

COVE OF GREYSTONE RESIDENTIAL VARIANCE

THIS COVE OF GREYSTONE RESIDENTIAL VARIANCE is made and executed as of the 7th day of December, 1999 by and between BARRY J. ROWLAND AND WIFE, SHARON C. ROWLAND ("Owner") and THE COVE OF GREYSTONE ARCHITECTURAL REVIEW COMMITTEE ("ARC").

RECITALS:

Owner is the owner of Lot 82B according to the Survey of The Cove of Greystone, Phase I, as recorded in Map Book 26, Pages 39 A and B 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 Cove of Greystone Declaration of Covenants, Conditions and Restrictions dated October 1, 1998 and has been recorded as Instrument No. 1998-38836 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 6.31 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 Statutory Warranty Deed dated October 20, 1999 from Greystone Cove, LLC to Owner (the "Deed"), the side building setback line for the Affected Lot was established as a fifteen (15) foot side setback.

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

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 or the Deed to the contrary, the side building setback line for the Affected Lot shall be eleven (11) feet as measured from the side property line of the Affected Lot as set forth on the site plan attached hereto as Exhibit A.

11/03/2000-38235
10:29 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
004 MMB 20.00

Inst # 2000-38235

2. All of the remaining setback lines established in the Deed 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 and the Deed. Owner further agrees that this Cove of 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 Cove of 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 Cove of Greystone Residential Variance as of the day and year first above written.

**THE COVE OF GREYSTONE ARCHITECTURAL
REVIEW COMMITTEE**

By: _____

Its: _____

OWNERS

BARRY J. ROWLAND

SHARON C. ROWLAND

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Steve Janney whose name as Chairman of the The Cove of Greystone 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 7th day of December, 1999.

Judith Ann Lawson

Notary Public

My commission expires: February 17, 2002

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Barry J. Rowland and Sharon C. Rowland are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they, have executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 7th day of December, 1999.

[Signature]
Notary Public

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sept 1, 2004
BONDED THRU NOTARY PUBLIC UNDERWRITERS

EXHIBIT A

SITE PLAN
LOT 82 B THE COVE OF GREYSTONE

PREPARED BY: K.B. WEYGAND & ASSOC.
2233 CAHABA VALLEY DRIVE
BIRMINGHAM, AL. 35242
(205) 991-8965

PREPARED FOR:
BARRY ROWLAND
1503 INVERNESS LANE
BIRMINGHAM, AL. 35242
(205) 991-7388

SCALE: 1" = 20'
JOB NO: 21762
DATE: 8-30-99

REV. 9-2-03
REV. 9-11-99

THE COVE OF GREYSTONE ARCHITECTURAL PLANS REVIEW	
DATE PLAN SUBMITTED	DATE REVIEWED
DATE 11/10/99	DATE 11/10/99
REVIEWER	
DATE	

* MARK LIMITS OF CLEARING
WITH TAPE PRIOR TO
ANY WORK. CONTACT
K.F.C. FOR REVIEW
PRIOR TO ANY CLEARING.

* INSTALL Silt FENCE
PRIOR TO ANY WORK
ON SITE.

GREYSTONE FARMS NORTH
ARCHITECTURAL PLANS REVIEW

APPROVED AS SUBMITTED

APPROVED AS NOTED

NOT APPROVED (RESUBMIT)

DATE 11/10/99

30' BUFFER

Inst # 2000-38235

11/03/2000-38235

10:29 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

004 MMB 20.00

