

This instrument prepared by
(and after recording return to):
Seth L. Coleman, Esq.
PUBLIX SUPER MARKETS, INC.
P.O. Box 407
Lakeland, FL 33802-0407

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12/06/2023 02:55:04 PM
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STATE OF ALABAMA)
COUNTY OF SHELBY)

FOR RECORDER'S USE ONLY

**SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS,
COVENANTS AND CONDITIONS AND GRANT OF EASEMENTS
(WHITE STONE SHOPPING CENTER)**

THIS SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS AND GRANT OF EASEMENTS ("Amendment") is made and entered into as of the 31st day of August, 2023, by and between PSM ALABAMA HOLDINGS, LLC, an Alabama limited liability company ("Publix"), and MAVIS SOUTHEAST LLC, a Delaware limited liability company ("Mavis"), with reference to the following facts:

WHEREAS, that certain Declaration of Restrictions, Covenants and Conditions and Grant of Easements ("White Stone Shopping Center") was made and executed by Alabaster Retail Property, LLC and Schilleci White Stone, LLC, as the then Owner of the Shopping Center Tract and the Outparcels, and now owned by Publix, said Declaration being recorded as Instrument No. 20031124000768400, as amended by that certain Amendment to Declaration of Restrictions, Covenants and Conditions and Grant of Easements, dated May 4, 2006, recorded as Instrument No. 20060525000248710, both in the Office of the Judge of Probate of Shelby County, Alabama (collectively, the "Declaration"), with capitalized terms not otherwise defined in this Amendment having the same meaning ascribed to such terms in the Declaration; and

WHEREAS, the parties desire to amend the Declaration to permit additional parking on Outparcel 5;

NOW, THEREFORE, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners do hereby amend the Declaration and agree as follows:

1. Parking Area – Outparcel 5. Section 3.2 of the Declaration, entitled "Parking Areas," is hereby amended to include the following paragraph:

Notwithstanding anything contained in this Section 3.2 to the contrary, Outparcel 5 shall contain at least twenty-nine (29) parking spaces and shall not need to adhere to any other parking ratio, except those required by any governmental agency having jurisdiction.

2. Insurance – Self-Insure. Section 10.1 of the Declaration, entitled "Liability Insurance," is hereby amended to include the following paragraph:

Notwithstanding anything contained in this Section 10.1 to the contrary, the obligation to carry insurance pursuant to this Declaration shall be suspended to an Owner for as long as the aggregate net worth of an Owner and its affiliated business organizations (as determined in accordance with generally accepted accounting principles) is at least \$250,000,000.00, as evidenced by financial statements of such Owner and its affiliated business organizations that are publicly filed with the Securities and Exchange Commission (or similar regulatory entity with public records access). Each Owner agrees to furnish to any other Owner requesting evidence of such net worth evidence to certify that such Owner is in compliance with this Section.

Second Amendment to Declaration
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3. Definitions; Effect on Declaration. All capitalized terms in this Amendment, unless otherwise defined or modified herein, shall have the same meaning as set forth in the Declaration. Except as modified herein, the Declaration remains unchanged. In the event of a conflict between the Declaration and this Amendment, this Amendment shall control and govern.
4. Declaration Ratified. The terms and provisions of the Declaration, as modified by this Amendment, are hereby ratified and affirmed by the parties hereto.
5. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all shall constitute one and the same Amendment; provided, however, this Amendment shall not be effective until fully executed by both parties.

[SIGNATURES APPEAR ON FOLLOWING TWO PAGES]

Second Amendment to Declaration
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IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their respective and duly authorized officers as of the day and year first written above.

PUBLIX:

PSM ALABAMA HOLDINGS, LLC, an Alabama
limited liability company

By: William W Rayburn, IV
William W. Rayburn, IV
Vice President of Real Estate Assets

Ben Curcio
(Print Name) Olivia Vera
(Print Name)
Two Witnesses

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was signed, delivered, and acknowledged before me by means of ☒ physical presence or ☐ online notarization this 31st day of August, 2023, by WILLIAM W. RAYBURN, IV, Vice President of Real Estate Assets of PSM ALABAMA HOLDINGS, LLC, an Alabama limited liability company, on behalf of the corporation. Such person ☒ is personally known to me or ☐ has produced a _____ as identification.

(NOTARY SEAL)



PATRICIA COOLEY
Commission # HH 255253
Expires August 20, 2026

Patricia Cooley
Printed/typed name: _____
Notary Public-State of Florida
My commission expires: _____
Commission number: _____

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

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[Signature]
(Print Name) EVIS Thompson
[Signature]
(Print Name) Christna DeGini
Two Witnesses

MAVIS:

MAVIS SOUTHEAST LLC, a Delaware limited liability company

By: *[Signature]*
David J. Sorbaro Victor S. Sorbaro
Co-CEO

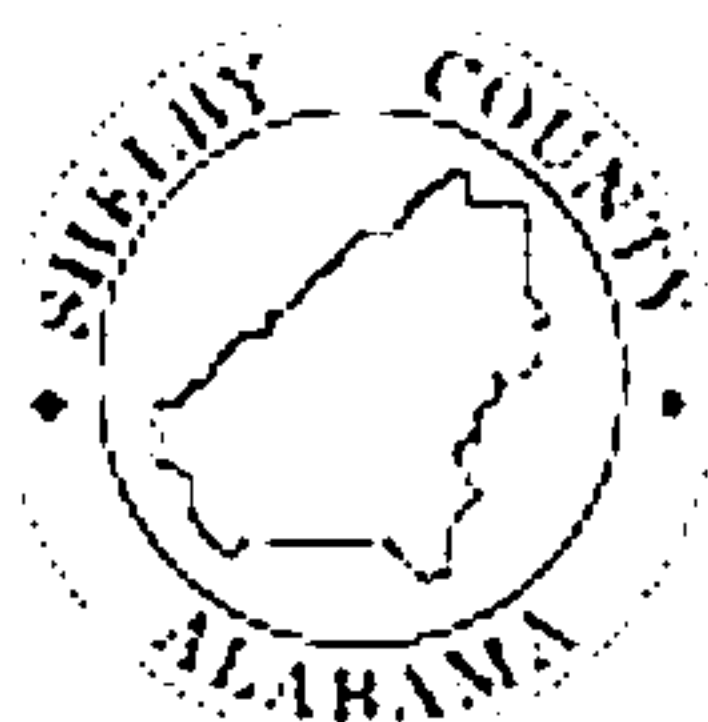
STATE OF NEW YORK
COUNTY OF WHESTCHESTER

The foregoing instrument was signed, delivered, and acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8 day of August, 2023, by DAVID J. SORBARO, Co-CEO of MAVIS SOUTHEAST LLC, a Delaware limited liability company, on behalf of the corporation. Such person ☒ is personally known to me or ☐ has produced a Drivers License as identification.

(NOTARY SEAL)

[Signature]
Printed/typed name: Charity Dillon
Notary Public-State of New York
My commission expires: 01-06-2026
Commission number: 01016295664

CHARITY DILLON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01D16295664
Qualified in Dutchess County
My Commission Expires 01-06-2026



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
12/06/2023 02:55:04 PM
\$31.00 BRITTANI
20231206000352690

[Signature]