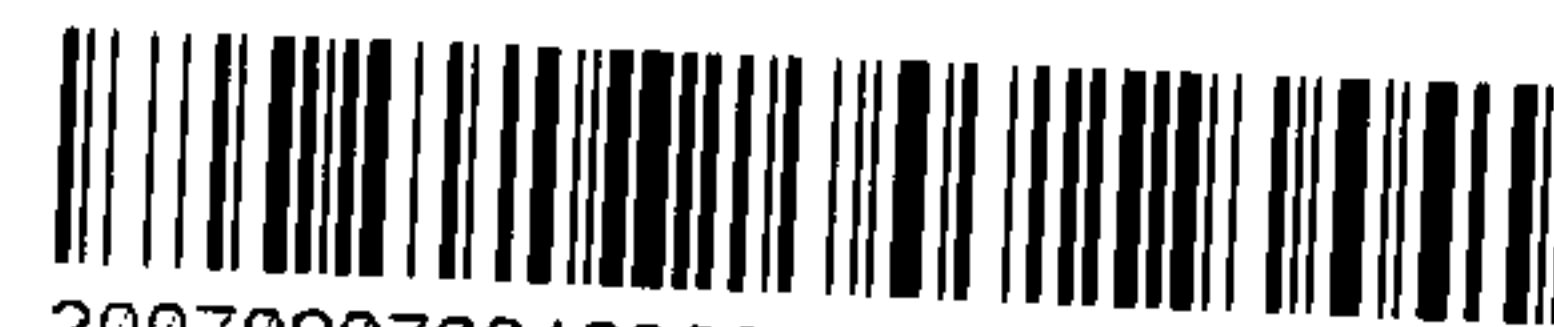


STATE OF ALABAMA)
:
COUNTY OF SHELBY)



20070807001236680 1/7
Bk: LR200712 Pg: 17957
Jefferson County, Alabama
I certify this instrument filed on:
08/07/2007 11:17:40 AM REST
Judge of Probate- Alan L. King

**SEVENTEENTH AMENDMENT TO GREYSTONE
LEGACY DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

THIS SEVENTEENTH AMENDMENT TO GREYSTONE LEGACY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Seventeenth Amendment") is made and entered into as of the 23rd day of July, but effective as of the 31st day of March, 2007, by GREYSTONE DEVELOPMENT COMPANY, LLC, an Alabama limited liability company (the "Developer").

RECITALS:

Developer has heretofore executed the Greystone Legacy Declaration of Covenants, Conditions and Restrictions dated as of December 1, 1999, which has been recorded as Instrument No. 1999-50995 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), which has been amended by (i) First Amendment thereto dated February 9, 2000 and recorded as Instrument No. 2000-04911 in said Probate Office, (ii) Second Amendment thereto dated September 28, 2000 and recorded as Instrument No. 2000-34390 in said Probate Office, (iii) Third Amendment thereto dated November 20, 2000 and recorded as Instrument No. 2000-40197 in said Probate Office, (iv) Fourth Amendment thereto dated April 26, 2001 and recorded as Instrument No. 2001-16407 in said Probate Office, (v) Fifth Amendment thereto dated November 7, 2001 and recorded as Instrument No. 2001-48193 in said Probate Office, (vi) Sixth Amendment thereto dated August 22, 2002 and recorded as Instrument No. 20020823000401390 in said Probate Office and (vii) Seventh Amendment thereto dated as of September 30, 2002 and recorded as Instrument No. 20021003000479580 in said Probate Office, (viii) Eighth Amendment thereto dated as of February 20, 2003 and recorded as Instrument No. 20030220000107790 in said Probate Office, (ix) Ninth Amendment thereto dated as of April 24, 2003 and recorded as Instrument No. 20030424000253400 in said Probate Office, (x) Tenth Amendment thereto dated as of May 7, 2003 and recorded as Instrument No. 20030507000283000 in said Probate Office, (xi) Eleventh Amendment thereto dated as of October 23, 2003 and recorded as Instrument No. 20031023000711510 in said Probate Office, (xii) Twelfth Amendment thereto dated as of October 31, 2003 and recorded as Instrument No. 20031105000735500 in said Probate Office, (xiii) Thirteenth Amendment thereto dated as of January 23, 2004 and recorded as Instrument No. 20040129000047160 in said Probate Office, (xiv) Fourteenth Amendment thereto dated as of May 21, 2004 and recorded as Instrument No. 20040521000271310 in said Probate Office, (xv) Fifteenth Amendment thereto dated September 27, 2004 and recorded as Instrument No. 20040927000532560 in said Probate Office and (xvi) Sixteenth Amendment thereto dated October 13, 2006 and recorded as Instrument No. 20061013000509240 in said Probate Office (collectively, with this Seventeenth Amendment, the "Declaration"). *Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.*



