

This instrument was prepared by:  
JAMES F. REDDOCH, JR.  
ATTORNEY AT LAW  
712 SO. 29TH STREET  
BIRMINGHAM, ALABAMA 35233



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2789  
REAL 1632 PAGE 93

AMENDMENT OF  
DECLARATION OF CONDOMINIUM  
OF WINDHOVER, A CONDOMINIUM

STATE OF ALA. JEFFERSON CO.  
CERTIFY THIS INSTRUMENT  
WAS FILED ON  
JUL 21 1 45 PM '78  
RECORDING & S. M. G. TAX  
& S. M. G. TAX  
PD. ON THIS INSTRUMENT.  
JUDGE OF PROBATE

Map Bk 7 pg 52

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 subsequent Amendments of Declaration of Condominium recorded in said Probate Offices. Further, the plans and drawings of the Condominium have been recorded in both of said Probate Offices; 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 the entire remaining expansion property (as defined in said Declaration, as amended) 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 owner of the remaining expansion property, and the entire expansion property which is submitted hereby is designated Parcel D and described in the attached Exhibit "A", which is made a part hereof. The property designated Parcel D is contiguous to the Condominium property as presently established; and

WHEREAS, Developer proposes to complete the improvements upon said real property which is designated Parcel D, by the construction thereon of twenty (20) residential buildings, said buildings containing a total of ninety one (91) condominium residence units; and

WHEREAS, although Developer has hereby submitted the entire expansion property to be a part of the Condominium property and although Developer has determined to turn over its control of the Windhover Association, Inc. as of July 23, 1978 to the directors elected by the members of said Association in

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order that said directors shall from that time forth manage and administer the Association, nevertheless, in order that Developer may be able to complete construction of the remaining residential buildings in a good and workmanlike manner and in a manner which will inure to the benefit of the present and future Unit Owners, Developer deems it necessary to extend the development period as defined in the Declaration for an additional length of time.

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

(1) Developer hereby submits the entire remaining expansion property, designated and described as Parcel D 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, Parcel B, Parcel C and Parcel D shall comprise the Condominium property. Said property is situated partly in Jefferson County, Alabama and partly in Shelby County, Alabama. Since all of the expansion property, as defined in the Declaration, has now been submitted to the provisions of the Declaration, the Developer hereby relinquishes its right and option as provided in the Declaration to incorporate within and subject to the Declaration any further real property.

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

(3) Developer proposes to construct or cause to be constructed on the Condominium property designated Parcel D a total of twenty (20) residential buildings, designated buildings 19 through 38, said buildings to contain the private elements of a total of ninety one (91) 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 upon the entire Condominium property (Parcel A, Parcel B, Parcel C and Parcel D) 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.

(4) Exhibit "B" as originally filed with the Declaration, or as subsequently amended, is hereby deleted in its





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entirety, and the attached Exhibit "B" is hereby substituted therefor.

(5) Each of the twenty (20) buildings to be constructed on Parcel D shall be residential buildings which shall be substantially similar to and of the same general styles, quality, types, sizes and designs as those residential buildings presently situated upon the Condominium property. A supplemental site plan has been prepared and certified by Thomas H. Gachet, Registered Engineer Surveyor, Registration Number 6207, which said site plan shows the proposed layout, location and designating numbers/letters of the private elements of each unit in each of the twenty (20) buildings to be constructed upon the Parcel D property. Said supplemental site plan is being filed for record simultaneously with this Amendment. Developer shall retain the right to file a corrective site plan in order to make any changes, additions, deletions or corrections to any site plan, revised site plan or supplemental site plan previously filed so that the corrective site plan will accurately reflect the actual layout, location, dimensions and designating numbers/letters of the private elements of each unit in said building or buildings and will also reflect the correct legal description of the entire Condominium property. By the filing of any such corrective site plan, any previously filed plan shall be deemed to be corrected or changed to the extent it is inconsistent with the subsequently filed corrective site plan or plans.

(6) The definition of the development period as contained in the original Declaration is hereby amended so that the length of the duration of the development period shall be the earlier of: (a) the sale by Developer of eighty (80) percent of the total number of units which are hereby submitted to the Condominium form of ownership; (b) the expiration of four (4) years from the date of recording this Amendment; or (c) such earlier date as Developer, its successors or assigns, may specify in a written notice to all of the then owners of units (which notice shall be recorded in the Probate Offices of Jefferson County and Shelby County, Alabama).

