

STATE OF ALABAMA }
COUNTY OF SHELBY }

SUPPLEMENTARY DECLARATION OF
PROTECTIVE COVENANTS FOR
SAVANNAH POINTE
SECTOR II, PHASE II

Inst # 2000-39586
11/15/2000-39586
08:53 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 HMB 35.00

KNOW ALL MEN BY THESE PRESENTS THAT,

WHEREAS, Beacon Development, L.L.P., an Alabama Limited Liability Partnership has previously filed a Declaration of Protective Covenants in the Probate Office of Shelby County, Alabama, in Instrument #1999-25577, (the "Original Declaration") for the benefit of certain real property situated in Shelby County, Alabama, which is part of a residential subdivision known as Savannah Pointe, and which is more particularly described in the Plat of Savannah Pointe, Sector I, Phase I, Sector II, Phase I and Sector III, Phase I, and Sector IV, Phase I, as respectively recorded in Map Book 25, Page 114, in Map Book 25, Page 115, in Map Book 25, Page 113, and Map Book 26, Page 49, all in the Probate Office of Shelby County, Alabama.

WHEREAS, Beacon Development, L.L.P., an Alabama Limited Liability Partnership (hereinafter referred to as "Declarant") is the owner of additional real property (the "Subject Property") situated in Shelby County, Alabama, which it proposes to be developed as part of Savannah Pointe, and which is more particularly described in the Plat of Savannah Pointe, Sector II, Phase II, as recorded in Map Book 27, Page 163, in the Probate Office of Shelby County, Alabama.

WHEREAS, the Declarant desires to submit the Subject Property to the Original Declaration in accordance with and pursuant to Section 2.02 of the Original Declaration which

permits the owner of any property, with the approval in writing of the Association (as defined in the Original Declaration), to submit such property to the Original Declaration by filing a Supplementary Declaration to that effect in the Office of the Judge of Probate of Shelby County, Alabama;

NOW THEREFORE, the Declarant, together with Savannah Pointe Residential Association, Inc. (the "Association") do, upon the recording hereof, declare and make the Subject Property and any portion thereof subject to the covenants, conditions, restrictions, uses, limitations and affirmative obligations of the Original Declaration, as heretofore amended and as amended hereby, all of which are declared to be in furtherance of a plan for the use and improvement of the Subject Property in a desirable and uniform manner suitable in architectural design and for the enforcement of such uniform standards and the maintenance and preservation of the common amenities within the property subject to the Original Declaration.

ARTICLE I

The Declarant hereby reaffirms and restates the terms and provisions of the Original Declaration as recorded in Instrument #1999-25577, in the Probate Office of Shelby County, Alabama, their entirety without any change whatsoever, except as follows:

1. The legal description of the property subject to the Original Declaration in Exhibit "A" thereof is hereby amended to include the Subject Property.
2. ARTICLE III of the Original Declaration is hereby amended to modify the restrictions on the size of the residential dwellings to be constructed on certain Lots with the Subject Property by changing and adding the following as Section 3.07(b) thereof.

Paragraph 3.07(b): Notwithstanding the provisions of Section 3.07(b) of the Original Declaration, the size of each main residential building (exclusive of open porches, garages, basements and carports) to be constructed on any of the Lots in Savannah Pointe Sector II, Phase II, according to the plat thereof recorded in Map Book 27, Page 103 in the Probate Office of Shelby County, Alabama, shall be subject to the following minimum requirements: every dwelling building erected on any Lot in the Property, known as Savannah Pointe, Sector II, Phase II, exclusive of one-story open porches, garages, carports and other unairconditioned, unfinished spaces, shall each include a minimum of 1,300 square feet of enclosed, heated, habitable areas, ("finished space") for a one-story home, and a minimum of 1,300 square feet for a one and one-half story or two story home, with a minimum of 850 square feet on the first floor.

ARTICLE II

The Association has joined in the execution of this Supplemental Declaration for the purpose of evidencing its written approval of the submission of the Subject Property to the Original Declaration as herein provided and does hereby authorize the filing of this Supplemental Declaration with the Office of the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, the undersigned have caused this Declaration to be
executed as of the 7th day of November, 2000.

