


This Instrument prepared by:

Gail Livingston Mills
Melinda E. Sellers
Burr & Forman LLP
420 North 20th Street
Suite 3400
Birmingham, AL 35203


20150323000091290 1/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

STATE OF ALABAMA)
SHELBY COUNTY)

**SECOND AMENDMENT TO KIRKMAN PRESERVE RESIDENTIAL DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS**

THIS SECOND AMENDMENT TO THE KIRKMAN PRESERVE RESIDENTIAL DECLARATION OF MASTER COVENANTS, CONDITIONS, AND RESTRICTIONS (this "Amendment") is entered this 23rd day of February, 2015, by **NSH CORP, INC.**, an Alabama corporation d/b/a Signature Homes, ("Developer") **3165 PROPERTIES, LLC**, an Alabama limited liability company, and **SB DEV. CORP.**, an Alabama corporation, for the purpose of amending the Declaration as set forth below. All initially capitalized terms not defined herein shall be defined as set forth in the Declaration.

W I T N E S S E T H:

WHEREAS, Developer is the "Developer" under that certain Kirkman Preserve Residential Declaration of Covenants, Conditions, and Restrictions recorded in the Office of the Judge of Probate of Shelby County, Alabama on February 4, 2014, in Instrument Number 20140204000031140, as amended by that certain First Amendment to Kirkman Preserve Residential Declaration of Covenants, Conditions, and Restrictions dated August 4, 2014 and recorded with said Judge of Probate on August 6, 2014, in Instrument Number 20140806000244660 (as amended, the "Declaration");

WHEREAS, Developer is the owner of all those certain residential lots created by the subdivision record map for Kirkman Preserve - Phase 3, recorded in Map Book 44, Page 58 in the Office of the Judge of Probate of Shelby County, Alabama (the "Phase 3 Map") more particularly on Exhibit "A" attached hereto ("Developer Lots");


WHEREAS, SB Dev. Corp. is the owner of all those certain residential lots created by the Phase 3 Map more particularly described on Exhibit "B" attached hereto ("SB Lots");

WHEREAS, Developer has the contractual right to acquire all remaining lots shown on such Phase 3 Map (the "3165 Property") from 3165 Properties, LLC, an Alabama limited liability company ("3165") on a "take down basis" in one or more closings (collectively, the Developer Lots, the SB Lots and the 3165 Property are referred to herein as "Third Phase Property");

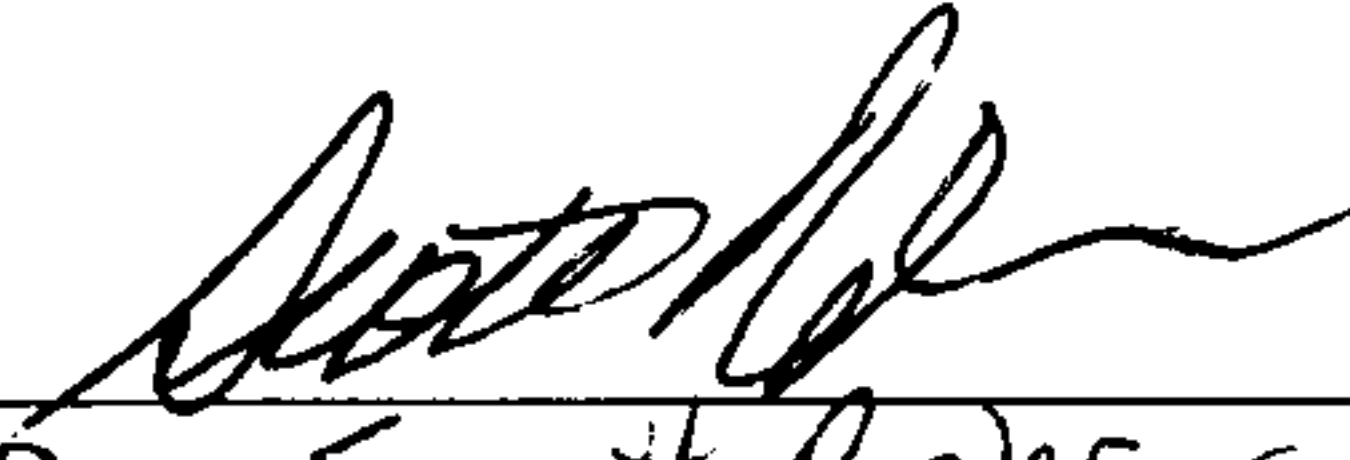
WHEREAS, pursuant to Article II, Section 2.2, of the Declaration, the Developer desires to submit the Third Phase Property to the Declaration as set forth below.

