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**FIRST AMENDMENT TO**  
**THE NARROWS COMMERCIAL**  
**DECLARATION OF COVENANTS, CONDITIONS AND**  
**RESTRICTIONS**

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THIS FIRST AMENDMENT TO THE NARROWS COMMERCIAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and entered into as of the 30<sup>th</sup> day of November, 2000 by EQUINE PARTNERS, L.L.C., an Alabama limited liability company ("Developer").

**RECITALS:**

Developer has heretofore executed The Narrows Commercial Declaration of Covenants, Conditions and Restrictions March 27, 2000, which has been recorded as Instrument #2000-17137 in the Probate Office of Shelby County, Alabama (the "Declaration"). Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.

Developer desires to submit Additional Property to the terms and provisions of the Declaration, as provided in Section 2.3 of the Declaration.

Developer further desires to amend Section 6.16 with regard to certain underground storage tanks.

**NOW, THEREFORE**, in consideration of the premises, Developer does hereby amend the Declaration as follows:

1. **Additional Property.** Pursuant to the terms and provisions of Section 2.3 of the Declaration, Developer does hereby declare that the real property described in Exhibit A.1 attached hereto and incorporated herein by reference (the "Additional Property") shall be held, developed, improved, transferred, sold, conveyed, leased, occupied and used subject to all of the easements, covenants, conditions, restrictions, charges and regulations set forth in the Declaration, which shall be binding upon and inure to the benefit of all parties acquiring or having any right, title or interest in any portion of the Additional Property and their respective heirs, executors, administrators, personal representatives, successors and assigns. The Additional Property described in Exhibit A.1 attached hereto and the original Property described in the Declaration

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shall, for the purposes of the Declaration, collectively be referred to as the Property and all references in the Declaration to the Property shall mean the original Property as described in the Declaration as well as the Additional Property described herein.

2. **Above and Below Ground Tanks and Wells.** Section 6.16 is hereby deleted in its entirety and the following is substituted in lieu thereof:

Section 6.16 **Above and Below Ground Tanks and Wells.** No above-ground or below-ground tank for the storage of fuel, water or any other substances shall be located on any Lot without the express written approval of the ARC; provided, however, that the Owner of any below-ground storage tank approved by the ARC shall at all times comply with all federal, state and local laws, rules and regulations with regard to ownership, operation and maintenance of such below-ground storage tank. No private water wells may be drilled or maintained and no septic tanks or similar on-site sewage facilities may be installed or maintained on any Lot.

3. **Full Force and Effect.** Except as specifically modified and amended herein, all of the terms and conditions of the Declaration, as amended, shall remain in full force and effect.


**IN WITNESS WHEREOF**, Developer has caused this Second Amendment to The Narrows Commercial Declaration of Covenants, Conditions and Restrictions to be executed as of the day and year first above written.

**DEVELOPER:**

**EQUINE PARTNERS, L.L.C.,**

an Alabama limited liability company

By: The Crest at Greystone, Inc., an  
Alabama corporation,  
Its Member

By:   
William L. Thornton, III  
Its President

STATE OF ALABAMA           )  
  )  
COUNTY OF JEFFERSON       )

I, the undersigned, a notary public in and for said County in said State, hereby certify that William L. Thornton, III, whose name as President of The Crest at Greystone, Inc., an Alabama corporation, as Member of Equine Partners, L.L.C., an Alabama limited liability company, 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 such officer and with full authority, executed the same voluntarily for and as the act of said corporation as Member as aforesaid.

Given under my hand and official seal, this the 30<sup>th</sup> day of November, 2000.

Mary Paulette Johnson  
Notary Public

[SEAL]

My Commission Expires:

7/24/2001

This Instrument prepared by and upon recording should be return to:

Mary Thornton Taylor  
Dominick, Fletcher, Yeilding,  
Wood & Lloyd, P.A.  
2121 Highland Avenue South  
Birmingham, Alabama 35205

## CONSENT OF MORTGAGEE

SouthTrust Bank ("Mortgagee"), as the holder of that certain Mortgage and Security Agreement dated as of November 16, 2000, and recorded as Instrument No. 2000-\_\_\_\_\_ in the Office of the Judge of Probate of Shelby County, Alabama, (the "Probate Office"), as such mortgage may be amended or modified from time to time, has hereby joined in the execution of this First Amendment to The Narrows Commercial Declaration of Covenants, Conditions and Restrictions (the "Declaration") for the purpose of consenting to the execution of the First Amendment and all of the terms and provisions set forth therein; provided, however, that such consent shall not be deemed a consent to any further amendment to the terms and provisions of the Declaration.

Dated the 1<sup>st</sup> day of December, 2000.

**SOUTHTRUST BANK**

By: 

Its: Group Vice President

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Stephen T. Hodges, whose name as Group Vice President, of SouthTrust Bank, 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 such officer and with full authority, executed the same voluntarily for and as the act of said Bank.

Given under my hand and official seal, this the 15<sup>th</sup> of December, 2000.

Elizabeth Jewel Traser  
Nppotary Public

[SEAL]  
My commission Expires:  
9-27-04

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**EXHIBIT A.1**

Lot 2 according to The Narrows Commercial Subdivision, Sector 2, as recorded in Map Book 27, Page 73 in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.

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