

STATE OF ALABAMA     )  
                                  :  
COUNTY OF SHELBY     )

**FIRST AMENDMENT TO AMENDED AND RESTATED  
DECLARATION OF PROTECTIVE COVENANTS  
FOR CREEKWATER**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR CREEKWATER (this "Amendment") is made and entered into as of the 14<sup>th</sup> day of May, 2020 by and between **CREEKWATER DEVELOPMENT, LLC**, an Alabama limited liability company ("Developer"), and **SMITH COMMERCIAL INVESTMENTS, LLC**, an Alabama limited liability company ("Owner").

**R E C I T A L S:**

Developer has heretofore entered into that certain Amended and Restated Declaration of Protective Covenants for Creekwater dated as of December 23, 2015 (the "Protective Covenants") which have been recorded as Instrument 20151228000440520 in the Office of the Judge of Probate of Shelby County, Alabama.

Pursuant to Section 7.01 of the Protective Covenants, Developer reserved the right, in its sole and absolute discretion, to submit additional property to the terms and provisions of the Protective Covenants.

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

Owner and Developer desire to submit the Additional Property to the terms and provisions of the Protective Covenants.

NOW, THEREFORE, in consideration of the premises and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Developer and Owner do hereby submit the Additional Property to all of the terms and provisions of the Protective Covenants, the terms and provisions of which shall be binding upon all of the Additional Property.

IN WITNESS WHEREOF, Developer and Owner have executed this Amendment as of the date first above written.

**CREEKWATER DEVELOPMENT, LLC**, an  
Alabama limited liability company

By: \_\_\_\_\_

Printed Name: Connor Farmer

Title: Member

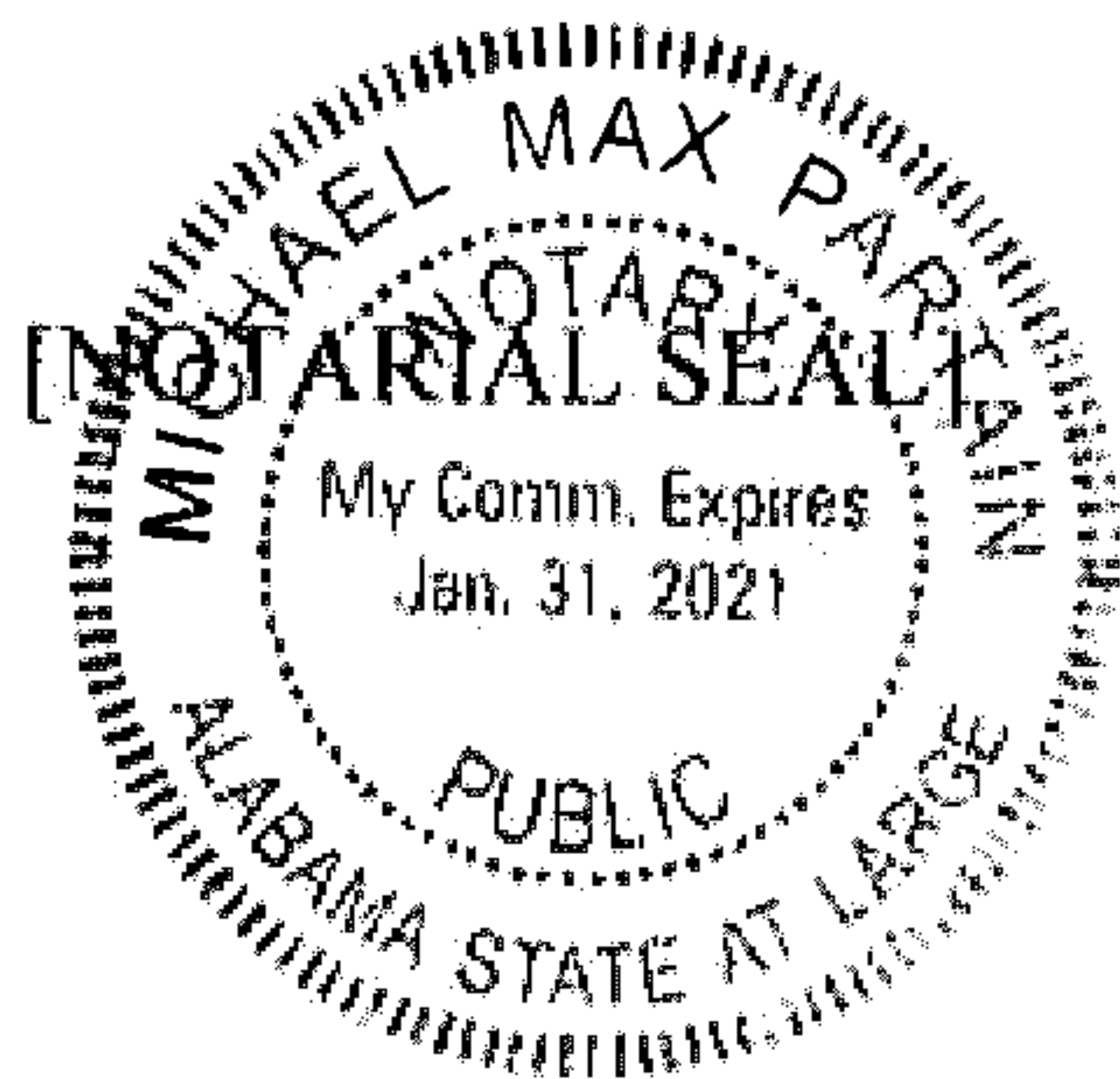
STATE OF ALABAMA )

