

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

**AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS  
FOR LAKE HEATHER ESTATES, A PRIVATE SUBDIVISION**

THIS AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR LAKE HEATHER ESTATES, A PRIVATE SUBDIVISION, is made and entered into as of the Effective Date, as hereinafter defined, by vote of the members of the Lake Heather Homeowners Association, Inc., in accordance with the provisions for such amendments:

**RECITALS:**


The Declaration of Protective Covenants for Lake Heather Estates, a Private Subdivision, was dated August 26, 1992 and recorded as Instrument # 1992-18226 in the Office of the Judge of Probate of Shelby County, Alabama, amended as of November 4, 1992, which was recorded as Instrument # 1992-26078 in said Probate Office, and further amended as of January 11, 1999, which said amendment was recorded as Instrument # 1999-01346 in said Probate Office (collectively, the "Declaration").

Pursuant to the terms and provisions of Section 14.1 of the Declaration, any amendment to the Declaration must be approved at a meeting of the owners who own not less than two-thirds (2/3) of the total lots within the Subdivision. Such amendment, as adopted by such owners at a meeting of the owners, must be transcribed and certified by the Board of Directors of the Association, as required by the terms and provisions of said Section 14.1 of the Declaration.

At a meeting of the members of the Association held on October 24, 2007, a minimum of two-thirds of the Owners agreed that the Declaration should be amended in order to delete the last sentence of Section 14.1 of the said Declaration ("Any such amendment adopted pursuant to this Section must be approved in writing by the Grantor prior to becoming effective.").

The Board hereby sets forth the amendments to the Declaration adopted at the January 8, 2007 annual meeting of the Association:

1. Section 14.1 of the Declaration is hereby amended by deleting the last sentence of that section, namely, the following language: "Any such amendment adopted pursuant to this Section must be approved in writing by the Grantor prior to becoming effective."
2. Effective Date. The foregoing amendment to Section 14.2 of the Declaration shall be effective as of the date set forth opposite the signatures of the representatives of the Board of Directors below (the "Effective Date").
3. Full Force and Effect. Except as expressly modified and amended herein, all of the terms and provisions of the Declaration shall remain in full force and effect.

  
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Shelby Cnty Judge of Probate, AL  
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STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Steven F. Casey**, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 18<sup>th</sup> day of December, 2007.

Notary Public  
[NOTARIAL SEAL] My Commission Expires:

*[Signature]*  
MY COMMISSION EXPIRES 4/19/2011

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **P. Charles Hudson**, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 4<sup>th</sup> day of December, 2007.

Notary Public *Lenora Barnes Jones*  
[NOTARIAL SEAL] My Commission Expires: 03/18/2011

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Terry Ponder**, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 4<sup>th</sup> day of December, 2007.

Notary Public  
[NOTARIAL SEAL] My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Nov 6, 2010  
BONDED THRU NOTARY PUBLIC UNDERWRITERS



IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date of execution listed below.

Date of Execution: 12-18-07

LAKE HEATHER HOMEOWNERS' ASSOCIATION, INC., an Alabama corporation\*

By: Steven Casey  
Its: President

Date of Execution: 3/31/08

METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation\*

By: Thomas L. Coakley  
Its: Regional Director

*Handwritten initials*


STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Steven F. Casey, whose name as President of **LAKE HEATHER HOMEOWNERS' ASSOCIATION, INC.**, an Alabama 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 said instrument, he, as such officer with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 18<sup>th</sup> day of December, 2007.

Notary Public  
[NOTARIAL SEAL] My Commission Expires: \_\_\_\_\_

*Handwritten signature of Jamie Tabbutt Miller*  
**MY COMMISSION EXPIRES 4/19/2011**

