

When recorded return to:
R. Mike Conley, Esq.
Leitman, Siegal, Payne & Campbell, P.C.
600 North 20th Street, Suite 400
Birmingham, AL 35203

**FIRST AMENDMENT TO THE ARBOR HILL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
("AMENDMENT")**

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ARBOR HILL (the "Declaration") is made as of this 3rd day of August, 2009 by ARBOR HILL HOMEOWNERS ASSOCIATION, INC., (the "Association") witnesses as follows:

WHEREAS, the Declaration subjecting certain real property situated in Shelby County, Alabama which is more particularly described in Exhibit A, attached hereto and incorporated herein by reference, was originally recorded on September 5, 2003 as Instrument No. 20030905000595780 in the Office of the Judge of Probate, Shelby County, Alabama; and

WHEREAS, ARTICLE X Section 10.03 Amendments After Turnover Date of the Declaration permits the amendment of the Declaration in accordance with the terms and provisions of the Bylaws (the "Bylaws"); and

WHEREAS, pursuant to Article II Section 2.08 Voting by Members of the Bylaws, in October of 2006 a ballot vote was held in accordance with the terms and provisions of Section 2.09 Ballot Voting in Lieu of Meetings of the Bylaws regarding the revision of Section 6.08 Landscaping and Trees Subsection (f) of the Declaration; and

WHEREAS, at least thirty percent (30%) of all the Owners entitled to vote cast ballots with respect to such proposal and a majority of all votes cast in such ballot vote approved such proposal; and

WHEREAS, although the ballot vote of all the Owners was conducted in October of 2006, a First Amendment to the Declaration was not recorded in the Probate Court of Shelby County, Alabama; and

WHEREAS, this Amendment is now being recorded so as to memorialize the results of the October 2006 ballot vote, and to give notice to all Owners of such revision; and

WHEREAS, the Board of Directors has reviewed and affirmed that the following Amendment has been approved and that it be placed of record.

NOW THEREFORE, pursuant to the foregoing, the Declaration for the Association is hereby amended as follows:

1. Capitalized terms used herein and not otherwise defined shall have the meaning ascribed to such terms in the Declaration and/or the Bylaws.

2. Section 6.08 **LANDSCAPING AND TREES** Subsection (f) is hereby deleted and replaced with the following:

1. No rocks, rock walls or other materials shall be placed on any lot or Dwelling as a front or side yard border or to prevent vehicles from parking on or pedestrians from walking on any portion of such lot or Dwelling or to otherwise impede or limit access to the same. No artificial vegetation shall be permitted on the exterior of any portion of the Property or Dwelling. No bird baths, fountains, reflectors, flagpoles, statues, lawn sculptures, lawn furnishings, rock gardens, rock walls or borders, bird houses or other fixtures and accessories shall be placed or installed on or within the front or side yard of any lot or Dwelling or which would be visible from any roadway or adjacent property without written approval of the Architectural Committee.

The Architectural Committee has the authority to limit the number, size and type of materials used for all lawn furnishings including, but not limited to bird baths, flower pots, fountains, reflectors, flagpoles, statues, lawn sculptures, lawn furnishings, rock gardens, rock walls, bird houses, or other fixtures and accessories based upon the size and configuration of the lot or Dwelling and visibility from roadway or adjacent property.

3. The effective date of this First Amendment shall be November 1, 2006.

The undersigned officers of the Arbor Hill Homeowners Association Inc., hereby certify that the record reflects that at least thirty percent (30%) of all the Owners entitled to vote cast ballots with respect to such proposal and a majority of all votes cast in such ballot vote supported this amendment and they further certify that all other conditions precedent to the amendment of this Declaration have been fulfilled and satisfied.

Executed this 3rd of July, 2009.

ARBOR HILL HOMEOWNERS ASSOCIATION, INC.

By:

Jeanie Wallace

Its:

Jeanie Wallace
President

ATTEST:

By: Mary Carmack
Mary Carmack
Its: Secretary

20090821000323150 3/5 \$23.00
Shelby Cnty Judge of Probate, AL
08/21/2009 02:35:59 PM FILED/CERT

STATE OF ALABAMA)
COUNTY OF SHELBY)

Before me, a Notary Public in and for said County and State, personally appeared Jeanie Wallace, President of Arbor Hill Homeowners Association, Inc. and Mary Carmack Secretary of Arbor Hill Homeowners Association, Inc. who acknowledged the execution of the foregoing First Amendment to Declaration of Restrictions for Arbor Hill.

WITNESS my hand and notarial seal this 30th day AUG July, 2009.

BENJAMIN W. LEACH
Notary Public

Printed

My Commission expires: 1/24/2012

Residing in JEFFERSON County, Alabama

THIS INSTRUMENT WAS PREPARED BY:

R. Mike Conley, Esq.
Leitman, Siegal, Payne & Campbell, P.C.
600 North 20th Street
Suite 400
Birmingham, Alabama 35203



20090821000323150 4/5 \$23.00
Shelby Cnty Judge of Probate, AL
08/21/2009 02:35:59 PM FILED/CERT

