

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


20220526000213380 1/6 \$42.00
Shelby Cnty Judge of Probate, AL
05/26/2022 10:37:43 AM FILED/CERT

STATE OF ALABAMA)
COUNTY OF SHELBY)

**FIFTH AMENDMENT TO AMENDED AND RESTATED
DECLARATION OF PROTECTIVE COVENANTS FOR
GREY OAKS**

THIS FIFTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR GREY OAKS (this "Fifth Amendment") is hereby declared and imposed upon the real property described below as of May 26th, 2022, 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, and as amended by that certain Fourth Amendment to Amended and Restated Declaration of Protective Covenants dated as of September 23, 2021 and recorded as Instrument #20210923000465040 (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



20220526000213380 2/6 \$42.00
Shelby Cnty Judge of Probate, AL
05/26/2022 10:37:43 AM FILED/CERT

Fourth Amendment shall control. Any capitalized terms not defined herein shall have the meaning given to them in the Declaration.

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, Grey Oaks Phase 6, and Grey Oaks Sector 7, and more particularly described on the Final Plats of Sector 1, Sector 2 Sector 3, Sector 4, Sector 5, Phase 6, and Sector 7 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 H (Sector 7 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]



20220526000213380 3/6 \$42.00
Shelby Cnty Judge of Probate, AL
05/26/2022 10:37:43 AM FILED/CERT

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

STATE OF ALABAMA)
JEFFERSON COUNTY)

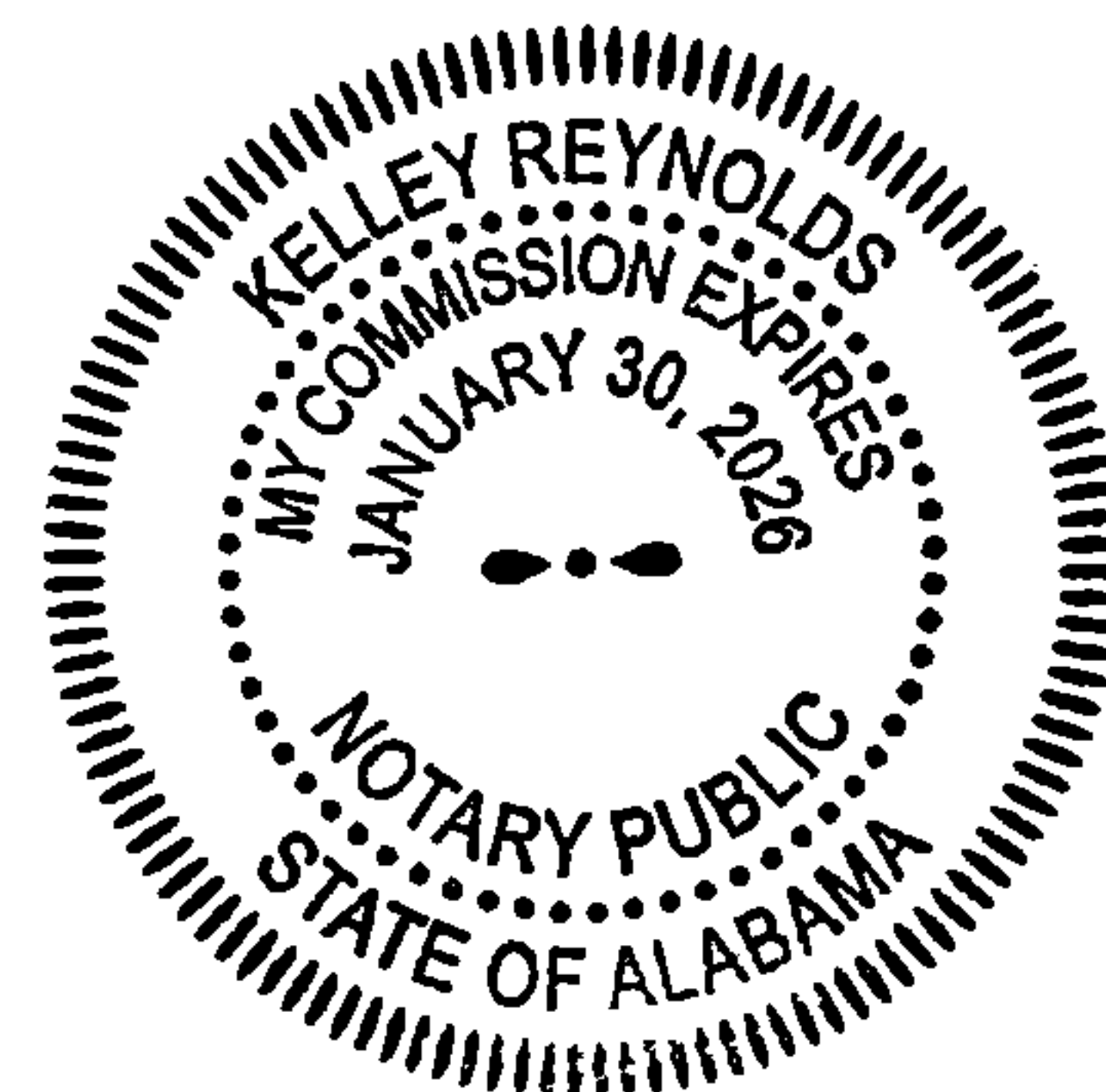
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William G. Sanders, Jr., whose name as Manager of Grey Oaks Properties, LLC, an Alabama limited liability company is signed to the foregoing instrument and who is known to me, acknowledged before me on this 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 26th day of May, 2022.