20070810000376920 1/7 \$32.00
Shelby Cnty Judge of Probate, AL
08/10/2007 12:17:42PM FILED/CERT

Developer desires to submit certain real property to the terms and provisions of the Declaration, as provided in Section 2.02 of the Declaration, and to otherwise amend the Declaration as hereinafter provided.

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 Additional Property described in Exhibit A-16 attached hereto and incorporated herein by reference shall be held, developed, improved, transferred, sold, conveyed, leased, occupied and used subject to all of the easements, covenants, conditions, restrictions, Assessments, charges, liens 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-16 attached hereto, the original Property described in the Declaration and all other real property heretofore submitted 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 other real property heretofore submitted to the terms and provisions of the Declaration and the Additional Property described herein.

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 Seventeenth Amendment to be executed as of the day and year first above written.

DEVELOPER:

GREYSTONE DEVELOPMENT COMPANY, LLC
an Alabama limited liability company

By: Daniel Realty Corporation, an Alabama
Corporation, Its Manager

By: Christopher A. B.
Its: President

STATE OF ALABAMA)
:
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Christopher A. Brown, whose name as President of DANIEL REALTY CORPORATION, an Alabama corporation, as manager of GREYSTONE DEVELOPMENT COMPANY, LLC, 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, in its capacity as manager of said limited liability company.

Given under my hand and official seal, this the 30th day of March, 2007.

Chris Tortorelli
Notary Public
My Commission Expires: March 3, 2008

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, AL 35203

EXHIBIT A-16

Additional Property

Legal Description of Common Area Property

1. "Common Area A" and "Common Area B", according to the Survey of Greystone Legacy, 1st Sector as recorded in Map Book 26, Pages 79 A, B and C in the Office of the Judge of Probate of Shelby County, Alabama.
2. Lot 136, according to the Survey of Greystone Legacy, 1st Sector as recorded in Map Book 26, Pages 79 A, B and C in the Office of the Judge of Probate of Shelby County, Alabama.
3. "Common Area", according to a Resurvey of Lot 114 Greystone Legacy, 1st Sector as recorded in Map Book 37, Page 8 in the Office of the Judge of Probate of Shelby County, Alabama.
4. "Common Area, Easement for Ingress and Egress, Utilities and Drainage", according to the Survey of Greystone Legacy, 2nd Sector as recorded in Map Book 27, Page 66 in the Office of the Judge of Probate of Shelby County, Alabama.
5. "Easement for Ingress and Egress and Utilities", according to the Resurvey of Common Area, Greystone Legacy, 2nd Sector as recorded in Map Book 29, Page 137 in the Office of the Judge of Probate of Shelby County, Alabama, less and except the following:

