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 Shelby Cnty Judge of Probate, AL
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STATE OF ALABAMA)
 COUNTY OF SHELBY)

**TENTH AMENDMENT TO
 AMENDED AND RESTATED DECLARATION
 OF PROTECTIVE COVENANTS FOR
 STERLING GATE SUBDIVISION AND
 CEDAR GROVE AT STERLING GATE**

THIS TENTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR STERLING GATE SUBDIVISION AND CEDAR GROVE AT STERLING GATE is made and entered into as of the 16th day of August ~~xxx~~, 2021, by **STERLING GATE VENTURES, LLC**, an Alabama limited liability company (the “Developer”).

RECITALS:

WHEREAS, the Developer acknowledges the Amended and Restated Declaration of Protective Covenants for Sterling Gate Subdivision and Cedar Grove at Sterling Gate (the “Declaration”), which was recorded on May 24, 2005 as Instrument No. 20050524000253230 in the Probate Office of Shelby County, Alabama. Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration; and

As permitted by Section 13.14 of the Declaration, Greenbriar, Ltd. assigned Developers rights to Sterling Gate Ventures, LLC, and such assignment was recorded as Instrument No. 20190927000353430 in the Probate Office of Shelby County, Alabama on September 27, 2019.

WHEREAS, the Developer as assignee of Developers rights in the Declaration desires to add Additional Property that has been developed to the terms and provisions of the Declaration, as permitted in Section 2.02 and Section 2.04 of the Declaration.

NOW, THEREFORE, in consideration of the premises, the Developer hereby amends the Declaration as follows:

1. Additional Property. Pursuant to the terms of Section 2.02 of the Declaration, the Developer declares that the real property described on Exhibit “A” attached hereto and incorporated herein by reference (the “Additional Property”) shall be held, developed, improved, transferred, sold, conveyed, leased, occupied and used subject to all of the easements, covenants, conditions, restrictions, charges and regulations set forth in the Declaration, which shall be binding upon and inure to the benefit of all parties acquiring or having any right, title or interest in any portion of the Additional Property and their respective heirs, executors, administrators, personal representatives, successors and assigns. The Additional Property described on Exhibit “A” hereto and the original Property described in the Declaration shall, for all purposes of the Declaration, collectively be

referred to as the Property and all references in the Declaration to the Property shall mean the original Property as described in the Declaration as well as the Additional Property described herein.

2. **Reservation of Easements With Respect to Common Areas.** Pursuant to the terms of Section 3.05(a) of the Declaration, the Developer does hereby declare that certain improvements have been made to the detention pond common area that was deeded to the Association by Warranty Deed on November 8, 2017, which has been recorded as Instrument No. 20171108000405080 in the Probate Office in Shelby County, Alabama ("Improvements").

3. **Responsibilities of the Association.** Pursuant to the terms of Section 8.02 of the Declaration, the Association will be responsible for the maintenance, repair and replacement of the Improvements to the above described Common Area to include, but is not limited to, the detention pond, sidewalk for detention pond maintenance access, handrails to sidewalk, gazebo shelter, additional planted hardwood trees, and detention pond outflow structure.

4. **Appointment and Removal of ARC Members.** Pursuant to Section 11.02 of the Declaration, the Developer retains the right to approve, deny, and review all home construction plans for homes to be built on the Additional Property added by this Tenth Amendment. Once a newly constructed home is sold on such Additional Property, any future changes or alterations to such home or Improvements on the Lot shall be under the process outlined in Article V for ARC approval.

5. **Amendment by Developer.** As permitted by Section 11.02 of the Declaration, the Developer hereby adds to Section 8.02 of the Declaration (Responsibilities of Association) the following: Developer grants the Association ingress and egress to all drainage and grading easements and all other easements outside of the right of way that cross certain Lots on the Additional Property for the purpose of repairing and/or maintaining such easements. The Association shall fully comply with Alabaster Ordinance 181001-075, Stormwater Management Post Construction Ordinance. Developer has completed installation of the drainage and grading easements on the Additional Property, whereby the responsibility for repairing and maintaining the storm sewer and related infrastructure, including drainage and grading easement areas and other easements outside of the right of way within any Lots is the responsibility of the Association. The Association shall have the rights, powers and duties to collect assessments in the same manner stipulated in Article IX of the Declaration from each Owner (exclusive of Developer) for the upkeep and maintenance of all drainage and grading easements and related infrastructure and other easements outside of the right of way of Additional Property.