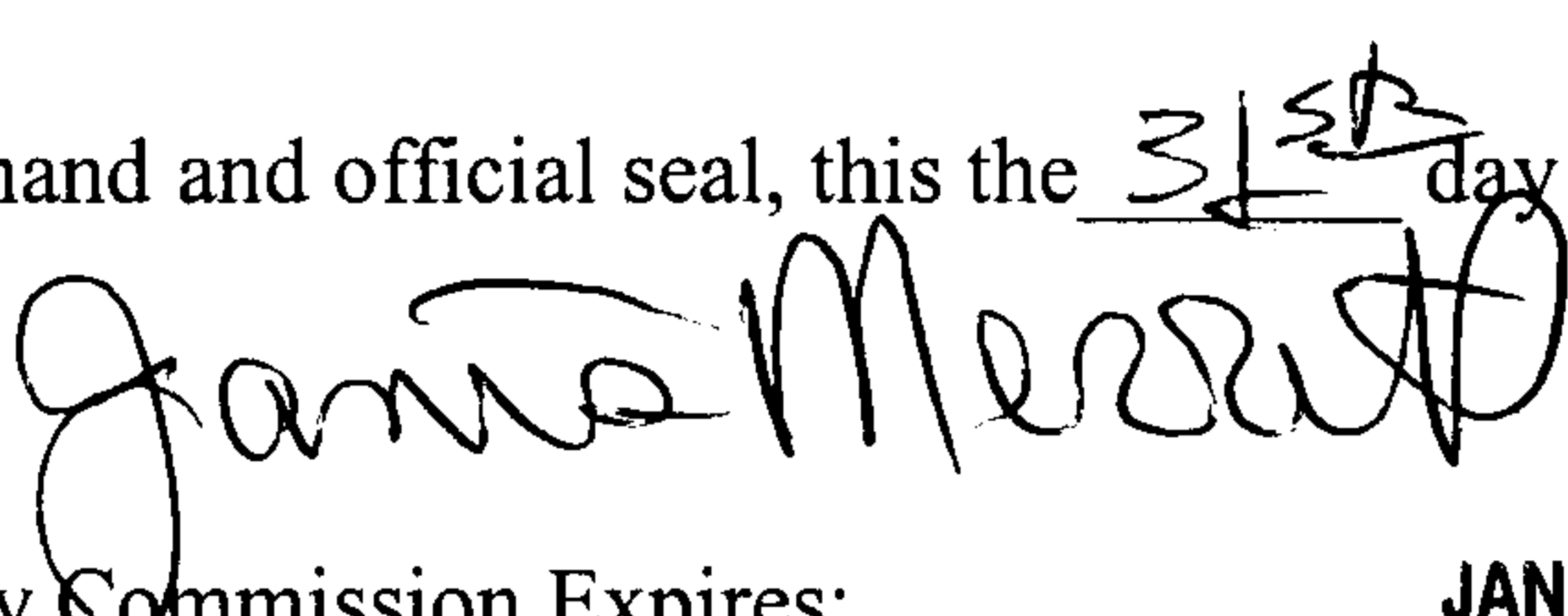
  
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Shelby Cnty Judge of Probate, AL  
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STATE OF Georgia )  
COUNTY OF Fulton )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Thomas L. Coakley, whose name as Regional Director of METROPOLITAN LIFE INSURANCE COMPANY, a New York 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 said instrument, he, as such officer with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 31<sup>st</sup> day of March, 2008.

Notary Public



[NOTARIAL SEAL] My Commission Expires:

**JANIS MERRITT**  
Notary Public, Forsyth County, Georgia  
My Commission Expires April 21, 2008

\* Grantor's execution of this document is conditioned upon agreement of the Association to release the Grantor from any and all liabilities and obligations under the Declaration accruing on and after the Effective Date. The recording of a fully executed copy of this Amendment with the local office of real estate records will be prima facie evidence of such agreement.



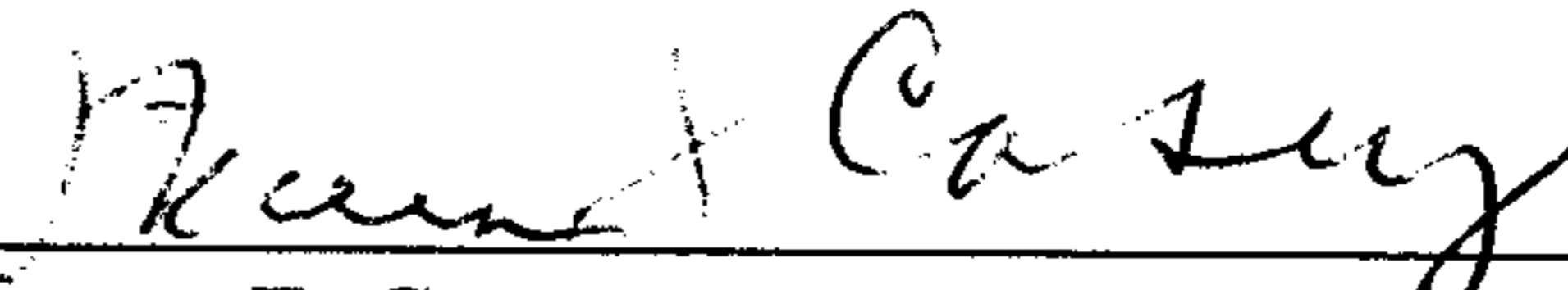
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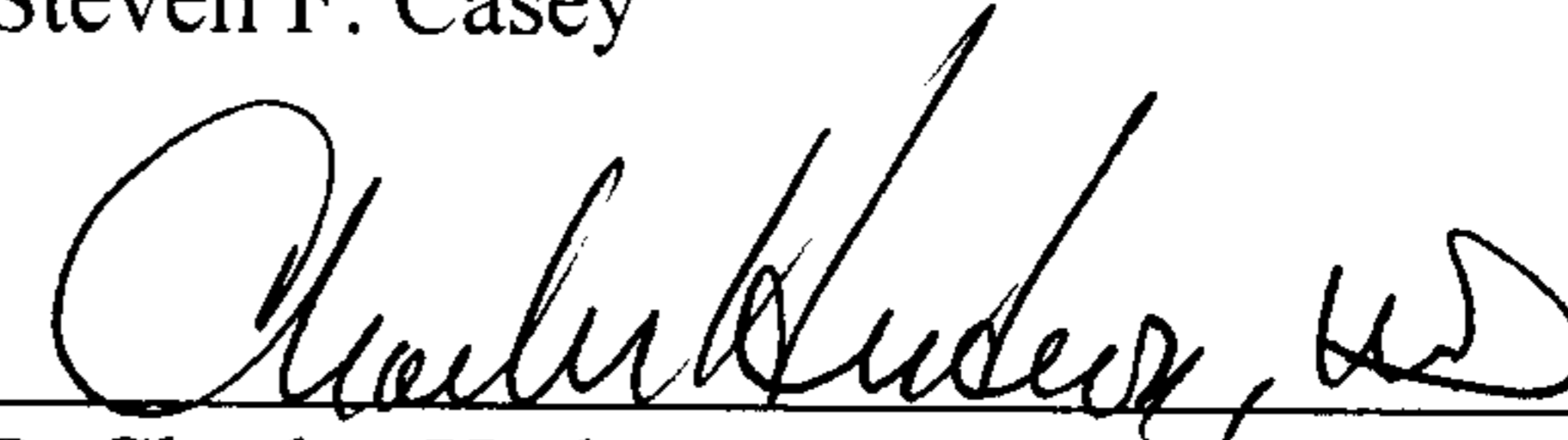
**CERTIFICATION BY BOARD OF DIRECTORS**

