

STATE OF ALABAMA                     )  
   :  
COUNTY OF SHELBY                     )

**VARIANCE**

THIS VARIANCE (this "Variance") is made and entered into as of the 17<sup>th</sup> day of January, 2020 by the ARCHITECTURAL REVIEW COMMITTEE FOR THE BROCK POINT RESIDENTIAL ASSOCIATION, INC., an Alabama nonprofit corporation (the "ARC"), in favor of NSH CORP., an Alabama corporation d/b/a SIGNATURE HOMES ("Signature").

**RECITALS:**

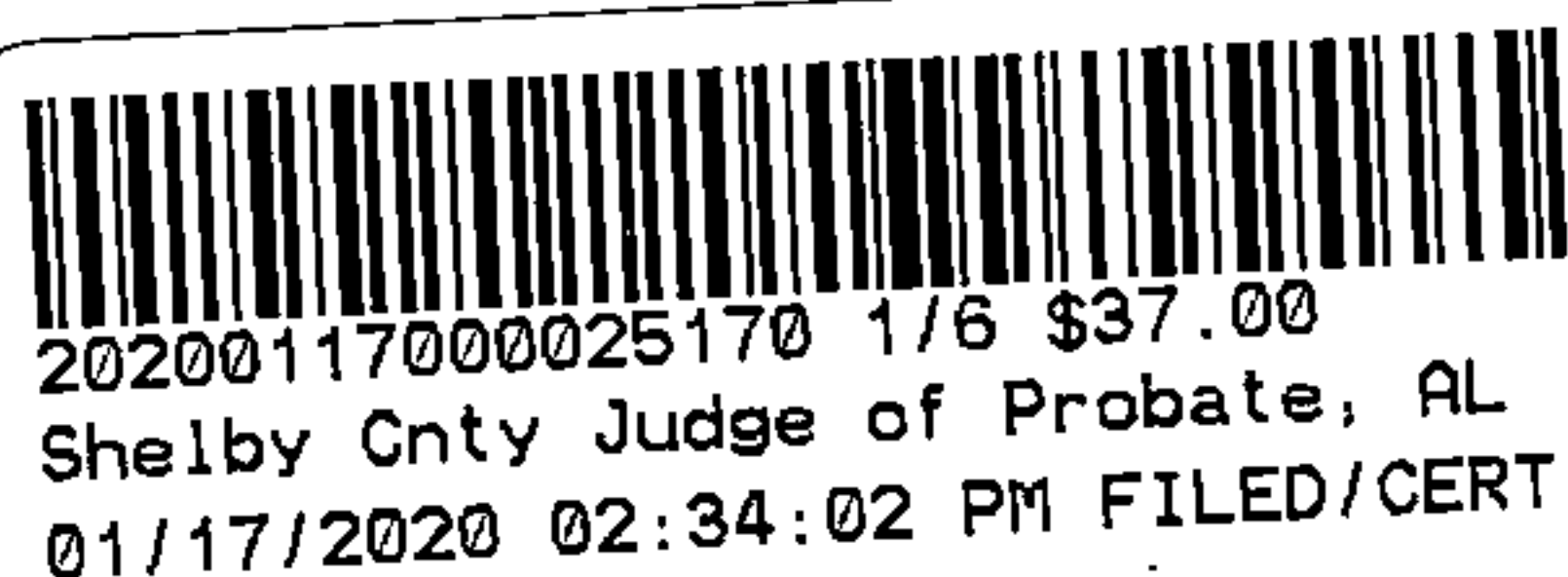
Signature is the owner of that certain real property ("Property") situated in Shelby County, Alabama which is more particularly described in Exhibit A attached hereto and incorporated herein by reference.

The Property is subject to the terms and provisions of the Brock Point Residential Declaration of Covenants, Conditions and Restrictions dated as of September 29, 2016 which has been recorded as Instrument 2016108854 in the Office of the Judge of Probate of Shelby County, Alabama; (i) as amended by the First Amendment thereto dated November 28, 2018 and recorded as Instrument 20181129000418000 in said Probate Office, (ii) as amended by the Second Amendment thereto dated November 28, 2018 and recorded as Instrument 20181129000418010, and (iii) as amended by the Third Amendment thereto dated November 28, 2018 and recorded as Instrument 20181129000418010 (collectively, "Declaration"). *Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.*

The Architectural Review Committee ("ARC") is the established pursuant to Article IV of the Declaration and, pursuant to the terms and provisions of Section 5.8 of the Declaration, has the right to grant variances with respect to any of the provisions of Article IV and Article V of the Declaration and any of the Rules and Regulations.