A parcel of land situated in the Southwest quarter of the Northeast quarter of Section 22, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 5/8 inch rebar found locally accepted to be the Southwest corner of said quarter-quarter section; thence run North along the West line of said quarter-quarter section for a distance of 206.76 feet to the point of beginning; thence continue along last stated course for a distance of 1072.68 feet to the Northwest corner of said quarter-quarter section; thence turn an angle to the right of 132 degrees, 09 minutes, 10 seconds, and run in a Southeasterly direction for a distance of 169.67 feet to a point on a curve to the left having a central angle of 33 degrees, 30 minutes, 46 seconds and a radius of 388.85 feet; thence turn an angle to the tangent of said curve to the right of 90 degrees, 00 minutes, 00 seconds and run in a Southwesterly direction along the arc of said curve for a distance of 227.44 feet to a point; thence run tangent to last stated curve in a Southwesterly direction for a distance of 164.07 feet to a point on a curve to the left having a central angle of 25 degrees, 37 minutes, 38 seconds and a radius of 300.01 feet; thence run in a Southwesterly to Southeasterly direction along the arc of said curve for a distance of 134.19 feet to a point; thence run tangent to last stated curve in a Southeasterly direction for a distance of 115.58 feet to a point on a curve to the right having a central angle of 43 degrees, 43 minutes, 46 seconds and a radius of 413.15 feet; thence run in a Southeasterly to Southwesterly direction along the arc of said curve

for a distance of 315.32 feet to a point; thence run tangent to last stated curve in a Southwesterly direction for a distance of 49.48 feet to the point of beginning. Said parcel containing 1.03 acres, more or less, being a portion of a Resurvey of a Common Area, Greystone Legacy, 2nd Sector, as recorded in Map Book 29, Page 137 in the Probate Office of Shelby County, Alabama.

6. "Common Area and Easement", according to a Resurvey of Lot 216 and Common Area, Greystone Legacy, 2nd Sector and Lot 324, Greystone Legacy 3rd Sector as recorded in Map Book 31, Page 55 in the Office of the Judge of Probate of Shelby County, Alabama.

7. "Common Area", according to the Survey of Greystone Legacy, 4th Sector as recorded in Map Book 28, Page 41 in the Office of the Judge of Probate of Shelby County, Alabama.

8. "Common Area A-1", according to a Resurvey of Lot 8 and "Common Area A", Greystone Legacy, 5th Sector, Phase IV as recorded in Map Book 35, Page 127 in the Office of the Judge of Probate of Shelby County, Alabama.

9. "Park and Easement Area", according to the Survey of Greystone Legacy, 7th Sector, as recorded in Map Book 30, Pages 43 A, B and C in the Office of the Judge of Probate of Shelby County, Alabama.

10. "Common Area and Easement", according to the Survey of Greystone Legacy, 8th Sector, Phase I as recorded in Map Book 31, Pages 14 A, B and C in the Office of the Judge of Probate of Shelby County, Alabama and as recorded in Map Book 209, Page 9 in the Office of the Judge of Probate of Jefferson County, Alabama.

11. "Common Area", according to the Resurvey of Lot 910, Greystone Legacy, 9th Sector as recorded in Map Book 37, Page 66 in the Office of the Judge of Probate of Shelby County, Alabama.

12. Legal Description of Gate Property

A right-of-way situated in the Southwest quarter of the Northeast quarter of Section 22, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows; begin at a 5/8 inch rebar found locally accepted to be the Southwest corner of said quarter-quarter Section; thence run North along the West line of said quarter-quarter Section for a distance of 59.93 feet to a 3/8 inch rebar found on the North right-of-way line of Saddle Creek Trail; thence turn an angle to the right of 89° 18' 48" and run in an easterly direction along said North right-of-way line for a distance of 150.00 feet to a point; thence turn an angle to the right of 14° 59' 05" and run in a Southeasterly direction for a distance of 154.26 feet to a point; thence turn an angle to the right of 113° 21' 03" and run in a Southwesterly direction for a distance of 25.55 feet to an iron pin found on the South line of said quarter-quarter Section; thence turn an angle to the right of 51° 39' 53" and run in a Westerly direction along the South line of said quarter-quarter Section for a distance of 283.88 feet to the point of beginning. Said right-of-way containing 14,810 square feet more or less.