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land situated in the NW 1/4 of the NW 1/4 of Section 25, and the NE 1/4 of Section 26, all in Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of Section 25, Township 19 South, Range 3 West; thence in an Easterly direction along the North line of said section a distance of 443.58 feet to a point on the Southwesterly Right-of-Way line of Old Montgomery Highway; thence $61^{\circ}03'15''$ to the right in a Southeasterly direction along said right-of-way line a distance of 671.75 feet to the POINT OF BEGINNING; thence $90^{\circ}00'$ to the right in a Southwesterly direction (leaving said right-of-way line) a distance of 78.30 feet to the P.C. (Point of Curve) of a curve to the left having a radius of 750.00 feet and a central angle of $21^{\circ}03'11''$; thence in a Southwesterly direction along the arc of said curve a distance of 275.58 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 83.54 feet to a point; thence $90^{\circ}00'$ to the right in a Northwesterly direction a distance of 133.58 feet to a point; thence $86^{\circ}19'06''$ to the left in a Southwesterly direction a distance of 42.41 feet to a point; thence $9^{\circ}56'24''$ to the left in a Southwesterly direction a distance of 129.97 feet to a point; thence $25^{\circ}30'35''$ to the right in a Southwesterly direction a distance of 151.42 feet to a point; thence $21^{\circ}32'21''$ to the right in a Westerly direction a distance of 34.15 feet to a point; thence $64^{\circ}19'39''$ to the right in a Northwesterly direction a distance of 339.46 feet to a point; thence $90^{\circ}00'$ to the left in a Southwesterly direction a distance of 182.89 feet to a point; thence $90^{\circ}00'$ to the left in a Southeasterly direction a distance of 27.88 feet to the P.C. (Point of Curve) of a curve to the right; having a radius of 25.00 feet and a central angle of $90^{\circ}00'00''$; thence in a Southeasterly, Southerly and Southwesterly direction along the arc of said curve a distance of 39.27 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 90.00 feet to a point; thence $90^{\circ}00'$ to the left in a Southeasterly direction a distance of 174.00 feet to a point; thence $90^{\circ}00'$ to the right in a Southwesterly direction a distance of 180.00 feet to a point; thence $11^{\circ}52'49''$ to the left in a Southwesterly direction a distance of 111.61 feet to a point; thence $40^{\circ}33'32''$ to the left in a Southerly direction a distance of 68.81 feet to a point; thence $13^{\circ}19'53''$ to the left in a Southeasterly direction a distance of 100.44 feet to a point; thence $13^{\circ}04'37''$ to the left in a Southeasterly direction a distance of 140.23 feet to a point; thence $80^{\circ}55'55''$ to the left in a Northeasterly direction a distance of 54.85 feet to a point; thence $6^{\circ}53'37''$ to the left in a Northeasterly direction a distance of 45.23 feet to a point; thence $7^{\circ}42'21''$ to the left in a Northeasterly direction a distance of 49.36 feet to a point; thence $4^{\circ}47'44''$ to the left in a Northeasterly direction a distance of 226.95 to a point; at the Southwest corner of a parcel for a pumping station, said point also being on the East line of Lot 53, Chase Plantation 4th Sector, as recorded in Map Book 9, Page 156 A and B in the office of the Judge of Probate of Shelby County, Alabama; thence $55^{\circ}51'44''$ to the left in a Northerly direction along the common line between said pumping station parcel and said Lot 53 a distance of 50.08 feet to a point on the South line of the NE 1/4 of the NE 1/4 of Section 26, Township 19 South, Range 3 West; thence $90^{\circ}02'47''$ to the right in an Easterly direction along the South line of said 1/4-1/4 section and the North line of the Resurvey of Lots 1, 2, 3, 4, 5, 6, 7 & 8 Chase plantation 3rd Sector, as recorded



20090821000323150 5/5 \$23.00
Shelby Cnty Judge of Probate, AL
08/21/2009 02:35:59 PM FILED/CERT

in Map Book 9, page 62 in the office of the Judge of Probate of Shelby County, Alabama a distance of 83.99 feet to the Southeast corner of said 1/4-1/4 section; thence $0^{\circ}14'20''$ to the left in an Easterly direction along the South line of the NW 1/4 of the NW 1/4 of Section 25, Township 19 South, Range 3 West and the North line of the Resurvey of Lots 1, 2, 3, 4, 5, 6, 7 & 8 Chase Plantation 3rd Sector, the North line of Chase Plantation 3rd Sector, as recorded in Map Book 9, page 47 A and B in the office of the Judge of Probate of Shelby County, Alabama, the North line of A Resurvey of Lots 15, 16, 17, 18, 19 & 20 Chase Plantation 3rd Sector, as recorded in Map Book 9, Page 118 in the office of the Judge of Probate of Shelby County, Alabama, the North line of a Resurvey of Lots 14, 15, 16, & 17 Amended Map of Chase Plantation, as recorded in Map Book 8, Page 92 in the office of the Judge of Probate of Shelby County, Alabama, the North line of a Resurvey of Lots 18, 19, 20, 21, 22, 23 and 24 Amended Map of Chase Plantation, as recorded in Map Book 8, Page 111 in the office of the Judge of Probate of Shelby County, Alabama and the North line of a Resurvey of Lots 25, 26, 27, 28, 29, 30, 31 and 32 Amended Map of Chase Plantation, as recorded in Map Book 8, Page 117 in the office of the Judge of Probate of Shelby County, Alabama a distance of 1177.15 feet to a point on the Southwesterly Right-of-Way line of Old Montgomery Highway, said point being on a curve to the right having a radius of 368.32 feet and a central angle of $16^{\circ}44'49''$; thence $135^{\circ}34'57''$ to the left (Angle Measured to Tangent) in a Northwesterly direction along the arc of said curve and along said right-of-way line a distance of 107.66 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Northwesterly direction along said right-of-way line a distance of 743.62 feet to the Point of Beginning.

Containing 782,900 square feet or 17.973 acres.

File: ARBOR-HILLS-PH-1-BDY.doc