Kelley Reynolds
Notary Public

My Commission Expires: _____

[SEAL]





20220526000213380 4/6 \$42.00
Shelby Cnty Judge of Probate, AL
05/26/2022 10:37:43 AM FILED/CERT

NEW EXHIBIT H

Plat of Sector 7

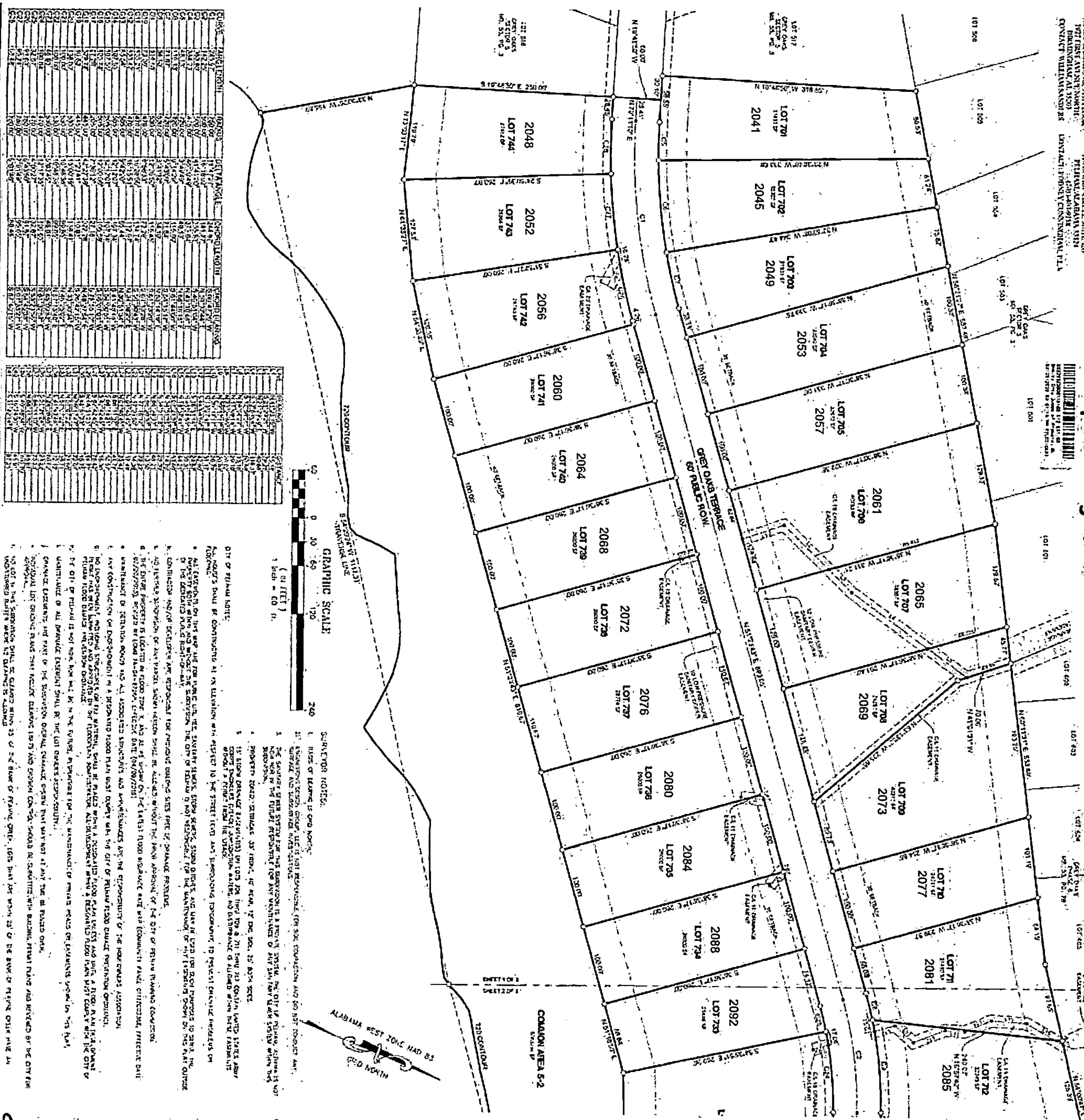
[See Attached]

