

This Instrument Prepared By:
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420 North 20th Street
Birmingham, Alabama 35203

STATE OF ALABAMA)
COUNTY OF SHELBY)

**AMENDMENT TO DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CALDWELL SANCTUARY, A
RESIDENTIAL SUBDIVISION**

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Caldwell Mill, LLP (the "Developer") on April 26, 2006 filed a Declaration of Protective Covenants, Conditions and Restrictions in the office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), in Instrument 20060426000194980 (the "Declaration") for the benefit of certain real property situated in Shelby County, Alabama, which is a part of a residential subdivision known as Caldwell Sanctuary and which is platted in Map Book 36 at Pages 28, 90 and 149 recorded in the Probate Office;

WHEREAS, the Developer is the owner of Lots within the Property, as those terms are defined in the Declaration;

WHEREAS, the Declaration permits the Developer in its sole and absolute discretion to amend the provisions of the Declaration by the execution of an instrument in the manner required for the execution of deeds and recorded in the Probate Office pursuant to Section 10.2 of the Declaration without approval of any Owner or Mortgagee, as those terms are defined in the Declaration.

NOW, THEREFORE, the Developer does, upon the recording hereof, amend the Declaration as follows:

Exhibit A to the Declaration is amended in its entirety by deleting Exhibit A attached to the Declaration and substituting the Exhibit A attached hereto as Exhibit A to the Declaration. The term "Property" as defined in the Declaration shall mean and refer to that certain real property situated in Shelby County, Alabama, which is more particularly described in Exhibit A attached hereto.

The Developer hereby reaffirms and restates all the terms and provisions of the Declaration without change except as amended hereby. The Developer hereby declares that the terms and provisions of the Declaration as amended shall run with the land and be binding upon, and shall inure to the benefit of, the Property, and all parties having or acquiring any right, title, or interest therein or thereto, and their successors in interest.

IN WITNESS WHEREOF the Developer has caused this instrument to be duly executed
on this 15th day of May, 2006.

CALDWELL MILL, LLP

By: **HARBAR CONSTRUCTION
COMPANY, INC.**

Its: **Managing Partner**

By:

Its:

Denney Barrow
Vice-President

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned, a notary public in and for said County in said State, hereby certify that Denney Barrow, whose name as Vice-President of Harbar Construction Company, Inc., an Alabama corporation, as the Managing Partner of CALDWELL MILL, LLP, an Alabama limited liability partnership, 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 said instrument, 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 Managing Partner as aforesaid.

Given under my hand and official seal, this the 15th day of May, 2006.

Alesia H. Ray
Notary Public

My Commission Expires: 3/18/08

[NOTARIAL SEAL]

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 16, 2008

EXHIBIT A

Lots 401 through 417, 492 through 497, 501 through 513, and Lot 597 (common area and easement), Caldwell Crossings Fourth Sector-Phase One, as recorded in the Office of the Judge of Probate, Shelby County, Alabama in Map Book 36, Page 28.

Lots 498-A, 499-A, and 500-A, resurvey of Lots 498, 499 and 500, Caldwell Crossings Fourth Sector-Phase One, as recorded in the Office of the Judge of Probate, Shelby County, Alabama in Map Book 36, Page 90.

Lots 418 through 491 and Lots 598 and 599 (common areas), Caldwell Crossings Fourth Sector-Phase Two, as recorded in the Office of the Judge of Probate, Shelby County, Alabama in Map Book 36, Page 149.