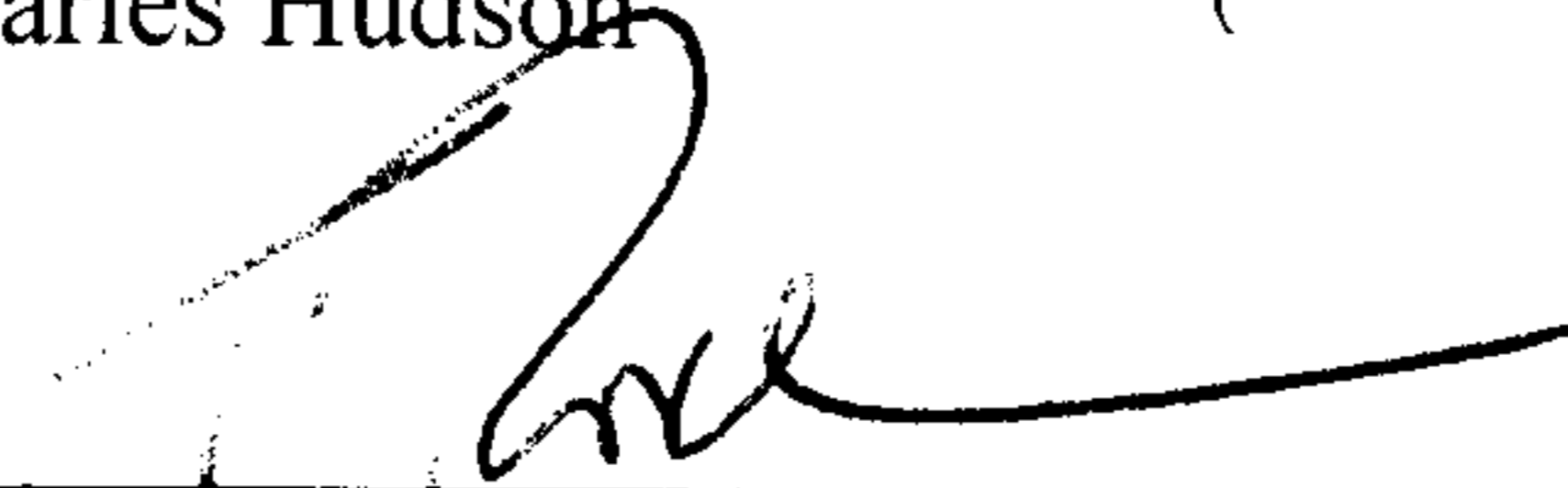
The undersigned, constituting all of the members of the Board of Directors of Lake Heather Homeowners' Association, Inc., an Alabama nonprofit corporation (the "Association"), hereby certify that at a duly constituted meeting of the members of the Association held on October 25, 2007, in accordance with the notice attached hereto as Exhibit A and incorporated herein by reference, the following amendment to the Declaration of Protective Covenants for Lake Heather Estates, a Private Subdivision dated as of August 26, 1992 and recorded as Instrument # 1992-18226 in the Office of the Judge of Probate of Shelby County, Alabama, as amended by Amendment thereto dated as of November 4, 1992 and recorded as Instrument # 1992-26078 in said Probate Office (collectively, the "Declaration") was adopted by at least two-thirds (2/3) of the owners of the lots within the Subdivision, as defined in the Declaration:


Committee Members. Section 14.1 of the Declaration is hereby amended by (a) deleting the last sentence of that section, specifically, the following language: "Any such amendment adopted pursuant to this Section must be approved in writing by the Grantor prior to becoming effective."

IN WITNESS WHEREOF, the undersigned have executed this Certificate as of the 4th day of December, 2007.

  
\_\_\_\_\_  
Steven F. Casey

  
\_\_\_\_\_  
P. Charles Hudson

  
\_\_\_\_\_  
Terry Ponder

  
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