

This Instrument Prepared By and Upon Recording Return to:

Gail Livingston Mills, Esq. Burr & Forman LLP 3100 Wachovia Tower 420 North 20th Street Birmingham, AL 35203

STATE OF ALABAMA
COUNTY OF SHELBY

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BELVEDERE COVE, A RESIDENTIAL SUBDIVISION

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (this "Amendment") is made as of this ______ day of October, 2006, by D.R. HORTON, INC. - BIRMINGHAM, ("Developer").

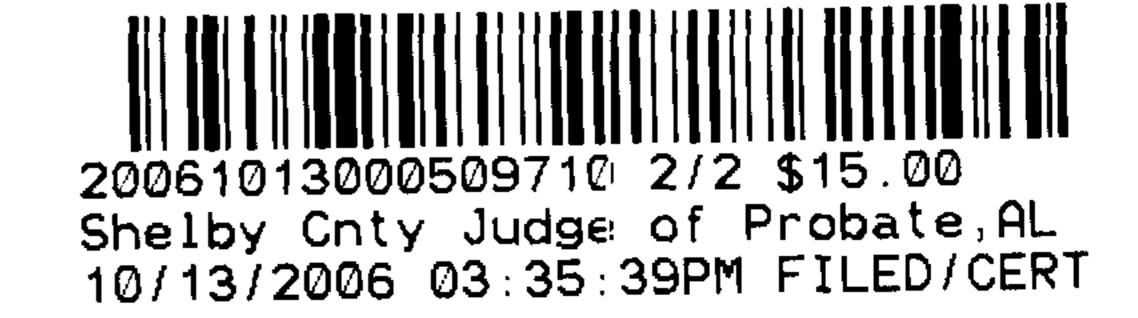
WHEREAS, the Developer has heretofore prepared and filed for record that certain Declaration of Covenants, Conditions and Restrictions for Belvedere Cove, Phase One, a Residential Subdivision, dated April 28, 2005, recorded June 17, 2005 with the Judge of Probate of Shelby County, Alabama as Instrument Number 20050617000298140 ("Declaration") with respect to certain real property recorded in Map Book 36, Page 113 in the Probate Office of Shelby County, Alabama.

WHEREAS, the Developer has also prepared and filed for record Amendment One to the Declaration dated April 11, 2006, recorded June 14, 2006 with the Judge of Probate of Shelby County, Alabama as Instrument Number 20060614000281640 ("Amendment One") which creates certain modifications relating to the Common Area identified in the attached drawing to Amendment One ("Attachment"), more particularly identified as Page 3 of Instrument Number 20060614000281640.

WHEREAS, the Developer, pursuant to the Declaration, now desires to void Amendment One.

NOW, THEREFORE, in consideration of the Recitals, the Developer declares as follows:

- 1. All provisions of Amendment One, which were established to facilitate maintenance of the Common Area identified in the Attachment are hereby voided, and hereafter shall no longer constitute amendments to the Declaration.
- 2. Developer further reaffirms the terms and provisions of the Declaration in its entirety.



IN WITNESS WHEREOF, the undersigned has caused this Amendment to be properly executed the day and year first above written.

	D.R. HORTON, INC BIRMINGHAM By: Print Name: Andrew J. Hancock Title: City Manager
STATE OF ALABAMA COUNTY OF JEFFERSON	
I, the undersigned authority certify that $A \sim A \sim J$. Have Horton, Inc Birmingham, an Ala	Notary Public, in and for said County, in said State, hereby whose name as CHAMAGE of D.R. abama 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

Notary Public

Notary Public My commission expires: 02-11-08

as the act of said corporation.