NOW THEREFORE, the Developer does hereby amend the Declaration as follows:

1. Pursuant to Article II, Section 2.2 of the Declaration, the Developer hereby submits the property included on the plat identified as Final Plat of Residential Subdivision: Kirkman Preserve- Phase 3 and recorded in the Office of the Judge of Probate of Shelby County, Alabama on September 12, 2014, in Map Book 44, Page 58 to the Declaration (the "Third Phase Property"). The Third Phase Property shall be conveyed subject to the provisions of the Declaration.
2. The Developer hereby amends Article I, Section 1.32 of the Declaration to include in the definition of the defined term "Subdivision Record Map" the plat identified as "Final Plat of Residential Subdivision: Kirkman Preserve- Phase 3 and recorded in the Office of the Judge of Probate of Shelby County, Alabama on September 12, 2014, in Map Book 44, Page 58."
3. Except as modified herein, the Declaration is hereby ratified and affirmed in all respects.


20150323000091290 2/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

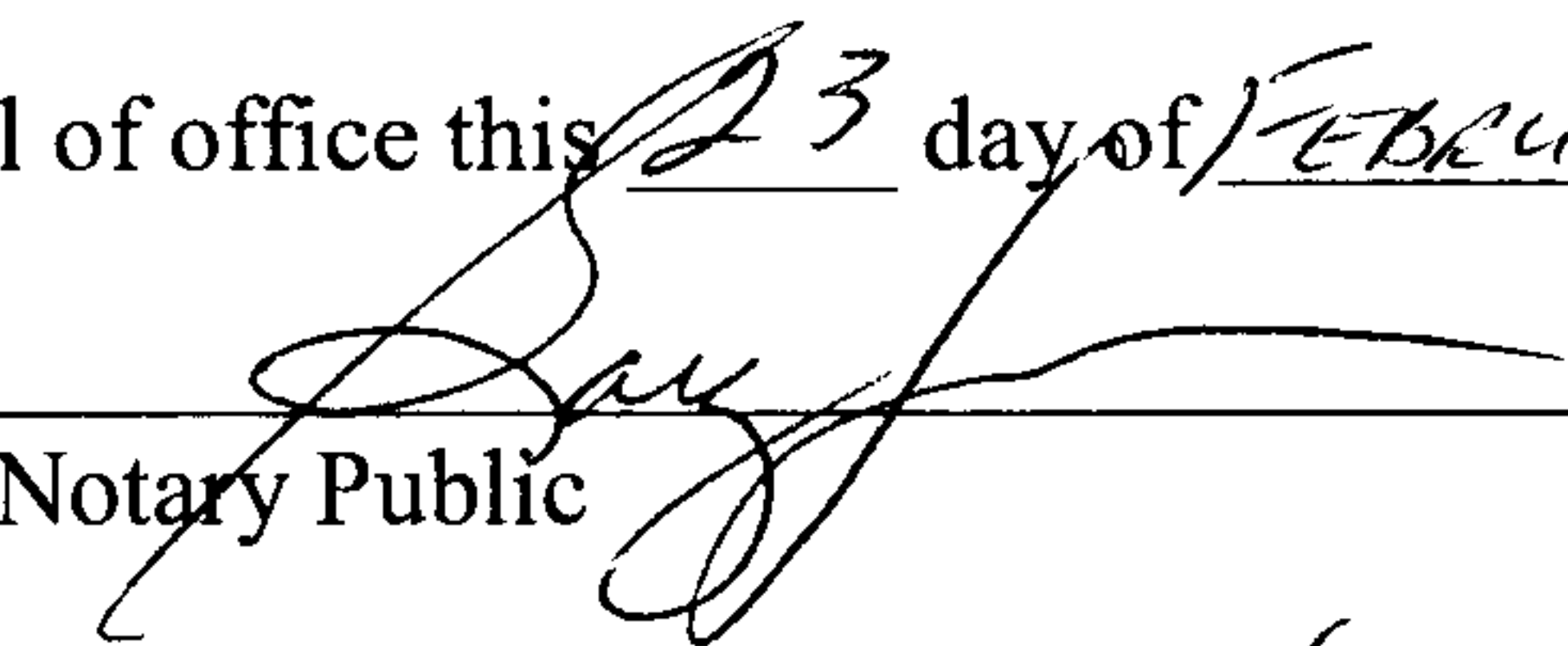
SB DEV. CORP.,
an Alabama corporation


By: Scott Rohrer
Its: VP Marketing & Sales

STATE OF ALABAMA)
JEFFERSON COUNTY)


I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Scott Rohrer whose name as VP Marketing & Sales of **SB DEV. CORP.**, is signed to the foregoing Second Amendment, 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 on the date the same bears date.