(7) Wherever in any site plan, supplemental site plan, revised site plan or in any other recorded site plans or any other documents whatsoever there is a reference to "Phase I Property", "Phase II Property", "Phase III Property" or "Phase IV 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, Parcel B, Parcel C or Parcel D, respectively, as said Parcels A, B, C or D are described in the Declaration as amended.

(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





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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 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 21st day of July, 1978.

OWC DEVELOPMENT CORPORATION

By


  
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 21st day of July, 1978.

  
Notary Public

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BOOK



WINDHOVER, A CONDOMINIUM



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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" prepared by Ronald F. Goss, Alabama Registered Engineer and Surveyor, Reg. No. 9248, dated 1-30-75, revised 3-4-75, 7-3-75, 7-22-75 and 7-28-75, and containing 6.403 acres more or less.

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





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turn an interior angle of  $73^{\circ} 49' 40''$  and run to the right in a Northeasterly direction a distance of 4.17 feet to a point thence turn an interior angle of  $289^{\circ} 15' 40''$  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  $5^{\circ} 20'$  and a radius of 462.00 feet a distance of 43.00 feet to a point; thence turn an interior angle of  $82^{\circ} 56' 30''$  (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  $74^{\circ} 18' 40''$  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  $55^{\circ} 19' 00''$  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.

PARCEL C

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, and the Northwest  $1/4$  of the Northwest  $1/4$  of Section 17, Township 19 South, Range 2 West, Shelby 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, the North side of which line is in Jefferson County and the South side of which line is in Shelby County, a distance of 528.72 feet to the point of beginning; thence turn a deflection angle of  $123^{\circ} 07' 30''$  to the left and run in a Northwesterly direction a distance of 133.99 feet to a point; thence turn an interior angle of  $100^{\circ} 22' 40''$  and run to the right in a Northeasterly direction a distance of 172.76 feet to a point; thence turn an interior angle of  $106^{\circ} 10' 20''$  and run to the right in a Southeasterly direction a distance of 63.91 feet to a point; thence turn an interior angle of  $163^{\circ} 59' 50''$  and run to the right in a Southeasterly direction a distance of 222.69 feet to a point; thence turn an interior angle of  $261^{\circ} 00' 40''$  and run to the left in a Northeasterly direction a distance of 89.45 feet to a point; thence turn an interior angle of  $95^{\circ} 02' 20''$  and run to the right in a Southeasterly direction a distance of 114.61 feet to a point on the South line of Section 8, said line being the County line; thence turn an interior angle of  $80^{\circ} 32' 25''$  and run to the right in a Southwesterly direction a distance of 345.41 feet to a point; thence turn an interior angle of  $92^{\circ} 51' 45''$  and run to the right in a Northwesterly direction a distance of 207.85 feet to the point of beginning; containing 2.096 acres, more or less.



PARCEL D



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A tract of land situated in the Southeast 1/4 of the Southeast 1/4 of Section 7, the Southwest 1/4 of the Southwest 1/4 of Section 8, and the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 19 South, Range 2 West, Jefferson County, and the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of Section 18, Township 19 South, Range 2 West, Shelby County, Alabama, and run in a Westerly direction along the North line of said Section 18 a distance of 175.01 feet to a point; thence turn an interior angle of  $94^{\circ} 44' 29''$  and run to the left in a Southerly direction a distance of 120.83 feet to a point; thence turn an interior angle of  $148^{\circ} 53' 56''$  and run to the left in a Southeasterly direction a distance of 80.57 feet to a point; thence turn an interior angle of  $173^{\circ} 36' 35''$  and run to the left in a Southeasterly direction a distance of 292.05 feet to a point; thence turn an interior angle of  $176^{\circ} 05' 30''$  and run to the left in a Southeasterly direction of 255.54 feet to a point on the North side of the Cahaba River; thence turn an interior angle of  $105^{\circ} 27' 40''$  and run to the left in a Northeasterly direction along the North line of said Cahaba River a distance of 35.45 feet to a point; thence turn an interior angle of  $157^{\circ} 35' 20''$  and run to the left in a Northeasterly direction along the North line of said Cahaba River a distance of 79.12 feet to a point; thence turn an interior angle of  $180^{\circ} 10' 00''$  and run to the right in a Northeasterly direction along the North line of said Cahaba River a distance of 263.47 feet to a point; thence turn an interior angle of  $184^{\circ} 09' 00''$  and run to the right in a Northeasterly direction along the North line of said Cahaba River a distance of 129.27 feet to a point; thence turn an interior angle of  $212^{\circ} 14' 30''$  and run to the right in an Easterly direction along the North line of said Cahaba River a distance of 81.98 feet to a point; thence turn an interior angle of  $205^{\circ} 43' 30''$  and run to the right in a Southeasterly direction along the North line of said Cahaba River a distance of 143.96 feet to a point; thence turn an interior angle of  $197^{\circ} 49' 00''$  and run to the right in a Southeasterly direction along the North line of said Cahaba River a distance of 243.12 feet to a point; thence turn an interior angle of  $169^{\circ} 41' 00''$  and run to the left in a Southeasterly direction along the North line of said Cahaba River a distance of 125.33 feet to a point; thence turn an interior angle of  $155^{\circ} 12' 00''$  and run to the left in an Easterly direction a distance of 192.02 feet to a point; thence turn an interior angle of  $165^{\circ} 14' 00''$  and run to the left in an Easterly direction a distance of 99.73 feet to a point; thence turn an interior angle of  $163^{\circ} 37' 00''$  and run to the left in a Northeasterly direction a distance of 111.11 feet to a point; thence turn an interior angle of  $85^{\circ} 14' 01''$  and run to the left in a Northwesterly direction a distance of 573.32 feet to a point on the North





