

This Instrument Prepared By:
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BURR & FORMAN LLP
Suite 3100, SouthTrust Tower
420 North 20th Street
Birmingham, Alabama 35203

STATE OF ALABAMA)
COUNTY OF SHELBY)

**AMENDMENT TO DECLARATION OF
PROTECTIVE COVENANTS, CONDITIONS AND
RESTRICTIONS FOR BEAVER CREEK PRESERVE,
A RESIDENTIAL SUBDIVISION**

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Beaver Creek Preserve LLP (the "Developer") filed a Declaration of Protective Covenants, Conditions, and Restrictions in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office") in Instrument 1998-29313 (the "Declaration") for the benefit of certain real property situated in Shelby County, Alabama, which is part of a residential subdivision known as Beaver Creek Preserve and which is more particularly described in Map Book 26, page 54 as recorded in the Probate Office;

WHEREAS, Developer filed an Amendment to the Declaration in Instrument 2000-19725 in the Probate Office adding real estate located in Beaver Creek Preserve, a Residential Subdivision to the provisions of the Declaration as Additional Property, as defined in the Declaration;

WHEREAS, Developer is the owner of still additional real property located in Beaver Creek Preserve, a Residential Subdivision, which is being developed as part of said subdivision, which is adjacent to the Property, as defined in the Declaration, and which Developer has approved for addition to the provisions of the Declaration as Additional Property, as defined in the Declaration; and

WHEREAS, the Declaration permits the Developer in its sole and absolute discretion to add Additional Property to the provisions of the Declaration by the execution of an instrument in the manner required for the execution of deeds and recorded in the Probate Office pursuant to Section 2.2 of the Declaration;

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NOW, THEREFORE, the Developer does, upon the recording hereof, declare and make the following described real property subject to the covenants, conditions and restrictions of the Declaration:

Lots 26 through 69, according to the Survey of Beaver Creek Preserve, Third Sector, as recorded in Map Book 27, page 91, in the Probate Office of Shelby County, Alabama.

The above described real property (a) is conveyed subject to the provisions of the Declaration; (b) shall be deemed Additional Property, as defined in the Declaration; (c) shall be included as "Property", wherever that term is used in the Declaration; and (d) shall be deemed added to the real property described on Exhibit A to the Declaration.

The Developer hereby reaffirms and restates all the terms and provisions of the Declaration without change except to amend and add thereto the above described real property. Developer hereby declares that the terms and provisions of the Declaration as amended hereby shall run with the land and be binding upon, and shall inure to the benefit of, the Property and the Additional Property, as described above, and all parties having or acquiring any right, title or interest therein and thereto, and their successors in interest.

IN WITNESS WHEREOF, the Developer has caused this instrument to be duly executed on this 7th day of November, 2000.

BEAVER CREEK PRESERVE LLP

By: HARBAR CONSTRUCTION
COMPANY, INC.

Its: Managing Partner

By: *William Barrow*
Its Vice President

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