

STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

**FIFTH AMENDMENT TO THE CREST
AT GREYSTONE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS FIFTH AMENDMENT to The Crest at Greystone Declaration of Covenants, Conditions and Restrictions is made and entered into as of the 3rd day of September, 2003 by DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership ("Developer").

RECITALS:

Developer has heretofore executed The Crest at Greystone Declaration of Covenants, Conditions and Restrictions dated October 2, 1992 which has been recorded as Instrument No. 1992-22103 in the Office of the Judge of Probate of Shelby County, Alabama, which has been amended by (i) First Amendment thereto dated February 3, 1994 and recorded as Instrument No. 1994-03752 in said Probate Office, (ii) Second Amendment thereto dated January 10, 1995 and recorded as Instrument No. 1995-00941 in said Probate Office, (iii) Third Amendment thereto dated October 25, 1995 and recorded as Instrument No. 1995-32703 in said Probate Office and (iv) Fourth Amendment thereto dated August 22, 2001 and recorded as Instrument No. 2001-38397 (collectively, the "Declaration"). *Capitalized terms not otherwise expressly defined herein shall have the meanings given to them in the Declaration.*

Developer desires to (i) submit Additional Property to the terms and provisions of the Declaration, as provided in Section 2.02 of the Declaration, all of which shall constitute common areas as defined in the Declaration, and (ii) add additional provisions to Section 6.22.

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 2.02 of the Declaration, Developer does hereby declare that the real property described in Exhibit A-3 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-3 attached hereto, the original Property described in the Declaration and all Additional Property heretofore submitted by Developer to the terms and provisions of 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, all Additional Property heretofore submitted to the terms and provisions of the Declaration as well as the Additional Property described herein. All

of the Additional Property described in Exhibit A-3 hereto shall constitute and be deemed to be the Common Areas, as defined in the Declaration.

2. **Pets and Animals.** The Declaration is amended by adding the following at the end of Section 6.22:

"Notwithstanding anything provided herein to the contrary, to the extent any Owner or Occupant violates any of the laws, statutes, ordinances, rules or regulations of the City of Hoover, Alabama with respect to any pets or other animals maintained by such Owner or Occupant on or within any Lot or Dwelling or within any portion of the Development, then enforcement of such laws, statutes, ordinances, rules and regulations shall be solely by the City of Hoover, Alabama and not the Association."

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

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

DEVELOPER:

**DANIEL OAK MOUNTAIN LIMITED
PARTNERSHIP**, an Alabama limited
partnership

By: Daniel Realty Investment Corporation –
Oak Mountain, an Alabama corporation

By: Christopher A. Brown
Its: Sr Vice President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Christopher A. Brown whose name as Sr. Vice President of Daniel Realty Investment Corporation – Oak Mountain, an Alabama corporation, general partner of Daniel Oak Mountain Limited Partnership, an Alabama limited partnership, 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 member and with full authority, executed the same voluntarily for and as the act of said corporation, in its capacity as General Partner as aforesaid.

Given under my hand and official seal, this the 3rd day of September, 2003.

Debbie D. Stephens

Notary Public

My Commission Expires: April 10, 2006

THIS INSTRUMENT PREPARED BY AND UPON
RECORDING SHOULD BE RETURNED TO:

Stephen R. Monk, Esq.
Bradley Arant Rose & White LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203

