on any street side of said dwelling or garage or other approved buildings located upon said lot.

Anything herein notwithstanding, a privacy fence, not to exceed six feet in height, may be erected along the rear property line of lots contained in the subdivision, so long as said rear property line does not join other lots contained in Graham Creek Estates. The Board of Directors shall have the complete authority to erect a fence or fences in the common areas to protect the safety and security of members and owners. The Board of Directors or a committee thereof shall formulate a procedure for receiving and reviewing requests for variances with regard to fencing restrictions.

March 14, 2008 – Amendment

21. All fencing contained in the subdivision shall be reviewed and approved by the Board of Directors or a committee appointed thereby. All fencing may be constructed of wood/wood look or wrought iron/wrought iron look material. Fencing may also be constructed of brick, stone, or stucco if such material matches the house decor as located on said lot. Chain link fencing may be used only around and as a security adjacent to swimming pools. All fencing located to screen or protect swimming pools must be constructed to meet all applicable building codes. No fence shall be located upon any lot so that any part of the fence extends beyond the forward most line of the rear wall or rear wall offset of the principle dwelling located on said lot. No fence shall be located upon any residential lot which exceeds a height of 48 inches. No fences shall be permitted in wetland areas, even if such fence may be approved by the U.S. Army Corps of Engineers. No hedge or natural growth fences may exceed a height of 48 inches. All fencing located on a corner lot shall be constructed as so to not to extend beyond the farthermost point or wall on any street side of said dwelling or garage or other approved buildings located upon said lot.

Anything herein notwithstanding, a privacy fence, not to exceed six feet in height, may be erected along the rear property line of lots contained in the subdivision, so long as said rear property line does not join other lots contained in Graham Creek Estates. The Board of Directors shall have the complete authority to erect a fence or fences in the common areas to protect the safety and security of members and owners. The Board of Directors or a committee thereof shall formulate a procedure for receiving and reviewing requests for variances with regard to fencing restrictions.

June 5, 2017 - Amendment

21. All fencing contained in the subdivision shall be reviewed and approved by the Board of Directors or a committee appointed thereby.

Fencing may be constructed of wood/wood look, wrought iron/wrought iron look, including aluminum, material. Also, brick, stone, or stucco may be used if such material matches the house décor as located on said lot. Chain link fencing may be used only around and as a security adjacent to swimming pools. All fencing located to screen or protect swimming pools must be constructed to meet all applicable building codes.

No fence shall be located upon any lot so that any part of the fence extends beyond the forward most line of the rear wall or rear wall offset of the principle dwelling located on said lot, except to hide AC/heater units.

No fence shall be located upon any residential lot which exceeds a height of 72 inches. No fences shall be permitted in wetland areas, even if such fence may be approved by the U.S. Army Corps of Engineers. Any hedge along the side property lines in the front yard may not exceed a height of 60 inches.

Fencing located on a corner lot shall not extend beyond the farthest point or wall on any street side of said dwelling or garage or other approved buildings located upon said lot.

The Board of Directors shall have the complete authority to erect a fence or fences in the common areas to protect the safety and security of members and owners. The Board of Directors or a committee thereof shall formulate a procedure for receiving and reviewing requests for variances with regard to fencing restrictions.

22. Above-ground swimming pools are not permitted.

23. Exterior front yard lighting may be provided for safety and security, and shall be in character with the general subdivision. Lights attached to wooden poles and trees in front yards are not permitted. Lights installed on metal poles with recessed down lighting are recommended. All lights to be installed in the front yard must be approved by the Board of Directors with the exception of lights attached to the structure or vertical low profile landscape lighting of less than six (6) feet in height.

April 24, 2015 - Amendment

24. Outbuildings for Rear of Residence only.

Setbacks – Setbacks for Outbuildings located to the rear of residence (and not the side or front outbuildings) for phase one, two, and three of Graham Creek Estates shall be ten (10) feet from the side lot line, at least ten (10) feet from rear lot line, and ten (10) feet from any other structure on the same lot.

Construction Method – All outbuildings shall be constructed ‘on site’ utilizing approved building materials from the approved building material list to follow.

Exterior – The exterior of any such Outbuilding must be constructed using approved list of building materials (see below) and using the same materials of the principle residence including roofing material. The board can approve a mix of materials, and any new future materials found on the principle residence that may not necessarily be used in the same proportions as found on the principle residence.

Approved list of exterior building materials for Outbuildings:

- Brick and mortar
- Fiber cement board/Hardie composite siding
- Brick/Hardie siding combination
- Brick/Vinyl siding combination
- Brick/Stucco siding combination
- Asphalt shingles (to match existing residence)
- Metal roof (to match existing residence) Note: If roof on residence is changed from asphalt shingle to metal, Outbuilding roof has to be changed to metal or vice versa.

Foundation – All outbuildings shall be constructed on concrete slab, or poured concrete footings, or poured concrete footing/cinder block foundations. Any alternative foundation designs to be approved by the board.

Prohibited as Outbuildings:

Any metal building

Rubbermaid, vinyl, plastic or composite plastic/fiberglass buildings

Portable prefabricated buildings

Modified shipping containers

Approvals/Permitting – Plans/drawings for Outbuildings must be submitted to the Board of Directors Graham Creek Owners' Association (GCEOA) for approval. Resident is responsible for obtaining permit and complying with any applicable city codes, building tie downs, etc. pertaining to their Outbuilding.