

This Instrument Prepared By:
Matthew W. Grill
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
1700 Regions Harbert Plaza
Birmingham, Alabama 35203-2618



20210923000465040 1/5 \$38.00
Shelby Cnty Judge of Probate, AL
09/23/2021 10:31:59 AM FILED/CERT

STATE OF ALABAMA)
COUNTY OF SHELBY)

**FOURTH AMENDMENT TO AMENDED AND RESTATED
DECLARATION OF PROTECTIVE COVENANTS FOR
Grey Oaks**

THIS FOURTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR GREY OAKS (this “Fourth Amendment”) is hereby declared and imposed upon the real property described below as of September 23rd, 2021, by **GREY OAKS PROPERTIES, LLC**, an Alabama limited liability company, whose mailing address is: 127 1st Avenue North, 5th Floor, Birmingham, Alabama 35203 (“Developer”).

WITNESSETH:

WHEREAS, Developer entered into that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions dated July 17, 2013 and recorded as Instrument #20130802000315870, as amended by that certain First Amendment to Amended and Restated Declaration of Protective Covenants dated as of January 15, 2014 and recorded as Instrument #20140116000015970, as affected by that certain Scrivener’s Affidavit dated as of April 17, 2017 and recorded as Instrument #20170419000131930, as amended by that certain Second Amendment to Amended and Restated Declaration of Protective Covenants dated as of April 19, 2017 and recorded as Instrument #2017042000139590, and as amended by that certain Third Amendment to Amended and Restated Declaration of Protective Covenants dated as of January 11, 2021 and recorded as Instrument #20210111000016560 (as amended, the “Declaration”), all in the Probate Office of Shelby County, Alabama, for the purpose of subjecting that certain property located in Shelby County, Alabama, to the covenants, conditions and restrictions described in the Declaration.

WHEREAS, Developer now desires to subject additional property in the Development to the terms and provisions of the Declaration.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Developer does hereby amend the Declaration as follows:

1. **General Provisions.** Except as amended and modified by this Fourth Amendment, all of the terms, covenants, conditions and agreements of the Declaration shall remain in full force and effect. In the event of any conflict between the Declaration and the provisions of this Fourth Amendment, this Fourth Amendment shall control. Any capitalized terms not defined herein shall have the meaning given to them in the Declaration.



20210923000465040 2/5 \$38.00
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2. **Acknowledgement of Recitals.** Developer acknowledges and agrees that the foregoing Recitals are true, correct and complete and are hereby incorporated herein by reference.

3. **Property.** The first sentence of the first paragraph of the Declaration is hereby deleted and replaced in its entirety with the following:

WHEREAS, the undersigned, Grey Oaks Properties, LLC, an Alabama limited liability company (which, together with its successors and assigns in hereinafter referred to as "Developer"), is the owner of all of that certain real property situated in Shelby County, Alabama, which is commonly referred to as Grey Oaks Sector 1, Grey Oaks Sector 2, Grey Oaks Sector 3, Grey Oaks Sector 4, Grey Oaks Sector 5, and Grey Oaks Phase 6, and more particularly described on the Final Plats of Sector 1, Sector 2 Sector 3, Sector 4, Sector 5, and Phase 6, copies of which are attached hereto and made a part hereof (the "Property").

4. **Exhibits.** The Declaration is hereby amended to add the following new exhibits: Exhibit G (Sector 5 plat), a copy of which is attached hereto and made a part hereof.

5. **Time of Essence.** Time is of the essence of this Fourth Amendment.

6. **Date of Agreement.** The date of this Fourth Amendment is intended as a date for the convenient identification of the effective date of this Fourth Amendment and is not intended to indicate that this Fourth Amendment was executed and delivered on that date.

7. **Separability Clause.** If any provision of this Fourth Amendment shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

8. **Counterparts.** This Fourth Amendment may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same agreement.

9. **Governing Law.** The Declaration (as amended by this Fourth Amendment) shall be construed in accordance with and governed by the laws of the State of Alabama (without regard to conflict of law principles).

[signature page to follow]



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IN WITNESS WHEREOF, the undersigned caused this Fourth Amendment to be executed effective as of the day and year first above written.

DEVELOPER:

GREY OAKS PROPERTIES, LLC,
an Alabama limited liability company

By: William G. Sanders, Jr.
Name: William G. Sanders, Jr.
Its: Manager

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William G. Sanders, Jr., whose name as Manager of Grey Oaks Properties, 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 such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand this the 8th day of September, 2021.

Kelley Reynolds
Notary Public

My Commission Expires: _____

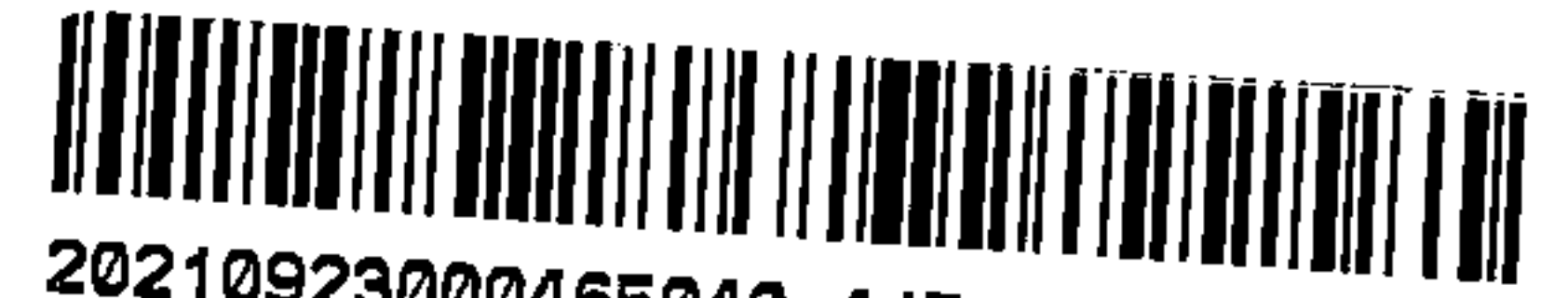
[SEAL]



NEW EXHIBIT G


Plat of Sector 5

[See Attached]



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SHELBY RIDGE UTILITY SYSTEMS, LLC

<div><div></div><div>ENGINEERING DESIGN GROUP, LLC CIVIL ENGINEERING • LAND SURVEYING (505) 403-9126</div></div> <div>120 BISHOP CIRCLE, SUITE 300 PELHAM, AL 35124 TEL - (205) 403-9158 FAX - (205) 403-9175</div> <div>PROJECT: GREY OAKS SUBDIVISION SECTOR 5 TITLE: FINAL PLAT</div>	DRAWN BY:	MEA	REVISIONS	DATE
	CHECKED BY:	RKC		
	PROJECT NO.:	SAND0004		
	DATE:	AUGUST 18, 2021		
	SCALE:	1" = 100'		