EXHIBIT A-3

PARCEL I

A parcel of land situated in Section 33, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 3 inch capped iron locally accepted to be the Northwest corner of Section 27, Township 18 South, Range 1 West; thence run North 90 degrees, 00 minutes, 00 seconds East along the North line of said Section 27 and also along the North line of Greystone 7th Sector Phase II, as recorded in Map Book 19 on Page 121 and also along the North line of Greystone 7th Sector Phase III, as recorded in Map Book 20 on Page 50 and also along the North line of Greystone 7th Sector Phase IV, as recorded in Map Book 21 on Page 38 A & B and also along the North line of Greystone 7th Sector Phase V, as recorded in Map Book 23 on Page 61 all in the Office of the Judge of Probate, Shelby County, Alabama, for a distance of 3,990.18 feet to an iron pin found; thence continue North 90 degrees, 00 minutes, 00 seconds East for a distance of 779.57 feet to an iron pin found on the Northwest side of Lot 12 in The Crest at Greystone 1st Addition, as recorded in Map Book 19 on Page 52, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of 128 degrees, 30 minutes, 29 seconds and run South 38 degrees, 30 minutes, 29 seconds West along the Northwest side of Lots 12 through 1 in said The Crest at Greystone 1st Addition for a distance of 3,058.05 feet to an iron pin found at the Northeast corner of Lot 18 in the Amended Map The Crest at Greystone, as recorded in Map Book 18 on Page 17 A, B, C and D, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of 10 degrees, 55 minutes, 44 seconds and run South 49 degrees, 26 minutes, 13 seconds West along the Northwest side of Lots 18 and 17 in said Amended Map The Crest at Greystone for a distance of 514.32 feet to an iron pin found; thence turn an angle to the left of 11 degrees, 21 minutes, 00 seconds and run South 38 degrees, 05 minutes, 13 seconds West along the Northwest side of Lots 17-14 in said Amended Map The Crest at Greystone for a distance of 900.20 feet to an pin found at the Northeast corner of Lot 13 in said The Crest at Greystone; thence turn an angle to the right of 06 degrees, 12 minutes, 47 seconds and run South 44 degrees, 18 minutes, 00 seconds West along the Northwest side of Lots 13-10 in said Amended Map The Crest at Greystone for a distance of 965.68 feet to an iron pin found at the Northwest corner of said Lot 10; thence turn an angle to the left of 94 degrees, 43 minutes, 51 seconds and run South 50 degrees, 25 minutes, 51 seconds East along the Southwest side of said Lot 10 for a distance of 134.86 feet to an iron pin found at the Northeast corner of Lot B in said Amended Map The Crest of Greystone; thence turn an angle to the right of 89 degrees, 58 minutes, 49 seconds and run South 39 degrees, 32 minutes, 58 seconds West along the Northwest line of said Lot B for a distance of 150.00 feet to an iron pin found; thence turn an angle to the left of 89 degrees, 59 minutes, 58 seconds and run South 50 degrees, 27 minutes, 00 seconds East along the Southwest line of said Lot B for a distance of 164.11 feet to an iron pin found on the Northwest right-of-way line of Greystone Crest, a private road, said iron pin found being on a curve to the left having a central angle of 02 degrees, 38 minutes, 12 seconds and a radius of 825.89 feet; thence turn an angle to the left to the radius of said curve of 04 degrees, 31 minutes, 14 seconds and run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 38.01 feet to an iron pin found; thence run South 32 degrees, 23 minutes, 31 seconds West along said Northwest right-of-way line for a distance of 108.63 feet to an iron pin found on a curve to the left having a central angle of 06 degrees, 59 minutes,

51 seconds and a radius of 862.43 feet; thence run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 105.33 feet to an iron pin found on a reverse curve to the right having a central angle of 03 degrees, 47 minutes, 51 seconds and a radius of 1,661.46 feet; thence run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 110.12 feet to an iron pin found; thence run South 29 degrees, 11 minutes, 31 seconds West along said Northwest right-of-way line for a distance of 332.83 feet to an iron pin found on a curve to the left having a central angle of 04 degrees, 07 minutes, 52 seconds and a radius of 1,411.33 feet; thence run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 101.76 feet to an iron pin found; thence run South 25 degrees, 03 minutes, 39 seconds West along said Northwest right-of-way line for a distance of 68.47 feet to an iron pin found at the Southeast corner of Lot 9 in said Amended Map The Crest at Greystone; thence turn an angle to the right of 100 degrees, 09 minutes, 20 seconds and run North 54 degrees, 47 minutes, 01 seconds West along the Northeast side of said Lot 9 for a distance of 299.71 feet to a cross found at the Northeast corner of said Lot 9; thence turn an angle to the left of 95 degrees, 22 minutes, 01 seconds and run South 29 degrees, 50 minutes, 58 seconds West along the Northwest side of Lots 9, 8, 7 and 6 in said Amended Map The Crest at Greystone for a distance of 979.36 feet to an iron pin found at the Northeast corner of Lot 5 in said Amended Map The Crest at Greystone; thence turn an angle to the right of 05 degrees, 21 minutes, 37 seconds and run South 35 degrees, 12 minutes, 35 seconds West along the Northwest side of Lots 5 through 1 in said Amended Map The Crest at Greystone for a distance of 1,125.15 feet to a nail found at the Northwest corner of said Lot 1, said nail being the point of beginning; thence turn an angle to the left of 90 degrees, 02 minutes, 52 seconds and run South 54 degrees, 50 minutes, 17 seconds East along the Southwest line of said Lot 1 for a distance of 124.91 feet to a nail found at the Northernmost corner of Lot A in said Amended Map The Crest at Greystone; thence run South 35 degrees, 13 minutes, 02 seconds West along the Northwest line of said Lot A for a distance of 149.93 feet to an iron pin found; thence run South 54 degrees, 48 minutes, 19 seconds East along the Southwest line of said Lot A for a distance of 152.54 feet to an iron pin found on the Northwest right-of-way line of Greystone Crest, said iron pin found being on a curve to the left having a central angle of 02 degrees, 10 minutes, 01 seconds and a radius of 1,506.70 feet; thence run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 56.98 feet to a point on a compound curve to the left having a central angle of 20 degrees, 59 minutes, 32 seconds and a radius of 351.87 feet; thence run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 117.93 feet to a point; thence run South 24 degrees, 18 minutes, 11 seconds West along said Northwest right-of-way line for a distance of 65.28 feet to a point on a curve to the right having a central angle of 10 degrees, 08 minutes, 53 seconds and a radius of 538.12 feet; thence run in a Southwesterly direction along said Northwest right-of-way line for a distance of 95.31 feet to a point; thence run South 34 degrees, 27 minutes, 14 seconds West for a distance of 38.54 feet to a point on a curve to the left having a central angle of 28 degrees, 09 minutes, 22 seconds and a radius of 284.20 feet; thence run in a Southwesterly direction along said Northwest right-of-way line for a distance of 139.66 feet to a point; thence run South 06 degrees, 17 minutes, 42 seconds West for a distance of 36.32 feet to a point on a curve to the right having a central angle of 30 degrees, 00 minutes, 00 seconds and a radius of 254.90 feet; thence run in a Southwesterly direction along said Northwest right-of-way line for a distance of 133.47 feet to a point; thence run South 36 degrees, 17 minutes, 42 seconds West for a distance of 30.00 feet to a point on a curve to the left having a central angle of 06 degrees, 00 minutes, 00 seconds and a radius of 1,456.09 feet; thence run in a Southwesterly direction along said Northwest right-of-way line for

