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Shelby Cnty Judge of Probate, AL
10/08/2009 12:33:33 PM FILED/CERT

FIRST AMENDMENT

TO

COTTAGES AT CHESSER

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

DATED OCTOBER 1, 2009

This Instrument prepared by and upon
recording should be returned to:

Mary Thornton Taylor
3570 Grandview Parkway, Suite 100
Birmingham, Alabama 35243
(205) 870-5498

FIRST AMENDMENT TO

COTTAGES AT CHESSER

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS FIRST AMENDMENT TO COTTAGES AT CHESSER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made as of the 1st day of October, 2009 by CHESSER DEVELOPMENT, LLC, an Alabama limited liability company ("Developer").

RECITALS:

Developer has heretofore executed the Cottages at Chesser Declaration of Covenants, Conditions and Restrictions dated May 10, 2004 and recorded as Instrument #20040511000248910 in the Probate Office of Shelby County, Alabama (the "Declaration"). Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.

Pursuant to Section 2.2 of the Declaration, Developer desires to submit Additional Property to the terms and provisions of the Declaration.

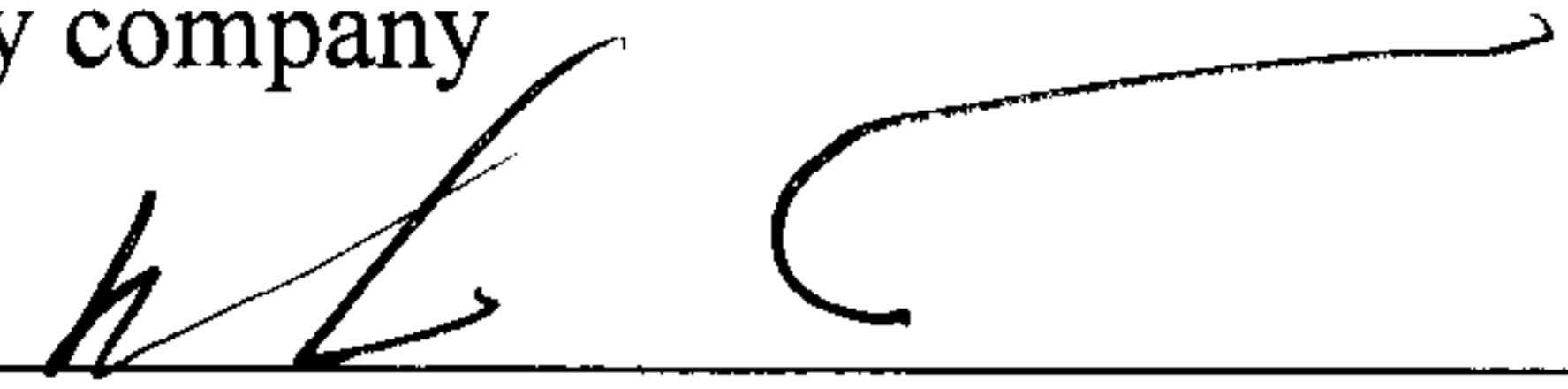
NOW, THEREFORE, in consideration of the premises, Developer does hereby amend the Declaration as follows:

1. **Additional Property.** Pursuant to the terms and provisions of Section 2.2 of the Declaration, Developer does hereby declare that the real property described in Exhibit A.1 attached hereto and incorporated herein by reference (the "Additional Property") shall be held, developed, improved, transferred, sold, conveyed, leased, occupied and used subject to all of the easements, covenants, conditions, restrictions, charges and regulations set forth in the Declaration, which shall be binding upon and inure to the benefit of all parties acquiring or having any right, title or interest in any portion of the Additional Property and their respective heirs, executors, administrators, personal representatives, successors and assigns. The Additional Property described in Exhibit A.1 attached hereto and the original Property described in the Declaration shall, for the purposes of the Declaration, collectively be referred to as the Property and all references in the Declaration to the Property shall mean the original Property as described in the Declaration as well as the Additional Property described herein.

2. **Full Force and Effect.** Except as specifically modified and amended hereby, all of the terms and conditions of the Declaration, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, Developer has caused this First Amendment to the Cottages at Chesser Declaration of Covenants, Conditions and Restrictions to be duly executed as of the day and year first above written.

CHESSER DEVELOPMENT, LLC, an Alabama
limited liability company



William L. Thornton, III
Its Manager

STATE OF ALABAMA)
)
COUNTY OF JEFFERSON)

I, the undersigned, a notary public in and for said County in said State, hereby certify that William L. Thornton, III, whose name as Manager of Chesser Development, LLC, an Alabama limited liability company, 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 limited liability company.

Given under my hand and official seal, this the 7TH day of October, 2009.



Notary Public

[SEAL]
My Commission Expires:

10/16/2012




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EXHIBIT A.1

COTTAGES AT CHESSER

ADDITIONAL PROPERTY


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Lots 95 through 175, inclusive, according to the Amended Map of Cottages at Chesser, Phase II, as recorded in Map Book 38, Page 49 in the Probate Office of Shelby County, Alabama.