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SECOND AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
COURTSIDE AT BROOK HIGHLAND, A CONDOMINIUM

Dated: March 18, 2010

This instrument prepared by:

Jack P. Stephenson, Jr.
Melinda E. Sellers
Burr & Forman LLP
3400 Wachovia Tower
420 North 20th Street
Birmingham, Alabama 35203

**SECOND AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
COURTSIDE AT BROOK HIGHLAND, A CONDOMINIUM**

STATE OF ALABAMA)

SHELBY COUNTY)

THIS SECOND AMENDMENT to the Declaration of Condominium of Courtside at Brook Highland, a condominium ("Second Amendment") is made this 18th day of March 2010, by Courtside Development, Inc., an Alabama corporation (the "Developer") and Courtside at Brook Highland Association, Inc., an Alabama nonprofit corporation (the "Association"), pursuant to the provisions of the Alabama Uniform Condominium Act of 1991, Code of Alabama 1975 §§ 35-8A-101 et seq. (the "Act") to amend the Declaration of Condominium of Courtside at Brook Highland, a Condominium (the "Condominium"), recorded July 19, 2001, in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument No. 2001-29968 and re-recorded May 21, 2002, in Instrument 2002-0521000241450, said Declaration amended by Amendment to Declaration of Condominium of Courtside at Brook Highland, a condominium, recorded May 21, 2002, in Instrument No. 2002-0521000241460 in said Office, as corrected by Corrective Amendment to the Amendment to Declaration of Condominium of Courtside at Brook Highland, a condominium, recorded May 21, 2002, in Instrument No. 2002-0521000241470 in said Office (the "Declaration").

W I T N E S S E T H:

WHEREAS, Developer submitted certain real property located in the City of Birmingham, Shelby County, Alabama, to the provisions of the Alabama Uniform Condominium Act of 1991, as amended (the "Act") by recording the Declaration of Condominium;

WHEREAS, as set forth in Article II, Section 2.02 of the Declaration, the Developer reserved the right in the Declaration to i) add additional Units to the Condominium, ii) to change the boundaries of the existing Units in the Condominium, and iii) to reallocate the Common Element Ownership interests, Common Expense liability, and votes among the Units when such development rights are exercised;

WHEREAS, Eddleman Properties, Inc., an Alabama corporation was the Developer of the Condominium at the time the Condominium was created and subsequently conveyed the unsold Units in the Condominium to Courtside Development, Inc. and assigned all rights and obligations of the Developer set forth in the Declaration and the Articles of Incorporation of Courtside Association, Inc. to Courtside Development, Inc. by that certain deed recorded on June 29, 2004, in the Office of the Judge of Probate of Shelby County, Alabama in Instrument No. 20040629000356870;

WHEREAS, the Association is the entity to provide for the operation, management, maintenance, control and administration of the Condominium in accordance with the Act and has executed this Amendment to evidence its consent to the amendments to the Declaration;

WHEREAS, on June 23, 2006, the Developer, pursuant to Article II, Section 2.02 of the Declaration, added Unit 23 to the Condominium by recording an amendment to the Plat titled "Courtside Second Sector" and recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Book 37, Page 34;

WHEREAS, on September 28, 2006, the Developer, pursuant to Article II, Section 2.02 of the Declaration, altered the boundaries of Units 2, 3, 13, 14, 15, 18, 19, and 20, such Units now being described as Units 2A, 13A, 14A, 18A, and 19A by recording an amendment to the Plat titled "Resurvey of Lots 2A, 13A, 14A, 18A and 19A of Courtside at Brook Highland, a Condominium" in the Office of the Judge of Probate of Shelby County, Alabama, and recorded in Book 37, Page 78;

WHEREAS, on September 28, 2006, the Developer, pursuant to Article II, Section 2.02 of the Declaration, altered the boundaries of Units 30 and 32, such Units now being described as Units 30A and 31A by recording an amendment to the Plat titled "Resurvey of Lots 30A and 31A of Courtside at Brook Highland, a Condominium" in the Office of the Judge of Probate of Shelby County, Alabama, in Book 37, Page 79;

WHEREAS, on April 24, 2008, the Developer, pursuant to Article II, Section 2.02 of the Declaration, added Units 4, 5, 16 and 17 to the Condominium by recording an amendment to the Plat titled "Courtside Phase II at Brook Highlands, a Condominium" in the Office of the Judge of Probate of Shelby County, Alabama, in Book 39, Page 148;