6. **Full Force and Effect.** Except as specifically modified and amended herein, all of the terms and conditions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer has caused this Tenth Amendment to Amended and Restated Declaration of Protective Covenants for Sterling Gate Subdivision and Cedar Grove at Sterling Gate to be executed as of the day and year first above written.



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STERLING GATE VENTURES, LLC,
an Alabama limited liability company

By 
Mark S. Drummond
Administrative Member.

STATE OF ALABAMA)

SHELBY COUNTY)

I, Jamie M Passioy, a Notary Public in and for said County, in said State, hereby certify that MARK S. DRUMMOND, whose name as Administrative Member of Sterling Gate Ventures, LLC., an Alabama Limited Liability Company, is signed to the foregoing conveyance, and who is known to me, acknowledged before me, on this day that being informed of the contents of such conveyance, 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 the 16th day of August, 2021.

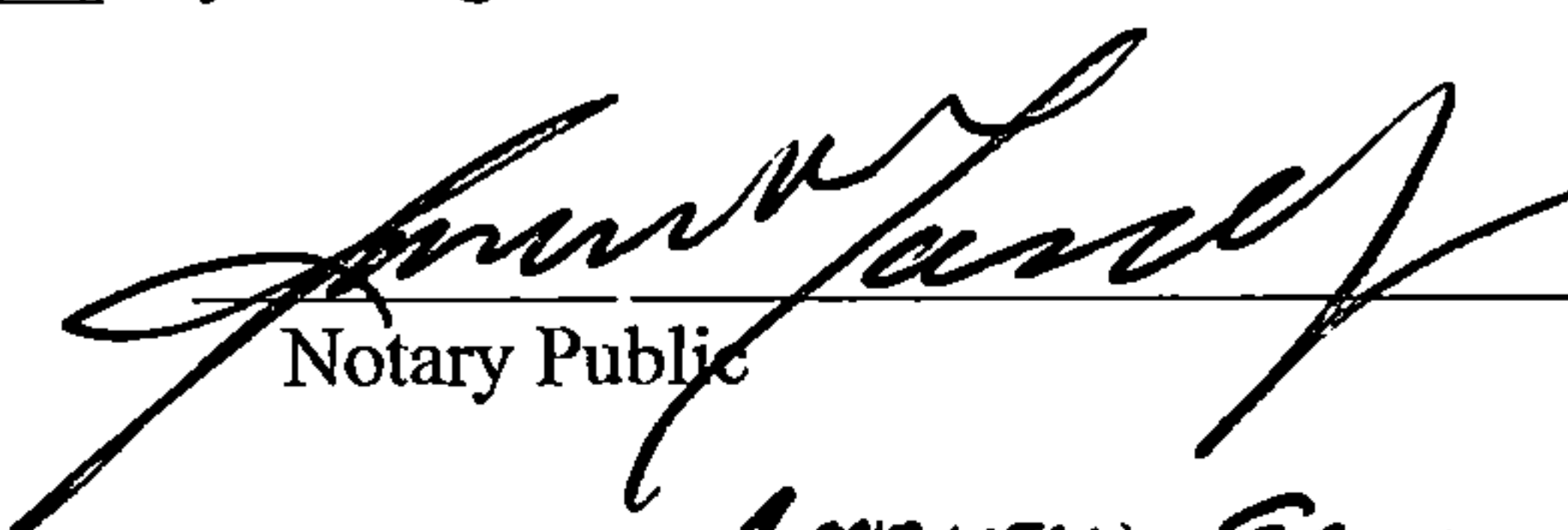

Notary Public
Commission Expires
10/1/22



EXHIBIT A

LEGAL DESCRIPTION OF ADDITIONAL PROPERTY

Cedar Grove at Sterling Gate Subdivision, Sector 2, Phase 14, as recorded in Map Book 54,
Page 86A, in the Office of the Judge of Probate of Shelby County, Alabama.

