

State of Alabama )

County of Shelby )

Inst # 1998-23282

06/24/1998-23282  
09:08 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 SNA 20.50

## **SUPPLEMENTARY DECLARATION OF**

## **PROTECTIVE COVENANTS OF**

## **HIGH CHAPARRAL, 4TH SECTOR, A RESIDENTIAL SUBDIVISION**

KNOW ALL MEN BY THESE PRESENTS THAT,

WHEREAS, Chelsea Properties, Inc., an Alabama corporation has previously filed a Declaration of Protective Covenants and Agreements in the Probate Office of Shelby County, Alabama, in Instrument #1992-25023, in Instrument #1992-25020, amended by Instrument #1996-09688 and further amended in Instrument #1997-19923,, (the "Original Declaration") for the benefit of certain real property situated in Shelby County, Alabama, which is part of a residential subdivision known as High Chaparral, a residential subdivision, and which is more particularly described in the Plats of the First Sector of High Chaparral, Sector B as respectively recorded in Map Book 16, at page 69, in the Probate Office of Shelby County, Alabama, and Map Book 16, page 116 in the Probate Office of Shelby County, Alabama;

WHEREAS, Chelsea Properties, Inc., an Alabama corporation (hereinafter referred to as "Developer") was the owner of additional real property (the "Subject Property") situated in Shelby County, Alabama, and whereas, Cornerstone Building Company, Inc. (hereinafter referred to as "Successor Developer" for High Chaparral, 4th Sector ONLY) has purchased and developed

the Subject Property as part of High Chaparral and which is more particularly described on Exhibit "A" attached hereto and made a part hereof, and which is proposed to be developed as High Chaparral, 4th Sector, and a Plat or Plats thereof shall be recorded in the Probate Office of Shelby County, Alabama.

WHEREAS, the Successor Developer desires to submit the Subject Property to the Original Declaration in accordance with and pursuant to Section 2.02 of the Original Declaration which permits the owner of any property, with the approval in writing of the Developer (as defined in the Original Declaration), to submit such property to the Original Declaration by filing a Supplementary Declaration to that effect in the Office of the Judge of Probate of Shelby County, Alabama;

NOW THEREFORE, the Successor Developer, together with the Developer do, upon the recording hereof, declare and make the Subject Property and any portion thereof subject to the covenants, conditions, restrictions, uses, limitations and affirmative obligations of the Original Declaration, as heretofore amended and as amended hereby, all of which are declared to be in furtherance of a plan for the use and improvement of the Subject Property in a desirable and uniform manner suitable in architectural design and for the enforcement of such uniform standards and the maintenance and preservation of the common amenities within the property subject to the Original Declaration.

## ARTICLE I

The Successor Developer hereby reaffirms and restates the terms and provisions of the Original Declaration as recorded in Instrument #1992-25023, in the Probate Office of Shelby County, Alabama, in their entirety without any change whatsoever, except as follows:

1. The legal description of the property subject to the Original Declaration in Section 2.01 thereof is hereby amended to include the Subject Property.

2. Pursuant to Section 1.03 of the Original Declaration, Chelsea Properties, Inc. hereby officially designates as successor developer, Cornerstone Building Company, Inc. after Cornerstone Building Company Inc. acquired title to the property described on Exhibit "A" and prior to Chelsea Properties, Inc. conveying title to the last lot owned by it in High Chaparral, Sector B, as recorded in Map Book 16, Page 69, and as recorded in Map Book 16, Page 116, in

the Probate Office of Shelby County, Alabama, by causing a Declaration, designating Cornerstone Building Company, Inc. as successor developer, to be recorded in the Probate Office of Shelby County, Alabama. Upon recording of said Declaration of successor developer, Cornerstone Building Company, Inc. shall assume all of the authority, duties, powers, and obligations of the developer as established in the Original Declaration of Protective Covenants for High Chaparral, a residential subdivision.

3. The Original Declaration is hereby amended as follows with respect to the Subject Property only and such amendments shall apply only with respect thereto:

a. Article IV, Paragraph 5.04 (b) is hereby amended to read as follows:

**"No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback line shown on the recorded plat for the property. No building shall be located on any lot nearer than 35 feet to the front lot line or nearer than 20 feet to any side lot line.**

b. Article IV, Paragraph 4.02 is hereby amended to read as follows:

**"The existing Architectural Review Board for High Chaparral, consisting of Bill Wright, Dennis Ohme and Bob Whitley, will be expanded from three (3) to four (4) members to include a representative from the 4th Sector. Randy Greenhill will fill that position until a full time, appropriately qualified resident of the 4th Sector can be appointed by the successor developer to replace him.**

## ARTICLE II

Successor Developer hereby declares that said provisions of the Original Declaration as so amended shall run with the land and be binding upon, and shall insure to the benefit of, the Subject Property and all parties having or acquiring any right, title or interest in and to the Subject Property or any part thereof, and their successors in interest.

IN WITNESS WHEREOF, the undersigned have caused this Declaration to be executed  
as of the 4<sup>th</sup> day of June, 1998.

DEVELOPER:  
Chelsea Properties, Inc.  
an Alabama Corporation

By: James Estes  
James Estes  
Its: President

SUCCESSOR DEVELOPER:  
Cornerstone Building  
Company Inc., an Alabama  
Corporation

By: Donald M. Acton  
Donald M. Acton  
Its: President

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify  
that James Estes, whose name as President of Chelsea Properties, Inc., an Alabama Corporation,  
is signed to the foregoing Supplemental Declaration of Protective Covenants, and who is known  
to me, acknowledged before me on this day that, being informed of the contents of the above and  
foregoing Supplemental Declaration of Protective Covenants, he, as such officer and with full  
authority, executed the same voluntarily for and as the act of said partnership acting in his  
capacity as aforesaid.

Given under my hand and official seal of office this 4<sup>th</sup>  
day of June, 1998.

Judy Rowell Smith  
Notary Public  
My Commission Expires: 3-31-02

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Donald M. Acton whose name as President of Cornerstone Building Company, Inc., an Alabama corporation, is signed to the foregoing Supplemental Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Supplemental Declaration of Protective Covenants, 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 of office this 5<sup>th</sup> day of June, 1998.

  
Notary Public

My Commission Expires: 5-29-99

This instrument was prepared by:  
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