

19780721000094450 1/8 \$.00
Shelby Cnty Judge of Probate, AL
07/21/1978 12:00:00 AM FILED/CERT

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

2786

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

REL 1632 PAGE 85

JUL 21 1 42 PM '78

RECORDED & \$ MTG. TAX
& \$ DEED TAX HAS BEEN
PD. OF THIS INSTRUMENT.

Map Bk 7 pg 81

[Signature]
JUDGE OF PROBATE

AMENDMENT OF

DECLARATION OF CONDOMINIUM

OF WINDHOVER, A CONDOMINIUM



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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 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, the 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 C and described in the attached Exhibit "A", which is made a part hereof. The property designated Parcel C is contiguous to the property of the Condominium as presently established; and

WHEREAS, Developer has improved said real property, which is designated Parcel C, by the construction thereon of four (4) residential buildings, said buildings containing a total of twenty-two (22) condominium residence units.

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 C in Exhibit

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BOOK



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"A", which is attached hereto and made a part hereof, together with the improvements which have been 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 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 and Parcel C shall comprise the Condominium property. Said property is situated partly in Jefferson County, Alabama and partly in Shelby 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.

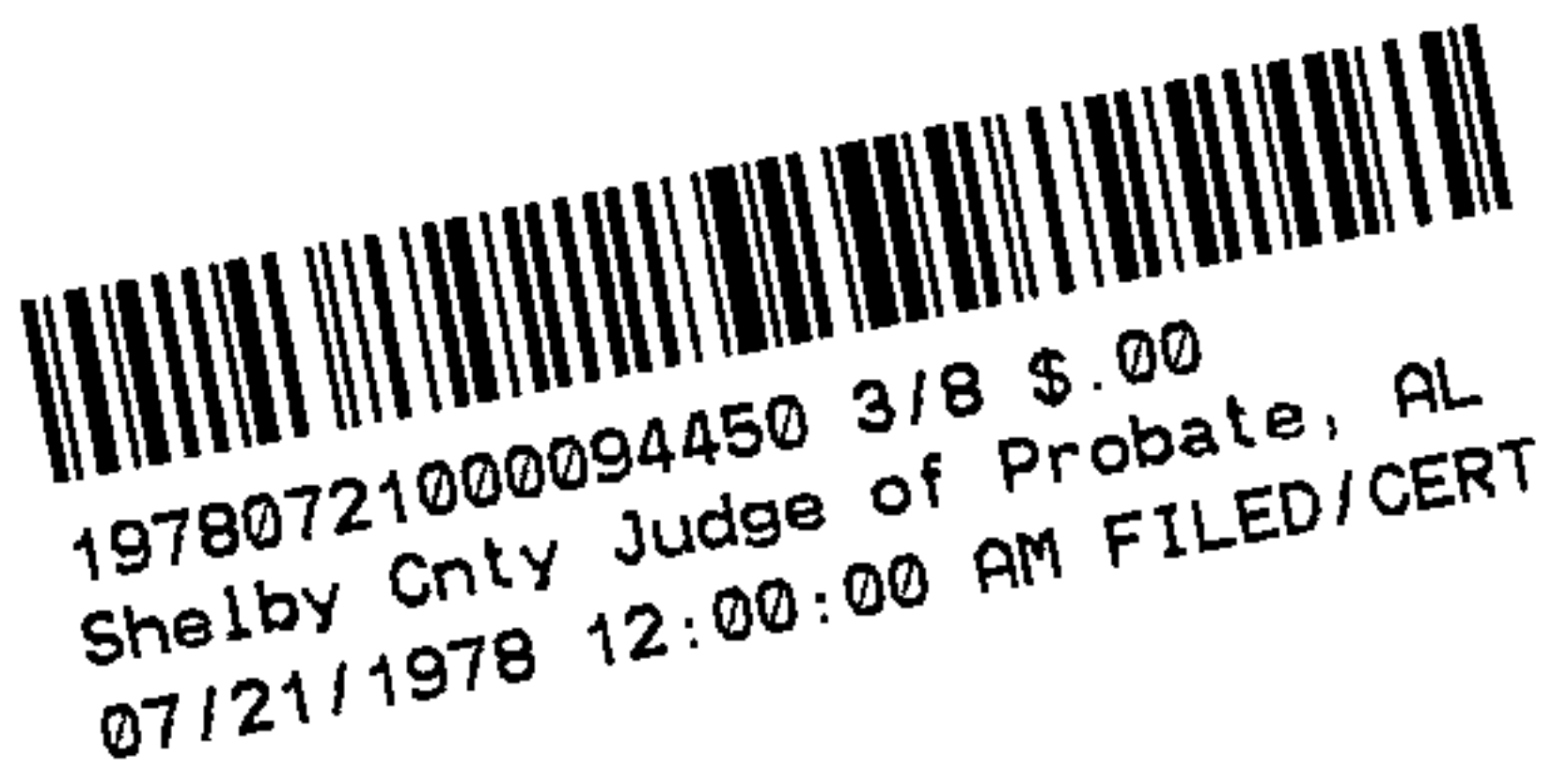
(2) Exhibit "A" as originally filed with the Declaration, or any amendment thereto, is hereby deleted in its entirety, and the attached Exhibit "A" is hereby substituted therefor.