WHEREAS, the Condominium contains 69 Units as reflected in the Plan of Courtside at Brook Highland, a Condominium, as amended, prepared by Carl Daniel Moore dated June 28, 2001, and recorded July 19, 2001, in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 28, Page 103, which said Plan is attached as Exhibit "C" to the Declaration, said Plan being amended April 13, 2006, and recorded June 23, 2006, in Map Book 37, Page 34 in said Office, and further amended August 26, 2006, and recorded September 8, 2006, in Map Book 37, Pages 78 and 79 in said Office, and as further amended February 27, 2008, and recorded April 24, 2008, in Map Book 37, Page 34, in said Office;

WHEREAS, the Developer conveyed Unit 23 and Unit 27 subject to the Declaration of Condominium as evidenced by those Statutory Warranty Deeds recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument 20050805000399520 and 20060922009471070;

WHEREAS, Unit 27 was created by the Plat attached to the Declaration as Exhibit "C" and recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 28, Page 103, but was inadvertently left out of Exhibit "D" attached to the Declaration;

WHEREAS, the Developer inadvertently has not filed an amendment to the Declaration reflecting the above-described amendments to the Plan;

WHEREAS, the Developer desires to amend Exhibit "C" to the Declaration to reflect the amendments to the Plan as described herein and as shown on Exhibit "A" attached hereto;

WHEREAS, the Developer, pursuant to Article II, Section 2.02 of the Declaration, desires to amend the Declaration to reflect the altered boundary lines of Units 2, 3, 13, 14, 15, 18, 19, 20, 30, and 32, which are now described as Units 2A, 13A, 14A, 18A, 19A, 30A and 31A, as shown on the amended Plats on Exhibit "A" attached hereto;

WHEREAS, the Developer, pursuant to Article II, Section 2.02 of the Declaration, desires to amend the Declaration to reflect the addition of Units 4, 5, 16, 17 and 23 as shown on the amended Plans on Exhibit "A" attached hereto;

WHEREAS, the Developer, pursuant to § 35-8A-217 of the Act and Sections 11.01(c) and (e) of the Declaration, desires to amend and restate Exhibit "D" attached to the Declaration to include all Units as shown on the Plat as amended and to reallocate the Common Element ownership percentages, Common Expense liability and votes among the Units as shown on Exhibit "B" attached hereto; and

WHEREAS, the Developer and the Association desire that all references to the Declaration from and after recording hereof shall refer to the Declaration as amended by this Amendment and that references to capitalized terms in this Amendment shall have the definitions set forth in the Declaration after giving effect to the amendments set forth herein.

NOW, THEREFORE, Developer and the Association, upon the recording hereof, do hereby amend the Declaration in accordance with § 35-8A-217 of the Act and Sections 2.02, and 11.01(c) and (e) of the Declaration as follows:

1. The Developer and the Association, pursuant to § 35-8A-217 of the Act and Sections 11.01(c) and (e) of the Declaration, do hereby amend the Declaration to reflect the altered boundary lines of Units 2, 3, 13, 14, 15, 18, 19, 20, 30 and 32, which are now described as Units 2A, 13A, 14A, 18A, 19A, 30A and 31A as shown on the amended Plans on Exhibit "A" attached hereto.

2. The Developer and the Association, pursuant to § 35-8A-217 of the Act and Sections 11.01(c) and (e) of the Declaration, do hereby amend the Declaration to reflect the addition of

Units 4, 5, 16, 17 and 23 to the Condominium as shown on the amended Plans on Exhibit "A" attached hereto.

3. The Developer, pursuant to § 35-8A-217 of the Act and Sections 11.01(c) and (e) of the Declaration, does hereby amend Exhibit "C" attached to the Declaration to reflect the amendments to the Plan as shown on the Plans recorded in the Office of the Judge of Probate of Shelby County, Alabama, June 23, 2006, in Map Book 37, Page 34, September 8, 2006, in Map Book 37, Pages 78 and 79, and April 24, 2008, in Map Book 39, Page 148, all of which are collectively attached hereto as Exhibit "A."

