

*THIS INSTRUMENT PREPARED BY  
AND UPON RECORDING RETURN TO:*

GAIL LIVINGSTON MILLS, ESQ.  
BURR & FORMAN LLP  
420 NORTH 20TH STREET  
SUITE 3100, BIRMINGHAM, ALABAMA 35203  
(205) 251-3000

STATE OF ALABAMA                    )  
COUNTY OF SHELBY                )

**FIRST SUPPLEMENTAL DECLARATION OF PROTECTIVE COVENANTS  
FOR BELEVDERE COVE, A RESIDENTIAL SUBDIVISION**

**WHEREAS** the undersigned, **D.R. HORTON, INC.-BIRMINGHAM**, an Alabama corporation (the "Developer"), is the declarant under that certain Declaration of Covenants, Conditions and Restrictions for Belvedere Cove, Phase I, a Residential Subdivision, dated April, 2006, recorded on June 17, 2005 as Instrument Number 20050617000298140 in the Office of the Judge of Probate of Shelby County Alabama (the "Original Declaration") with respect to certain real property which is more particularly described in the Plat of Belvedere Cove, prepared by Paragon Engineering, Inc. and recorded in Map Book 35, page 45 in said Probate Office (the "Property"); and

**WHEREAS**, the Developer is the owner of all of those certain Lots located shown on the subdivision map of Belvedere Cove, Phase II, recorded in Map Book 35, Page 76 in said Probate Office, such Lots being more particularly described on Exhibit A attached hereto (collectively, the "Subject Property"); and

**WHEREAS**, the Developer desires to submit the Subject Property to the Declaration in accordance with and pursuant to the provisions of Section 2.2 of the Original Declaration which permits the Developer to submit Additional Property to the Declaration by filing a Supplemental Declaration in the Probate Office.

**NOW, THEREFORE**, the Developer does, upon the recording hereof, declare and re-affirm that the Subject Property and any portion thereof is subject to the covenants, conditions, restrictions, uses, limitations, and affirmative obligations set forth in the Original Declaration, all of which are declared to be in furtherance of a plan for the use and improvement of the Property (inclusive 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. Developer hereby further reaffirms the terms and provisions of the Original Declaration in its entirety without any change whatsoever. Developer hereby further confirms that the provisions of the Original Declaration shall run with the land and be binding upon, and shall inure to the benefit of, the Property (inclusive of the Subject Property) and all parties having or acquiring any right, title, or interest in and to the Property (inclusive of the Subject Property) or any part thereof, and their successors in interest.



IN WITNESS WHEREOF, the Developer has caused this First Supplemental Declaration of Protective Covenants for Belvedere Cove, a Residential Subdivision to be executed by its duly authorized officer on this the 13<sup>th</sup> day of March, 2006.

**DEVELOPER:**

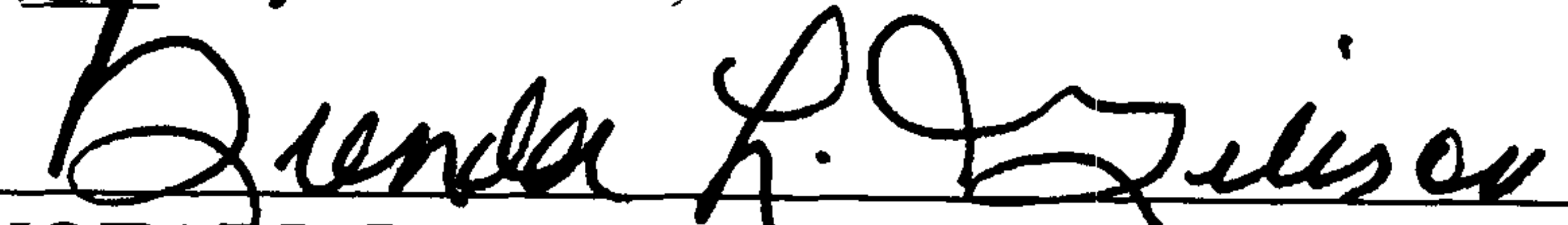
**D.R. HORTON, INC.-BIRMINGHAM**  
an Alabama corporation


By:   
Andrew J. Hancock  
Its City Manager

**STATE OF ALABAMA     )**  
**JEFFERSON COUNTY    )**


I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Andrew J. Hancock, whose name as City Manager of D.R. Horton, Inc.-Birmingham, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, 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 seal this the 13<sup>th</sup> day of March, 2006.

  
NOTARY PUBLIC     Notary Public, State At Large, Alabama.  
My Commission Expires:     My Commission Expires February 11, 2008

  
20060316000122900 2/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
03/16/2006 10:57:11AM FILED/CERT

**EXHIBIT A**

  
20060316000122900 3/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
03/16/2006 10:57:11AM FILED/CERT

**LEGAL DESCRIPTION**

Lots 16, 17, 57, 58, 59, 60, 61 and 62 of Belvedere Cove, Phase II, recorded in Map Book 35, Page 76 in the Office of the Judge of Probate of Shelby County, Alabama.