

4348

This instrument was prepared by:
Clayton T. Sweeney
Corley, Moncus & Ward, P.C.
2100 South Bridge Parkway, Suite 650
Birmingham, Alabama 35209

STATE OF ALABAMA)
COUNTY OF SHELBY)

AMENDMENT TO DECLARATION OF
PROTECTIVE COVENANTS OF
BROOK HIGHLAND, A RESIDENTIAL SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS THAT,

WHEREAS, Eddleman & Associates, an Alabama general partnership (hereinafter referred to as the "Declarant") has previously filed a Declaration of Protective Covenants and Agreements in the Probate Office of Shelby County, Alabama, in Book 194, at page 254, as supplemented by instruments recorded in Book 228, page 882, Book 228, page 886, and Book 255, page 131 in said office (the "Original Declaration") for the benefit of certain real property situated in Shelby County, Alabama, which is part of a residential subdivision known as Brook Highland, A Residential Subdivision, and which is more particularly described in the Plats of the First, Second, Third, Fourth, Fifth and Seventh Sectors of Brook Highland as respectively recorded in Map Book 12 at pages 62, 63 and 64, and in Map Book 13 at pages 12, 32A, 32B and 99, in the Probate Office of Shelby County, Alabama (the "Property");

WHEREAS, the Declarant desires to impose a special use restriction upon certain Lots now owned by

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Corley Moncus & Ward

the Developer within the Property with respect to a swim and tennis facility to be developed and operated on certain real property within the vicinity of said Lots;

WHEREAS, the Declarant desires to amend the Original Declaration in accordance with and pursuant to Section 10.01 of the Original Declaration which permits the Declarant to unilaterally amend the Original Declaration;

NOW THEREFORE, the Declarant does, upon the recording hereof, hereby amend the terms and provisions of the Original Declaration as follows:

ARTICLE I

The Declarant hereby amends the Original Declaration in order to submit certain Lots owned by the Declarant to special use restrictions with respect to a swim and tennis facility to be developed and operated on real property in the vicinity of said Lots by adding the following as Section 7.17 or Article VII of the Original Declaration:

7.17 Special Use Restriction. Lots 300, 301, 302, 313, 314, 320, 321, 322, 323, 324, 325, 326, 327 and 328 of the Seventh Sector of Brook Highland, a Residential Subdivision (as reflected in the plat recorded in Map Book 13 at page 99 in the Probate Office of Shelby County, Alabama) each has a common boundary with, and/or is located in the vicinity of certain real property that is described on Exhibit C hereto (the "Adjacent Property") that is intended to be used as a public or private swim and tennis facility

under the name of Brook Highland Racquet Club. The use of said Lots shall be subject to the use and operation of swim and tennis facilities on the Adjacent Property in such manner and during such hours (including evening hours) as comparable facilities are usually and customarily used and operated and by adding as Exhibit C to the Original Declaration the legal description of the Adjacent Property, which description is set forth on Exhibit C to this Amendment and incorporated herein by this reference.

ARTICLE II

The Declarant hereby reaffirms and restates the terms and provisions of the Original Declaration as amended hereby in their entirety without any change whatsoever. Declarant hereby reaffirms and declares that said provisions of the Original Declaration as amended hereby shall run with the land and be binding upon, and shall inure to the benefit of, the Subject Property and all parties having or acquiring any right, title or interest in and to the Subject Property or any part thereof, and their successors in interest.

DEVELOPER:

EDDLEMAN & ASSOCIATES,
an Alabama general partnership
whose partners are:

THE MEADOWS, LTD.,
an Alabama limited partnership
whose general partner is
Eddleman Realty, Inc.

By: 

Its: VICE-PRESIDENT

and

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JEFFERSON LAND SERVICES, INC.

By: Graham D. Hutson
Its: Secretary

BROOK HIGHLAND HOMEOWNERS' ASSOCIATION, INC.

By: Douglas D. Eddleman
Its: Vice President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Douglas D. Eddleman, whose name as President of Eddleman Realty, Inc., a corporation, the general partner of The Meadows, Ltd., a limited partnership named as a partner of Eddleman & Associates, a partnership, is signed to the foregoing Supplemental Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Supplemental Declaration of Protective Covenants, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said Eddleman Realty, Inc., as general partner of The Meadows, Ltd., acting in its capacity as partner of Eddleman Associates.

Given under my hand and official seal of office this 27th day of October, 1989.

