

**GREYSTONE RESIDENTIAL VARIANCE**

THIS GREYSTONE RESIDENTIAL VARIANCE is made and executed as of the 18th day of September, 1996 by and between McKELVEY CONSTRUCTION CO., INC. ("Owner") and the GREYSTONE RESIDENTIAL ARCHITECTURAL REVIEW COMMITTEE ("ARC").

Inst # 1996-37042

**RECITALS:**

Owner is the owner of Lot 38 according to the Survey of The Glen at Greystone, Sector Three, as recorded in Map Book 16, Page 79 in the Probate Office of Shelby County, Alabama (the "Affected Lot").

The Affected Lot is subject to the covenants, conditions, restrictions, easements, charges, liens and regulations set forth in the Greystone Close' Development Declaration of Covenants, Conditions and Restrictions dated June 6, 1991 which has been recorded in Real 346, Page 873 in the Probate Office of Shelby County, Alabama (which, together with all subsequent amendments thereto, is hereinafter collectively referred to as the "Declaration"). Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.

Pursuant to Article V of the Declaration, the ARC was established to review, approve, enforce and otherwise adopt rules and regulations with respect to the use of any Lots or Dwellings within the Development and the construction of any Dwellings within the Development. Furthermore, Section 6.28 of the Declaration provides that the ARC, in its sole and absolute discretion, has the exclusive right to grant variances with respect to the provisions of Articles V and VI of the Declaration.

Pursuant to Article VI, Section 6.04, the rear building setback line for the Affected Lot was established as a twenty-five (25) foot rear setback.

Owner has requested that the ARC grant a variance to the Affected Lot with respect to the rear setback line as established in th Declaration.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Notwithstanding anything provided in the Declaration to the contrary, the plot plan attached hereto as Exhibit A is hereby approved.

4711 - Quarter Staff Road  
B'ham AL 35223

11/07/1996-37042  
11:06 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 16.00

2. All of the remaining setback lines established in the Declaration for the Affected Lot shall remain in full force and effect.

3. Except as expressly modified in Paragraph 1 above, Owner hereby covenants and agrees to abide by and otherwise comply in all respects with all of the terms and provisions set forth in the Declaration. Owner further agrees that this Greystone Residential Variance shall be recorded by Owner, at Owner's sole cost and expense, in the Probate Office of Shelby County, Alabama.

4. The terms and provisions of this Greystone Residential Variance shall be binding upon and inure to the benefit of the Owner and all successors and assigns of Owner who acquire, hold or otherwise own any interest in the Affected Lot.

IN WITNESS WHEREOF, Owner and the Chairman of the ARC have executed this Greystone Residential Variance as of the day and year first above written.

**GREYSTONE RESIDENTIAL  
ARCHITECTURAL REVIEW COMMITTEE**

By: *Harvey H. Reed*

Its: *Chairman*

**OWNER:**

**MCKELVEY CONSTRUCTION CO., INC.**

By: *P. D. McKelvey*

Its: *President*

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Harvey H. Burch, whose name as Chairman of the Greystone Residential Architectural Review Committee, an unincorporated association, 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 said instrument, he, as Chairman, and with full authority, executed the same voluntarily for and as the act of said association.

Given under my hand and official seal, this the 18th day of September, 1996.

Judith Ann Lawson

Notary Public

MY COMMISSION EXPIRES FEB. 17, 1998

My commission expires: \_\_\_\_\_

STATE OF ALABAMA )

Shelby COUNTY )

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Dunn McKelvey, as President of McKelvey Construction Co., Inc. 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 said instrument, he, has executed the same voluntarily on the day the same bears date for and the act of such corporation.

