

STATE OF ALABAMA)

SHELBY COUNTY)

**AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS
RESTRICTIONS AND RIGHTS
HIGHLANDS**

The undersigned, James W. Glasgow and Margaret R. Glasgow, (hereinafter "the Declarant") are the owners and developers of the property known as "Highlands, Second Sector, Phase III" (hereinafter "the subject property") situated in Shelby County, Alabama, as shown on the plat recorded in Map Book 26, Page 63, in the Probate Office of Shelby County, Alabama.

WITNESSETH:

Whereas, the Declarant hereby declares that the property is subject to the Declaration of Covenants, Conditions, Restrictions and Rights, Highlands, (hereinafter "the Covenants") which is recorded in Instrument # 1999-48602 in the Probate Office of Shelby County, Alabama.

Whereas, the Declarant has sold Lot 4 of the subject property to Christopher Brent Smith who has erected a residence on said Lot as shown on Exhibit "A" attached hereto. The residence required a variance from the Shelby County Planning Commission (hereinafter "the Commission") approving a two foot Front Yard Setback Variance to the required thirty foot setback in an R-1 zoning district which was approved by the Commission on June 3, 2002 as shown on Exhibit "B" attached hereto. Paragraph 10 of the Covenants require a minimum thirty-five (35') setback.

Now, therefore, the Declarant is desirous of amending the Paragraph 10 of the Covenants for Lot 4 only as follows:

10. SET BACK LINE: Lot 4 must be set back a minimum of thirty feet (30') plus an additional two foot (2') variance as approved and allowed by the Shelby County Planning Commission in its resolution dated June 3, 2002. (The actual setback being twenty-eight feet (28')).

This amendment shall apply to Lot 4 only and all other conditions, rights and restrictions contained in the Covenant remain the same.

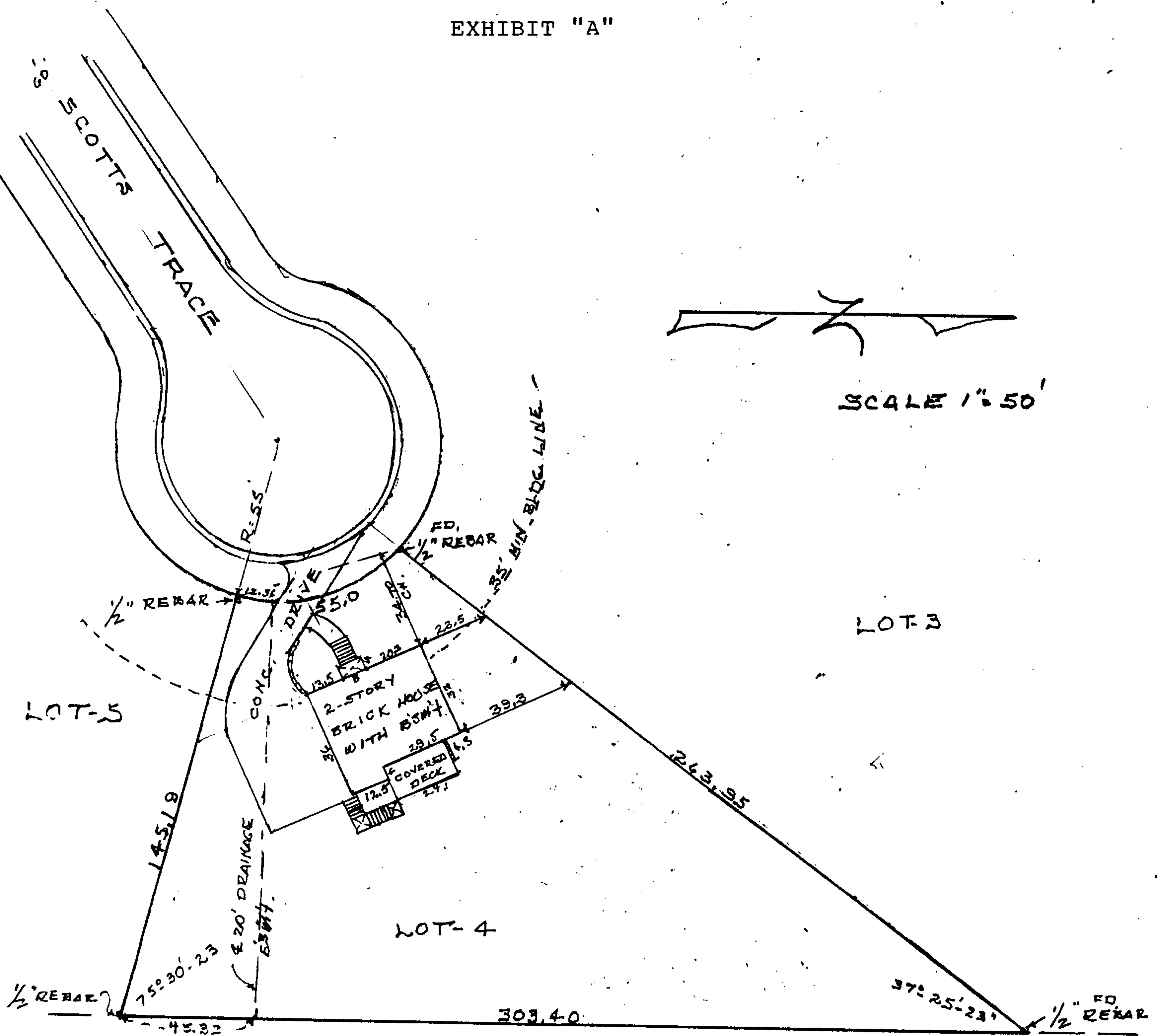
In witness whereof, the Declarant has set its hand and seal this the 19th day of July, 2002.