Clayton L. Lue
Notary Public
My Commission Expires: 5/29/91

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Graham D. Hutson, whose name as Secretary of Jefferson Land Services, Inc., a corporation, as partner of Eddleman & Associates, a partnership, is signed to the foregoing Supplemental Declaration of Protective Covenants, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Supplemental Declaration of Protective Covenants, he, as such officer, and with full authority, executed the same voluntarily for and

as the act of said corporation, acting in its capacity
as partner as aforesaid.

Given under my hand and official seal of
office this 27th day of October, 1989.


Notary Public
My Commission Expires: 5/29/91

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and
for said County in said State hereby certify that Billy
D. Eddleman, whose name as President of Brook Highland
Homeowners' Association, Inc., an Alabama nonprofit
corporation, is signed to the foregoing Supplemental
Declaration of Protective Covenants, and who is known
to me, acknowledged before me on this day that, being
informed of the contents of the above and foregoing
Supplemental Declaration of Protective Covenants, he,
as such officer, and with full authority, executed the
same voluntarily for and as the act of said corpora-
tion.

Given under my hand and official seal of
office this 27th day of October, 1989.


Notary Public
My Commission Expires: 5/29/91

EXHIBIT C

A parcel of land situated in Section 29, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows: Commence at the southwest corner of said Section 29, and run North 45 deg. 09 min. 34 sec. West for a distance of 28.13 feet to a point; thence run North 89 deg. 32 min. 01 sec. East, and parallel to and 20 feet from the South line of said Section 29, for a distance of 537.00 feet to a point; thence run North 30 deg. 56 min. 59 sec. East for a distance of 143.27 feet to a point; thence run North 42 deg. 46 min. 42 sec. East for a distance of 185.70 feet to a point; thence run North 47 deg. 37 min. 05 sec. East for a distance of 264.61 feet to a point; thence run North 22 deg. 17 min. 13 sec. East for a distance of 301.78 feet to the point of beginning; thence run North 0 deg. 37 min. 52 sec. East for a distance of 274.24 feet to a point; thence run North 19 deg. 04 min. 19 sec. West for a distance of 170.02 feet to a point; thence run North 0 deg. 31 min. 58 sec. East for a distance of 354.16 feet to a point; thence run North 26 deg. 26 min. 50 sec. East for a distance of 349.86 feet to a point; thence run North 2 deg. 03 min. 16 sec. West for a distance of 545.47 feet to a point; thence run North 36 deg. 55 min. 41 sec. East for a distance of 793.75 feet to a point on the Southwest right of way line of Brook Highland Drive; thence run South 11 deg. 15 min. 32 sec. East along said Southwest right of way for a distance of 84.85 feet to a point; thence run South 78 deg. 44 min. 28 sec. West along said right of way for a distance of 32.00 feet to a point on a curve to the left, which is concave to the Northeast having a radius of 698.62 feet and a central angle of 55 deg. 16 min. 32 sec., and a radius bearing North 78 deg. 44 min. 28 sec. East; thence run in a Southeasterly direction along the arc of said curve and also along said right of way for a distance of 673.99 feet to a point; thence leaving said right of way, turn an interior counterclockwise angle of 112 deg. 12 min. 39 sec. from the chord of said curve and run South 28 deg. 53 min. 33 sec. West for a distance of 346.13 feet to a point; thence run South 36 deg. 41 min. 15 sec. West for a distance of 176.98 feet to a point; hence run South 34 deg. 58 min. 49 sec. West, for a distance of 502.16 feet to a point; thence run South 38 deg. 20 min. 33 sec. West for a distance of 267.91 feet to a point; thence run South 27 deg. 03 min. 21 sec. West for a distance of 64.86 feet to a point; thence run South 13 deg. 31 min. 38 sec. West for a distance of 82.06 feet to a point; thence run South 4 deg. 11 min. 23 sec. West for a distance of 167.81 feet to a point; thence run South 19 deg. 36 min. 28 sec. West for a distance of 351.86 feet to a point; thence run South 29 deg. 03 min. 44 sec. West for a distance of 52.83 feet to a point; thence run North 21 deg. 28 min. 32 sec. West for a distance of 65.36 feet to the point of beginning; being situated in Shelby County, Alabama.

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

89 OCT 30 AM 8:22

Thomas A. Snowdon, Jr.
JUDGE OF PROBATE

15.00
4.00
19.00

1. Deed Tax	\$	15.00
2. ...	\$	4.00
3. ...	\$	19.00
4. ...	\$	3.00
5. ...	\$	1.00
6. ...	\$	19.00
Total	\$	19.00