4. The Developer, pursuant to § 35-8A-217 of the Act and Sections 11.01(c) and (e) of the Declaration, hereby amends and restates Exhibit "D" attached to the Declaration to reallocate the Common Element ownership percentages, Common Expense liability and votes among the Units as shown on Exhibit "B" attached hereto.

5. All capitalized terms not specifically defined herein shall have the same meanings attributable to them in the Declaration. In the event of any conflict in the provisions of this Amendment and the Declaration, the provisions of this Amendment shall govern in all respects.

6. The Developer hereby ratifies, confirms and approves the terms and provisions of the Declaration as amended hereby and declares the Condominium Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied, improved and in any other manner utilized subject to the covenants, conditions, restrictions, obligations and provisions of the Declaration as amended hereby, all of which shall run with the land and shall be binding upon all parties having or acquiring any right, title and interest in the Condominium Property or any part thereof.

7. The Association hereby consents to the amendments herein contemplated and agrees that the Declaration as amended hereby shall run with the land and be binding upon its members as Owners of Units.

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IN WITNESS WHEREOF, the undersigned have caused this Second Amendment to be executed on this 18th day of March, 2010.

DEVELOPER:

EDDLEMAN PROPERTIES, INC.

By: 

Its: PRESIDENT

ASSOCIATION:

COURTSIDE AT BROOK HIGHLAND
ASSOCIATION, INC.

By: 

Its: PRESIDENT


ATTEST 

STATE OF ALABAMA)

Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Douglas D. Eddleman, whose name as President of Courtside Development, Inc., an Alabama corporation, is signed to the foregoing Second Amendment to Declaration of Condominium, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Second Amendment, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal of office this 18th day of March 2010.


Notary Public
My Commission Expires: 6-5-2011

STATE OF ALABAMA)

Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Douglas D. Eddleman, whose name as President of Courtside at Brook Highland Association, Inc. an Alabama nonprofit corporation, is signed to the foregoing Second Amendment to Declaration of Condominium, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Second Amendment, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal of office this 18th day of March 2010.

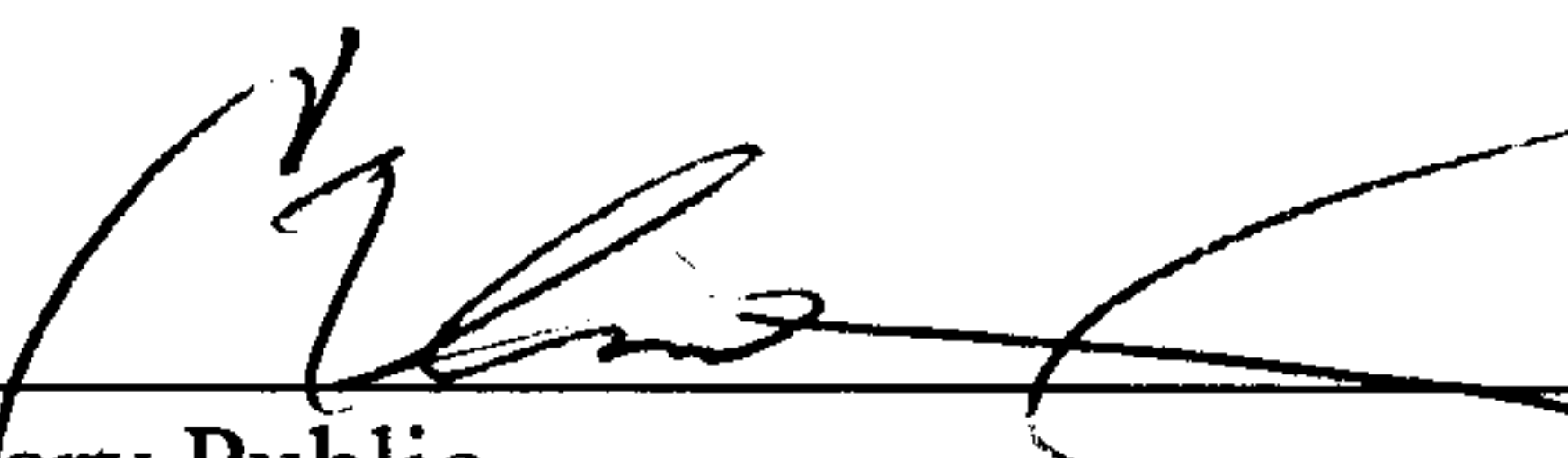

Notary Public
My Commission Expires: 6-5-2011

EXHIBIT "A"
TO SECOND AMENDMENT OF DECLARATION OF CONDOMINIUM OF
COURTSIDE AT BROOK HIGHLAND, A CONDOMINIUM

EXHIBIT "C"
PLANS OF COURTSIDE AT BROOK HIGHLAND, A CONDOMINIUM

[See attached pages.]

