

STATE OF ALABAMA)

COUNTY OF SHELBY)

314

WAIVER AND VARIANCE TO RESTRICTIONS

WHEREAS, On July 26, 1988, Cloud & Estes, Inc., owner of all estates in the survey of High Chaparral, First Sector, as recorded in Map Book 12, Page 57, in the Office of the Judge of Probate of Shelby County, Alabama, did heretofore file for record certain covenants and restrictions applicable to all estates in said survey of High Chaparral, First Sector; and

WHEREAS, the said covenants and restrictions are recorded in Real Record 196, Page 237, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, paragraph ten (10) of the said covenants and restrictions provides that:

"Forty (40) acres have been reserved for the Equestrian Center which will be developed when forty (40) estates have been sold. The Equestrian Center will be comprised of a Polo Field and a Dressage and Riding Ring.

There will be a 30 foot easement around the perimeter of the completed subdivision for horsemen and joggers but forbidden to motorized vehicles. Maintenance of the 30 foot perimeter easement will be the responsibility of each individual estate owner whose rear estate line contains the easement. There will be appropriate access easements for safe passage across public streets.

Equestrian facilities will be reserved for estate owners and their guests."

and;

WHEREAS, paragraph eleven (11) of said restrictions provides that Cloud & Estes, Inc., or Emmett Cloud Realty Company, it's successors or assigns may modify, release, amend, void, or transfer all the rights, reservations and restrictions set forth or the right to modify, release, amend, or void any one or more of the restrictions set forth for High Chaparral, First Sector; and

WHEREAS, Cloud & Estes, Inc., on December 13, 1989, is the owner of a majority of the estates in High Chaparral, First Sector; and

WHEREAS, Cloud & Estes, Inc. is desirous of amending and modifying said recorded covenants and restrictions so that paragraph ten (10) recites:

"A ten (10) acre site located in High Chaparral, Second Sector, and adjoining the sub-division's perimeter bridle path easement, will be reserved for Equestrian use.

There will be a 30 foot easement around the perimeter of the completed sub-division for Horsemen and Joggers but forbidden to motorized vehicles. Maintenance of the 30 foot easement will be the responsibility of each estate owner whose rear estate line contains the easement. There will be appropriate access easements for safe passage across public roads."

BOOK 273 PAGE 75

Emmett Cloud

STATE OF ALABAMA)

COUNTY OF SHELBY)

NOW THEREFORE, in consideration of the premises and the sum of One Dollar and No/100's (\$1.00) in hand paid to Cloud & Estes, Inc., the receipt of which is hereby acknowledged, the undersigned owner, Cloud & Estes, Inc., by it's President, James H. Estes, pursuant to paragraph eleven (11) of said covenants and restrictions, does hereby amend and modify the said covenants and restrictions recorded in Real Record 196, Page 237, in the Office of the Judge of Probate of Shelby County, Alabama, so that paragraph ten (10) recites:

"A ten (10) acre site located in High Chaparral, Second Sector, and adjoining the sub-division's perimeter bridle path easement, will be reserved for Equestrian use.

There will be a 30 foot easement around the perimeter of the completed sub-division for Horsemen and Joggers but forbidden to motorized vehicles. Maintenance of the 30 foot easement will be the responsibility of each estate owner whose rear estate line contains the easement. There will be appropriate access easements for safe passage across public roads."

IN WITNESS WHEREOF, the undersigned owner, Cloud & Estes, Inc., by it's President, James H. Estes, has hereunto set it's hand and seal this THIRTEENTH day of DECEMBER, 1989.

CLOUD & ESTES, INC.

BY: James H. Estes President

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that JAMES H. ESTES, whose name as President of Cloud & Estes, Inc., a corporation, is signed ot the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the THIRTEENTH day of DECEMBER, 1989.



Theresa A. Kacik
Notary Public
MY COMMISSION EXPIRES SEPTEMBER 19, 1991.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

90 JAN -5 AM 11:27

Thomas A. Snowling, Jr.
JUDGE OF PROBATE

1. Deed Tax	-----	\$	-----
2. Mfg. Tax	-----	\$	-----
3. Recording Fee	-----	\$	5.00
4. Notary Fee	-----	\$	3.00
5. ...	-----	\$	-----
6. ...	-----	\$	1.00
Total	-----	\$	9.00