DECLARANT:

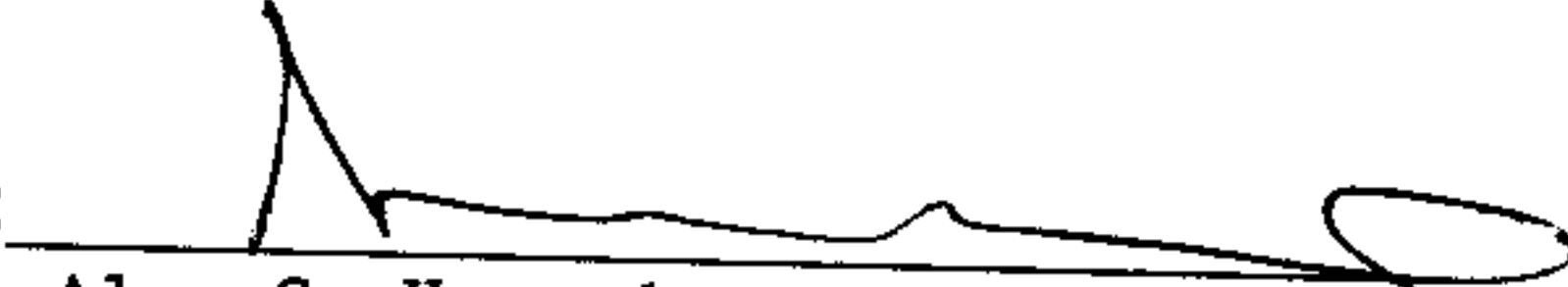
Beacon Development, L.L.P.,

an Alabama Limited Liability Partnership

By: 
Alan C. Howard

Its: Vice Managing Member

Savannah Pointe Residential Association, Inc.

By: 
Alan C. Howard

Its: President

STATE OF ALABAMA }
COUNTY OF Jefferson }

I, the undersigned, a Notary Public in and for said County in said State, hereby
certify that Alan C. Howard, whose name as Vice Managing Member of
Beacon Development, L.L.P., an Alabama Limited Liability 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 Vice Managing Member
and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal of office this 7th day of November,
2000.


Notary Public

My Commission Expires: 12/2/00

STATE OF ALABAMA }
COUNTY OF Jefferson }

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Alan C. Howard, whose name as President of Savannah Pointe Residential 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 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.

Given under my hand and official seal of office this 7th day of November, 2000.


Notary Public

My Commission Expires: 12/2/00

This Instrument Prepared By:
Clayton T. Sweeney, Attorney
2700 Highway 280 East, Suite 290E
Birmingham, AL 35223

CONSENT OF LENDER

Aliant Bank as the holder and owner of the mortgage securing the property made the subject to the above and foregoing Supplementary Declaration of Protective Covenants, does hereby consent to the filing of the Supplementary Declaration of Protective Covenants for Savannah Pointe, Sector II, Phase II, as recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book ___ at Page ___, and does hereby agree that said property shall remain subject to the terms and conditions of the Declaration of Protective Covenants for Savannah Pointe as recorded in Instrument #1999-25577 and the Supplementary Declaration of Protective Covenants for Savannah Pointe, Sector II, Phase II, if the Bank should succeed to the interest of the Developer of the Property by Foreclosure of its mortgage or by accepting a deed in lieu of the foreclosure.

IN WITNESS WHEREOF, the undersigned has duly executed this consent on this 15 day of November, 2000.

Aliant BANK

By: _____

Its: _____

STATE OF ALABAMA)
COUNTY OF Shelby)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John S. Thomas, whose name as S.V.P. of Aliant Bank, an Alabama bank and who is known to me acknowledged before me on this day that, being informed of the contents of the above and foregoing consent, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal of office this _____ day of November, 2000.

John S. Thomas
Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: AUG 22, 2004
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My Commission Expires: _____

This Instrument Prepared By:
Clayton T. Sweeney, Attorney at Law
2700 Highway 280 East, Suite 290E
Birmingham, AL 35223

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