The Highlands

By: James W. Glasgow
James W. Glasgow

Margaret R. Glasgow
Margaret R. Glasgow

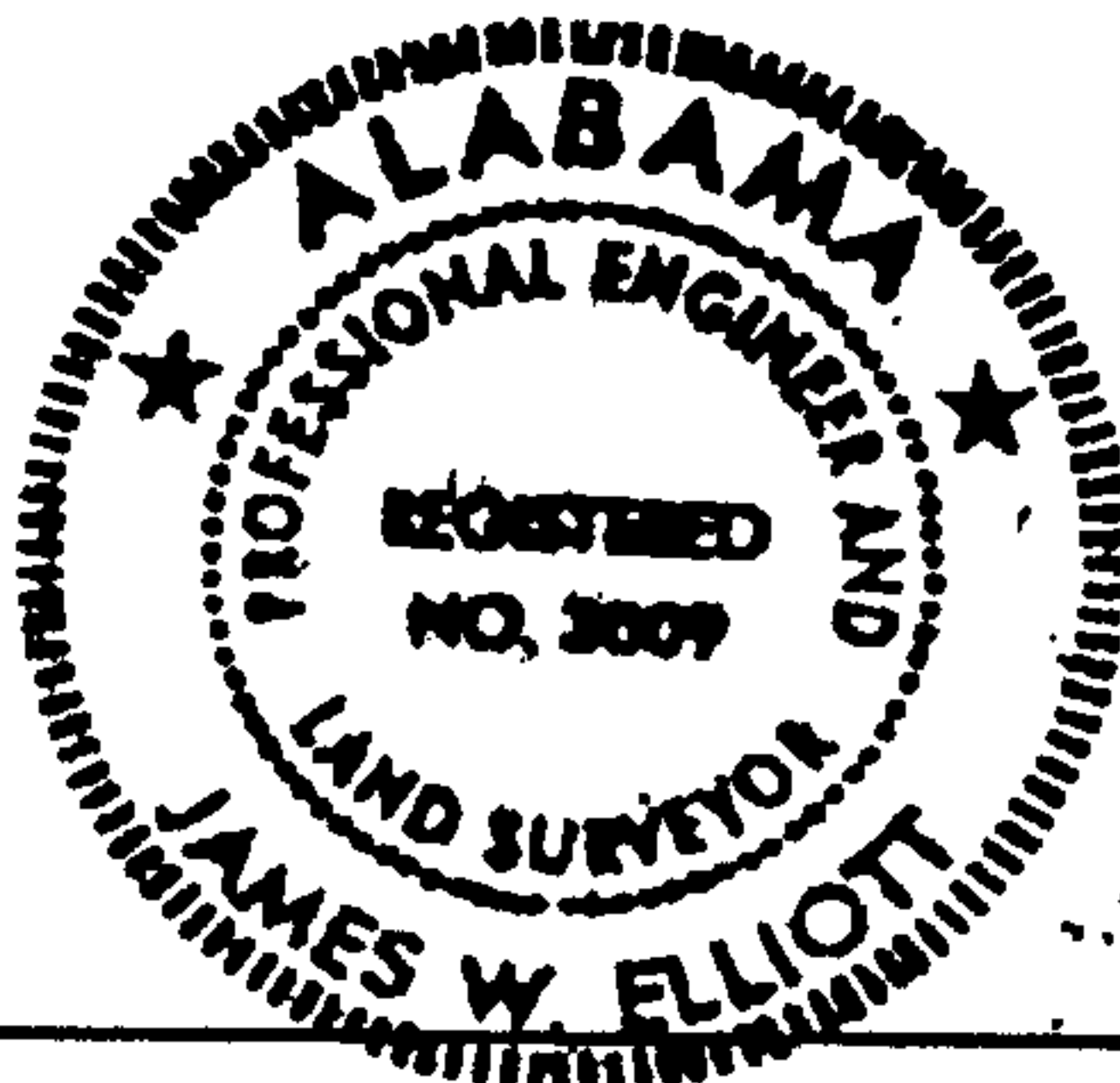
EXHIBIT "A"