(3) Any reference in the Declaration to the number of acres contained in the expansion property is hereby deleted, and the expansion property shall be comprised of that number of acres remaining after the submittal of said Parcel C as a part of the Condominium property.

(4) Developer has improved the portion of the Condominium property designated Parcel C by the construction thereon of a total of four (4) residential buildings, designated Buildings 15 through 18, said buildings containing the private elements of a total of twenty-two (22) condominium units. Each unit is hereby assigned the 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 upon the entire Condominium property (Parcel A, Parcel B and Parcel C) 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 or as subsequently amended is hereby deleted in its entirety, and the attached Exhibit "B" is hereby substituted therefor.

(6) The four (4) buildings constructed on Parcel C shall be residential buildings which shall be substantially similar to and of the same general styles, quality, types, sizes and designs as the residential buildings presently situated upon Parcel A and Parcel B. A supplemental site plan prepared and certified by



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Thomas H. Gachet, Registered Engineer and Surveyor, Registration Number 6207, which said site plan shows the layout, location and designating numbers/letters of the private elements of each unit in each of the four (4) buildings constructed upon the Parcel C property, is being simultaneously filed for record with this Amendment.

(7) 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 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 20th day of July, 1978.

OWC DEVELOPMENT CORPORATION

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 20th day of July, 1978.

James H. Reddick Jr.
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" 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

EXHIBIT "A"

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BOOK 26 PAGE 332

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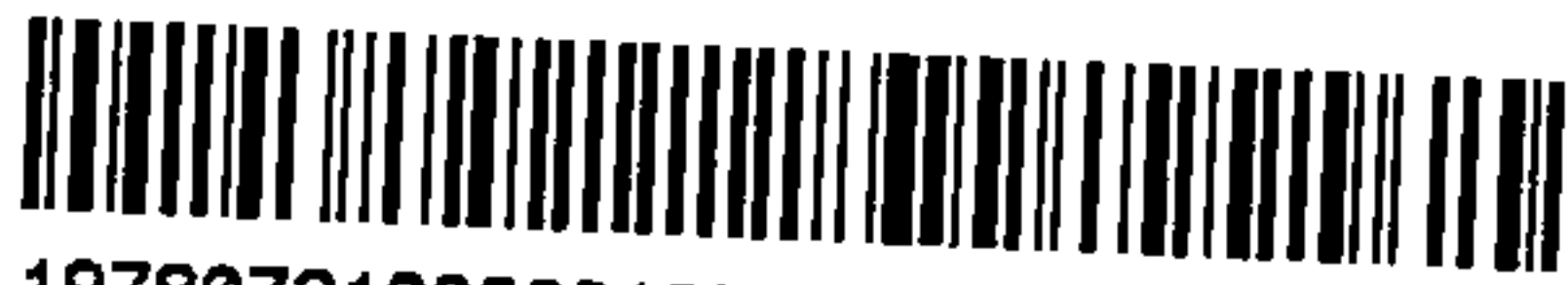
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turn an interior angle of $73^{\circ} 49' 40''$ and run to the right in a Northeasterly direction a distance of 4.17 feet to a point thence turn an interior angle of $289^{\circ} 15' 40''$ and run to the left in a Northwesterly direction a distance 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.



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| Building Number | Unit Number | Unit Designation | Unit Type | Percentage Undivided Interest in Common Elements (Approx.) |
|--------------------|----------------|---------------------|--------------|--|
|--------------------|----------------|---------------------|--------------|--|

| | | | | |
|---|---|-----|----|---------|
| 1 | 1 | 1-1 | A | 1.11111 |
| 1 | 2 | 1-2 | C | 1.11111 |
| 1 | 3 | 1-3 | B | 1.11111 |
| 1 | 4 | 1-4 | D | 1.11111 |
| 2 | 1 | 2-1 | C | 1.11111 |
| 2 | 2 | 2-2 | A | 1.11111 |
| 2 | 3 | 2-3 | B | 1.11111 |
| 2 | 4 | 2-4 | C | 1.11111 |
| 2 | 5 | 2-5 | D | 1.11111 |
| 3 | 1 | 3-1 | C | 1.11111 |
| 3 | 2 | 3-2 | A | 1.11111 |
| 3 | 3 | 3-3 | B | 1.11111 |
| 3 | 4 | 3-4 | C | 1.11111 |
| 3 | 5 | 3-5 | D | 1.11111 |
| 4 | 1 | 4-1 | Cg | 1.11111 |
| 4 | 2 | 4-2 | Ag | 1.11111 |
| 4 | 3 | 4-3 | Bg | 1.11111 |
| 4 | 4 | 4-4 | Cg | 1.11111 |
| 4 | 5 | 4-5 | Dg | 1.11111 |
| 5 | 1 | 5-1 | D | 1.11111 |
| 5 | 2 | 5-2 | C | 1.11111 |
| 5 | 3 | 5-3 | B | 1.11111 |
| 5 | 4 | 5-4 | A | 1.11111 |
| 5 | 5 | 5-5 | D | 1.11111 |
| 5 | 6 | 5-6 | C | 1.11111 |
| 5 | 7 | 5-7 | A | 1.11111 |
| 6 | 1 | 6-1 | Dg | 1.11111 |
| 6 | 2 | 6-2 | Cg | 1.11111 |
| 6 | 3 | 6-3 | Bg | 1.11111 |
| 6 | 4 | 6-4 | Ag | 1.11111 |
| 6 | 5 | 6-5 | Cg | 1.11111 |
| 7 | 1 | 7-1 | A | 1.11111 |
| 7 | 2 | 7-2 | C | 1.11111 |