Given under my hand and official seal of office this 23 day of FEBRUARY, 2015.




Notary Public
My Commission Expires: 4-17-2016

[NOTARY SEAL]


20150323000091290 4/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

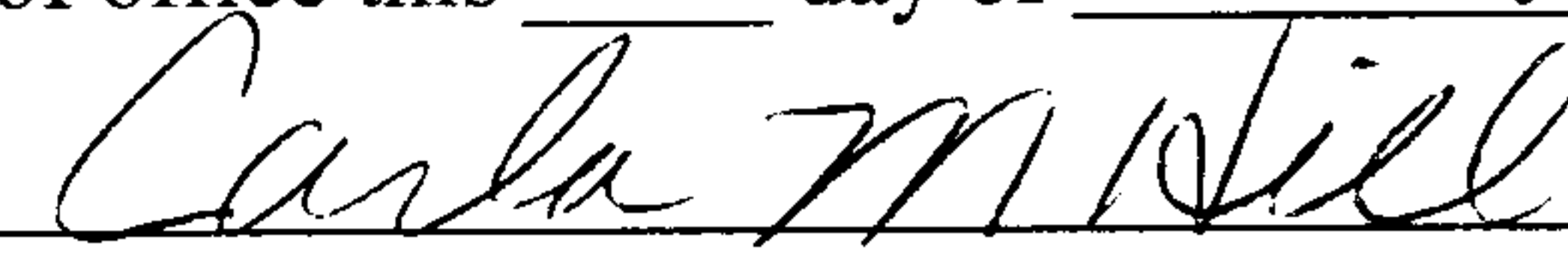
3165 PROPERTIES, LLC,
an Alabama limited liability company