86B+
Parcel I

Commence at a 1" open top pipe in place being the Southeast corner of the Southwest one-fourth of the Northwest one-fourth of Section 3, Township 21 South, Range 3 West, Shelby County, Alabama, said point being the point of beginning. From this beginning point proceed North 89° 01' 55" West along the South boundary of said quarter-quarter section for a distance of 923.32 feet (set ½" rebar CA-0114-LS); thence proceed North 21° 40' 36" East along the Easterly boundary of Lot No. 46A and Lot No. 47A of A Resurvey of Lots No. 46, 47 and 48 of Cedar Grove at Sterling Gate, Sector 2, Phase 9 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 44 at Page 79 and along the East boundary of Lot No. 45 of the Cedar Grove at Sterling Gate Sector 2, Phase 9 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 34 at Page 96 for a distance of 216.87 feet to a ½" rebar in place (SCS); thence proceed North 21° 40' 36" East for a distance of 50.0 feet (set ½" rebar CA-0114-LS); thence proceed North 68° 19' 24" West for a distance of 13.19 feet (set ½" rebar CA-0114-LS); thence proceed North 22° 06' 43" East for a distance of 109.30 feet to a ½" rebar in place being the Northeast corner of Lot No. 85 of the Cedar Grove at Sterling Gate, Sector 2, Phase 9 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 34 at Page 96; thence proceed North 67° 53' 17" West along the North boundary of said Lot No. 85 for a distance of 45.60 feet to a ½" rebar in place; thence proceed North 78° 59' 51" West along the North boundary of said Lot No. 85 for a distance of 69.86 feet to a ½" rebar in place being the Northeast corner of Lot No. 86 of said subdivision; thence proceed North 57° 09' 20" West along the North boundary of said Lot No. 86 for a distance of 124.13 feet (set ½" rebar CA-0114-LS) to the Northwest corner of Lot No. 86 of said subdivision; thence proceed North 57° 09' 20" West for a distance of 50.00 feet (set ½" rebar CA-0114-LS), said point being the P. C. of a concave curve right having a delta angle of 08° 10' 39" and a radius of 250.00 feet; thence proceed Southwesterly along the curvature of said curve for a chord bearing and distance of South 28° 08' 02" West, 35.65 feet to a ½" rebar in place (RCFarmer), being the Northeast corner of Lot No. 94 of the Cedar Grove at Sterling Gate, Sector 2, Phase 9 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 34 at Page 96; thence proceed North 65° 38' 12" West along the North boundary of said Lot No. 94 for a distance of 146.43 feet to a ½" rebar in place (RCFarmer); thence proceed North 17° 42' 41" East along the East boundary of Lots No. 334 and 335 of the Cedar Grove at Sterling Gate Sector 2, Phase 8 and Resurvey of Lot 215 at Cedar Grove at Sterling Gate Sector 2 Phase 5 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 33 at Page 32 and the prolongation thereof for a distance of 129.89 feet to a ½" rebar in place (RCFarmer); thence proceed North 32° 43' 09" East along the East



