
FIFTH AMENDMENT TO
THE NARROWS RESIDENTIAL
DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS

THIS FIFTH AMENDMENT TO THE NARROWS RESIDENTIAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and entered into as of the 1st day of October, 2002, by KOO, LLC, an Alabama limited liability company ("Developer").

R E C I T A L S :

The Narrows Residential Declaration of Covenants, Conditions and Restrictions dated March 27, 2000, has hereto been duly executed and recorded as Instrument #2000-09755 in the Probate Office of Shelby County, Alabama, has been amended by the First Amendment thereto, dated May 24, 2000 and recorded as Instrument #2000-17136 in said Probate Office, and further amended by the Second Amendment thereto, dated October 16, 2000, and recorded as Instrument #2000-36696 in said Probate Office, and further amended by the Third Amendment thereto, dated August 29, 2001, and recorded as Instrument #2001-38328, and further amended by the Fourth Amendment thereto, dated August 27, 2002, and recorded as Instrument #20020905000424180 in said Probate Office (collectively, 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 2.2 of the Declaration.

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 2.2 of the Declaration, Developer does hereby declare that the real property described in Exhibit "A" attached hereto and incorporated hereby 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" attached hereto and the original Property described in the Declaration 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.

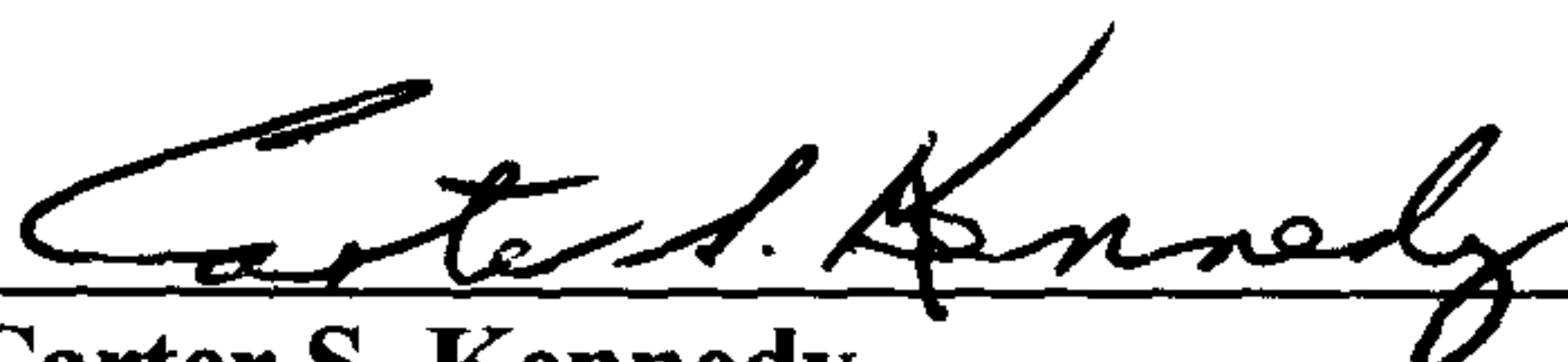
Cahaba Title, Inc.

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

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

DEVELOPER:


KOO, LLC, an Alabama limited liability company

By: 
Carter S. Kennedy
As its Manager

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Carter S. Kennedy, whose name as Manager of **KOO, LLC**, an Alabama limited liability company, is signed to the foregoing Amendment, and who is known to me, acknowledged before me, on this day that, being informed of the contents of such Amendment, he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal, this 1st day of October, 2002.


Notary Public

[SEAL]

My commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Jun 21, 2005
BONDED THRU NOTARY PUBLIC UNDERWRITERS

AFTER RECORDING, PLEASE RETURN TO:

James J. Odom, Jr., Esq.
211-B Yeager Parkway
Pelham, AL 35124

EXHIBIT "A"

The Final Record Plat of Narrows Reach Sector, Phase 2, as recorded in Map Book 30, at Pages 58A and 58B, in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.