

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

Defendant.

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) **CV-2014-900090.00**
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Lot 56, according to the Survey of Greystone, 5th sector, phase 1, as recorded in Map Book 17, Page 72 A, B and C, in the Probate Office of Shelby County, Alabama.

The Property is subject to the Restrictive Covenants which define "Improvements" to include, among other things, trees, shrubs, landscaping, fences, screening, pools and walls. In addition, the Restrictive Covenants contain specific requirements with respect to fences.

The Restrictive Covenants require that any changes or modifications to Improvements on the Property must be approved by ARC.

Defendant did make changes and modifications to Improvements on the Property without obtaining ARC approval.

This Court has considered all the defenses served by the Defendant, and finds them to either be not supported by facts or law.

WHEREAS; in consideration of the findings, this Court enters the following:

It is ORDERED, ADJUDGED and DECREED that:

1. Plaintiffs' request for injunctive relief is GRANTED to the extent provided herein. Defendant, and any successor in interest to the Property, is ORDERED and ENJOINED to:

a. Within 20 days of the entry of this Order, Defendant shall submit to the ARC a detailed plan for removal of the current wrought iron fence surrounding the pool on the subject Property and construction of a brick-clad solid masonry wall enclosing the pool area matching the exterior brick on the home at least 48" in height and a landscaping plan for sufficient new plantings between the golf course and the newly-constructed wall.

b. Within 14 days of receipt of the Defendant's plan, the ARC shall review and approve it or direct any modifications necessary to comply with this Order and the Restrictive Covenants. If Defendant fails to timely submit a plan, the ARC shall prepare and issue the plan.

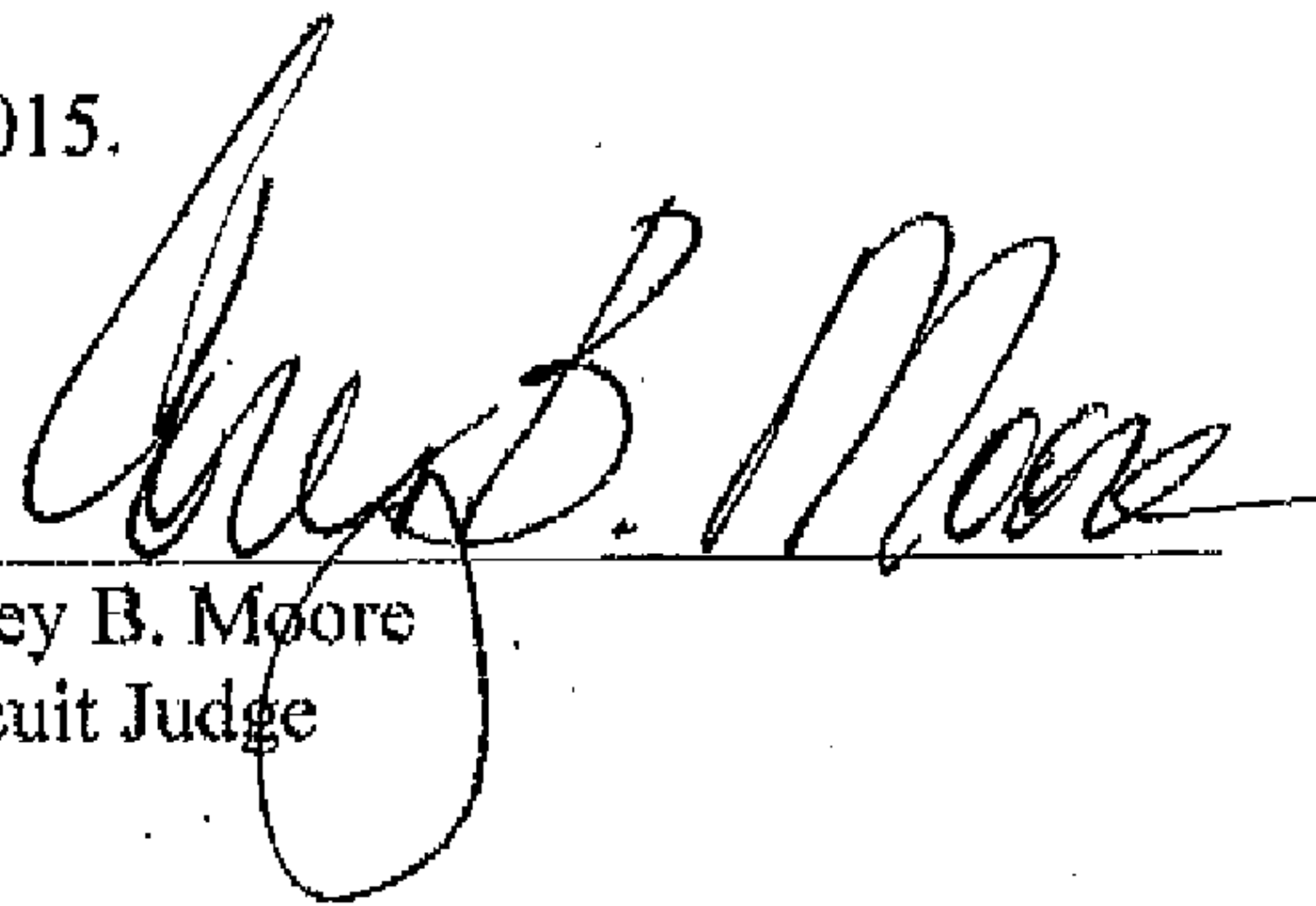
c. Defendant shall, at his cost, install the new wall, landscaping and other modifications as provided in the final ARC approved plan within thirty (30) days of the ARC's approval of the plan to comply with this Order.

2. Plaintiff GRA is entitled to recover its attorney's fees and costs in this action to enforce the Restrictive Covenants from the Defendant under the covenants. Plaintiffs' counsel shall submit an affidavit with detailed information supporting its fee claim within 14 days. A hearing on the motion for fees shall be held on January 27, 2016 at 1:30 p.m.

3. The order and injunction as provided herein, and the order entered on the application for fees and costs, shall be a lien against the Property and continuing obligation of the Defendant and any subsequent Property owner that shall run with the land until fully satisfied. This Order shall be recorded in the land records of Shelby County to further confirm and perfect said lien and obligation. The subject Property shall not be in compliance with the Restrictive Covenants until the obligations of this Order and any fee order are fully complied with.

4. Costs are taxed against the Defendant.

DONE, on this 7th day of December, 2015.



Corey B. Moore
Circuit Judge



Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
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