STATE OF ALABAMA COUNTY OF SHELBY.....

I, James W. Elliott, a Registered Engineer—Land Surveyor hereby certify that the foregoing is a true and correct map or plot of Lot4..... Block , according to MAP OF HIGHLAND AVE. 2ND SECTOR PHASE II..... , as recorded in Map Book26..... , Page63..... , Judge of Probate Office, ...SHELBY..... County, Alabama; that the buildings now erected on said lot are within the lines of same; that there are no encroachments by buildings on adjoining property; that there are no easements, rights-of-way, or joint driveways over or across said lot visible on the surface, except as shown; that there are no electric or telephone wires, excluding wires which serve the premises only, or structures or supports therefor, including poles, anchors, and guy wires on or over said lot visible on the surface, except as shown; this is to certify that I have consulted the Federal Insurance Flood Hazard Maps and found that the above described lot is not located in a special flood hazard area.

I certify that the survey was made in accordance with the minimum technical standards for land surveying in the State of Alabama; that the correct address is300 SCOTT'S TRACE, BESSEMER....., Alabama. according to my survey this12TH... day ofAPRIL..... , 2002..



James W. Elliott
James W. Elliott, PE/LS
AL. Reg. No. 3009
371 GAMELE MINE ROAD
Jasper, AL. 35508

20020808000375250 Pg 4/4 20.00
Shelby Cnty Judge of Probate, AL
08/08/2002 14:57:00 FILED/CERTIFIED

EXHIBIT "B"

RESOLUTION OF THE SHELBY COUNTY PLANNING COMMISSION
From the Department of Planning & Development

June 3, 2002

Case No. V-07-02 Highland 2nd Sector, Phase III, Lot 4 - Front Yard Setback

Purpose: This is a request from Ronald Shaw, on behalf of Christopher Brent Smith, for approval of a 7 foot variance from the required 35 foot front yard setback. The purpose of the variance is to bring the house constructed, into compliance with the setback.

Location: The property is located at 200 Scott's Trace, in The Highlands Second Sector, Phase III, Lot 4 and in Section 14, Township 20 South, Range 4 West. The property parcel number is 58-12-6-14-0-001-005.036.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED, that in Case No. V-07-02, Highlands Second Sector, Phase III, Lot 4 that a two foot (2') Front Yard Setback Variance to the required thirty foot (30') setback in an R-1 zoning district, is hereby **APPROVED**.