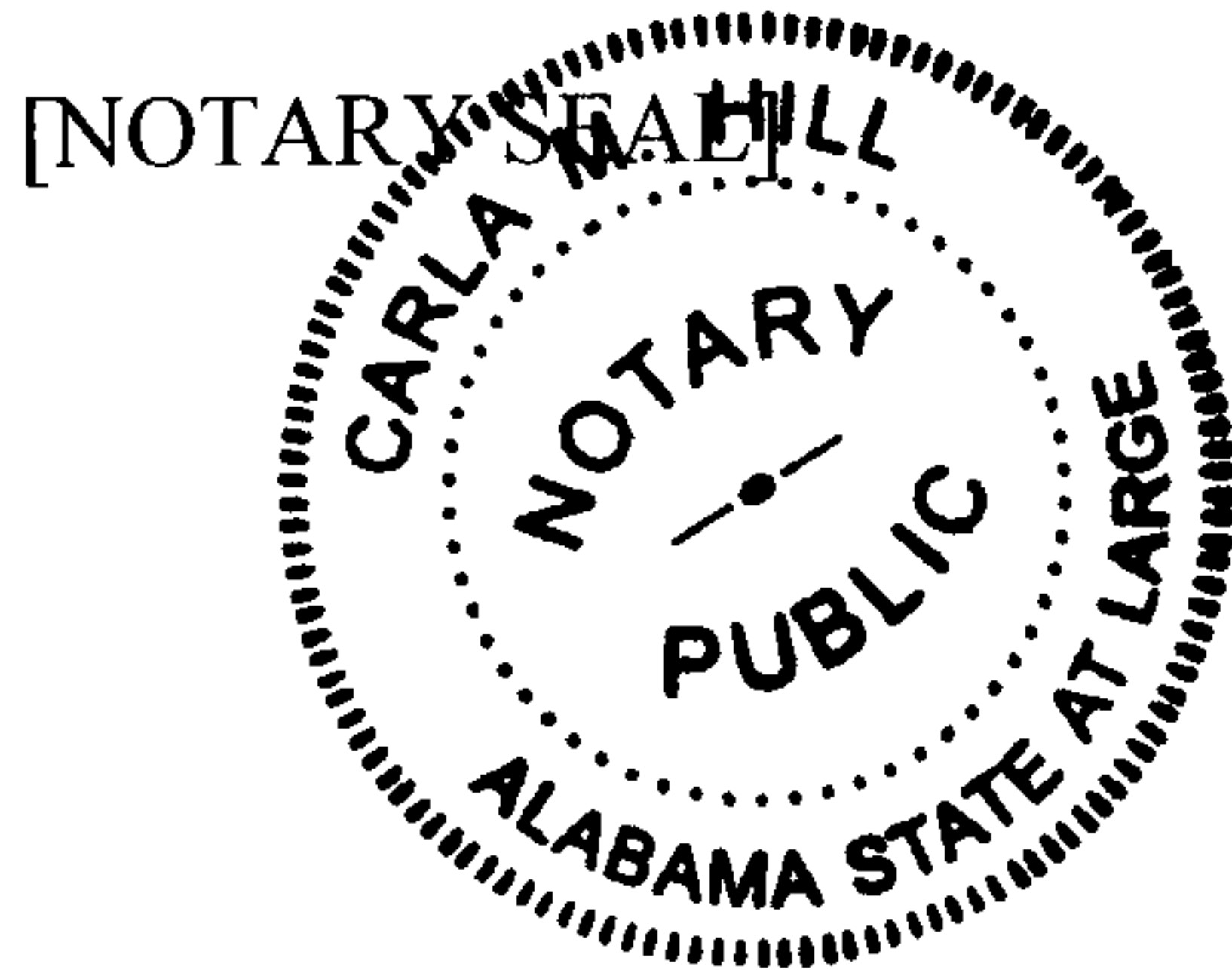

By: JOSH L. HARTMAN
Its: MEMBER

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Josh L. Hartman whose name as Member of **3165 PROPERTIES, LLC**, an Alabama limited liability company is signed to the foregoing Second Amendment, 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 on the date the same bears date.

Given under my hand and official seal of office this 24th day of February, 2015.


Notary Public



My Commission Expires: 3/23/15



20150323000091290 5/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

ALiant Bank,
a Division of USAmeriBank, ISAOA



By: Daryl Spears

Its: Senior Vice President of Commercial Real Estate

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Daryl Spears whose name as Senior Vice President of Commercial Real Estate of **ALiant Bank**, a Division of USAmeriBank, ISAOA, is signed to the foregoing Second Amendment, 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 on the date the same bears date.

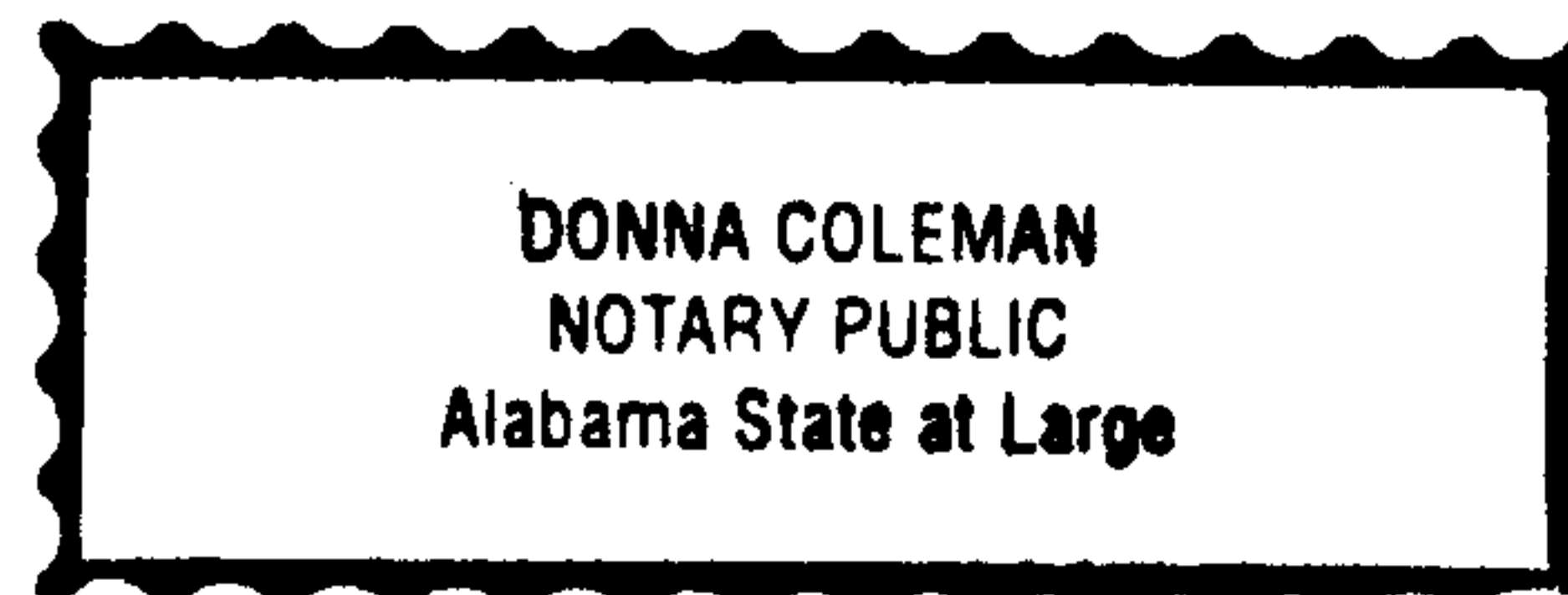
Given under my hand and official seal of office this 26 day of February, 2015.



