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Madison Cnty Judge of Probate, AL
02/12/2016 11:18:52 AM FILED/CERT

STATE OF ALABAMA)
 :
MADISON COUNTY)

**SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS TO CROWN POINTE FOR
CROWN POINTE PHASE VI**

KNOW ALL MEN BY THESE PRESENTS: That whereas, JEFF BENTON DEVELOPMENT, INC., an Alabama corporation (herein "Declarant"), has heretofore established and filed that certain Declaration of Covenants, Conditions and Restrictions for CROWN POINTE as Document No. 20120329000189450, in the Office of the Judge of Probate of Madison County, Alabama (herein the "Declaration"), for the use and enjoyment of certain lots in CROWN POINTE, as said subdivision is recorded as Document No. 20120215000095100, in the Office of the Judge of Probate of Madison County, Alabama; and,

WHEREAS, the Declaration has been amended by those certain Amendments recorded as Document No. 20120614000370430 and Document No. 20121031000705650, and/or further supplemented and/or amended by those Supplemental Declarations regarding (i) the Lots comprising the plat Crown Pointe Phase II, recorded as Document No. 20130423000261570; (ii) the Lots comprising the plat of Crown Pointe Phase III recorded as Document No. 20130508000304580; (iii) the Lots comprising the plat of Crown Pointe Phase III, Part 2 recorded as Document No. 20130917000612090; (iv) the Lots comprising the plat of Crown Pointe Phase IV recorded as Document No. 20140905000474170; and the Lots comprising the plat of Crown Pointe Phase V recorded as Document No. 20150714000381470, respectively, all in the Office of the Judge of Probate of Madison County, Alabama; and,

WHEREAS, Article X, Section 1 (a) of said Declaration provides that the Declarant may subject all or any portion of the real property described in Exhibit "C" thereto to the provisions of such Declaration and to the jurisdiction of the Crown Pointe Homeowners Association, Inc.; and,

WHEREAS, the Declarant, JEFF BENTON DEVELOPMENT, INC., is the Owner of a portion of the Lots or Property comprised by the Final Plat of CROWN POINTE PHASE VI, *a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama*, and being recorded as Document No. 20151125000649160, in the Office of the Judge of Probate of Madison County, Alabama; and,

WHEREAS, the Declarant has heretofore conveyed to JEFF BENTON HOMES, INC., an Alabama corporation, a portion of the Lots comprised by the Final Plat of CROWN POINTE PHASE VI, *a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama*, and being recorded as Document No. 20151125000649160, in the Office of the Judge of Probate of Madison County, Alabama; and,

WHEREAS, JEFF BENTON HOMES, INC. desires to ratify, confirm and consent to this Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Crown Pointe recorded as Document No. 20120329000189450, in the Office of the Judge of Probate of Madison County, Alabama, for the purpose of giving full force and effect to the easements, restrictions, terms and conditions contained therein so that the same shall be binding on all parties having any right, title or interest in said Lots or Property owned by it which may be comprised by the Final Plat of CROWN POINTE PHASE VI, *a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama*, and being recorded as Document No. 20151125000649160, in the aforesaid Probate Office.

NOW, THEREFORE, pursuant to the provisions of Article X, Section 1 (a) of the Declaration, the undersigned, JEFF BENTON DEVELOPMENT, INC., as Declarant, and JEFF BENTON HOMES, INC., as Owner of Lots, do by these presents add to the Declaration, as heretofore amended or supplemented as set out above, Lots or Property owned by them which are comprised by the Final Plat of CROWN POINTE PHASE VI, *a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama*, and being recorded as Document No. 20151125000649160, in the Office of the Judge of Probate of Madison County, Alabama, said Lots or Property being a portion of the property described in Exhibit "C" of the Declaration; and which Lots or Property are comprised by the Final Plat of CROWN POINTE PHASE VI, *a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama*, and being recorded as Document No. 20151125000649160, in the Office of the Judge of Probate of Madison County, Alabama, and which shall, by the execution hereof, be subject to the Declaration of Covenants, Conditions and Restrictions for CROWN POINTE recorded as Document No. 20120329000189450, in the Office of the Judge of Probate of Madison County, Alabama, as heretofore amended and supplemented, and all easements, restrictions, terms and conditions contained therein and shall further be

entitled to all rights arising as a result of the Declaration, as amended and supplemented, together with the following amendments:

Article VI, Section 18. Fences. This section of the Declaration is deleted in its entirety and the following is inserted in lieu thereof:

“No fence other than a six (6) foot wooden arch top fence shall be placed, erected, allowed, or maintained upon any portion of the Community, including any Lot, without the prior written consent of the Architectural Control Committee. No fence shall be located closer to the front property line of any Lot than the rear corner of the home without the prior written consent of the Architectural Control Committee.


In addition, to prevent obstruction of the view to the Common Property, no fence shall be placed, erected, allowed, or maintained upon Lots 17-39 and Lot 43 of Crown Pointe, Phase I, recorded as Document No. 20120215000095100, Probate Records of Madison County, Alabama; Lots 50-56 of Crown Pointe, Phase III, recorded as Document No. 20130419000251390, Probate Records of Madison County, Alabama; Lots 263, 264 and 265 of Crown Pointe, Phase III, Part 2, recorded as Document No. 20130723000481690, Probate Records of Madison County, Alabama; Lots 87, 120, 121, 122 and 123 of Crown Pointe Phase V, recorded as Document No. 20150714000381470, Probate Records of Madison County, Alabama; **and Lots 212, 213, 214 and 215 of Crown Pointe Phase VI, recorded as Document No. 20151125000649160**, without the prior written consent of the Architectural Control Committee.

It is the responsibility of each Owner to maintain fences located along their Lot lines, except where the fence is located between lots, then, it is the responsibility of each Owner to pay one-half (1/2) the cost of maintenance of said fence. In the event any Owner shall fail to maintain their fence after notice by the Association, then, the Association may make such repairs and charge the Owner the cost of such repairs plus a twenty-five (25%) service fee. Any damage done to the fencing shall be repaired solely at the expense of the Owner, who, or whose agents or invitees, caused such damage.”

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed by their duly authorized officers on this the 10th day of February, 2016.

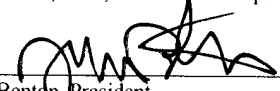
DECLARANT AND OWNER OF LOTS OR PROPERTY IN CROWN POINTE PHASE VI:

JEFF BENTON DEVELOPMENT, INC., an Alabama corporation

By: 
Jeffrey M. Benton, President

OWNER OF LOTS IN CROWN POINTE PHASE VI:

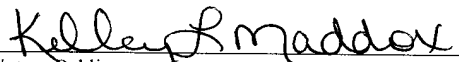
JEFF BENTON HOMES, INC., an Alabama corporation

By: 
Jeffrey M. Benton, President

STATE OF ALABAMA)
 :
MADISON COUNTY)

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that, **Jeffrey M. Benton**, whose name as President of **JEFF BENTON DEVELOPMENT, INC., an Alabama corporation**, and **JEFF BENTON HOMES, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporations on the day same bears date.

Given under my hand and seal this the 10th day of February, 2016.


Notary Public
My Commission Expires: 5-1-16

(Ratifications to follow)

RATIFICATION

WHEREAS, the Lots or Property comprised by the Final Plat of CROWN POINTE PHASE VI, *a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama*, and being recorded as Document No. 20151125000649160, in the Office of the Judge of Probate of Madison County, Alabama, are encumbered by that certain mortgage heretofore granted and conveyed by JEFF BENTON DEVELOPMENT, INC. and JEFF BENTON HOMES, INC. to SERVISFIRST BANK, an Alabama banking corporation; and,

NOW, THEREFORE, in consideration of the premises and other good and valuable benefits received, the undersigned SERVISFIRST BANK, an Alabama banking corporation, the receipt and sufficient of which are hereby acknowledged, desires to ratify, confirm and consent to the foregoing Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Crown Pointe recorded as Document No. 20120329000189450, in the Office of the Judge of Probate of Madison County, Alabama, for the purpose of giving full force and effect to the easements, restrictions, terms and conditions contained therein so that the same shall be binding on all parties having any right, title or interest in said Lots and Property comprised by the Final Plat of CROWN POINTE PHASE VI, *a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama*, and being recorded as Document No. 20151125000649160, in the aforesaid Probate Office.

