

This instrument was prepared by James F. Reddoch, Jr.,
1701 Daniel Building, Birmingham, Alabama 35233

REAL 1388 PAGE 152

STATE OF ALA. JEFFERSON CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON

2714

AMENDMENT OF

JAN 4 9 23 AM '77

DECLARATION OF CONDOMINIUM

RECORDED IN THE TAX
& 5.00 DEDUCTION HAS BEEN
PAID ON THIS INSTRUMENT.

OF WINDHOVER, A CONDOMINIUM

PROBATE

The undersigned, OWC Development Corporation, a Delaware Corporation, ("Developer"), successor in interest to OWC, Ltd., the original developer of Windhover, a Condominium, pursuant to the provisions of Article II of the Declaration of Condominium of Windhover, a Condominium, ("Declaration"), does hereby report as follows:

WHEREAS, Windhover, a Condominium, was established by recording the Declaration on July 23, 1975, in Real Vol. 1197, Page 689, in the Probate Office of Jefferson County, Alabama, and in Misc. Book 12, Page 1, in the Probate Office of Shelby County, Alabama, as amended by Amendments of Declaration of Condominium recorded in Real Vol. 1200, Page 637, and in Real Vol. 1385, Page 91, in the Probate Office of Jefferson County, Alabama, and in Misc. Book 12, Page 196, and in Misc. Book 18, Page 28, in the Probate Office of Shelby County, Alabama. The plans and drawings of said Condominium have been recorded in Map Book 107, Page 26, in the Probate Office of Jefferson County, Alabama, and in Map Book 6, Page 52, in the Probate Office of Shelby County, Alabama, as amended by revised plans recorded in Map Book 107, Page 32, in the Probate Office of Jefferson County, Alabama, and in Map Book 6, Page 55, in the Probate Office of Shelby County, Alabama; and

WHEREAS, the development period as prescribed and defined in said Declaration has not expired, and Developer has elected to exercise during said development period its option to submit a portion of the expansion property (as defined in said Declaration) to the provisions of the Alabama Condominium Ownership Act and to the Declaration pursuant to the provisions of said Declaration; and

WHEREAS, Developer is the fee simple owner of the entire expansion property, and the portion of the expansion property to be submitted hereby is designated Parcel B and described in the attached Exhibit "A", which is made a part hereof. The property designated Parcel B is contiguous to the property designated Parcel A in the attached Exhibit "A"; and

WHEREAS, Developer proposes to improve said real property, which is designated Parcel B, by the construction thereon of five (5) residential buildings, said buildings containing a total of twenty-four (24) condominium residence units.

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NOW, THEREFORE, the undersigned hereby makes and reports the following Amendment of said Declaration:

(1) Developer hereby submits that portion of the expansion property designated and described as Parcel B in Exhibit "A", which is attached hereto and made a part hereof, together with the improvements to be constructed thereon, to the provisions of the Condominium Ownership Act and to the Declaration of Condominium of Windhover, a Condominium, as amended. Said property, together with the improvements to be constructed thereon, is hereby incorporated within and made a part of Windhover, a Condominium. The real property described in the attached Exhibit "A" and designated Parcel A and Parcel B shall comprise the Condominium property. Said property is situated in Jefferson County, Alabama. Developer, its successors, grantees and assigns, reserves its right and option as provided in the Declaration to incorporate within and to subject to the Declaration, as amended, all or any portion of the remaining expansion property, which is situated partly in Jefferson County, Alabama and partly in Shelby County, Alabama and which consists of 21.020 acres, more or less.

(2) Exhibit "A" as originally filed with the Declaration is hereby deleted in its entirety, and the attached Exhibit "A" is hereby substituted therefor.

(3) Any reference in the Declaration to the number of acres contained in the expansion property is hereby deleted, and "21.020 acres" is hereby substituted therefor.

(4) Developer proposes to construct or cause to be constructed on the portion of the Condominium property designated Parcel B a total of five (5) residential buildings, designated Buildings 10 through 14, said buildings to contain the private elements of a total of twenty-four (24) condominium units. Each unit shall be assigned an identification number/letter and floor plan type designation as shown on Exhibit "B" which is attached hereto and made a part hereof. The attached Exhibit "B" sets forth the total number of units situated or to be situated on the entire Condominium property (Parcel A and Parcel B) and shows the percentage of undivided interest in the common elements allocable to each unit in the Condominium property as expanded. The method for determining said percentages remains unchanged.

(5) Exhibit "B" as originally filed with the Declaration is hereby deleted in its entirety, and the attached Exhibit "B" is hereby substituted therefor.