a distance of 152.48 feet to a point; thence run South 30 degrees, 17 minutes, 42 seconds West for a distance of 159.70 feet to a point; thence run South 65 degrees, 08 minutes, 51 seconds West along said Northwest right-of-way line for a distance of 35.00 feet to a point; thence run South 04 degrees, 33 minutes, 27 seconds East along said Northwest right-of-way line for a distance of 35.00 feet to a point; thence run South 31 degrees, 07 minutes, 07 seconds West for a distance of 39.80 feet to a point on a curve to the right having a central angle of 166 degrees, 22 minutes, 28 seconds and a radius of 5.00 feet; thence run in a Southwesterly to Northwesterly direction along the arc of said curve for a distance of 14.52 feet to a point on the Southeast right-of-way line of Hugh Daniel Drive; thence run North 16 degrees, 40 minutes, 10 seconds East for a distance of 75.89 feet to a point on a curve to the right having a central angle of 10 degrees, 20 minutes, 33 seconds and a radius of 950.00 feet; thence run in a North easterly direction along the arc of said curve and also along said Southeast right-of-way line for a distance of 171.49 feet to a point; thence run North 27 degrees, 00 minutes, 43 seconds East for a distance of 193.23 feet to a point on a curve to the left having a central angle of 160 degrees, 19 minutes, 19 seconds and a radius of 156.66 feet; thence run in a Northwesterly to Southwesterly direction along the arc of said curve and also along said Southeast right-of-way line for a distance of 438.36 feet to an iron pin found; thence turn an angle from the chord of last stated curve to the right of 88 degrees, 57 minutes, 56 seconds and run North 35 degrees, 50 minutes, 45 seconds East for a distance of 815.48 feet to the point of beginning; said parcel containing 4.910 acres, more or less.

LESS AND EXCEPT:

The following is the description of a tract of land situated in the Southeast quarter of the Northeast quarter of Section 33, Township 18 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the Southwest corner of the Northwest quarter of Section 33; thence North 00 degrees, 51 minutes, 35 seconds West 628.96 feet along the West line of said section; thence 90 degrees right 4,909.14 feet to the point of beginning; thence 40 degrees, 41 minutes, 23 seconds right 49.02 feet; thence 90 degrees left 105.00 feet; thence 90 degrees left 106.45 feet; thence 82 degrees, 32 minutes, 53 seconds left 105.89 feet; thence 97 degrees, 27 minutes, 07 seconds left 71.16 feet to the point of beginning and containing 0.27 acres, more or less.

PARCEL II

Commence at a 3 inch capped iron locally accepted to be the Northwest corner of Section 27, Township 18 South, Range 1 West; thence run North 90 degrees, 00 minutes, 00 seconds East along the North line of said Section 27 and also along the North line of Greystone 7th Sector Phase II, as recorded in Map Book 19 on Page 121 and also along the North line of Greystone 7th Sector Phase III, as recorded in Map Book 20 on Page 50 and also along the North line of Greystone 7th Sector Phase IV, as recorded in Map Book 21 on Page 38 A & B and also along the North line of Greystone 7th Sector Phase V, as recorded in Map Book 23 on Page 61 all in the Office of the Judge of Probate, Shelby County, Alabama, for a distance of 3,990.18 feet to an iron pin found; thence continue North 90 degrees, 00 minutes, 00 seconds East for a distance of 779.57 feet to an iron pin found on the Northwest side of Lot 12 in The Crest at Greystone 1st Addition, as recorded in Map Book 19 on Page 52, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of 128 degrees, 30 minutes, 29 seconds and run South 38 degrees, 30 minutes, 29 seconds West along the Northwest side