III
x
y
z
I

**FINAL PLAT
GREY OAKS SUBDIVISION SECTOR 7**

SITUATED IN THE WEST 1/2 OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 2 WEST,
SHELBY COUNTY CITY OF PELHAM, ALABAMA

PURPOSE OF THIS PLAT IS TO RECORD 45 LOTS IN
GREY OAKS SUBDIVISION, SECTOR 7.



STATE OF ALABAMA
SHELBY COUNTY

128K
ROBERT F. CHAMBERLAIN
ALABAMA LTD. 100 50013

FEB. 20. 2882
 No 20015
 PHILADELPHIA

ALL CL NO
NOTARY PUBLIC
IN AND ABOUT THE COUNTY OF LOS ANGELES

Kelly Reynolds A FIGHTER IN PROTEST AGAINST
WHEAT MARK IN THE 100,000 CATTLE AGREEMENT, CRYING
OUT FOR THE CATTLE AND THE CATTLE MARK. THE CATTLE
MARK IS THE CATTLE MARK. THE CATTLE MARK IS THE
CATTLE MARK. THE CATTLE MARK IS THE CATTLE MARK.
CATTLE MARK IS THE CATTLE MARK. THE CATTLE MARK IS THE
CATTLE MARK. THE CATTLE MARK IS THE CATTLE MARK.

DO NOT REPLY TO THIS MESSAGE

STATE OF ALABAMA
COUNTY OF Jefferson
I, William L. Arnold, a Notary Public in and for the State of Alabama, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of said County.

...that Section

[illegible]

... TO THE
... CASE 7, WHICH
... CASES PRESENT
... OF THE APPROVAL OF

PAID IN FULL
CITY OF PEQUIN

9/10/62
SHELBY RICHARDSON SYSTEMS, INC.

2
ADVERTISEMENTS
ITEMS, NO RULES

202205260000213380 5/6 \$42.00
Shelby Cnty Judge of Probate, AL
05/26/2022 10:37:43 AM FILED/CERT

PROJECT:	GREY OAKS SUBDIVISION SECTOR 7	DRAWN BY:	USA
		CHECKED BY:	JRC
DATE:	FINAL PLAT	PROJECT NO.:	EAND00004
		DATE:	February 23, 2022
		SCALE:	"1" = 50'

