



20071115001747900 1/8  
Bk: LR200716 Pg:24901  
Jefferson County, Alabama  
I certify this instrument filed on:  
11/15/2007 11:28:00 AM CONDO  
Judge of Probate- Alan L. King

**THIRD AMENDMENT**  
**TO**  
**DECLARATION OF CONDOMINIUM**  
**OF**  
**RIVER POINTE, A CONDOMINIUM**



20071115000524910 1/8 \$32.00  
Shelby Cnty Judge of Probate, AL  
11/15/2007 01:34:56PM FILED/CERT

Dated: November 15, 2007

This instrument prepared by:  
Carol H. Stewart  
Melinda M. Eubanks  
Burr & Forman LLP  
3400 Wachovia Tower  
420 North 20th Street  
Birmingham, Alabama 35203  
(205) 251-3000

**THIRD AMENDMENT  
TO  
DECLARATION  
OF CONDOMINIUM OF  
RIVER POINTE, A CONDOMINIUM**

20071115000524910 2/8 \$32.00  
Shelby Cnty Judge of Probate, AL  
11/15/2007 01:34:56PM FILED/CERT

**STATE OF ALABAMA )  
JEFFERSON COUNTY )**

**THIS THIRD AMENDMENT** to the Declaration of Condominium of River Pointe, a condominium is made this 15<sup>th</sup> day of November, 2007 by **RIVER POINTE DEVELOPMENT, LLC**, an Alabama limited liability company (the "Developer"), for the purpose of further amending the Declaration of Condominium of River Pointe, a condominium recorded in the Office of the Judge of Probate of Jefferson County, Alabama, at Book LR200707 Page 8726 and in the Office of the Judge of Probate of Shelby County, Alabama, at Instrument 20070502000204190, amended at Book LR200712 Page 23431 in the Office of the Judge of Probate of Jefferson County, Alabama and in the Office of the Judge of Probate of Shelby County, Alabama, at Instrument 20070810000374950 and further amended in Book LR200715 Page 2289 in the Office of the Judge of Probate of Jefferson County, Alabama and in the Office of the Judge of Probate of Shelby County, Alabama at Instrument 20071001000457680 (the "Declaration") and reflecting the further amendment of the Plan as recorded in Map Book 224 Page 94 in the Office of the Judge of Probate of Jefferson County, Alabama, amended in Map Book 226 Page 6 in the Office of the Judge of Probate of Jefferson County, Alabama and further amended in Map Book 226 Page 73 in the Office of the Judge of Probate of Jefferson County, Alabama (the "Plan").

**WITNESSETH**

**WHEREAS**, the Declaration and Plan were filed for the purpose of establishing a plan of condominium ownership for certain real property situated in Jefferson County and Shelby County, Alabama;

**WHEREAS**, the Developer desires to amend the Declaration pursuant to Article III, Section 3.2 of the Declaration to add one (1) additional building containing five (5) additional Units to the Condominium in the location as shown on the Third Amended Plan recorded in the Office of the Judge of Probate of Jefferson County, Alabama in Map Book 227 Page 30, and in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 39 Page 63, a copy of which is attached hereto as Exhibit "A;" and

**WHEREAS**, the Developer desires to amend and restate Exhibit "D" attached to the Declaration to adjust the Common Element ownership interests, the Common Expense liability and the votes as shown on Exhibit "B" attached hereto.

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

1. The Developer, pursuant to Article III, Section 3.2 of the Declaration, does hereby amend the Declaration to add one (1) building containing five (5) additional Units to the Condominium in the location as shown on the amended Plan recorded in the Office of the Judge of Probate of Jefferson County, Alabama in Map Book 221 Page 30, and in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 39 Page 63, a copy of which is attached hereto as Exhibit "A."

2. The Developer does hereby amend and restate Exhibit "D" attached to the Declaration to re-allocate the Common Element ownership interests, Common Expense liability and votes as set forth on Exhibit "B" attached hereto.

3. It is the intention of the Developer that the provisions of this Third Amendment to Declaration are severable, so that if any provision is invalid or void under any applicable federal, state or local law or ordinance, decree, order, judgment or otherwise, the remainder shall be unaffected thereby.