(6) Each of the five (5) buildings to be constructed on Parcel B shall be residential buildings which shall be substantially similar to and of the same general styles, quality, types, sizes and designs as those nine (9) residential buildings situated upon Parcel A. Supplemental site plans have been prepared by Ronald F. Goss, Registered Engineer,

said site plans showing the proposed layout, location and designating numbers/letters of the private elements of each unit in each of the five (5) buildings proposed to be constructed upon the Parcel B property. Said supplemental site plans shall be filed simultaneously with this Amendment. Developer expressly reserves the right to alter the location and unit type composition of the buildings as shown on said supplemental site plans. Upon completion of any one or more of the buildings to be constructed upon Parcel B and prior to the first conveyance of any unit contained therein, there shall be filed for record an amendment to the Declaration and there shall be filed simultaneously therewith a revised or supplemental site plan or plans, together with additional floor plans (to the extent that the floor plans for any units included in the five (5) buildings to be constructed on Parcel B may differ from the floor plans filed with original Declaration), certified by a licensed or registered engineer or architect, which shall fully depict the layout, location, dimensions and designating numbers/letters of the private elements of each unit in said building or buildings, as built.

(7) Paragraph 3.02 (a) is hereby deleted in its entirety, and the following is hereby substituted therefor:

"(a) Horizontal Boundaries. The lower horizontal boundaries of the private elements of each unit shall be the upper surface of the concrete floor in garage areas, if any, the upper surface of the concrete floor or subfloor in basement areas, if any, and the upper surface of the first-story subfloor in all other areas. The upper horizontal boundaries of the private elements of each unit shall be the interior surface of the roof decking."

The amendment to said paragraph 3.02 (a) does not affect or alter the private elements of any unit in existence at the time of this Amendment of Declaration. Said paragraph is amended exclusively for the purpose of defining the lower horizontal boundaries of the private elements of units which may hereafter be constructed (either on Parcel B or on any portion or portions of the expansion property subsequently incorporated into the Condominium property) with basement areas included therein.

(8) This Amendment does not affect the size, layout or construction specifications with respect to the private elements of any unit heretofore sold, nor does it change the method of computing the undivided interest in the common elements which has assigned to any unit in the Condominium, nor does it materially affect adversely the development of the common elements as contemplated in the Declaration or in any plan recorded in connection with the development. All unit owners and lienholders of record have, pursuant to paragraphs 2.03 and 2.05 of said Declaration, by acceptance of deeds or lien instruments to any of

the units, consented to this Amendment and designated Developer, and its successors and assigns, as any such unit owner's or lienholder's attorney in fact for the purpose of effectuating such Amendment during the development period.

IN WITNESS WHEREOF, OWC Development Corporation has caused this Amendment of Declaration of Condominium of Windhover, a Condominium, to be executed, this 4th day of January, 1977.

OWC DEVELOPMENT CORPORATION

ATTEST:

Vicki D. Edwards
Its Assistant Secretary

By R. S. Martin
Its President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that R. S. Martin, whose name as President of OWC Development Corporation, a Delaware corporation, is signed to the foregoing Amendment of Declaration of Condominium of Windhover, a Condominium, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he, 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 the 4th day of January, 1977.

Mary Sue Largin
Notary Public



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WINDHOVER, A CONDOMINIUM

PARCEL A

A tract of land situated in Jefferson County, Alabama, and being more particularly described as follows:

Commence at the Southwest corner of Section 8, Township 19 South, Range 2 West; thence run on an assumed bearing due east along the south line of said section 423.00 feet; thence due north 77.00 feet to the point of beginning; thence N55°07'30"W 241.35 feet; thence S37°28'34"W 37.80 feet; thence N60°00'00"W 192.90 feet to the intersection of a curve to the left, also being the southeast Right of Way of Old Rocky Ridge Road, said Right of Way being 30 feet southeast of the centerline of said road; thence 118°58'05" right to the tangent of said curve, said curve having a radius of 212.12 feet and a central angle of 43°41'22"; thence northeasterly along the arc of said curve 161.78 feet to the point of a reverse curve to the right, said curve having a radius of 470.00 feet and a central angle of 50°56'23"; thence northeasterly along the arc of said curve 417.86 feet to the point of tangency; thence N66°12'33"E 201.81 feet; thence leaving said right of way S34°40'59"E 325.00 feet; thence S39°37'40"W 349.94 feet to the intersection of a curve to the left; thence 97°03'32" left to the tangent of said curve, said curve having a radius of 462.00 feet and a central angle of 5°19'58"; thence southeasterly along the arc of said curve 43.00 feet to the point of tangency; thence S62°45'50"E 10.00 feet; thence S46°29'50"W 225.52 feet to the point of beginning, as per survey for "Windhover, a Condominium, Parcel A", prepared by Ronald F. Goss, Alabama Registered Engineer and Surveyor, Reg. No. 9248, and containing 6.403 acres more or less.