boundary of Lot No. 335 and 336 of said subdivision for a distance of 116.64 feet to a ½" rebar in place (RCFarmer) being the Northeast corner of Lot No. 336 of Cedar Grove at Sterling Gate, Sector 2 Phase 8 and Resurvey Lot 215 Cedar Grove at Sterling Gate Sector 2 Phase 5 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 33 at Page 32; thence proceed North 32° 43' 09" East along the East boundary of Lot No. 337 of said subdivision for a distance of 83.93 feet to a ½" rebar in place (RCFarmer) being the Northeast corner of Lot No. 337 of said subdivision; thence proceed North 32° 25' 23" East along the East boundary of Lot No. 338 of said subdivision for a distance of 80.31 feet to a ½" rebar in place (RCFarmer) being the Northeast corner of Lot No. 338 of said subdivision; thence proceed South 55° 46' 51" East along the boundary of Sterling Gate Homeowner's Association, Inc., Exhibit A, said Instrument #20171108000405080 as recorded in the Office of the Judge of Probate of Shelby County, Alabama for a distance of 352.32 feet; thence proceed South 19° 16' 35" West along the boundary of said recorded instrument for a distance of 27.09 feet; thence proceed South 05° 06' 51" East along the boundary of said recorded instrument for a distance of 54.21 feet; thence proceed South 33° 02' 49" East along the boundary of said recorded instrument for a distance of 83.40 feet; thence proceed South 05° 36' 38" West along the boundary of said recorded instrument for a distance of 24.36 feet; thence proceed North 68° 59' 06" East along the boundary of said recorded instrument for a distance of 24.59 feet; thence proceed North 59° 54' 21" East along the boundary of said recorded instrument for a distance of 44.21 feet; thence proceed North 88° 12' 26" East along the boundary of said recorded instrument for a distance of 54.29 feet; thence proceed North 51° 16' 48" East along the boundary of said recorded instrument for a distance of 66.12 feet; thence proceed North 68° 15' 13" East along the boundary of said recorded instrument for a distance of 29.73 feet; thence proceed North 18° 56' 32" East along the boundary of said recorded instrument for a distance of 34.42 feet; thence proceed North 38° 49' 51" West along the boundary of said recorded instrument for a distance of 38.44 feet; thence proceed North 09° 10' 07" West along the boundary of said recorded instrument for a distance of 63.85 feet; thence proceed North 39° 53' 36" East along the boundary of said recorded instrument for a distance of 58.93 feet; thence proceed North 21° 27' 32" East along the boundary of said recorded instrument for a distance of 67.19 feet; thence proceed North 17° 25' 18" East along the boundary of said recorded instrument for a distance of 88.27 feet; thence proceed North 22° 01' 45" East along the boundary of said recorded instrument for a distance of 77.75 feet; thence proceed North 44° 04' 49" East along the boundary of said recorded instrument for a distance of 18.53 feet; thence proceed North 00° 03' 18" East along the boundary of said recorded instrument for a distance of 38.62 feet; thence proceed North 64° 33' 33" West along the boundary of said recorded instrument for a distance of 50.06 feet; thence proceed South 65° 47' 18" West along the boundary of said recorded instrument for a distance of 39.04 feet; thence proceed South 75° 26' 30" West along the boundary of said recorded instrument for a distance of 32.28 feet; thence proceed South 42° 24' 44" West along the boundary of



said recorded instrument for a distance of 53.52 feet; thence proceed South 57° 04' 35" West along the boundary of said recorded instrument for a distance of 47.91 feet; thence proceed South 47° 34' 23" West along the boundary of said recorded instrument for a distance of 32.26 feet; thence proceed South 41° 49' 57" West along the boundary of said recorded instrument for a distance of 30.59 feet; thence proceed South 50° 58' 58" West along the boundary of said recorded instrument for a distance of 24.11 feet; thence proceed North 67° 58' 15" West along the boundary of said recorded instrument for a distance of 33.84 feet; thence proceed North 55° 42' 52" West along the boundary of said recorded instrument for a distance of 95.68 feet; thence proceed North 68° 29' 06" West along the boundary of said recorded instrument for a distance of 180.71 feet to a ½" rebar in place (RCFarmer), said point being the Southeast corner of Lot No. 341 of Cedar Grove at Sterling Gate, Sector 2 Phase 8 and Resurvey Lot 215 Cedar Grove at Sterling Gate Sector 2 Phase 5 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 33 at Page 32; thence proceed North 32° 43' 53" East along the East boundary of Lots No. 341 and 342 for a distance of 127.86 feet to a ½" rebar in place (RCFarmer); thence proceed North 10° 01' 38" East along the East boundary of Lot No. 342 for a distance of 78.33 feet to a ½" rebar in place (RCFarmer), being the Northeast corner of Lot No. 342; thence proceed North 10° 17' 25" East along the East boundary of Lot No. 343 for a distance of 90.18 feet to a ½" rebar in place (RCFarmer), being the Northeast corner of Lot No. 343; thence proceed North 10° 06' 39" East along the East boundary of Lot No. 426 of said subdivision for a distance of 81.06 feet to a ½" rebar in place (CA81) being the Northeast corner of Lot No. 426; thence proceed North 03° 06' 18" West for a distance of 54.93 feet to a ½" rebar in place; thence proceed North 20° 26' 12" East along the East boundary of Lot No. 344 of said subdivision for a distance of 134.35 feet to a ½" rebar in place (RCFarmer) being the Southwest corner of Lot No. 480 of Cedar Grove at Sterling Gate Sector 2 Phase 12 A as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 38 at Page 45; thence proceed South 79° 34' 03" East along the South boundary of Lots No. 480 and 435 of said subdivision for a distance of 198.14 feet to the Southeast corner of Lot No. 435 to a ½" rebar in place (RCFarmer); thence proceed South 79° 40' 34" East along the South boundary of Lot No. 434 of Cedar Grove at Sterling Gate Sector 2 Phase 12 B as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 29 at Page 92 for a distance of 80.41 feet to a ½" rebar in place (RCFarmer); thence proceed South 79° 40' 34" East along the South boundary of Lot No. 433 of said subdivision for a distance of 45.94 feet (set ½" rebar CA-0114-LS); thence proceed North 84° 49' 06" East along the South boundary of Lots No. 433, 432 and 431 of said subdivision for a distance of 230.84 feet (set ½" rebar CA-0114-LS); thence proceed South 05° 02' 47" East for a distance of 91.93 feet (set ½" rebar CA-0114-LS); thence proceed North 84° 54' 00" East for a distance of 50.00 feet to a ½" rebar in place (RCFarmer) being the Southwest corner of Lot No. 392 of said subdivision; thence proceed North 84° 53' 59" East along the South boundary of said