4. This Third Amendment to Declaration has been executed by the undersigned and filed in the Office of the Judge of Probate of Jefferson County, Alabama and in the Office of the Judge of Probate of Shelby County, Alabama for the purposes stated above. Except for the aforesaid, the terms and conditions of the Declaration shall continue to be in full force and effect without any other changes whatsoever.

5. Capitalized terms as used herein shall have the same meaning as they are defined in the Declaration, unless the context clearly indicates a different meaning therefore.

**IN WITNESS WHEREOF**, the Developer has executed this Third Amendment to Declaration on this 15<sup>th</sup> day of November, 2007.



20071115000524910 4/8 \$32.00  
Shelby Cnty Judge of Probate, AL  
11/15/2007 01:34:56PM FILED/CERT

**RIVER POINTE DEVELOPMENT,  
LLC, an Alabama limited liability company**

By: Wilson Price Hightower, III  
Its: Manager

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, Andrea Michelle Prestley, a Notary Public in and for said County in said State, hereby certify that Wilson Price Hightower, III, as Manager of **RIVER POINTE DEVELOPMENT, LLC**, an Alabama limited liability company, is signed to the foregoing Third Amendment to Declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Third Amendment to Declaration, he, in his capacity as such duly authorized Manager, executed the same voluntarily on the day the same bears date.

Given under my hand and seal of office this 13<sup>th</sup> day of November, 2007.

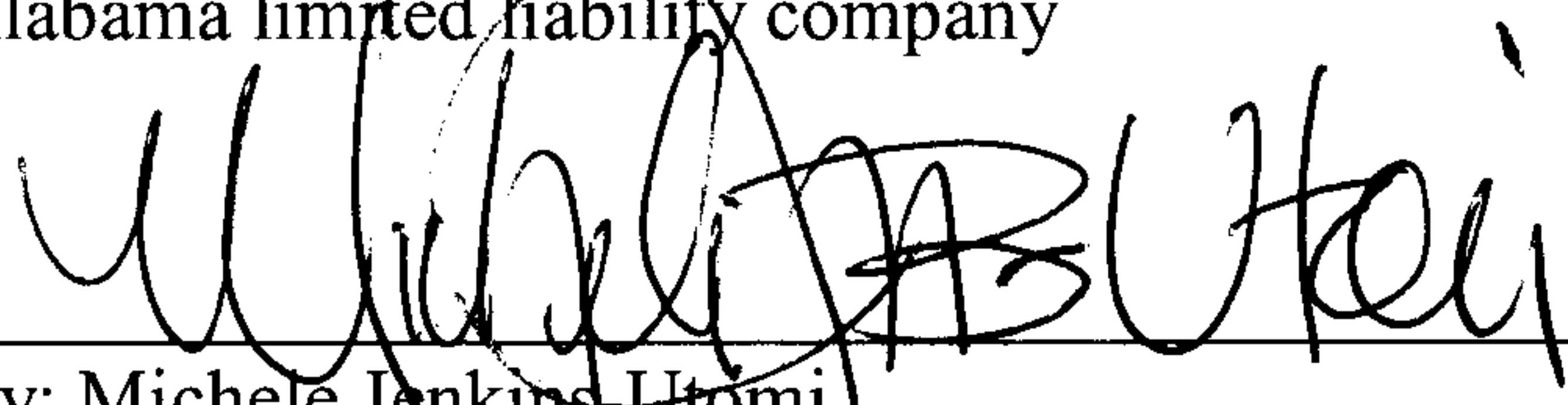


Andrea Michelle Prestley  
Notary Public

My commission expires: 5/19/09

The undersigned, as **Mortgagee** under the Mortgage encumbering the real property identified in the foregoing Third Amendment to Declaration, joins in the execution of the foregoing Third Amendment to Declaration, for the sole purpose of consenting to the recording of the Third Amendment to Declaration. The undersigned is not the Developer, and does not assume any obligation whatsoever under the terms, covenants and conditions of the foregoing Third Amendment to Declaration, and the execution hereof does not in any way subordinate or make the said Mortgage inferior to the said Third Amendment to Declaration.

