


STATE OF ALABAMA)
COUNTY OF SHELBY)


20061026000528810 1/4 \$20.00
Shelby Cnty Judge of Probate, AL
10/26/2006 12:15:07PM FILED/CERT

**FIFTH AMENDMENT TO
AMENDED AND RESTATED DECLARATION
OF PROTECTIVE COVENANTS FOR
STERLING GATE SUBDIVISION AND
CEDAR GROVE AT STERLING GATE**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR STERLING GATE SUBDIVISION AND CEDAR GROVE AT STERLING GATE is made and entered into as of the 18th day of July, 2006, by **GREENBRIAR, LTD.**, an Alabama limited partnership (the "Developer").

RECITALS:

WHEREAS, the Developer has heretofore executed the Amended and Restated Declaration of Protective Covenants for Sterling Gate Subdivision and Cedar Grove at Sterling Gate dated May 24, 2005 (the "Declaration"), which has been recorded as Instrument No. 20050524000253230 in the Probate Office of Shelby County, Alabama. Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration; and

WHEREAS, the Developer desires to submit Additional Property to the terms and provisions of the Declaration, as provided in Section 2.02 of the Declaration.

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

1. **Additional Property.** Pursuant to the terms of Section 2.02 of the Declaration, the Developer does hereby declare that the real property described on Exhibit "A" 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 on Exhibit "A" hereto and the original Property described in the Declaration shall, for all 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. **Build-Out Requirements for Additional Property.** All lots and improvements within the Additional Property shall comply with the Build-Out Requirements set forth on the Exhibit "B" attached hereto and incorporated herein by reference.

3. **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, the Developer has caused this Fifth Amendment to Amended and Restated Declaration of Protective Covenants for Sterling Gate Subdivision and Cedar Grove at Sterling Gate to be executed as of the day and year first above written.

GREENBRIAR, LTD., an Alabama limited partnership

By: Farris Management Company, Inc., an Alabama corporation, Its Managing General Partner

By: Mary F. Roensch
Mary F. Roensch
President

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Mary F. Roensch, as President of Farris Management Company, Inc., an Alabama corporation, the Managing General Partner of **GREENBRIAR, LTD.**, 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, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as aforesaid.

Given under my hand and official seal, this the 18 day of July, 2006.

[SEAL]

Sharon Gaye Long
NOTARY PUBLIC
My Commission Expires: 5-7-2010

This instrument prepared by and upon
Recording should be returned to:
Justin D. Fingar, Esq.
Johnston, Conwell & Donovan, L.L.C.
813 Shades Creek Parkway, Suite 200
Birmingham, AL 35209



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EXHIBIT A

LEGAL DESCRIPTION OF ADDITIONAL PROPERTY

Sterling Gate Subdivision, Sector 5, as recorded in Map Book 37, Page 114, in the Office of the Judge of Probate of Shelby County, Alabama.

EXHIBIT B

BUILD-OUT REQUIREMENTS FOR ADDITIONAL PROPERTY

If a house has a brick front, then it shall be brick on the sides and rear also.

Single level residences shall have no less than two thousand seven hundred (2,700) square feet of living (heated and cooled) area. Two story residences shall have no less than THREE THOUSAND TWO HUNDRED (3,200) square feet.

All front and side yards to the rear corner of the house must either be covered by grass sod or be a natural area covered by mulch.

All side and rear setbacks must conform to the City of Alabaster zoning ordinance unless the City has issued a variance.