THIS INSTRUMENT PREPARED BY: Kelly Thrasher Fox, Esq. Hand Arendall LLC 1801 Fifth Avenue North, Suite 400 Birmingham, Alabama 35203 205-324-4400

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Shelby Cnty Judge of Probate: AL 07/28/2017 10:16:13 AM FILED/CERT

STATE OF ALABAMA COUNTY OF SHELBY

# AMENDMENT TO DECLARATION OF EASEMENTS AND MASTER PROTECTIVE COVENANTS FOR CHELSEA PARK, A RESIDENTIAL SUBDIVISION, 14<sup>TH</sup> SECTOR

THIS AMENDMENT TO DECLARATION OF EASEMENTS AND MASTER PROTECTIVE COVENANTS (this "Amendment") is made this 21st day of July, 2017 (the "Effective Date"), by **D.R. Horton, Inc. – Birmingham**, an Alabama corporation ("D.R. Horton"), and **Chelsea Park Residential Association, Inc.**, an Alabama nonprofit corporation (the "Association").

### WITNESSETH:

WHEREAS, Chelsea Park Holding, LLC, a Delaware limited liability company ("Chelsea Park Holding"), is the successor developer of Chelsea Park Subdivision (the "Subdivision") pursuant to that certain Statutory Warranty Deed, dated September 15, 2011, as recorded in Instrument 20110915000274050 in the Probate Office of Shelby County, Alabama. The Subdivision is subject to the Declaration of Easements and Master Protective Covenants for Chelsea Park, a Residential Subdivision, as set out in instrument recorded in Instrument 20041014000566950 in the Probate Office of Shelby County, Alabama (the "Master Declaration"), and the Declaration of Covenants, Conditions and Restrictions for Chelsea Park, 7th Sector, as recorded in Instrument 20061229000634370 in said Probate Office, as amended and supplemented by the Supplementary Declaration and Amendment as recorded in Instrument 20151230000442850 in said Probate Office (collectively, the "7th Sector Declaration"). The Association was established pursuant to the Master Declaration for the purpose of exercising the rights, duties and powers vested in the Association under the terms of the Master Declaration and the various Sector Covenants, including without limitation, the 7th Sector Declaration.

WHEREAS, on August 25, 2016, Chelsea Park Holding transferred to D.R. Horton all of its right, title and interest in and to the real property described on Exhibit A hereto (the "14<sup>th</sup> Sector Property"), which is in close proximity to the Subdivision, pursuant to that certain Warranty Deed recorded on August 30, 2016 as Instrument 20160830000314820 in the Probate Office of Shelby County, Alabama.

WHEREAS, on August 25, 2016, Chelsea Park Holding assigned to D.R. Horton its right to add the 14<sup>th</sup> Sector Property as Additional Property to the Master Declaration as provided for in Section 2.2 of the Master Declaration pursuant to that certain Partial Assignment of Developer's Rights recorded on August 30, 2016 as Instrument 20160830000314840 in the Probate Office of Shelby County, Alabama.

WHEREAS, D.R. Horton has subdivided and developed the 14<sup>th</sup> Sector Property into Lots as part of the Subdivision as shown on the plat of subdivision for Chelsea Park, 14<sup>th</sup> Sector recorded at Map Book 47, Pages 96A & B in the Probate Office of Shelby County, Alabama depicted on Exhibit B hereto (the "14th Sector Plat").

WHEREAS, the 14<sup>th</sup> Sector Property has already been subjected to the provisions of the 7<sup>th</sup> Sector Declaration.

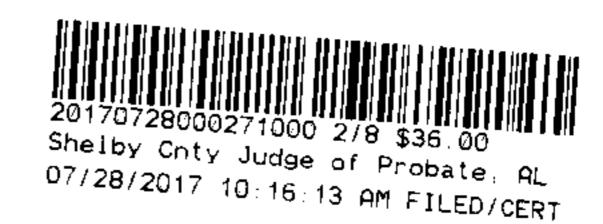
WHEREAS, D.R. Horton and the Association desire to amend the Master Declaration in accordance with the terms and conditions hereof.

### Amendment:

NOW THEREFORE, D.R. Horton and the Association hereby amend the Master Declaration as follows:

- 1. <u>Capitalized Terms</u>. Capitalized terms used herein unless otherwise defined herein shall have the meaning ascribed to such terms in the Master Declaration.
- 2. <u>Recitals</u>. The foregoing recitals are true and correct in all material respects and form an integral part of this Amendment, the same as if said recitals were included in the numbered paragraphs hereof.
- 3. Annexation of 14th Sector Property. The 14th Sector Property, including any improvements located thereon and hereafter constructed, is hereby annexed and subjected to the provisions of the Master Declaration, and such property shall be held, sold, transferred, conveyed, used, and occupied subject to the covenants, conditions, restrictions, easements, and terms set forth in the Master Declaration, as amended hereby. Upon the recording of this Amendment in the Probate Office of Shelby County, Alabama, each lot shown on the 14th Sector Plat shall be a "Lot" and all common areas shown on the 14th Sector Plat shall be "Common Area," as those terms are defined in the Master Declaration.
- 4. <u>Continued Effectiveness</u>. All of the applicable terms, conditions and provisions of the Master Declaration, as hereby supplemented and amended, are in all respects hereby ratified and reaffirmed, and the Master Declaration and this Amendment shall be read, taken, and construed as one and the same instrument. References in the Master Declaration and all exhibits thereto shall be deemed to be references to the Master Declaration as amended by this Amendment.

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IN WITNESS WHEREOF, D.R. Horton has executed this Amendment by and through its duly authorized representative as of the date first set forth above.