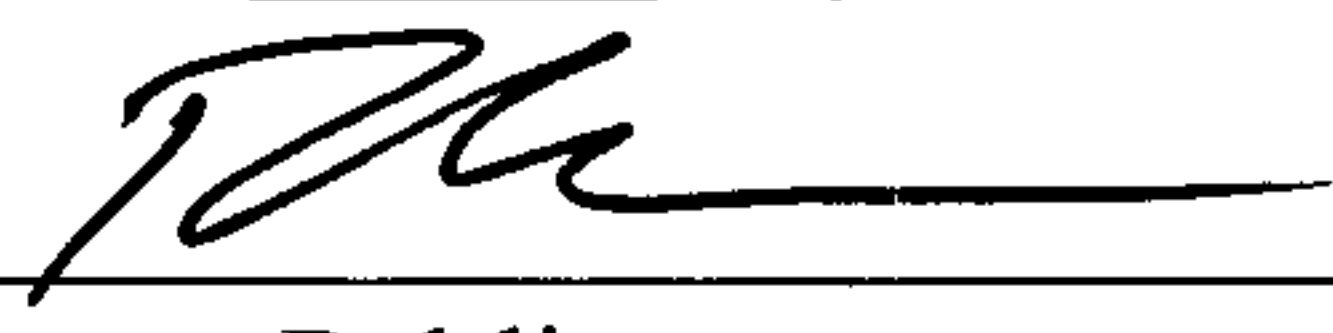
**HOUSING ENTERPRISE OF ALABAMA, LLC**, an  
Alabama limited liability company

  
By: Michele Jenkins-Utomi  
Its: Chief Executive Officer

STATE OF ALABAMA       )  
JEFFERSON COUNTY       )

I, Ryan Eden, a Notary Public in and for said County in said State, hereby certify that Michele Jenkins-Utomi, whose name as Chief Executive Officer of **HOUSING ENTERPRISE OF ALABAMA, LLC**, an Alabama limited liability, company is signed to the foregoing Third Amendment to Declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Third Amendment to Declaration, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said Board Member on the day the same bears date.

Given under my hand and seal of office this 14 day of November, 2007.

  
Notary Public

[NOTARIAL SEAL]

My commission expires: 7/21/2010

JEFFERSON COUNTY  
 The undersigned, Jon E. Roumisen, Registered Engineer, Alabama Reg. Number 24462,  
 hereby certify that the drawings consisting of 1 page, excepted that and made a part  
 of this certificate, Map, and accurately depict the layout (excepted that) and make a part  
 of this certificate. The drawings and calculations are based on measurements and computations  
 are based on average width and depth and accuracy is within 100% location. Computations  
 unit numbers and dimensions, and the units, as built, and hereby certify that the  
 limited common elements and the units, as built, and hereby certify that the  
 (1932). The undersigned, Blair Dodge Davidson, LLC, as Owner, hereby certify that  
 this plot or map was made pursuant to a survey made by the above said surveyor on  
 this 1st day of April, 2011, and that the same is a true and correct copy of the original of said  
 Central Alabama, LLC, an Alabama Limited Liability Company.

Date: \_\_\_\_\_  
Davidson - Strongin & Associates, Inc.  
 \_\_\_\_\_  
Jon E. Roumisen  
 Reg. PE No. 24462

OWNER  
 RIVER POINTE DEVELOPMENT, LLC  
 \_\_\_\_\_  
Price Hightower  
 President

MORTGAGEE:

JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said county, hereby certify that the foregoing is a true and correct copy of the original, as shown to me by the undersigned, who is known to me, and acknowledged before me on this 24th day, after having been duly informed of the contents thereof, and that he executed the same voluntarily as such officer in and for said county.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

*SoF*

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveyors in the State of Missouri to the best of my information, knowledge and belief.

*SoF*

Notary Public \_\_\_\_\_

Commission Expires \_\_\_\_\_

Jefferson County, Missouri  
Notary Public No. 25930

STATE OF ALABAMA  
OFFICE OF THE COMPTROLLER OF PUBLIC ACCOUNTS  
JEFFERSON COUNTY

1. The undersigned, a Notary Public in and for said County and State, do hereby certify that the foregoing Certificate of Ownership, together with the application thereon, is signed by the legal owner of the said vehicle, and was so known to me, the undersigned, before me on this 11th day of March 1968, and that the said owner is duly licensed to operate said vehicle. He executed same voluntarily as such representative with full authority thereon.