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line of Section 17, Township 19 South, Range 2 West; thence turn an interior angle of  $124^{\circ} 41' 00''$  and run to the left in a Westerly direction along the North line of said Section 17 a distance of 188.28 feet to a point; thence turn an interior angle of  $149^{\circ} 44' 15''$  and run to the left in a Southwesterly direction a distance of 345.41 feet to a point; thence turn an interior angle of  $267^{\circ} 08' 15''$  and run to the right in a Northwesterly direction a distance of 341.84 feet to a point; thence turn an interior angle of  $79^{\circ} 37' 20''$  and run to the left in a Southwesterly direction a distance of 48.59 feet to a point; thence turn an interior angle of  $258^{\circ} 22' 40''$  and run to the right in a Northwesterly direction a distance of 241.35 feet to a point; thence turn an interior angle of  $92^{\circ} 36' 04''$  and run to the left in a Southwesterly direction a distance of 37.80 feet to a point; thence turn an interior angle of  $262^{\circ} 31' 26''$  and run to the right in a Northwesterly direction a distance of 192.90 feet to a point on the Southerly right-of-way line of Old Rocky Ridge Road, said point being a point on a curve; thence turn an interior angle of  $118^{\circ} 58' 07''$  (angle measured to tangent) and run to the left in a Southwesterly direction along the arc of a curve to the right having a central angle of  $19^{\circ} 06' 12''$  and a radius of 212.12 feet a distance of 70.72 feet to the PT of said curve; thence continue in a Southwesterly direction along the Southerly right-of-way line of Old Rocky Ridge Road and along the projection of the tangent to the last described curve a distance of 19.69 feet to the PC of a curve; thence continue in a Southwesterly direction along the Southerly right-of-way line of Old Rocky Ridge Road and along the arc of a curve to the left having a central angle of  $45^{\circ} 10' 05''$  and a radius of 145.00 feet a distance of 114.31 feet to a point; thence turn an interior angle of  $110^{\circ} 10' 48''$  (angle measured from tangent) and run to the left in a Southeasterly direction a distance of 235.76 feet to the point of beginning; containing 21.93 acres, more or less.





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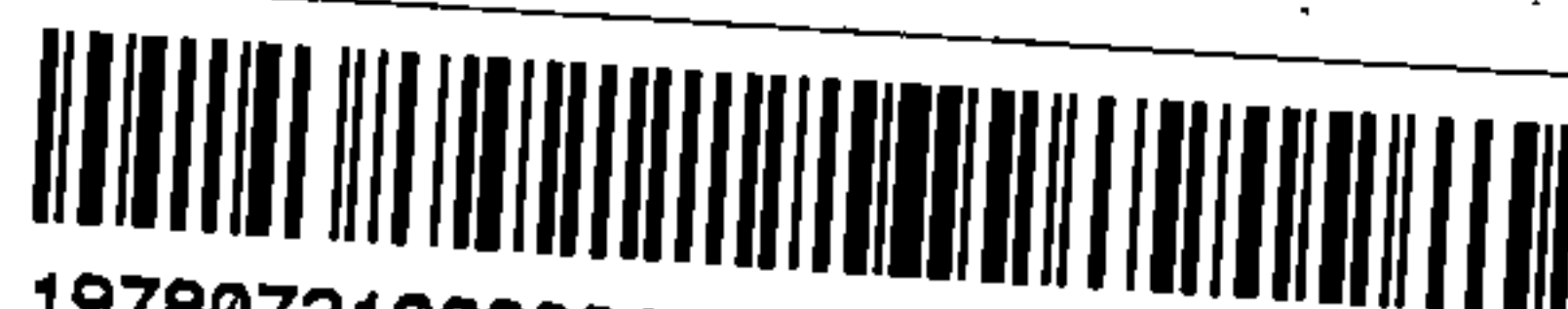
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1	2	1-2	C	.55249
1	3	1-3	B	.55249
1	4	1-4	D	.55249
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3	4	3-4	C	.55249
3	5	3-5	D	.55249
4	1	4-1	Cg	.55249
4	2	4-2	Ag	.55249
4	3	4-3	Bg	.55249
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4	5	4-5	Dg	.55249
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5	7	5-7	A	.55249
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6	2	6-2	Cg	.55249
6	3	6-3	Bg	.55249
6	4	6-4	Ag	.55249
6	5	6-5	Cg	.55249
7	1	7-1	A	.55249
7	2	7-2	C	.55249