Notary Public

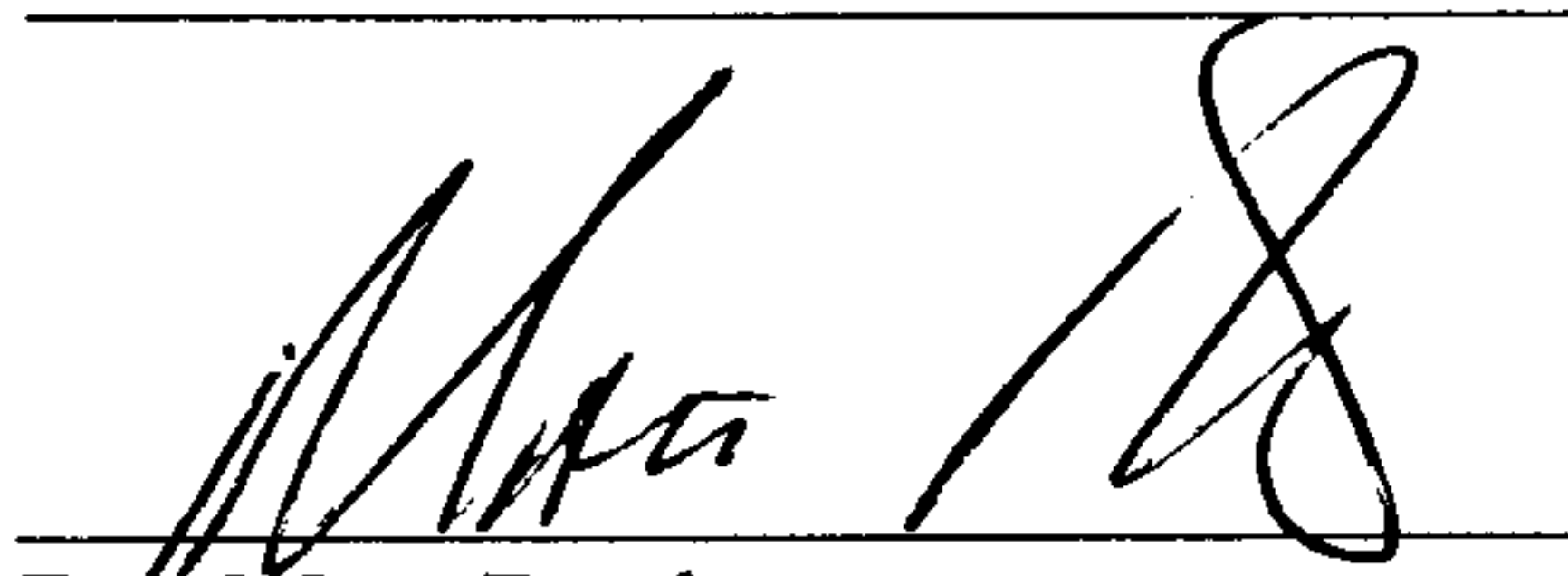
[NOTARY SEAL]