Exhibit "C"

Condominium

103

COURTSIDE

AT BROOK HIGHLAND, A CONDOMINIUM

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Carl Daniel Moore
 R. Eugene Ellinger
 Robert

I, John T. Edwards, of the County of Franklin, State of Missouri, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of said office.

In testimony whereof, I have hereunto set my hand and the seal of said office, at Jefferson City, Missouri, this 20th day of March, 1916.

John T. Edwards
 County Clerk

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Map Book 28 Page 103

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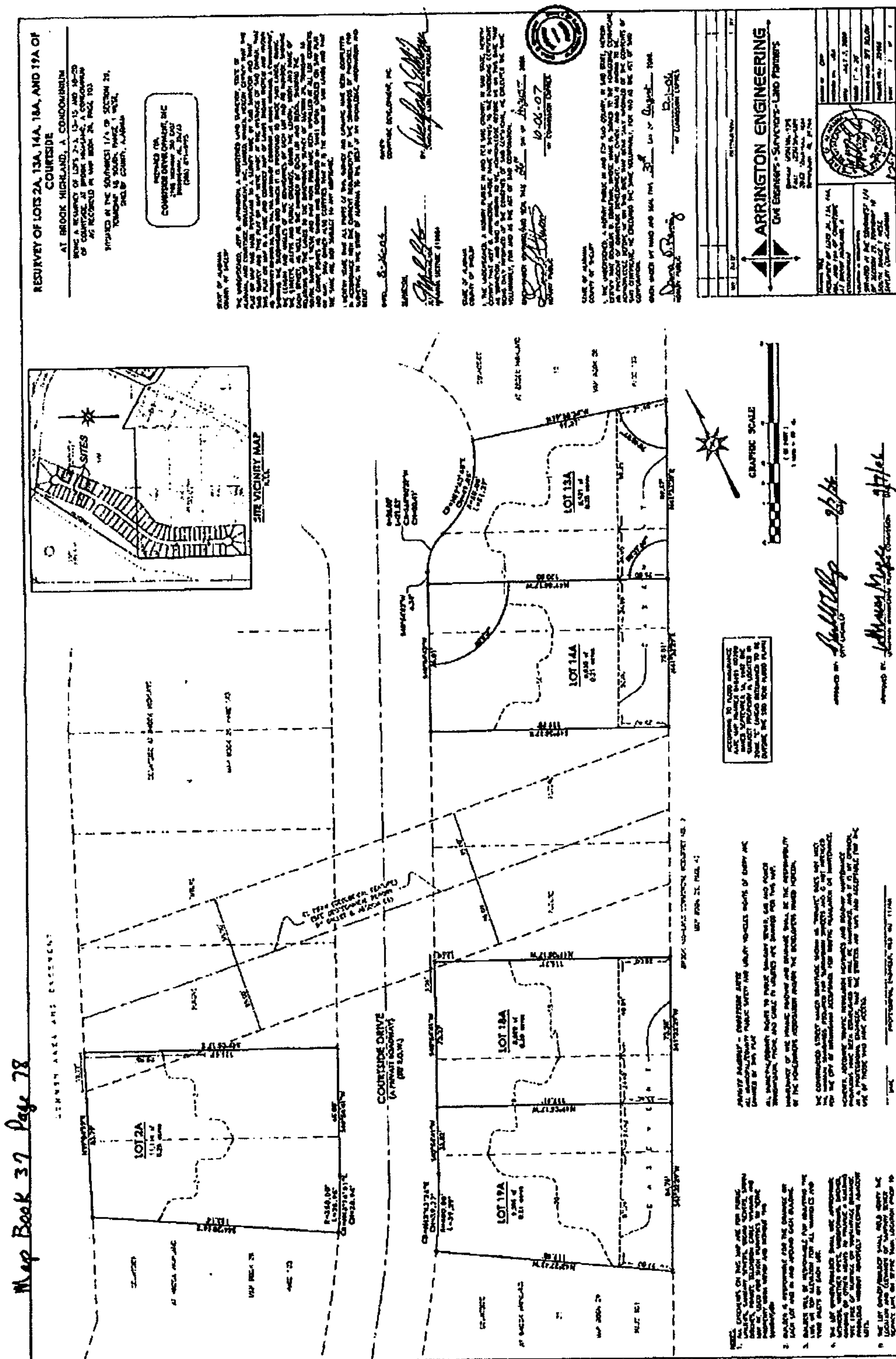
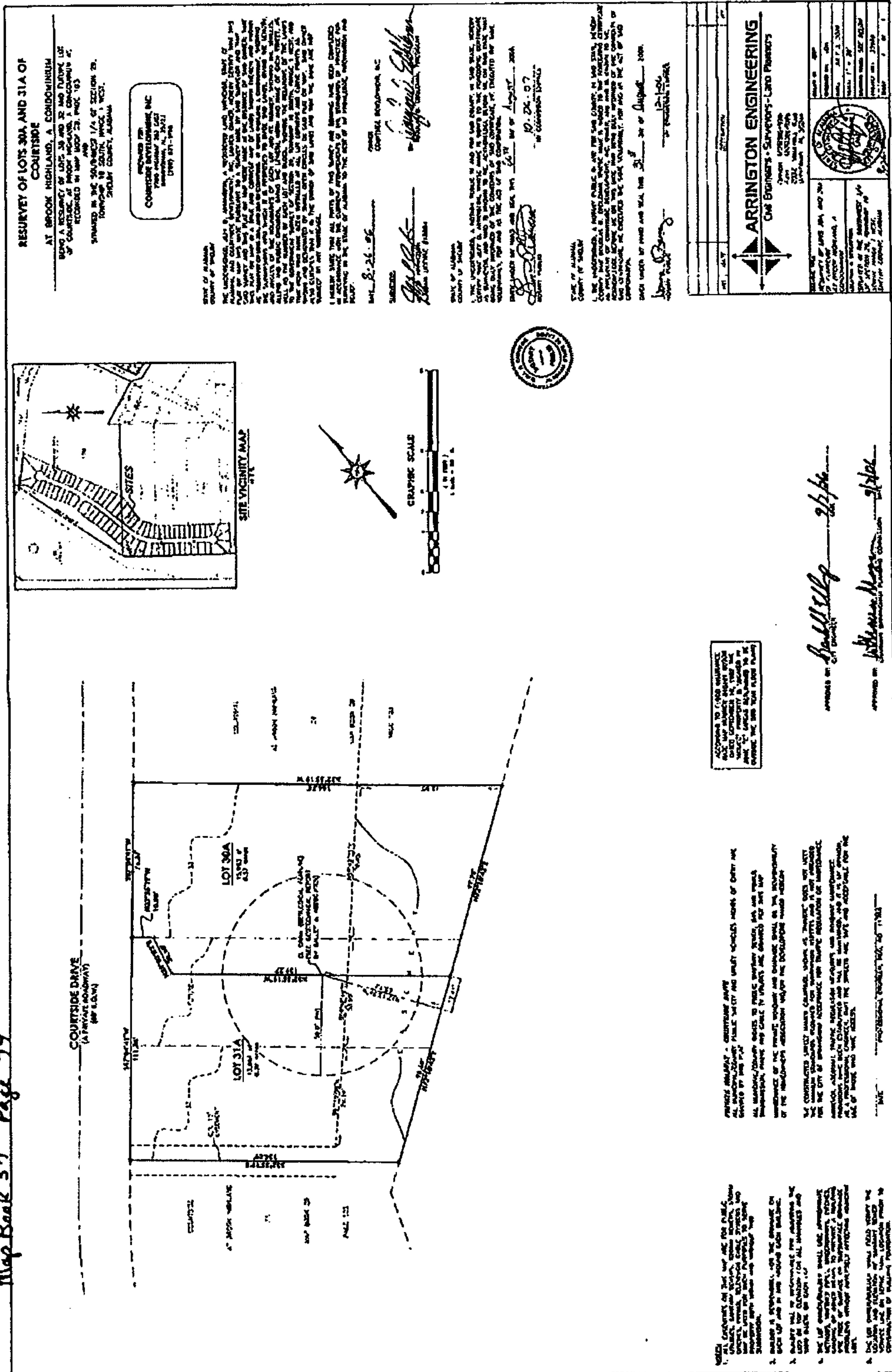