EXHIBIT "B"  
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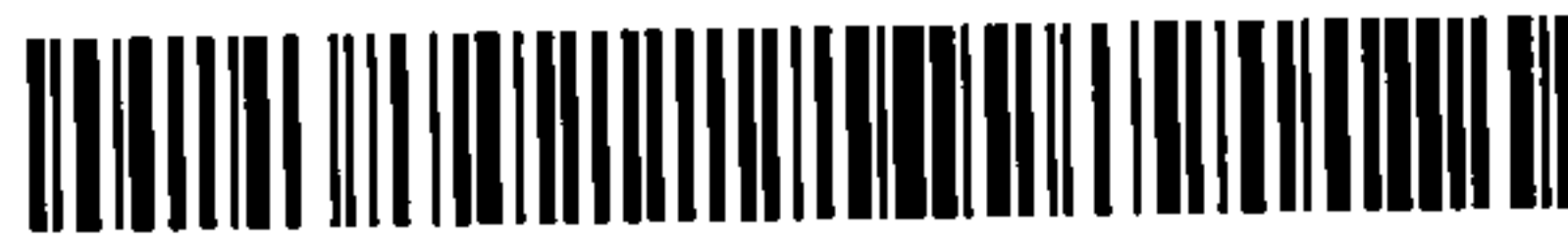
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7	4	7-4	A	.55249
7	5	7-5	B	.55249
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14	4	14-4	A	.55249
15	1	15-1	Dg	.55249
15	2	15-2	Bg	.55249

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22	1	22-1	Dg	.55249
22	2	22-2	Bg	.55249





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22	3	22-3	Dg	.55249
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24	3	24-3	Dg	.55249
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27	7	27-7	B <sub>1</sub>	.55249
28	1	28-1	Ag	.55249
28	2	28-2	Cg	.55249
28	3	28-3	Bg	.55249
28	4	28-4	Dg	.55249
29	1	29-1	Dg	.55249
29	2	29-2	Ag	.55249
29	3	29-3	Cg	.55249
30	1	30-1	Cg	.55249
30	2	30-2	Ag	.55249
30	3	30-3	Bg	.55249
30	4	30-4	Cg	.55249
30	5	30-5	Dg	.55249





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31	1	31-1	Cg	.55249
31	2	31-2	Ag	.55249
31	3	31-3	Bg	.55249
31	4	31-4	Cg	.55249
31	5	31-5	Dg	.55249
32	1	32-1	C <sub>1</sub>	.55249
32	2	32-2	A <sub>1</sub>	.55249
32	3	32-3	B <sub>1</sub>	.55249
32	4	32-4	C <sub>1</sub>	.55249
32	5	32-5	D <sub>1</sub>	.55249
33	1	33-1	B	.55249
33	2	33-2	A	.55249
33	3	33-3	C	.55249
34	1	34-1	C	.55249
34	2	34-2	A	.55249
34	3	34-3	C	.55249
34	4	34-4	B	.55249
34	5	34-5	A	.55249
34	6	34-6	C	.55249
35	1	35-1	Dg	.55249
35	2	35-2	Ag	.55249
35	3	35-3	Cg	.55249
36	1	36-1	B	.55249
36	2	36-2	A	.55249
36	3	36-3	C	.55249
37	1	37-1	A	.55249
37	2	37-2	C	.55249
37	3	37-3	B	.55249
37	4	37-4	D	.55249
38	1	38-1	A	.55249
38	2	38-2	C	.55249
38	3	38-3	D	.55249
38	4	38-4	A	.55249
38	5	38-5	B	.55249
38	6	38-6	C	.55249
38	7	38-7	D	.55249

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*Thomas A. Shivers, Jr.*  
JUDGE OF PROBATE

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