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STATE OF ALABAMA )  
:  
COUNTY OF JEFFERSON )

Clerk: CSBESS

**FIFTH AMENDMENT TO LAKE CYRUS  
DECLARATION OF MASTER PROTECTIVE COVENANTS**

**THIS FIFTH AMENDMENT TO LAKE CYRUS DECLARATION OF MASTER PROTECTIVE COVENANTS** (this "Amendment") is made and entered into as of the 6<sup>th</sup> day of March, 2017 by **LAKE CYRUS DEVELOPMENT COMPANY, INC.**, an Alabama corporation ("Developer").

**RECITALS:**

Developer is the "Developer" under the Lake Cyrus Declaration of Master Protective Covenants recorded on July 23, 1997 in Book 9761, Page 7711 in the Office of the Judge of Probate of Jefferson County, Alabama, Bessemer Division, as amended by First Amendment thereto dated as of May 4, 1998 and recorded in Book 9861, Page 0670 in the aforesaid Probate Office, as further amended by Amendment thereto dated August 20, 2009 recorded in BK: LR200963, Page 7494 in said Probate Office, as further amended by Amendment thereto dated August 20, 2009 and recorded in BK: LR200963, Page 7496 in the aforesaid Probate Office, and Fourth Amendment thereto dated as of November 11, 2016 and recorded as Instrument 2016120368 in the aforesaid Probate Office (collectively, the "Master Declaration"). *Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Master Declaration.*

The Turnover Date has not occurred under the Master Declaration.

Pursuant to the terms and provisions of Section 10.02(a) of the Master Declaration, Developer desires to amend the Master Declaration in order to remove and withdraw certain real property from the terms and provisions of the Master Declaration since such real property has been subjected to its own set of restrictive covenants known as the Declaration of Covenants, Conditions and Restrictions for the Creek Side Business Center dated February 9, 2017 and recorded as Instrument 2017016083 in the Probate Office.

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

1. Description of Property. **Exhibit A** to the Master Declaration is hereby amended by deleting from the definition of the "Property" that certain real property which is more particularly described in **Exhibit A-1** attached hereto and incorporated herein by reference (the "Removed Property"). The Removed Property is subject to other restrictive covenants and, from and after the date hereof, any and all references in the Master Declaration to the "Property" shall

mean and refer to the real property described in Exhibit A to the Master Declaration, **LESS AND EXCEPT** the Removed Property described in Exhibit A-1.

2. Full Force and Effect. Except as expressly modified and amended herein, all of the terms and provisions of the Master Declaration shall remain in full force and effect.

**IN WITNESS WHEREOF**, Developer has caused this Amendment to be executed as of the day and year first above written.

**LAKE CYRUS DEVELOPMENT COMPANY, INC.**,  
an Alabama corporation

By: [Signature]  
Printed Name: Concetta Givianpour  
Title: PRESIDENT

STATE OF ALABAMA    )  
                                  :  
JEFFERSON COUNTY    )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Concetta Givianpour, whose name as President of LAKE CYRUS DEVELOPMENT COMPANY, INC., an Alabama corporation, 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/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 6<sup>th</sup> day of March, 2017.

[Signature]  
Notary Public

My commission expires: 3-19-21



EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY

*REMOVED PROPERTY*

Commence at the Northwest corner of the Southeast Quarter of Section 30, Township 19 South, Range 3 West, Jefferson County, Alabama; thence run in a Easterly direction along the Northern line of said Quarter Section a distance of 160.47 feet to the POINT OF BEGINNING, said point being the intersection of the Southeasterly right-of-way of Parkwood Road with the North line of the Southeast Quarter of said Section 30; thence continue along said Quarter line in a Easterly direction a distance of 686.15 feet, more or less, to a point; thence turn an interior angle of  $52^{\circ}37'55''$  and run to the right in a Southwesterly direction a distance of 3298.86 feet, more or less, to a point; thence turn an interior angle of  $126^{\circ}04'03''$  and run to the right in a Westerly direction for a distance of 718.79 feet, more or less, to the Southeasterly right-of-way of Parkwood Road; thence run in a Northeasterly direction following the Southeast right-of-way of said Parkwood Road a distance of 3307 feet, more or less, to the point of beginning containing 42.5 acres, more or less.

*IN ADDITION to:*

Two parcels of land situated in the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southwest quarter of Section 30, Township 19 South, Range 3 West, Jefferson County, Alabama being more particularly described as follows:

PARCEL - 1

Commence at the Northwest corner of the Northwest quarter of the Southeast quarter of Section 30, Township 19 South, Range 3 West, Jefferson County, Alabama; thence run North  $89^{\circ}33'46''$  East for 161.06 feet, more or less, to the Southeasterly right of way of Parkwood Road, thence run South  $36^{\circ}54'07''$  West along said right of way for 270.0 feet to the Point of Beginning of the herein described parcel; thence run South  $64^{\circ}39'54''$  East for 557.0 feet; thence run North  $36^{\circ}57'11''$  East for 575.0 feet to the North line of said quarter-quarter section; thence run North  $89^{\circ}33'46''$  East along said North line for 472.86 feet; thence run South  $00^{\circ}21'24''$  East for 519.54 feet; thence run South  $41^{\circ}11'28''$  West for 202.29 feet; thence run South  $66^{\circ}12'24''$  West for 593.51 feet; thence run South  $23^{\circ}47'36''$  West for 20.0 feet; thence run South  $66^{\circ}12'24''$  West for 132.63 feet to the beginning of a tangent curve to the right having a central angle of  $69^{\circ}18'46''$ , a radius of 182.77 feet, a chord of 207.87 feet and a chord bearing of South  $79^{\circ}08'13''$  West; thence run along the arc of said curve for 221.10 feet; thence run North  $44^{\circ}28'50''$  West for 704.79 feet, more or less to the Southeasterly right of way of Parkwood Road; thence run North  $36^{\circ}54'07''$  East along said right of way for 270.39 feet to the point of beginning, containing 19.55 acres, more or less.

PARCEL - 2

Commence at the Northwest corner of the Northwest quarter of the Southeast quarter of Section 30, Township 19 South, Range 3 West, Jefferson County, Alabama; thence run North  $89^{\circ}33'46''$  East for 161.06 feet, more or less, to the Southeasterly right of way of Parkwood Road, being the Point of Beginning of the herein described parcel; thence continue along last described course for 687.0 feet; thence run South  $36^{\circ}56'11''$  West for 575.0 feet; thence run North  $64^{\circ}39'54''$  West for 557 feet, more or less to the Southeasterly right of way of Parkwood Road; thence run North  $36^{\circ}54'07''$  East along said right of way for 270.0 feet to the point of beginning, containing 5.29 acres, more or less.