of Lots 12 through 1 in said The Crest at Greystone 1st Addition for a distance of 3,058.05 feet to an iron pin found at the Northeast corner of Lot 18 in the Amended Map The Crest at Greystone, as recorded in Map Book 18 on Page 17 A, B, C and D, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of 10 degrees, 55 minutes, 44 seconds and run South 49 degrees, 26 minutes, 13 seconds West along the Northwest side of Lots 18 and 17 in said Amended Map The Crest at Greystone for a distance of 514.32 feet to an iron pin found; thence turn an angle to the left of 11 degrees, 21 minutes, 00 seconds and run South 38 degrees, 05 minutes, 13 seconds West along the Northwest side of Lots 17-14 in said Amended Map The Crest at Greystone for a distance of 900.20 feet to an iron pin found at the Northeast corner of Lot 13 in said The Crest at Greystone; thence turn an angle to the right of 06 degrees, 12 minutes, 47 seconds and run South 44 degrees, 18 minutes, 00 seconds West along the Northwest side of Lots 13-10 in said Amended Map The Crest at Greystone for a distance of 965.68 feet to an iron pin found at the Northwest corner of said Lot 10 and the point of beginning; thence turn an angle to the left of 94 degrees, 43 minutes, 51 seconds and run South 50 degrees, 25 minutes, 51 seconds East along the Southwest side of said Lot 10 for a distance of 134.86 feet to an iron pin found at the Northeast corner of Lot B in said Amended Map The Crest of Greystone; thence turn an angle to the right of 89 degrees, 58 minutes, 49 seconds and run South 39 degrees, 32 minutes, 58 seconds West along the Northwest line of said Lot B for a distance of 150.00 feet to an iron pin found; thence turn an angle to the left of 89 degrees, 59 minutes, 58 seconds and run South 50 degrees, 27 minutes, 00 seconds East along the Southwest line of said Lot B for a distance of 164.11 feet to an iron pin found on the Northwest right-of-way line of Greystone Crest, a private road, said iron pin found being on a curve to the left having a central angle of 02 degrees, 38 minutes, 12 seconds and a radius of 825.89 feet; thence turn an angle to the left to the radius of said curve of 04 degrees, 31 minutes, 14 seconds and run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 38.01 feet to an iron pin found; thence run South 32 degrees, 23 minutes, 31 seconds West along said Northwest right-of-way line for a distance of 108.63 feet to an iron pin found on a curve to the left having a central angle of 06 degrees, 59 minutes, 51 seconds and a radius of 862.43 feet; thence run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 105.33 feet to an iron pin found on a reverse curve to the right having a central angle of 03 degrees, 47 minutes, 51 seconds and a radius of 1,661.46 feet; thence run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 110.12 feet to an iron pin found; thence run South 29 degrees, 11 minutes, 31 seconds West along said Northwest right-of-way line for a distance of 332.83 feet to an iron pin found on a curve to the left having a central angle of 04 degrees, 07 minutes, 52 seconds and a radius of 1,411.33 feet; thence run in a Southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 101.76 feet to an iron pin found; thence run South 25 degrees, 03 minutes, 39 seconds West along said Northwest right-of-way line for a distance of 68.47 feet to an iron pin found at the Southeast corner of Lot 9 in said Amended Map The Crest at Greystone; thence turn an angle to the right of 100 degrees, 09 minutes, 20 seconds and run North 54 degrees, 47 minutes, 01 seconds West along the Northeast side of said Lot 9 for a distance of 299.71 feet to a cross found at the Northeast corner of said Lot 9; thence turn an angle to the right of 85 degrees, 28 minutes, 54 seconds and run North 30 degrees, 41 minutes, 35 seconds East for a distance of 1,034.70 feet to the point of beginning; said parcel containing 6.0 acres more or less.

PARCEL III

Lot A, according to the Amended Map of The Crest at Greystone as recorded in Map Book 18, Pages 17 A, B, C and D in the Office of the Judge of Probate of Shelby County, Alabama.

PARCEL IV

Lot B, according to the Amended Map of The Crest at Greystone as recorded in Map Book 18, Pages 17 A, B, C and D in the Office of the Judge of Probate of Shelby County, Alabama.

PARCEL V

"Greystone Crest", as described and shown on the Amended Map of The Crest at Greystone as recorded in Map Book 18, Pages 17 A, B, C and D in the Office of the Judge of Probate of Shelby County, Alabama.