D. R. Horton, Inc. - Birmingham,

An Alabama corporation

Andrew Hancock

As Its Division President

STATE OF ALABAMA COUNTY OF Shelly

I, the undersigned notary public in and for said state and county, hereby certify that, Andrew Hancock, whose name as the Division President of D. R. Horton, Inc. - Birmingham, an Alabama corporation, 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 this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this <u>715</u> day of <u>July</u>

{SEAL}

NOTARY PUBLIC

My Commission Expired

BRENDA L GIBSON Notary Public, Alabama State At Large

My Commission Expires February 11, 2020

Shelby Cnty Judge of Probate, AL

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IN WITNESS WHEREOF, the Association has executed this Amendment by and through its duly authorized representative as of the date first set forth above.

## **ASSOCIATION:**

Chelsea Park Residential Association, Inc.,

An Alabama corporation

Its: PRESIDEN

STATE OF ALABAMA
COUNTY OF Jefferson

I, the undersigned notary public in and for said state and county, hereby certify that, Douglas D. Eddleran, whose name as the <u>president</u> of Chelsea Park Residential Association, Inc., a corporation, 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 this instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 18th day of

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My Commission Expires:

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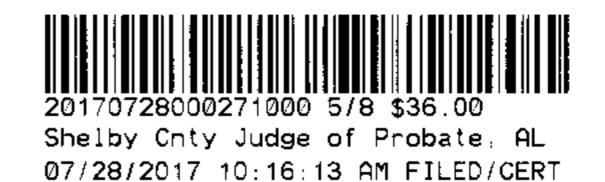
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### EXHIBIT A 14<sup>th</sup> SECTOR PROPERTY

A TRACT OF LAND SITUATED IN THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 31, AND THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 1 EAST, SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 1 EAST, SHELBY COUNTY ALABAMA; THENCE RUN NORTH 06°51'29" WEST AND ALONG THE PROPERTY BOUNDARY OF THE CHELSEA PARK HOLDING LLC TRACT DESCRIBED IN STATUTORY WARRANTY DEED 20110915000274040, AS RECORDED IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, FOR 251.06 FEET TO A POINT ON THE NORTHERLY LINE OF A 50 WIDE PLANTATION PIPELINE EASEMENT AND THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE RUN SOUTH 61°29'48" WEST AND ALONG SAID EASEMENT LINE FOR 576.75 FEET; THENCE RUN SOUTH 60°37'15" WEST AND ALONG SAID EASEMENT LINE FOR 175.97 FEET; THENCE RUN NORTH 41°39'43" WEST FOR 328.75 FEET; THENCE RUN NORTH 39°20'27" EAST FOR 220.04 FEET; THENCE RUN NORTH 60°47'57" EAST FOR 263.28 FEET; THENCE RUN NORTH 29°01'02" WEST FOR 56.55 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF CHELSEA PARK ROAD, AS RECORDED IN MAP BOOK 37 PAGES 107A, 107B, 107C, 107D, AND 107E, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; THENCE RUN NORTH 60°58'58" EAST AND ALONG SAID RIGHT OF WAY LINE FOR 60.00 FEET; THENCE RUN SOUTH 29°01'02" EAST FOR 100.44 FEET; THENCE RUN NORTH 62°00'59" EAST FOR 1749.60 FEET; THENCE RUN NORTH 58°52'13" EAST FOR 53.93 FEET; THENCE RUN NORTH 37°49'02" EAST FOR 54.41 FEET; THENCE RUN NORTH 35°10'12" EAST FOR 66.14 FEET; THENCE RUN NORTH 37°43'08" EAST FOR 71.83 FEET; THENCE RUN NORTH 46°00'07" EAST FOR 75.88 FEET; THENCE RUN SOUTH 39°38'46" EAST FOR 120.00 FEET TO THE POINT OF BEGINNING OF A NON TANGENT CURVE TO THE RIGHT; SAID CURVE HAVING A RADIUS OF 384.49 FEET, A CHORD BEARING OF NORTH 65°16'57" EAST; AND A CHORD LENGTH OF 196.95 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR 199.17 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID CHELSEA PARK ROAD; THENCE RUN SOUTH 07°25'31" EAST AND ALONG SAID RIGHT OF WAY LINE FOR 60.00 FEET TO THE POINT OF BEGINNING OF A NON TANGENT CURVE TO LEFT, SAID CURVE HAVING A RADIUS OF 341.68 FEET, A CHORD BEARING OF SOUTH 72°13'19" WEST; AND A CHORD LENGTH OF 83.67 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR 83.88 FEET; THENCE RUN SOUTH 25°02'44" EAST FOR 120.00 FEET; THENCE RUN SOUTH 30°37'53" EAST FOR 144.83 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PLANTATION PIPELINE EASEMENT; THENCE RUN SOUTH 61°05'09" WEST AND ALONG SAID EASEMENT LINE FOR 113.98 FEET; THENCE RUN SOUTH 61°36'03" WEST AND ALONG SAID EASEMENT LINE FOR 204.48 FEET; THENCE RUN SOUTH 60°53'09" WEST AND ALONG SAID EASEMENT LINE FOR 476,49 FEET; THENCE RUN SOUTH 61°04'26" WEST AND ALONG SAID EASEMENT LINE FOR 825.52 FEET; THENCE RUN SOUTH 61°29'48" WEST AND ALONG SAID EASEMENT LINE FOR 89.86 FEET; THENCE RUN NORTH 86°42'16" WEST FOR 146.41 FEET; THENCE RUN SOUTH 06°51'29" EAST FOR 83.00 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED.

SAID TRACT OF LAND CONTAINING 958,404.58 SQ. FT. OR 22.00 ACRES MORE OR LESS.



# EXHIBIT B 14<sup>th</sup> SECTOR PLAT

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