IN WITNESS WHEREOF, SERVISFIRST BANK, has caused these presents to be executed by its duly authorized officer on this the 8th day of Feb., 2016.

SERVISFIRST BANK, an Alabama banking corporation

By: [Signature]
Hill Womble, Its: Senior Vice President

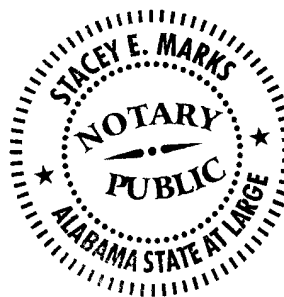
STATE OF ALABAMA)
 :
MADISON COUNTY)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that **HILL WOMBLE**, whose name as Senior Vice President of **SERVISFIRST BANK, an Alabama banking corporation**, is signed to the foregoing Ratification, and who is known to me, acknowledged before me on this day that being informed of the contents of the Ratification, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and seal this the 8th day of Feb., 2016.

[Signature: Stacey E. Marks]
Notary Public
My Commission Expires: 3/4/19

(Ratifications to follow)



RATIFICATION

WHEREAS, the Lots and Property comprised by the Final Plat of CROWN POINTE PHASE VI, a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama, and being recorded as Document No. 20151125000649160, in the Office of the Judge of Probate of Madison County, Alabama, are encumbered by that certain mortgage heretofore granted and conveyed by JEFF BENTON DEVELOPMENT, INC. and JEFF BENTON HOMES, INC. to WELLS FARGO BANK, NATIONAL ASSOCIATION; and,

NOW, THEREFORE, in consideration of the premises and other good and valuable benefits received, the undersigned, WELLS FARGO BANK, NATIONAL ASSOCIATION, the receipt and sufficient of which are hereby acknowledged, desires to ratify, confirm and consent to the foregoing Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Crown Pointe recorded as Document No. 20120329000189450, in the Office of the Judge of Probate of Madison County, Alabama, for the purpose of giving full force and effect to the easements, restrictions, terms and conditions contained therein so that the same shall be binding on all parties having any right, title or interest in said Lots and Property comprised by the Final Plat of CROWN POINTE PHASE VI, a Resubdivision of Tract 1 of Crown Pointe Phase V as recorded in Document No. 20150714000381470 in the Office of the Judge of Probate of Madison County, Alabama, and being recorded as Document No. 20151125000649160, in the aforesaid Probate Office.

IN WITNESS WHEREOF, WELLS FARGO BANK, NATIONAL ASSOCIATION, has caused these presents to be executed by its duly authorized officer on this the 5th day of February, 2016.

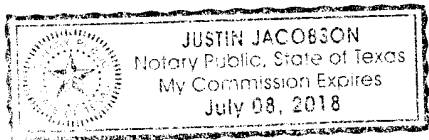
WELLS FARGO BANK, NATIONAL ASSOCIATION,
a national association

By: [Signature]
Printed Name: Kelli JR Craig
Title: Vice President

STATE OF Texas)
)
COUNTY OF Dallas)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Kelli JR Craig, whose name as V.P. of WELLS FARGO BANK, NATIONAL ASSOCIATION, 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/she, as such officer and with full authority, executed the same voluntarily for and as the act of said national banking association on the day same bears date.

Given under my hand and seal this 5th day of February, 2016.



[Signature]
Notary Public/
My Commission Expires: 7/8/18

THIS INSTRUMENT WAS PREPARED BY: ROBERT E. RAWLINSON, HARRISON, GAMMONS & RAWLINSON, P.C., 2430 L & N DRIVE, HUNTSVILLE, ALABAMA 35801, (256) 533-7711/ang

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