13. Legal Description of a Portion of Saddle Creek Trail

That portion of that certain roadway and the right-of-way for the same known as Saddle Creek Trail, a private roadway (the "Roadway"), contiguous to and running along the entire length of the southern boundary of Lot 3, according to the Amended Map of Saddle Creek Run, as recorded in Map Book 15, Page 22 in the Office of the Judge of Probate of Shelby County, Alabama (the "Subdivision Plat"), which Roadway is shown on the Subdivision Plat and on the subdivision plat for Saddle Creek Farms, a private subdivision, as recorded in Map Book 14, Page 5 in the aforesaid Probate Office.

Being the same property quitclaimed to Grantor by (a) Shihan Y. Oyama by Quitclaim Deed dated December 26, 2000 and recorded as Instrument #2001-02150 in the Office of the Judge of Probate of Shelby County, Alabama and (b) Ronald E. Espstein by Quitclaim Deed dated December 20, 2000 and recorded as Instrument #2001-02151 in the Office of the Judge of Probate of Shelby County, Alabama.

Schedule of Private Streets

Greystone Legacy, 1st Sector

Legacy Drive, Langston Place, North Highfield Court, North Highfield Drive and Legacy Court as described and shown on the Survey of Greystone Legacy, 1st Sector as recorded in Map Book 26, Pages 79 A, B and C in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 2nd Sector

Legacy Drive, Ramsay Road and McCormack Way as described and shown on the Survey of Greystone Legacy, 2nd Sector as recorded in Map Book 27, Page 66 in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 3rd Sector

Ramsay Road and McCormack Way as described and shown on the Survey of Greystone Legacy, 3rd Sector as recorded in Map Book 27, Page 109 in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 4th Sector

Legacy Drive and Steward's Glen as described and shown on the Survey of Greystone Legacy, 4th Sector as recorded in Map Book 28, Page 41 in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 5th Sector, Phase I

Legacy Drive as described and shown on the Survey of Greystone Legacy, 5th Sector, Phase I as recorded in Map Book 29, Page 20 in the Office of the Judge of Probate of Shelby County, Alabama.

Total of Fees and Taxes-\$19.50
LINDA

Greystone Legacy, 5th Sector, Phase II

Legacy Drive and Springbank Terrace as described and shown on the Survey of Greystone Legacy, 5th Sector, Phase II as recorded in Map Book 32, Pages 85 A & B in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 5th Sector, Phase III

Legacy Drive and Saddle Creek Parkway as described and shown on the Survey of Greystone Legacy, 5th Sector, Phase III as recorded in Map Book 33, Page 56 in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 6th Sector

Legacy Drive, Crown Circle and Trinity Court as described and shown on the Survey of Greystone Legacy, 6th Sector as recorded in Map Book 29, Page 21 in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 7th Sector

Royal Mile as described and shown on the Survey of Greystone Legacy, 7th Sector as recorded in Map Book 30, Page 43 A, B and C in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 8th Sector, Phase I

Legacy Drive, as described and shown on the Survey of Greystone Legacy, 8th Sector, Phase I as recorded in Map Book 31, Pages 14 A, B and C in the Office of the Judge of Probate of Shelby County, Alabama.

Greystone Legacy, 8th Sector, Phase II

Perthshire Court, Deerhurst Court, Sutherland Place and Hillside Crescent as described and shown on the Survey of Greystone Legacy, 8th Sector, Phase II as recorded in Map Book 31, Pages 54 A, B and C in the Office of the Judge of Probate of Shelby County, Alabama and as recorded in Map Book 209, Page 80 in the Office of the Judge of Probate of Jefferson County, Alabama.

Greystone Legacy, 9th Sector

Springbank Terrace, Guardbridge Court, Aberlady Place, Glassford Court as described and shown on the Survey of Greystone Legacy, 9th Sector as recorded in Map Book 32, Pages 44 A and B in the Office of the Judge of Probate of Shelby County, Alabama.

Legacy Place

Woodward Court, as described and shown on the Survey of Legacy Place of Greystone as recorded in Map Book 27, Page 36 in the Office of the Judge of Probate of Shelby County, Alabama.