

AMENDMENT TO  
BROOK RIDGE ESTATES  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS

THIS AMENDMENT to Brook Ridge Estates Declaration of Covenants, Conditions and Restrictions (the "Amendment") is made as of the 26<sup>th</sup> day of June, 1995 by Edward J. Marino and E.J. Marino, Jr., individuals (collectively, the "Developer").

**RECITALS:**

Developer has developed the property located in Shelby County, Alabama, more particularly described on Exhibit "A" attached hereto and incorporated herein known as Brook Ridge Estates (the "Subdivision") subject to the Brook Ridge Estates Declaration of Covenants, Conditions and Restrictions recorded in the Probate Court of Shelby County at Instrument Number 1993-38371 (the "Declaration"). Developer has sold Lots A, B, C, and D on Ridge View Lane. Developer had reserved for themselves, or their assigns, Lots E and F of Brook Drive. Developer has determined, however, to sell Lots E and F, but in doing so, has agreed to limit the Developer's rights in certain regards with respect to the said lots.

NOW, THEREFORE, in consideration of the premises, the mutual covenants and conditions herein set forth, the parties hereto agree as follows:

1. Sections 2.01 and 4.19 of the Declaration are hereby amended to delete any reference to the fact that Developer may, at any time, or from time to time, divide and redivide, combine and resubdivide any lots in the Subdivision owned by the Developer. Specifically, for the benefit of the owners of lots on Ridge View Lane and the purchasers of lots on Brook Drive, Developer hereby agrees that the subdivision rights provided in the captioned sections of the Declaration are hereby deleted and shall be of no further force or effect and that Developer shall have no right to divide, redivide, combine, or resubdivide any of the lots in the Subdivision owned by the Developer.

2. The foregoing Amendment to the Declaration is intended for the benefit of the owners of lots in the Subdivision and, as such, does not need to be joined in by the present owners in the Subdivision. Developer is causing this Amendment to be filed in the Probate Court of Shelby County, Alabama to evidence their intentions to be bound by the Declaration as amended hereby.

3. Except as modified and amended hereby, the Declaration, as heretofore amended, shall continue in full force and effect with respect to the Subdivision and all the terms and conditions of the Declaration shall remain in full force and effect. The terms used herein, which are defined in the Declaration, shall have the meaning ascribed to such terms in the Declaration.

JCW277328.PTA

06/28/1995-16919  
10:27 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 NCD 16.00

Inst # 1995-16919

IN WITNESS WHEREOF, the parties have hereunto entered into this Amendment to Declaration all as of the day and year first above written.

Edward J. Marino  
Edward J. Marino

E.J. Marino, Jr.  
E.J. Marino, Jr.

STATE OF ALABAMA     )  
                                      )  
JEFFERSON COUNTY     )

I, the undersigned, Notary Public, in and for said county in said state, hereby certify that Edward J. Marino, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 26<sup>th</sup> day of June, 1995.

Phyllis B. Coggin  
Notary Public

My Commission Expires: 10/28/98

[NOTARIAL SEAL]

STATE OF ALABAMA     )  
                                      )  
JEFFERSON COUNTY     )

I, the undersigned, Notary Public, in and for said county in said state, hereby certify that E.J. Marino, Jr., whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 26<sup>th</sup> day of June, 1995.

Phyllis B. Coggin  
Notary Public

My Commission Expires: 10/28/98

[NOTARIAL SEAL]

**EXHIBIT "A"**

Survey of Brook Ridge Estates located in the NW¼ of the SE¼ of Section 23, Township 19 South, Range 2 West, Shelby County, Alabama, as recorded in Map Book 17, page 133, in the Probate Court of Shelby County, Alabama.

**Inst # 1995-16919**

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