PARCEL B

A tract of land situated in Jefferson County, Alabama, and being more particularly described as follows:

Commence at the Southwest corner of Section 8, Township 19 South, Range 2 West; thence run on an assumed bearing due east along the south line of said section 832.78 feet to the point of beginning; thence N34°41'00"W 115.04 feet; thence S55°19'00"W 102.76 feet; thence N43°40'20"W 222.69 feet; thence N59°40'30"W 63.91 feet; thence N46°29'50"E 4.17 feet; thence N62°45'50"W 10.00 feet to a curve to the right, said curve having a central angle of 05°19'58" and a radius of 462.00 feet; thence follow the arc of said curve

EXHIBIT "A".

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43.00 feet; thence $97^{\circ}03'32''$ right to the tangent of the preceding curve, run $N39^{\circ}37'40''E$ 349.94 feet; thence $S34^{\circ}40'59''E$ 641.93 feet; thence due west 186.45 feet to the point of beginning, as per survey for "Windhover, A Condominium, Parcel B", prepared by Ronald F. Goss, Alabama Registered Engineer and Surveyor, Reg. No. 9248, and containing 3.104 acres more or less.



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EXHIBIT "A"

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BUILDING NUMBER	UNIT NUMBER	UNIT DESIGNATION	UNIT TYPE	PERCENTAGE UN- DIVIDED INTEREST IN COMMON ELE- MENTS (approx.)
1	1	1-1	A	1.47059%
1	2	1-2	C	1.47059%
1	3	1-3	B	1.47059%
1	4	1-4	D	1.47059%
2	1	2-1	C	1.47059%
2	2	2-2	A	1.47059%
2	3	2-3	B	1.47059%
2	4	2-4	C	1.47059%
2	5	2-5	D	1.47059%
3	1	3-1	C	1.47059%
3	2	3-2	A	1.47059%
3	3	3-3	B	1.47059%
3	4	3-4	C	1.47059%
3	5	3-5	D	1.47059%
4	1	4-1	Cg	1.47059%
4	2	4-2	Ag	1.47059%
4	3	4-3	Bg	1.47059%
4	4	4-4	Cg	1.47059%
4	5	4-5	Dg	1.47059%
5	1	5-1	D	1.47059%
5	2	5-2	C	1.47059%
5	3	5-3	B	1.47059%
5	4	5-4	A	1.47059%
5	5	5-5	D	1.47059%
5	6	5-6	C	1.47059%
5	7	5-7	A	1.47059%
6	1	6-1	Dg	1.47059%
6	2	6-2	Cg	1.47059%
6	3	6-3	Bg	1.47059%
6	4	6-4	Ag	1.47059%
6	5	6-5	Cg	1.47059%
7	1	7-1	A	1.47059%
7	2	7-2	C	1.47059%
7	3	7-3	D	1.47059%
7	4	7-4	A	1.47059%
7	5	7-5	B	1.47059%
7	6	7-6	C	1.47059%
7	7	7-7	D	1.47059%
8	1	8-1	B	1.47059%
8	2	8-2	A	1.47059%
8	3	8-3	C	1.47059%
9	1	9-1	B	1.47059%
9	2	9-2	A	1.47059%
9	3	9-3	C	1.47059%

EXHIBIT "B"

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10	1	10-1	Ag	1.47059%
10	2	10-2	Cg	1.47059%
10	3	10-3	Bg	1.47059%
10	4	10-4	Dg	1.47059%
11	1	11-1	Ag	1.47059%
11	2	11-2	Cg	1.47059%
11	3	11-3	Bg	1.47059%
11	4	11-4	Dg	1.47059%
12	1	12-1	Bl	1.47059%
12	2	12-2	Al	1.47059%
12	3	12-3	Cl	1.47059%
12	4	12-4	B	1.47059%
12	5	12-5	Cl	1.47059%
12	6	12-6	Dl	1.47059%
12	7	12-7	Bl	1.47059%
13	1	13-1	Dg	1.47059%
13	2	13-2	Bg	1.47059%
13	3	13-3	Dg	1.47059%
13	4	13-4	Bg	1.47059%
13	5	13-5	Cg	1.47059%
14	1	14-1	D	1.47059%
14	2	14-2	B	1.47059%
14	3	14-3	C	1.47059%
14	4	14-4	A	1.47059%

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