My Commission Expires: 8-7-18



20150323000091290 6/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

ALAMERICA BANK,

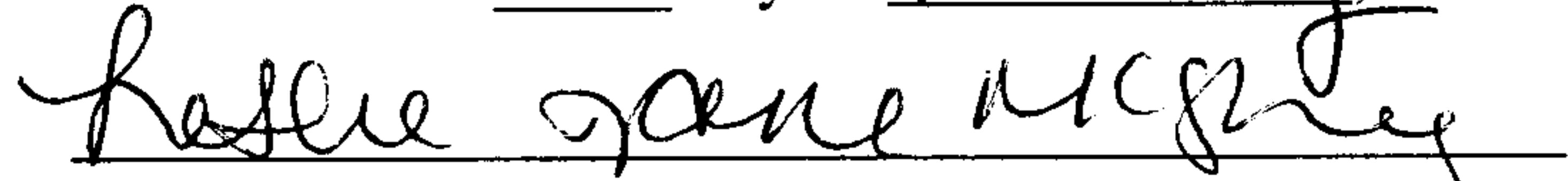


By: Matt Rockett
Its: Executive Vice President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Matt Rockett whose name as Executive Vice President of **ALAMERICA BANK**, is signed to the foregoing Second Amendment, 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 on the date the same bears date.

Given under my hand and official seal of office this 23rd day of February, 2015.


Notary Public

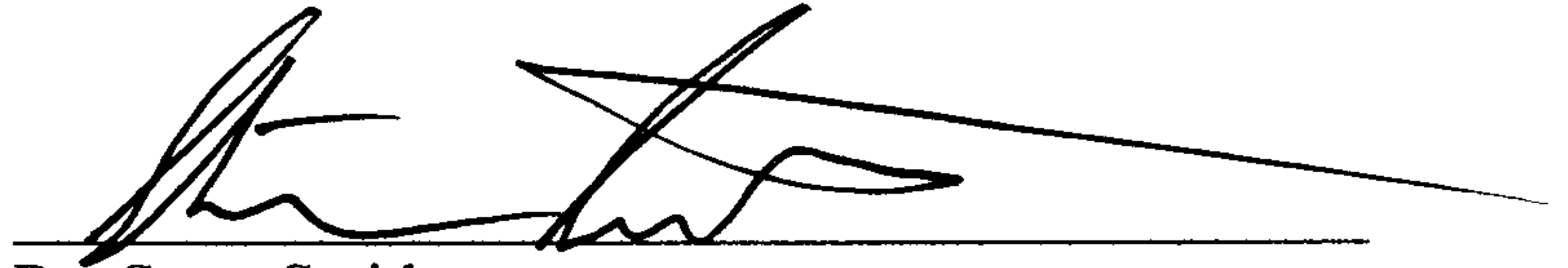
[NOTARY SEAL]

My Commission Expires: 7/31/17



20150323000091290 7/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

FIRST US BANK

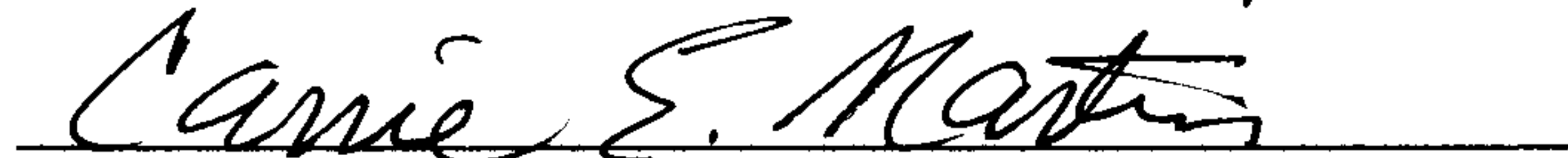


By: Steve Smith
Its: Senior Vice President

STATE OF ALABAMA)
JEFFERSON COUNTY)


I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Steve Smith whose name as Senior Vice President of FIRST US BANK, is signed to the foregoing Second Amendment, 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 on the date the same bears date.

Given under my hand and official seal of office this 17th day of March, 2015.