The Property is shown on the Final Plat for the Brock Point Residential Subdivision Phase 2-B, recorded in the Office of the Judge of Probate for Shelby County, Alabama in Map Book 50, Page 26 ("Plat"), a reduced-size copy of which is attached hereto as Exhibit B and incorporated herein by reference.

As shown on the Plat, the Property is subject to a twenty foot (20') front building setback along both the Scarlet Lane and Brock Circle boundaries of the Property.



Signature has requested that the ARC grant a variance to allow a rear yard fence enclosing a pool to intrude ten feet (10') into the twenty foot (20') front building setback along Brock Circle front.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the ARC does hereby grant to Signature, its successors and assigns, for the benefit of the Property a permanent and perpetual variance reducing the twenty foot (20') front building setback along Brock Circle to ten feet (10') to allow the construction of a rear yard fence enclosing a pool to intrude within such area of the Property.

Except as expressly modified and amended herein, all the remaining terms and provisions of the Declaration shall remain in full force and effect and shall be binding upon the Property.

IN WITNESS WHEREOF, the ARC has executed this Variance as of the day and year first above written.

**ARCHITECTURAL REVIEW COMMITTEE FOR  
THE BROCK POINT RESIDENTIAL  
ASSOCIATION, INC.,** an Alabama nonprofit  
corporation

By: 