EDG
ENGINEERING DESIGN GROUP, LLC
 CIVIL ENGINEERING • LAND SURVEYING
 (205) 403-9175

120 BISHOP CIRCLE, SUITE 300
 PELHAM, AL 35124
 TEL - (205) 403-9158
 FAX - (205) 403-9175

Exhibit H

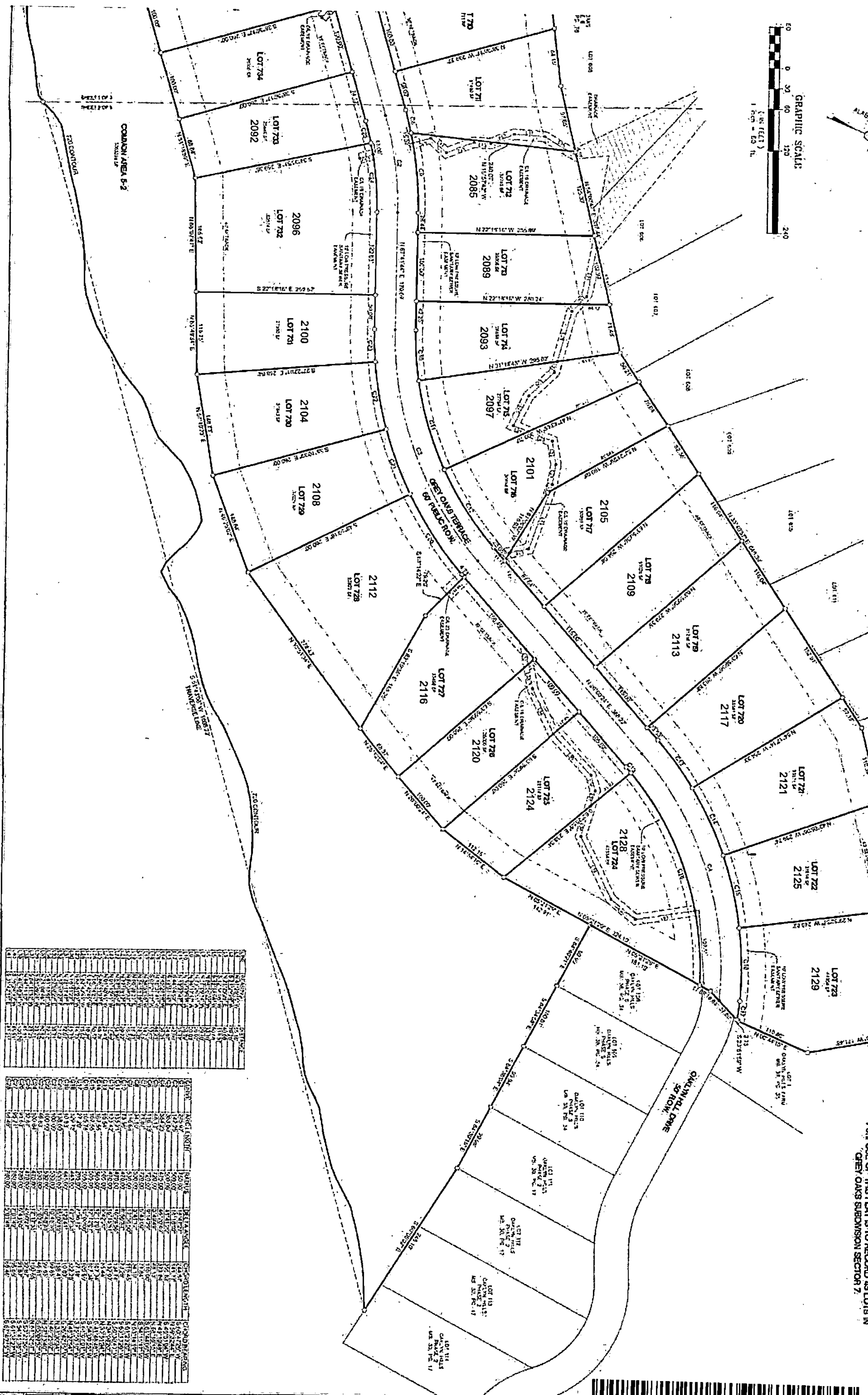
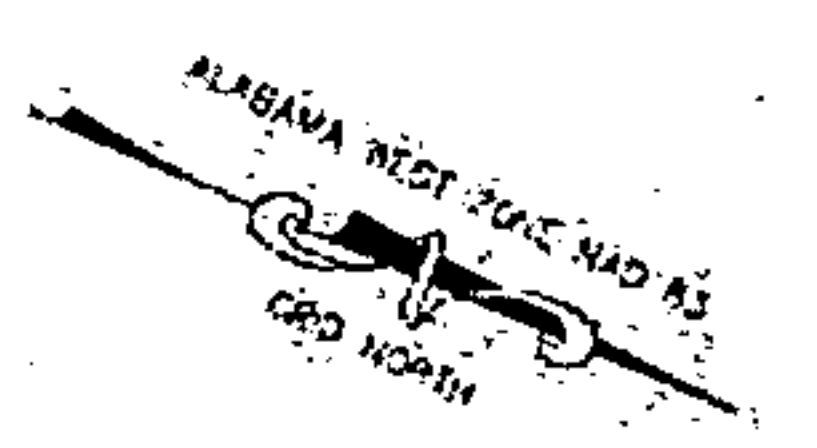
Map 55 309 988

FINAL PLAT

GREY OAKS SUBDIVISION SECTOR 7

SITUATED IN THE WEST 1/2 OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 2 WEST,
SHELBY COUNTY CITY OF PELHAM, ALABAMA
PURPOSE OF THIS PLAT IS TO RECORD 45 LOTS IN
GREY OAKS SUBDIVISION SECTOR 7

DATE



20220526000213380 6/6 \$42.00
Shelby Cnty Judge of Probate, AL
05/26/2022 10:37:43 AM FILED/CERT

DRAWN	CHECKED
PROJECT	PROJECT
DATE	DATE
SCALE	SCALE

PROJECT	GREY OAKS SUBDIVISION SECTOR 7
FILE	FINAL PLAT

120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
TEL - (205) 403-9158
FAX - (205) 403-9175

