

This Instrument Prepared By:

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Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, Alabama 35203-2618


20140116000015970 1/5 \$26.00
Shelby Cnty Judge of Probate, AL
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STATE OF ALABAMA)
COUNTY OF SHELBY)

**FIRST AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR
Grey Oaks Sector I**

THIS FIRST AMENDMENT TO MENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR Grey Oaks Sector I (this "First Amendment") is hereby declared and imposed upon the real property described below as of January 15, 2014, by **GREY OAKS PROPERTIES, LLC**, an Alabama limited liability company, whose mailing address is: 127 1st Avenue North, 5th Floor, Birmingham, Alabama 35203 ("Declarant").

WITNESSETH:

WHEREAS, Declarant entered into that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions (the "Declaration") dated July 17, 2013 for the purpose of subjecting that certain property located in Shelby County, Alabama to the covenants, conditions and restrictions described in the Declaration. The Declaration is recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument # 20130802000315870.

WHEREAS, Developer now desires to subject additional property in the Development to the terms and provisions of the Declaration.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant does hereby amend the Declaration as follows:

1. **General Provisions.** Except as amended and modified by this First Amendment, all of the terms, covenants, conditions and agreements of the Declaration shall remain in full force and effect. In the event of any conflict between the Declaration and the provisions of this First Amendment, this First Amendment shall control. Any capitalized terms not defined herein shall have the meaning given to them in the Declaration.
2. **Acknowledgement of Recitals.** Declarant acknowledges and agrees that the foregoing Recitals are true, correct and complete and are hereby incorporated herein by reference.
3. **References.** All references to "Grey Oak Sector I" and "Grey Oaks-1st Sector" shall be deleted and replaced in their entirety with "Grey Oaks Sector 1 and Grey Oaks Sector 2."

4. **Property.** The first sentence of the first paragraph of the Declaration is hereby deleted and replaced in its entirety with the following:

WHEREAS, the undersigned, Grey Oaks Properties, LLC, an Alabama limited liability company (which, together with its successors and assigns in hereinafter referred to as "Developer"), is the owner of all of that certain real property situated in Shelby County, Alabama, which is commonly referred to as Grey Oaks Sector 1 and Grey Oaks Sector 2 and more particularly described on the Final Plat of Sector 1 and the proposed Final Plat of Sector 2 attached hereto as Exhibit B and made a part hereof (the "Property").

5. **Exhibit B.** The Declaration shall be amended by the addition of Exhibit B attached hereto immediately following Exhibit A.

6. **Time of Essence.** Time is of the essence of this First Amendment.

7. **Date of Agreement.** The date of this First Amendment is intended as a date for the convenient identification of the effective date of this First Amendment and is not intended to indicate that this First Amendment was executed and delivered on that date.

8. **Separability Clause.** If any provision of this First Amendment shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

9. **Counterparts.** This First Amendment may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same agreement.

10. **Governing Law.** The Declaration (as amended by this First Amendment) shall be construed in accordance with and governed by the laws of the State of Alabama (without regard to conflict of law principles).



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IN WITNESS WHEREOF, the undersigned caused this Declaration to be executed effective as of the day and year first above written.

DECLARANT:

GREY OAKS PROPERTIES, LLC,
an Alabama limited liability company

By: William G. Sanders, Jr.
Name: William G. Sanders, Jr.
Its: Manager

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William G. Sanders, Jr., whose name as Manager of Grey Oaks Properties, 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 such 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 this the 15th day of January, 2014.

Sharon Curry Evans
Notary Public

My Commission Expires: 7/18/16

[SEAL]



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EXHIBIT "B"