Given under my hand and seal this 11th day of \_\_\_\_\_ 2007.

Notary Public

My Commission expires: \_\_\_\_\_

Given under my hand and seal of office this 10th day of May 2017.

SOE  
Notary Public

day of \_\_\_\_\_, 2007.

My commission expires: \_\_\_\_\_

[illegible]

**NOTES**

1. All elements and rights of which the surveyor has knowledge on whom however, others may rest, of which the surveyor has no knowledge and of which the surveyor is not aware, are not included in the performance, certified to or attested by the State. Without said certification no guarantee can be made by the surveyor as to the location of easements.

2. No easement has been shown and no guarantee is hereby given as to the location of sub-surface foundations.

3. North arrow shown herein is assumed.

ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

[illegible][illegible]

Environmental Services Department: Approval indicates that assessments have been dedicated for future Jefferson County sanitary sewers; however, this does not mean sanitary sewers have been built or will be built in the future. Any change in the Right-of-Way or any change in any right of way or assessment boundaries after this date may void the approval.

Director, Jefferson County Environmental Services \_\_\_\_\_ DATE: \_\_\_\_\_

DWMO NO.  
 S1 - RD  
 PROJECT

A L A B A M A  
 JAN 24 1968  
 WASHINGTON  
 RASMUSSEN

NOT VALID UNLESS SIGNED BY SMO

  
**GONZALEZ - STRENGTH & ASSOCIATES, INC.**  
CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION  
2176 PARKWAY LAKE DRIVE  
HOOVER, ALABAMA 35244  
PHONE: (205) 942-2486  
FAX: (205) 942-3033  
[www.Gonzalez-Strength.com](http://www.Gonzalez-Strength.com) © Copyright 2006

|                                                                                           |                               |                        |                                  |
|-------------------------------------------------------------------------------------------|-------------------------------|------------------------|----------------------------------|
| TITLE                                                                                     |                               |                        |                                  |
| CONDOMINIUM SURVEY                                                                        |                               |                        |                                  |
| <b>THIRD AMENDED PLAT OF<br/>RIVER POINTE, A CONDOMINIUM</b><br>JEFFERSON COUNTY, ALABAMA |                               |                        |                                  |
| DWN. BY<br>M.W.C.                                                                         | CKD. BY<br>G.A.R.             | SCALE<br>NOT TO SCALE  | LAST FIELD SURVEY DATE<br>6/8/87 |
| CREW CHIEF<br>L.R.                                                                        | FIELD BOOK/PAGE<br>2184/27-40 | DWG. NAME<br>24784.DWG | COORDINATE FILE<br>24784.CRD     |

| REVISIONS |             |      |
|-----------|-------------|------|
| NO.       | DESCRIPTION | DATE |
| 1         |             |      |
| 2         |             |      |
| 3         |             |      |
| 4         |             |      |
| 5         |             |      |
| 6         |             |      |
| 7         |             |      |
| 8         |             |      |
| 9         |             |      |
| 10        |             |      |
| 11        |             |      |
| 12        |             |      |
| 13        |             |      |
| 14        |             |      |
| 15        |             |      |
| 16        |             |      |
| 17        |             |      |
| 18        |             |      |
| 19        |             |      |
| 20        |             |      |
| 21        |             |      |
| 22        |             |      |
| 23        |             |      |
| 24        |             |      |
| 25        |             |      |
| 26        |             |      |
| 27        |             |      |
| 28        |             |      |
| 29        |             |      |
| 30        |             |      |
| 31        |             |      |
| 32        |             |      |
| 33        |             |      |
| 34        |             |      |
| 35        |             |      |
| 36        |             |      |
| 37        |             |      |
| 38        |             |      |
| 39        |             |      |
| 40        |             |      |
| 41        |             |      |
| 42        |             |      |
| 43        |             |      |
| 44        |             |      |
| 45        |             |      |
| 46        |             |      |
| 47        |             |      |
| 48        |             |      |
| 49        |             |      |
| 50        |             |      |
| 51        |             |      |
| 52        |             |      |
| 53        |             |      |
| 54        |             |      |
| 55        |             |      |
| 56        |             |      |
| 57        |             |      |
| 58        |             |      |
| 59        |             |      |
| 60        |             |      |
| 61        |             |      |
| 62        |             |      |
| 63        |             |      |
| 64        |             |      |
| 65        |             |      |
| 66        |             |      |
| 67        |             |      |
| 68        |             |      |
| 69        |             |      |
| 70        |             |      |
| 71        |             |      |
| 72        |             |      |
| 73        |             |      |
| 74        |             |      |
| 75        |             |      |
| 76        |             |      |
| 77        |             |      |
| 78        |             |      |
| 79        |             |      |
| 80        |             |      |
| 81        |             |      |
| 82        |             |      |
| 83        |             |      |
| 84        |             |      |
| 85        |             |      |
| 86        |             |      |
| 87        |             |      |
| 88        |             |      |
| 89        |             |      |
| 90        |             |      |
| 91        |             |      |
| 92        |             |      |
| 93        |             |      |
| 94        |             |      |
| 95        |             |      |
| 96        |             |      |
| 97        |             |      |
| 98        |             |      |
| 99        |             |      |
| 100       |             |      |

