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Shelby Cnty Judge of Probate, AL  
07/29/2005 11:23:15AM FILED/CERT

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

**APPOINTMENT OF SUCCESSOR ADMINISTRATOR OF  
PRIVATE SANITARY SEWER OUTFALL SYSTEM OF SOUTHPOINTE,  
6<sup>TH</sup> SECTOR, PHASE TWO**

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, Awtrey Reamer Development Partnership, an Alabama General Partnership previously owned certain lots and tracts of land known as Southpointe, 6<sup>th</sup> Sector, Phase Two, (herein referred to as "Subdivision"), located in Shelby County, Alabama, as shown by the Map and Plat recorded in Map Book 15, Page 24, in the Office of the Probate Judge, Shelby County, Alabama; and

WHEREAS, Awtrey Reamer Development Partnership, on, to-wit, April 26, 1991, recorded Declaration of Covenants for Private Sanitary Sewer Outfall System relating to said Subdivision, as recorded in Real Book 340, Page 194 of the Office of the Probate Judge, Shelby County, Alabama, thereby imposing upon each lot located within said Sector and Phase of said Subdivision mutually beneficial restrictions, covenants, terms, conditions and limitations (hereinafter referred to as "Restrictions"), for the benefit of all of the lots in said Subdivision, the owners of said lots, and any other party as specified within such Declaration of Covenants; and

WHEREAS, Article III of said Declaration of Covenants appointed Awtrey Reamer Development Partnership as Administrator of said Private Sanitary Sewer Outfall System, and said Administrator retained the authority to appoint a Successor Administrator, who "shall be an owner of a Lot in the Subdivision"; and

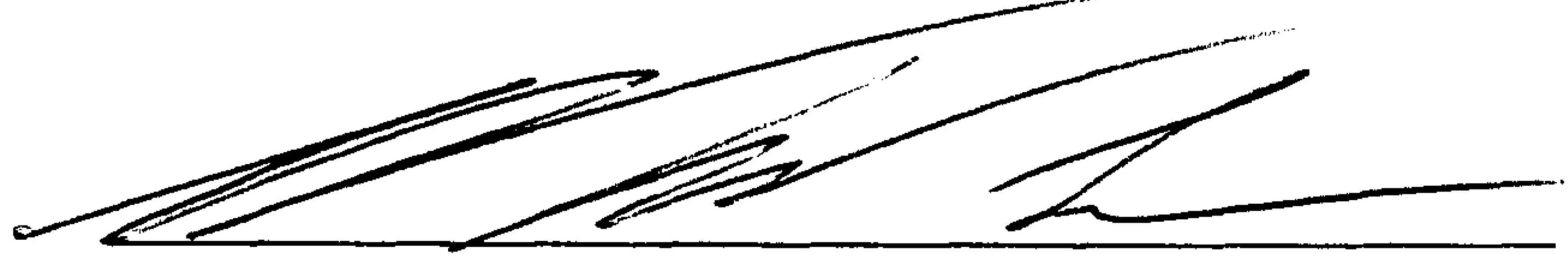
WHEREAS, Awtrey Reamer Development Partnership and Edgar P. Fogleman have agreed that it would be beneficial to the owners of Lots within said Subdivision for Edgar P. Fogleman to be appointed as Successor Administrator of the Private Sanitary Sewer Outfall System hereinabove referenced; Edgar P. Fogleman being the owner of Lot 15, within said Sector and Phase of said Subdivision;

NOW, THEREFORE, Awtrey Reamer Development Partnership does hereby amend the Declaration of Covenants for Private Sanitary Sewer Outfall System of Southpointe, 6<sup>th</sup> Sector, Phase Two, as recorded in Map Book 15, Page 24, in the Office of the Probate Judge, Shelby County, Alabama, as follows:

1. Article III, Maintenance and Upkeep of Private Outfall System, Section 3.1 of said Declaration of Covenants is hereby amended to state the following:  
Edgar P. Fogleman, as a Lot owner within said Sector and Phase of said Subdivision, is hereby appointed by Awtrey Reamer Development Partnership as Successor Administrator of the Private Sanitary Sewer Outfall System of Southpointe, 6<sup>th</sup> Sector, Phase Two. All of the Administrator's authority and obligations set forth within said Declaration of Covenants heretofore recorded in the Office of the Probate Judge, Shelby County, Alabama, are hereby bestowed upon Edgar P. Fogleman as Successor Administrator, with full power of appointment of a future Successor Administrator, as set forth within the original Declaration of Covenants hereinabove described.
2. Article V of said Declaration of Covenants is hereby stricken from said Declaration of Covenants, in its entirety.
3. Except as hereinabove amended, all of said covenants and restrictions within the Declaration of Covenants hereinabove referenced shall remain in full force and effect.

IN WITNESS WHEREOF, Awtrey Reamer Development Partnership has caused this document to be properly executed and recorded in the Office of the Probate Judge, Shelby County, Alabama.

Awtrey Reamer Development Partnership,  
An Alabama General Partnership  
By: Awtrey Building Corporation  
Its: Managing General Partner



By: H. Albert Awtrey  
Its: President

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I, the undersigned, a Notary Public in and for said County in said State, hereby certify that H. Albert Awtrey, whose name as President of Awtrey Building Corporation, an Alabama corporation, as managing partner of Awtrey-Reamer Development Partnership, an Alabama General Partnership, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of this document, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, in it's capacity as managing general partner of Awtrey-Reamer Development Partnership.

Given under my hand and seal, this the 18<sup>th</sup> day of July, 2005.

Cheryl R. Abbott  
Notary Public

My commission expires: \_\_\_\_\_ **MY COMMISSION EXPIRES  
JANUARY 26, 2007**