Printed Name: Scott Rohrer

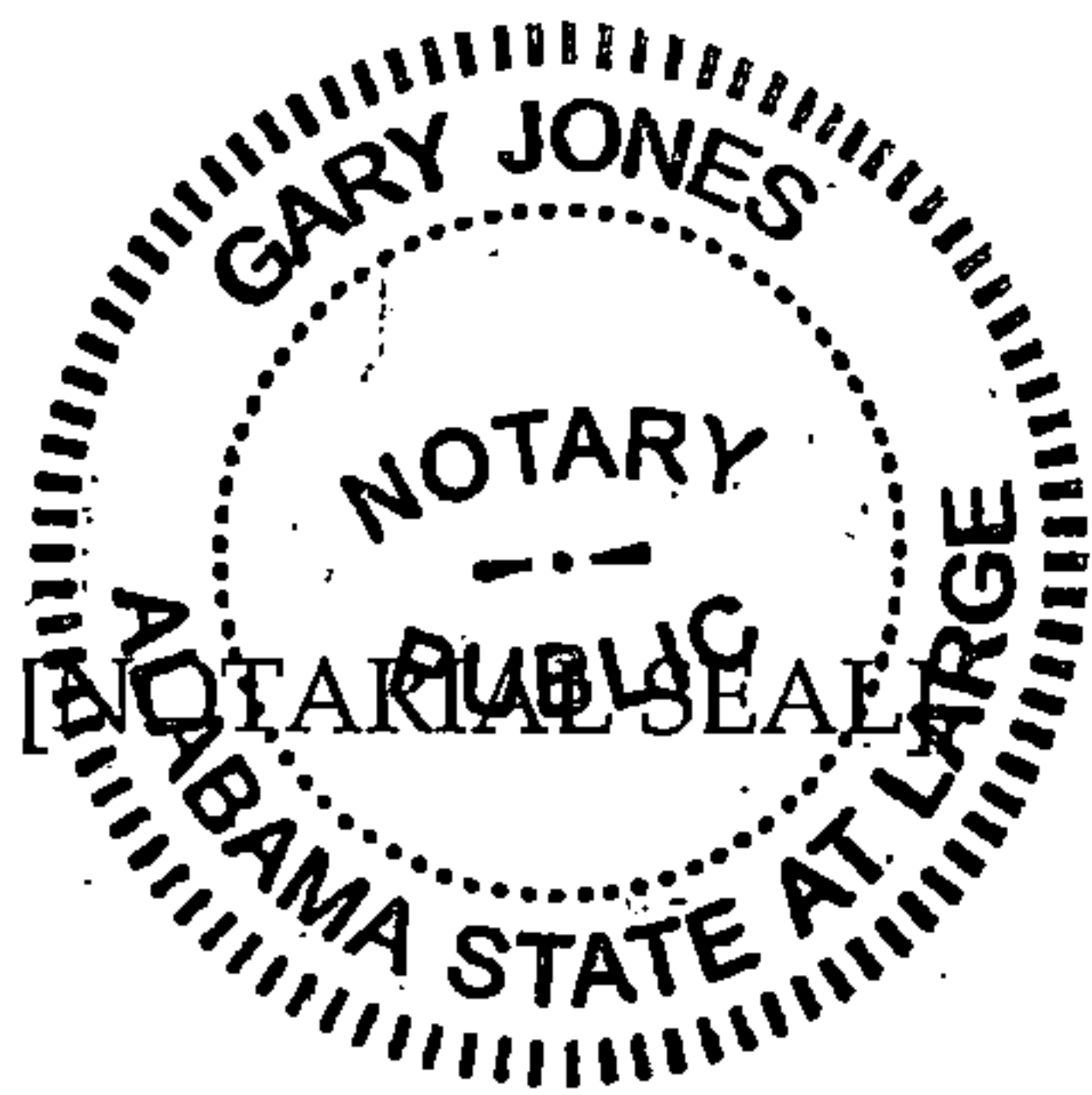


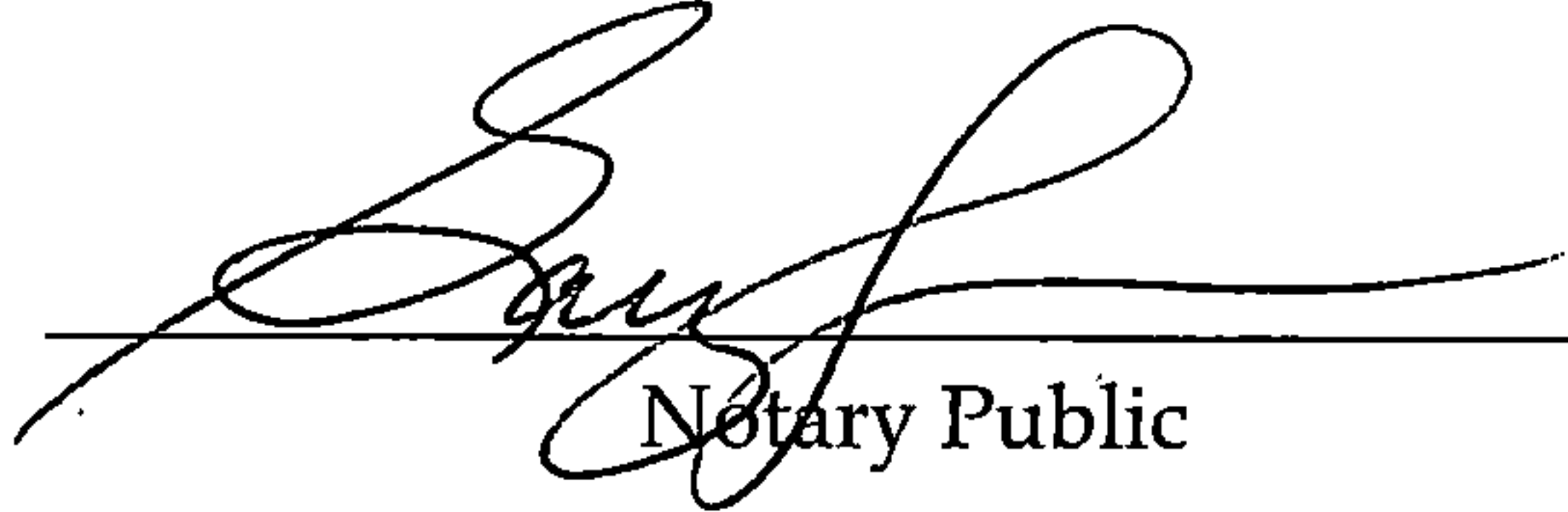
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STATE OF ALABAMA                     )  
   :  
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I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that SCOTT ROOPER - VP SALES MILENA whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he/she/they executed the same voluntarily on the day the same bears date.


Given under my hand and seal this 14 day of JANUARY, 2020.



  
\_\_\_\_\_  
Notary Public

My commission expires: 4-5-2020

GARY JONES  
NOTARY PUBLIC, STATE OF ALABAMA  
ALABAMA STATE AT LARGE  
MY COMMISSION EXPIRES  
APRIL 05, 2020

  
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## **EXHIBIT A**

### **Legal Description of Property**

Lot 43 according to the Final Plat of the Brock Point Residential Subdivision Phase 2B as recorded in the Office of the Judge of Probate for Shelby County, Alabama in Map Book 50, Page 26



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**EXHIBIT B**

**Plat**

See attached



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