QUARTER - SECTION  
SOUTH HALF OF  
SOUTHWEST QUARTER

|           |                   |              |
|-----------|-------------------|--------------|
| SECTION 8 | TOWNSHIP 18 SOUTH | RANGE 2 WEST |
|-----------|-------------------|--------------|

**EXHIBIT "B"**

**ALLOCATED INTERESTS**

| UNIT # | % OF OWNERSHIP OF<br>COMMON ELEMENTS<br>ALLOCATED INTEREST | VOTE |
|--------|------------------------------------------------------------|------|
| 1      | 2.5%                                                       | 1    |
| 2      | 2.5%                                                       | 1    |
| 3      | 2.5%                                                       | 1    |
| 4      | 2.5%                                                       | 1    |
| 5      | 2.5%                                                       | 1    |
| 6      | 2.5%                                                       | 1    |
| 7      | 2.5%                                                       | 1    |
| 8      | 2.5%                                                       | 1    |
| 9      | 2.5%                                                       | 1    |
| 10     | 2.5%                                                       | 1    |
| 11     | 2.5%                                                       | 1    |
| 12     | 2.5%                                                       | 1    |
| 13     | 2.5%                                                       | 1    |
| 14     | 2.5%                                                       | 1    |
| 15     | 2.5%                                                       | 1    |
| 16     | 2.5%                                                       | 1    |
| 17     | 2.5%                                                       | 1    |
| 18     | 2.5%                                                       | 1    |
| 19     | 2.5%                                                       | 1    |
| 20     | 2.5%                                                       | 1    |
| 21     | 2.5%                                                       | 1    |
| 22     | 2.5%                                                       | 1    |
| 23     | 2.5%                                                       | 1    |



20071115000524910 8/8 \$32.00  
Shelby Cnty Judge of Probate, AL  
11/15/2007 01:34:56PM FILED/CERT

| UNIT #       | % OF OWNERSHIP OF<br>COMMON ELEMENTS<br>ALLOCATED INTEREST | VOTE             |
|--------------|------------------------------------------------------------|------------------|
| 24           | 2.5%                                                       | 1                |
| 25           | 2.5%                                                       | 1                |
| 26           | 2.5%                                                       | 1                |
| 27           | 2.5%                                                       | 1                |
| 28           | 2.5%                                                       | 1                |
| 29           | 2.5%                                                       | 1                |
| 30           | 2.5%                                                       | 1                |
| 31           | 2.5%                                                       | 1                |
| 32           | 2.5%                                                       | 1                |
| 33           | 2.5%                                                       | 1                |
| 34           | 2.5%                                                       | 1                |
| 35           | 2.5%                                                       | 1                |
| 36           | 2.5%                                                       | 1                |
| 37           | 2.5%                                                       | 1                |
| 38           | 2.5%                                                       | 1                |
| 39           | 2.5%                                                       | 1                |
| 40           | 2.5%                                                       | 1                |
| <b>TOTAL</b> | <b><u>100.00%</u></b>                                      | <b><u>40</u></b> |

20071115001747900 8/8  
Bk: LR200716 Pg:24901  
Jefferson County, Alabama  
11/15/2007 11:28:00 AM CONDO  
Fee - \$22.00

Total of Fees and Taxes-\$22.00  
TINSLEY