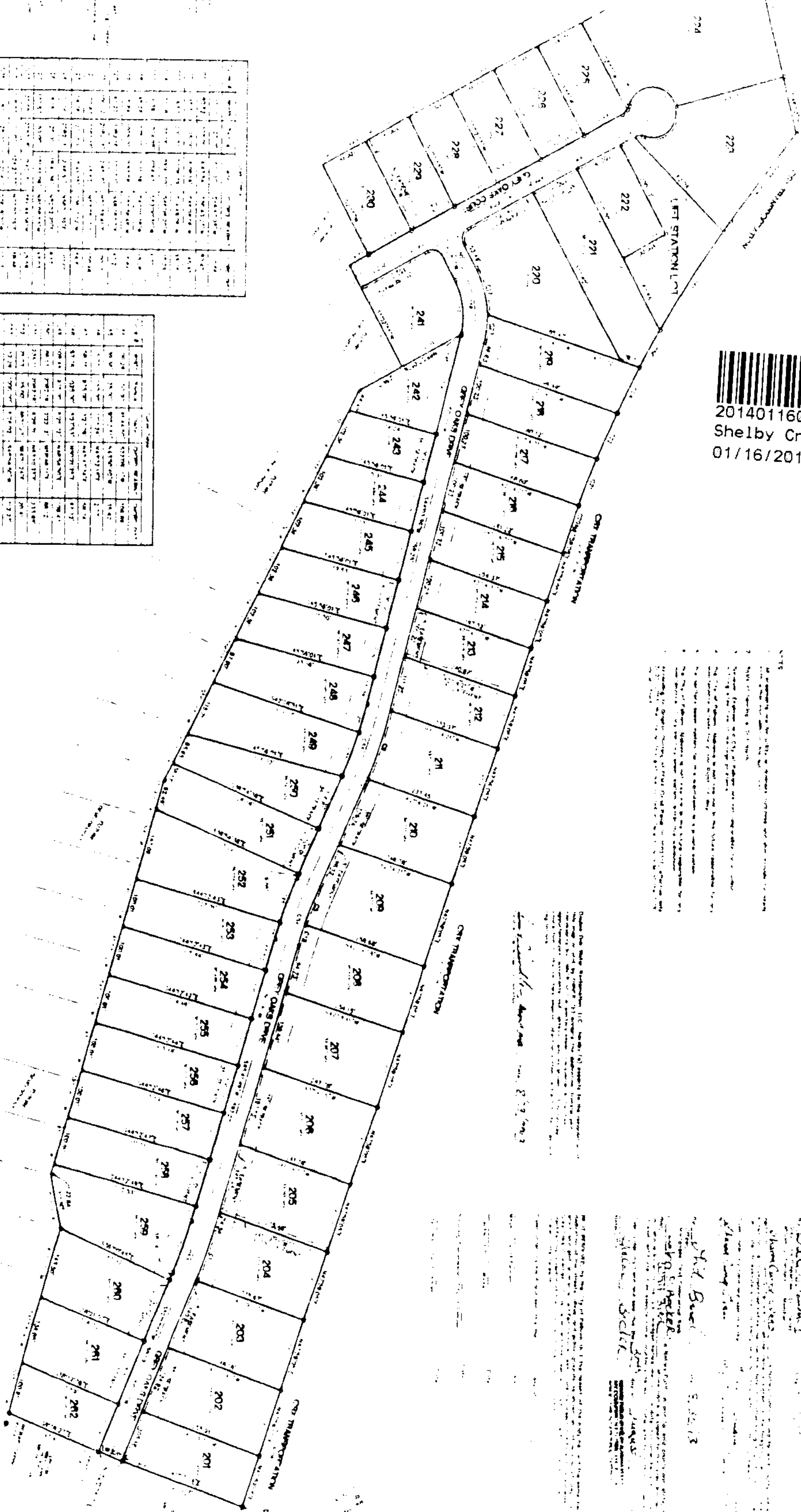
[See Attached]


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Exhibit "B"

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GREY OAKS
SECTOR 2 PHASE 1
 A SINGLE FAMILY RESIDENTIAL SUBDIVISION LOCATED IN
 SECTION 10 AND 11, ALL LOCATED IN TOWNSHIP 20 SOUTH,
 RANGE 2 WEST, SHELBY COUNTY, ALABAMA
 OWNER: GREY OAKS PROPERTIES, LLC
 1927 FIRST AVE 5TH FLOOR
 BIRMINGHAM, ALABAMA 35203



[Handwritten signatures and notes in the bottom right section, including names like 'John B. Smith' and 'John C. Smith'.]