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SHELBY COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Connor Farmer, whose name as Member of Creekwater Development, 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 Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 14th day of May, 2020.



Michael Max Partin  
Notary Public

My commission expires: \_\_\_\_\_

SMITH COMMERCIAL INVESTMENTS,  
LLC, an Alabama limited liability company

By: [Signature]  
Printed Name: Connor Farmer  
Title: Member

STATE OF ALABAMA

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:

SHELBY COUNTY

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I, the undersigned, a notary public in and for said county in said state, hereby certify that Connor Farmer, whose name as Member of Smith Commercial Investments, 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 Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 14th day of May, 2020.



[Signature]  
Notary Public  
My commission expires: \_\_\_\_\_

**EXHIBIT A**

A tract of land located in the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$ , the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , and the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 27, Township 20 South, Range 4 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Northwest corner of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 27; thence South along the West line of said Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  a distance of 1,118.09 feet to the Point of Beginning of the herein described tract; thence North  $89^{\circ}27'21''$  East a distance of 506.31 feet; thence South  $21^{\circ}33'40''$  West for a distance of 850.46 feet; thence South  $66^{\circ}22'52''$  East for a distance of 205.75 feet to a point on the west boundary of Shelby County Road # 277; thence in a Southerly direction along the west right-of-way boundary of said road a distance of 503.44 feet; thence South  $61^{\circ}17'19''$  East a distance of 50.0 feet to a point on the east boundary of said County Road # 277, said point being on a curve to the left, with a radius of 275.0 feet, a chord bearing of North  $19^{\circ}21'03''$  East; thence along the arc of said curve and eastern boundary of said County Road # 277 a distance of 89.66 feet; thence leaving said road North  $67^{\circ}14'31''$  East a distance of 677.47 feet, more or less, to the center line of Hurricane Creek; thence in a Southwesterly direction along the center line of Hurricane Creek to the intersection with the South line of said Section 27; thence West along the South line of said Section 27, to the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence North along the West line of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  to the Northwest corner of said  $\frac{1}{4} - \frac{1}{4}$ ; thence West along the South line of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  to the intersection of the eastern right-of-way line of the Norfolk Southern Railroad line; thence in a Northeasterly direction along the eastern right-of-way of said railroad to the intersection with the West line of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 27; thence South along the West line of said Southeast  $\frac{1}{4}$  of Northeast  $\frac{1}{4}$  to the Point of Beginning. Containing 58 acres, more or less.



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
05/15/2020 08:31:17 AM  
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*Allen S. Bayl*