

This instrument was prepared by James F. Reddoch, Jr., Attorney at Law,
712 So. 29th Street, Birmingham, Alabama 35233.

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

MAR 20 1 50 PM '78

AMENDMENT OF
DECLARATION OF CONDOMINIUM
OF WINDHOVER, A CONDOMINIUM

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, Developer has previously submitted a portion of the expansion property, referred to as Parcel B, to the provisions of the Alabama Condominium Ownership Act and to the Declaration by those certain Amendments filed for record in Real Volume 1388, Page 152, and in Real Volume 1564, Page 374, in the Probate Office of Jefferson County, Alabama, and

WHEREAS, a supplemental site plan was filed for record simultaneously with the latter Amendment described above, said site plan having been filed for record in Map Book 115, Page 5, in the Probate Office of Jefferson County, Alabama, and

WHEREAS, Developer has discovered subsequent to filing the above-referenced documents that the portion of the expansion property referred to as Parcel B was incorrectly described in the Amendments referred to above but was correctly described in the site plan referred to above, and

WHEREAS, all of the Condominium Property, as expanded to date, is located within Jefferson County, and it is anticipated that Developer may incorporate all or a portion of the remaining expansion property, which is situated partly in Jefferson County, Alabama and partly in Shelby County, Alabama, within the Condominium Property.

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

(1) Developer hereby corrects the written legal description for Parcel B of the Condominium Property by deleting the description of said Parcel B contained in Exhibit "A" of that Amendment of Declaration filed for record in Real Volume 1388, Page 152, in the Jefferson County Probate Office and in Misc. Book 18, Page 163, in the Shelby County Probate Office, and substituting therefor the description contained in Exhibit "A"



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hereto, which is the same description as shown on the supplemental site plan filed in Map Book 115, Page 5, in the Jefferson County Probate Office. All references to Parcel B in previous Amendments, or otherwise, shall be deemed to be references to that certain property described as Parcel B in the attached Exhibit "A".

(2) Wherever in said supplemental site plan or in any other recorded site plans there is a reference to "Phase I Property" or "Phase II Property" in connection with Windhover, A Condominium, it shall be deemed for all purposes to refer to those tracts of real property designated as Parcel A and Parcel B, respectively, as said Parcel A and Parcel B are described in the Declaration, as amended.

(3) Except as amended hereby, the Declaration of Condominium of Windhover, A Condominium, as previously amended, remains unchanged and in full force and effect.

(4) Developer, its successors, grantees and assigns, reserves pursuant to the Declaration, as amended, its right and option as provided in said 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.

(5) 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 been assigned to any unit in the Condominium, nor does it materially affect adversely the development of the common areas 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 paragraph 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 20th day of March, 1978.

OWC DEVELOPMENT CORPORATION

By



Its President

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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.

20 Given under my hand and official seal, this the day of March, 1978.

Karen L. Ewing
Notary Public

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WINDHOVER, A CONDOMINIUM

PARCEL B

A tract of land situated in the Southwest 1/4 of the Southwest 1/4 of Section 8, Township 19 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of Section 8, Township 19 South, Range 2 West, Jefferson County, Alabama, and run in an Easterly direction along the South line of said Section 8 a distance of 940.64 feet to the point of beginning; thence turn a deflection angle of 129° 43' 20" to the left and run in a Northwesterly direction a distance of 114.61 feet to a point; thence turn an interior angle of 264° 57' 40" and run to the left in a Southwesterly direction a distance of 89.45 feet to a point; thence turn an interior angle of 98° 59' 20" and run to the right in a Northwesterly direction a distance of 222.69 feet to a point; thence turn an interior angle of 196° 00' 10" to the left and run in a Northwesterly direction a distance of 63.91 feet to a point; thence turn an interior angle of 73° 49' 40" and run to the right in a Northeasterly direction a distance of 4.17 feet to a point; thence turn an interior angle of 289° 15' 40" and run to the left in a Northwesterly direction a distance of 10.00 feet to the PC of a curve; thence continue in a Northwesterly direction along the arc of a curve to the right having a central angle of 5° 20' and a radius of 462.00 feet a distance of 43.00 feet to a point; thence turn an interior angle of 82° 56' 30" (angle measured from tangent) and run to the right in a Northeasterly direction a distance of 349.94 feet to a point; thence turn an interior angle of 74° 18' 40" and run to the right in a Southeasterly direction a distance of 641.93 feet to a point on the South line of Section 8; thence turn an interior angle of 55° 19' 00" and run to the right in a Westerly direction along the South line of said Section 8 a distance of 188.28 feet to the point of beginning; containing 3.123 acres, more or less.

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1978 MAR 20 PM 4:11

Thomas R. Lawrence, Jr.
JUDGE OF PROBATE

Rec. 600
Ind. 700

EXHIBIT "A"