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Lot No. 392 for a distance of 133.90 feet to a 1/2" rebar in place being the Southwest corner of said Lot No. 392 of Cedar Grove at Sterling Gate Sector 2 Phase 12 B as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 29 at Page 92 and also being a point on the West boundary of Lot No. 22 of the Norwick Forest Subdivision, Second Sector as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 13 at Page 23; thence proceed South 00° 24' 31" East along the West boundary of Lots No. 22, 11, 10, 9, 8 and 7 of said Norwick Forest Subdivision, Second Sector for a distance of 654.11 feet to a crimp top pipe in place; thence proceed South 00° 20' 06" East along the West of Lot No. 6 for a distance of 115.14 feet to a crimp top pipe in place; thence proceed South 00° 26' 32" East along the West boundary of Lots No. 4 and 1 of said subdivision for a distance of 485.20 feet to a 1/2" rebar in place (Gilbert); thence proceed South 00° 23' 09" East for a distance of 59.98 feet to a 1/2" rebar in place (Weygand); thence proceed South 00° 51' 52" East along the West boundary of Lot No. 15 of said subdivision for a distance of 150.26 feet to the point of beginning.

The above described land is located in the Southwest one-fourth of the Northwest one-fourth and the Northwest one-fourth of the Northwest one-fourth of Section 3, Township 21 South, Range 3 West, Shelby County, Alabama and contains 28.26 acres. According to my survey this the 12th day of November, 2018.

Parcel II

Commence at a 1" open top pipe in place being the Southeast corner of the Southwest one-fourth of the Northwest one-fourth of Section 3, Township 21 South, Range 3 West, Shelby County, Alabama, said point being the point of beginning. From this beginning point proceed North 89° 01' 55" West along the South boundary of said quarter-quarter section for a distance of 923.32 feet (set 1/2" rebar CA-0114-LS); thence proceed South 21° 40' 36" West along the East boundary of Lot No. 45 of the Cedar Grove at Sterling Gate Sector 2, Phase 9 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 34 at Page 96 for a distance of 84.61 feet (set 1/2" rebar CA-0114-LS); thence proceed South 88° 14' 29" East for a distance of 954.51 feet (set 1/2" rebar CA-0114-LS) to a point on the East boundary of the Northwest one-fourth of the Southwest one-fourth of said Section 3; thence proceed North 00° 14' 24" East along the East boundary of said quarter-quarter section for a distance of 92.32 feet to the point of beginning.

The above described land is located in the Northwest one-fourth of the Southwest one-fourth of Section 3, Township 21 South, Range 3 West, Shelby County, Alabama and contains 1.85 acres.

According to my survey this the 6th day of December, 2018.