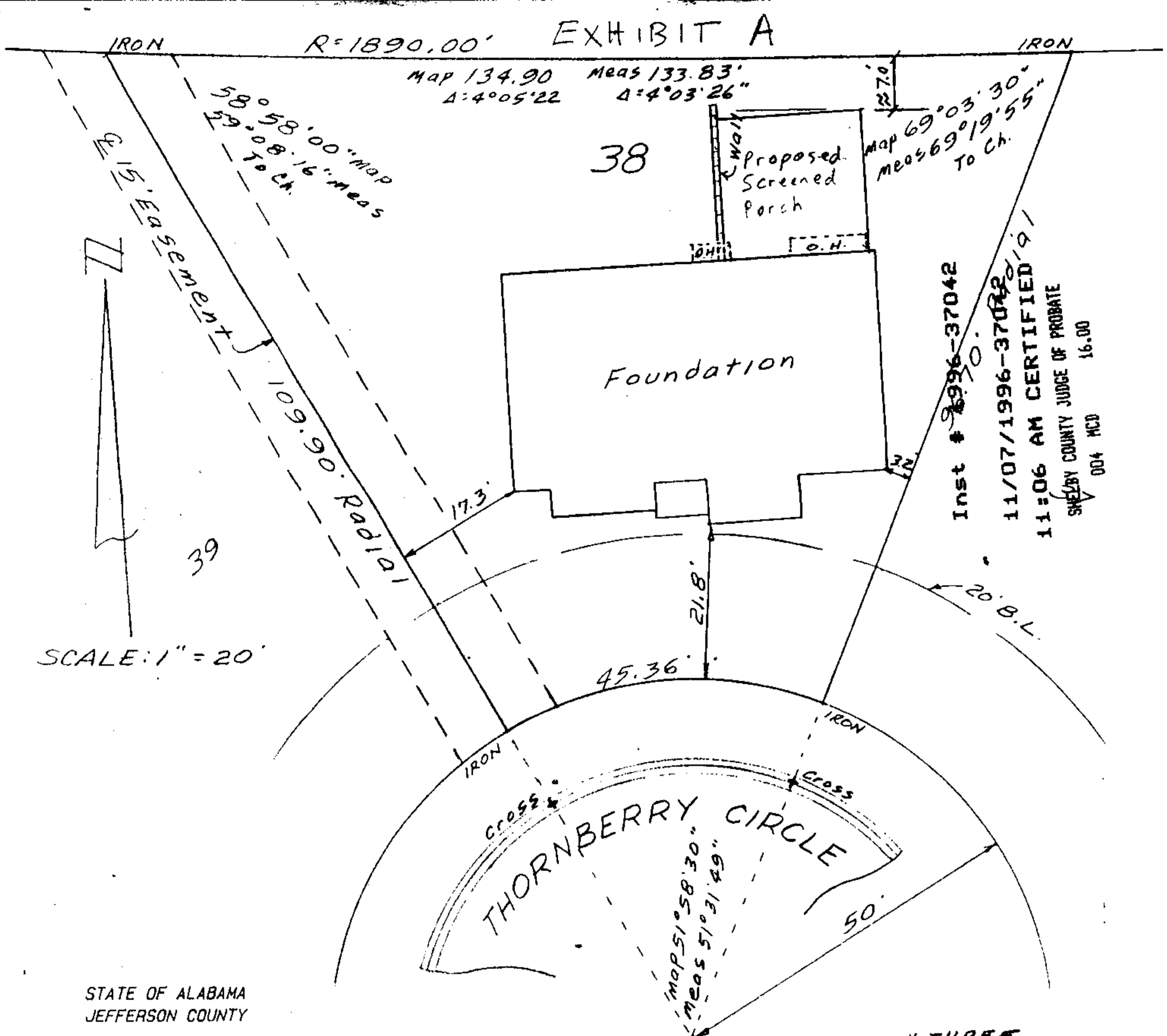
Given under my hand and official seal, this the 16th day of October, 1996.

Judith Ann Lawson

Notary Public

MY COMMISSION EXPIRES FEB. 17, 1998

My commission expires: \_\_\_\_\_



SCALE: 1" = 20'

STATE OF ALABAMA  
JEFFERSON COUNTY

I, J. Albert Hill, a Registered Land Surveyor in Birmingham, Alabama, hereby certify that this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for Land Surveying in the State of Alabama and that this is a true and correct map of Lot 38 Block — THE GLEN AT GREYSTONE SECTOR\* as recorded in Map Book 16 Page 79 in the Probate Office of SHELBY County, Alabama, that there are no visible encroachments, except as shown, and there are no rights-of-way or easements visible across said lands except as shown.

Said property DOES NOT lie in the special flood hazard area as shown on the Federal Insurance Administration Flood Boundary Map.

The correct street address is 420 THORN BERRY CIRCLE

According to my survey this 9<sup>TH</sup> day of JULY, 1996

Purchaser: (SHAW)

HILL SURVEYING COMPANY  
1835 - 28th Avenue South  
Homewood, Alabama 35209  
(205) 871-1980

*J. Albert Hill*  
J. Albert Hill  
Alabama Reg. No. 9682  
Dwg. No. 583



Inst # 8996-37042  
11/07/1996-37042  
11:06 AM CERTIFIED '91  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCO 16.00