EXHIBIT "B"
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|----|---|------|----------------|---------|
| 7 | 3 | 7-3 | D | 1.11111 |
| 7 | 4 | 7-4 | A | 1.11111 |
| 7 | 5 | 7-5 | B | 1.11111 |
| 7 | 6 | 7-6 | C | 1.11111 |
| 7 | 7 | 7-7 | D | 1.11111 |
| 8 | 1 | 8-1 | B | 1.11111 |
| 8 | 2 | 8-2 | A | 1.11111 |
| 8 | 3 | 8-3 | C | 1.11111 |
| 9 | 1 | 9-1 | B | 1.11111 |
| 9 | 2 | 9-2 | A | 1.11111 |
| 9 | 3 | 9-3 | C | 1.11111 |
| 10 | 1 | 10-1 | Ag | 1.11111 |
| 10 | 2 | 10-2 | Cg | 1.11111 |
| 10 | 3 | 10-3 | Bg | 1.11111 |
| 10 | 4 | 10-4 | Dg | 1.11111 |
| 11 | 1 | 11-1 | Ag | 1.11111 |
| 11 | 2 | 11-2 | Cg | 1.11111 |
| 11 | 3 | 11-3 | Bg | 1.11111 |
| 11 | 4 | 11-4 | Dg | 1.11111 |
| 12 | 1 | 12-2 | B ₁ | 1.11111 |
| 12 | 2 | 12-2 | A ₁ | 1.11111 |
| 12 | 3 | 12-3 | C ₁ | 1.11111 |
| 12 | 4 | 12-4 | B | 1.11111 |
| 12 | 5 | 12-5 | C ₁ | 1.11111 |
| 12 | 6 | 12-6 | D ₁ | 1.11111 |
| 12 | 7 | 12-7 | B ₁ | 1.11111 |
| 13 | 1 | 13-1 | Dg | 1.11111 |
| 13 | 2 | 13-2 | Bg | 1.11111 |
| 13 | 3 | 13-3 | Dg | 1.11111 |
| 13 | 4 | 13-4 | Bg | 1.11111 |
| 13 | 5 | 13-5 | Cg | 1.11111 |
| 14 | 1 | 14-1 | D | 1.11111 |
| 14 | 2 | 14-2 | B | 1.11111 |
| 14 | 3 | 14-3 | C | 1.11111 |
| 14 | 4 | 14-4 | A | 1.11111 |
| 15 | 1 | 15-1 | Dg | 1.11111 |
| 15 | 2 | 15-2 | Bg | 1.11111 |

EXHIBIT "B"
Page 2 of 3



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|----|---|------|----------------|---------|
| 15 | 3 | 15-3 | Dg | 1.11111 |
| 15 | 4 | 15-4 | Bg | 1.11111 |
| 15 | 5 | 15-5 | Cg | 1.11111 |
| 16 | 1 | 16-1 | Dg | 1.11111 |
| 16 | 2 | 16-2 | Ag | 1.11111 |
| 16 | 3 | 16-3 | Cg | 1.11111 |
| 16 | 4 | 16-4 | Bg | 1.11111 |
| 16 | 5 | 16-5 | Dg | 1.11111 |
| 16 | 6 | 16-6 | Ag | 1.11111 |
| 16 | 7 | 16-7 | Cg | 1.11111 |
| 17 | 1 | 17-1 | A | 1.11111 |
| 17 | 2 | 17-2 | C | 1.11111 |
| 17 | 3 | 17-3 | A | 1.11111 |
| 17 | 4 | 17-4 | B | 1.11111 |
| 18 | 1 | 18-1 | B ₁ | 1.11111 |
| 18 | 2 | 18-2 | A ₁ | 1.11111 |
| 18 | 3 | 18-3 | C ₁ | 1.11111 |
| 18 | 4 | 18-4 | C ₁ | 1.11111 |
| 18 | 5 | 18-5 | D ₁ | 1.11111 |
| 18 | 6 | 18-6 | B ₁ | 1.11111 |

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

1978 JUL 21 PM 2:52

Thomas A. Snowman, Jr.
JUDGE OF PROBATE

Rec. 12.00
Ind. 1.00

\$13.00