Exhibit "C"
Plans of Courtside at Brook Highland, a
Condominium

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Map Book 37 Page 29



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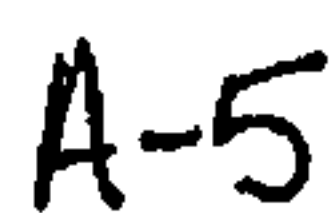


EXHIBIT "B"
TO SECOND AMENDMENT OF DECLARATION OF CONDOMINIUM OF
COURTSIDE AT BROOK HIGHLAND, A CONDOMINIUM

EXHIBIT "D"
TO THE DECLARATION OF CONDOMINIUM OF COURTSIDE AT BROOK HIGHLAND, A
CONDOMINIUM

PERCENT OWNERSHIP OF COMMON ELEMENTS
AND VOTES

| UNIT # | % COMMON ELEMENT OWNERSHIP | % COMMON EXPENSE LIABILITY | NUMBER OF VOTES |
|---------------|---|---|----------------------------|
| 1 | 1.4493 | 1.4493 | 1 |
| 2A | 1.4493 | 1.4493 | 1 |
| 4 | 1.4493 | 1.4493 | 1 |
| 5 | 1.4493 | 1.4493 | 1 |
| 6 | 1.4493 | 1.4493 | 1 |
| 7 | 1.4493 | 1.4493 | 1 |
| 8 | 1.4493 | 1.4493 | 1 |
| 9 | 1.4493 | 1.4493 | 1 |
| 10 | 1.4493 | 1.4493 | 1 |
| 11 | 1.4493 | 1.4493 | 1 |
| 12 | 1.4493 | 1.4493 | 1 |
| 13A | 1.4493 | 1.4493 | 1 |
| 14A | 1.4493 | 1.4493 | 1 |
| 16 | 1.4493 | 1.4493 | 1 |
| 17 | 1.4493 | 1.4493 | 1 |
| 18A | 1.4493 | 1.4493 | 1 |
| 19A | 1.4493 | 1.4493 | 1 |
| 21 | 1.4493 | 1.4493 | 1 |
| 23 | 1.4493 | 1.4493 | 1 |
| 24 | 1.4493 | 1.4493 | 1 |
| 25 | 1.4493 | 1.4493 | 1 |
| 26 | 1.4493 | 1.4493 | 1 |
| 27 | 1.4493 | 1.4493 | 1 |
| 29 | 1.4493 | 1.4493 | 1 |
| 30A | 1.4493 | 1.4493 | 1 |
| 31A | 1.4493 | 1.4493 | 1 |
| 33 | 1.4493 | 1.4493 | 1 |
| 34 | 1.4493 | 1.4493 | 1 |
| 35 | 1.4493 | 1.4493 | 1 |
| 36 | 1.4493 | 1.4493 | 1 |
| 37 | 1.4493 | 1.4493 | 1 |
| 38 | 1.4493 | 1.4493 | 1 |
| 39 | 1.4493 | 1.4493 | 1 |
| 40 | 1.4493 | 1.4493 | 1 |

| UNIT # | % COMMON ELEMENT OWNERSHIP | % COMMON EXPENSE LIABILITY | NUMBER OF VOTES |
|---------------|----------------------------------|----------------------------------|--------------------|
| 41 | 1.4493 | 1.4493 | 1 |
| 42 | 1.4493 | 1.4493 | 1 |
| 43 | 1.4493 | 1.4493 | 1 |
| 44 | 1.4493 | 1.4493 | 1 |
| 45 | 1.4493 | 1.4493 | 1 |
| 46 | 1.4493 | 1.4493 | 1 |
| 47 | 1.4493 | 1.4493 | 1 |
| 48 | 1.4493 | 1.4493 | 1 |
| 49 | 1.4493 | 1.4493 | 1 |
| 50 | 1.4493 | 1.4493 | 1 |
| 51 | 1.4493 | 1.4493 | 1 |
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