Notary Public

[NOTARY SEAL]

My Commission Expires: _____ MY COMMISSION EXPIRES AUGUST 5, 2015


20150323000091290 8/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

WELLS FARGO BANK

Susan S. Beaugrand
By: Susan S. Beaugrand
Its: Senior Vice President

STATE OF FLORIDA)
DUVAL COUNTY)

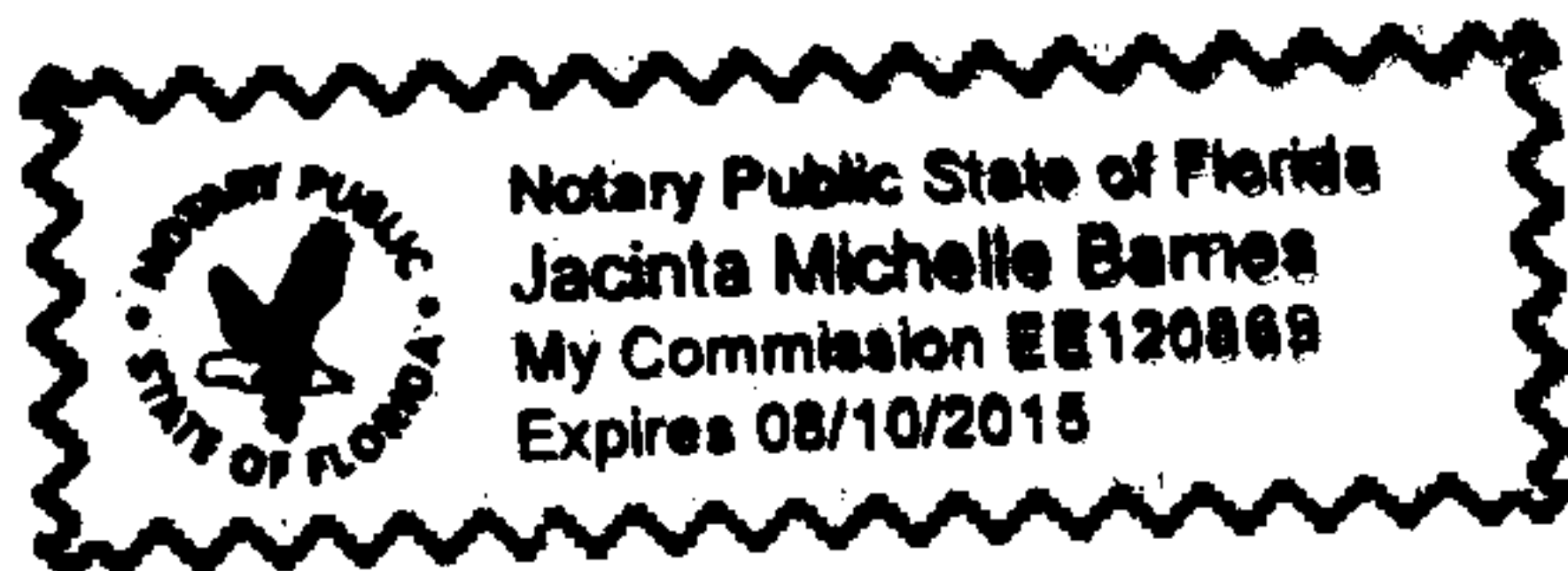
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Susan S. Beaugrand whose name as SVP of **WELLS FARGO BANK**, is signed to the foregoing Second Amendment, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Second Amendment, he, as such officer, and with full authority, executed the same voluntarily on the date the same bears date.

Given under my hand and official seal of office this 25th day of February, 2015.

Jacinta Michelle Barnes
Notary Public

[NOTARY SEAL]

My Commission Expires: 8-10-2015



20150323000091290 9/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

EXHIBIT A

THIRD PHASE PROPERTY

Lots 13-15, 17-19, 22-24, 29, 33, 35, 72, 77 and 79; Common Areas CA-6, CA-7, CA-8 and CA-9 according to the Final Plat of the Residential Subdivision: Kirkman Preserve – Phase 3, recorded in Map Book 44, Page 58 in the Office of the Judge of Probate of Shelby County, Alabama.



20150323000091290 10/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT

EXHIBIT "B"

Lots 20, 21, and 75-78; Common Areas CA-6, CA-7, CA-8 and CA-9 according to the Final Plat of the Residential Subdivision: Kirkman Preserve – Phase 3, recorded in Map Book 44, Page 58 in the Office of the Judge of Probate of Shelby County, Alabama.



20150323000091290 11/11 \$47.00
Shelby Cnty Judge of Probate, AL
03/23/2015 02:53:52 PM FILED/CERT