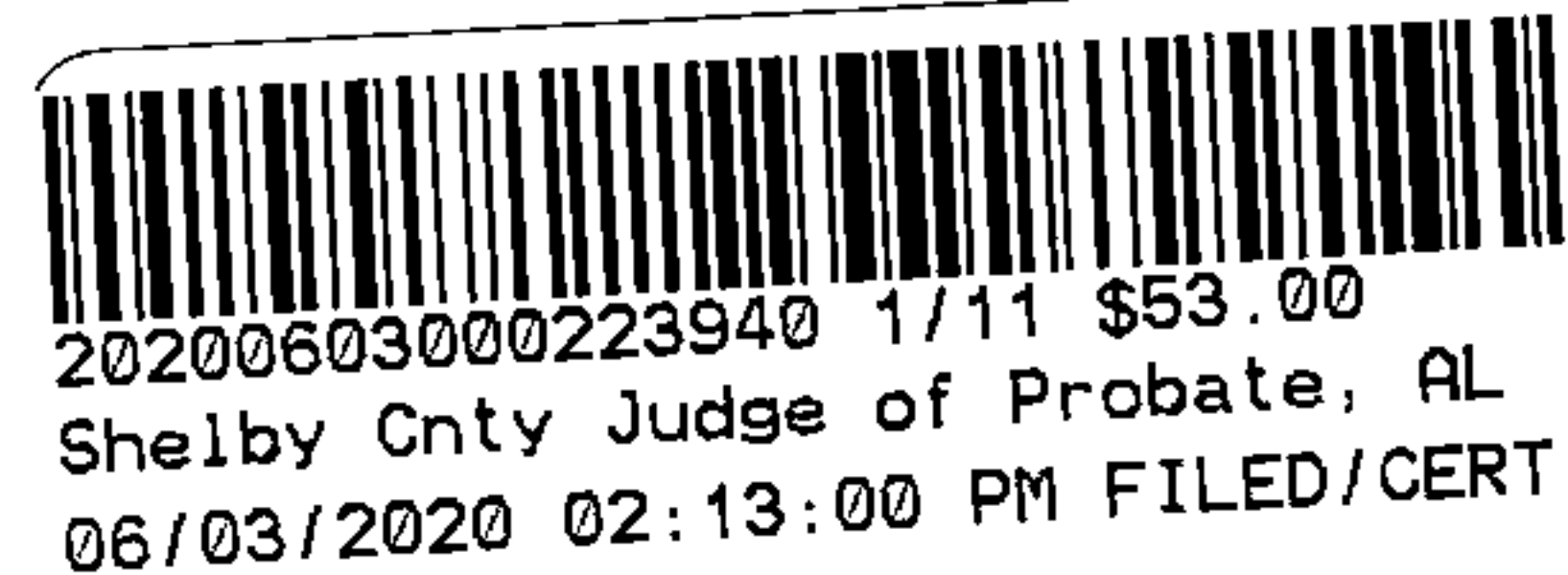


STATE OF ALABAMA)
:
COUNTY OF JEFFERSON AND SHELBY)



FIRST AMENDMENT TO FIRST AMENDED AND RESTATED CLUB FACILITIES AGREEMENT

THIS FIRST AMENDMENT TO FIRST AMENDED AND RESTATED CLUB FACILITIES AGREEMENT (this "Amendment") is made and entered into this 3rd day of June, 2020 by and among **VH INVESTMENTS, LLC**, an Alabama limited liability company ("VH Investments"), **SB DEV. CORP.**, an Alabama corporation ("Developer"), **ABINGDON RESIDENTIAL ASSOCIATION, INC.**, an Alabama nonprofit corporation ("Abingdon Association") and **LAKE WILBORN RESIDENTIAL ASSOCIATION, INC.**, an Alabama nonprofit corporation ("Lake Wilborn Association")

RECITALS:

VH Investments and Lake Wilborn Association have heretofore entered into the First Amended and Restated Abingdon Club Facilities Agreement dated January 28, 2019 (the "Agreement") which has been recorded as Instrument #2019007507 in the Office of the Judge of Probate of Jefferson County, Alabama. *Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Agreement.*

Developer has developed within that certain real property (the "Additional Property") situated in Jefferson County, Alabama which is more particularly described in **Exhibit A** and **Exhibit B** attached hereto and incorporated herein by reference additional phases of the single-family, age-restricted community known as Abingdon, which Additional Property was previously submitted to all of the terms and provisions of the First Amended and Restated Abingdon Declaration of Covenants, Conditions and Restrictions dated January 28, 2019 which has been recorded as Instrument #2019007508 in the Office of the Judge of Probate of Jefferson County, Alabama, as amended (as amended from time to time, collectively, the "Abingdon Declaration").

Abingdon Association is the property owners' association formed under the Abingdon Declaration to own and operate various amenities and facilities within the Abingdon development for the benefit of the Owners and Occupants of the real property subject to the Abingdon Declaration.

Lake Wilborn Association is the property owners' association formed to own and operate the Pool Facilities under the Lake Wilborn Residential Declaration.

Pursuant to the provisions of Section 4.06(d) of the Lake Wilborn Residential Declaration, the Board of Directors of Lake Wilborn Association has determined that the Occupants of any Dwelling situated within any Lot within the Additional Property shall have the right to utilize the Pool Facilities of Lake Wilborn Association, subject to and upon the terms and conditions hereinafter set forth.

VH Investments, Developer, Abingdon Association and Lake Wilborn Association desire to enter into this Amendment in order to authorize the use of the Pool Facilities by the Occupants of Dwellings within the Additional Property and create the mandatory obligation on the part of the Owners of each Lot or Dwelling within the Additional Property to pay Assessments as provided in the Agreement, which rights and obligations shall be covenants running with title to all Lots and Dwellings within the Additional Property and shall be binding upon and inure to the benefit of Lake Wilborn Association, Abingdon Association, all Owners and Occupants of all Lots and Dwellings within the Additional Property and their respective heirs, executors, personal representatives, successors and assigns.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **Additional Property.** Pursuant to the terms and provisions of Paragraph 8 of the Agreement, VH Investments, Developer, Abingdon Association and Lake Wilborn Association do hereby declare that all Lots and Dwellings within the Additional Property described in **Exhibit A** and **Exhibit B** hereto shall be and hereby are submitted to all of the terms and provisions of the Agreement and that all of the terms, covenants, conditions, restrictions, Assessments, charges, liens and regulations set forth in the Agreement shall be binding upon and inure to the benefit of all parties acquiring or having any right, title or interest in any Lots and Dwelling within any portion of the Additional Property and their respective heirs, executors, administrators, personal representatives, successors and assigns. From and after the date hereof, all references in the Agreement to the VH Investments Property shall mean and include all of the Lots and Dwellings situated within any portion of the Additional Property, the original Property described in the Agreement, and any other Additional Property which has been added to the terms and provisions of the Agreement.

2. **Full Force and Effect.** Except as expressly modified and amended herein, all of the terms and provisions of the Agreement shall remain in full force and effect and are hereby ratified, confirmed and approved by the parties hereto.

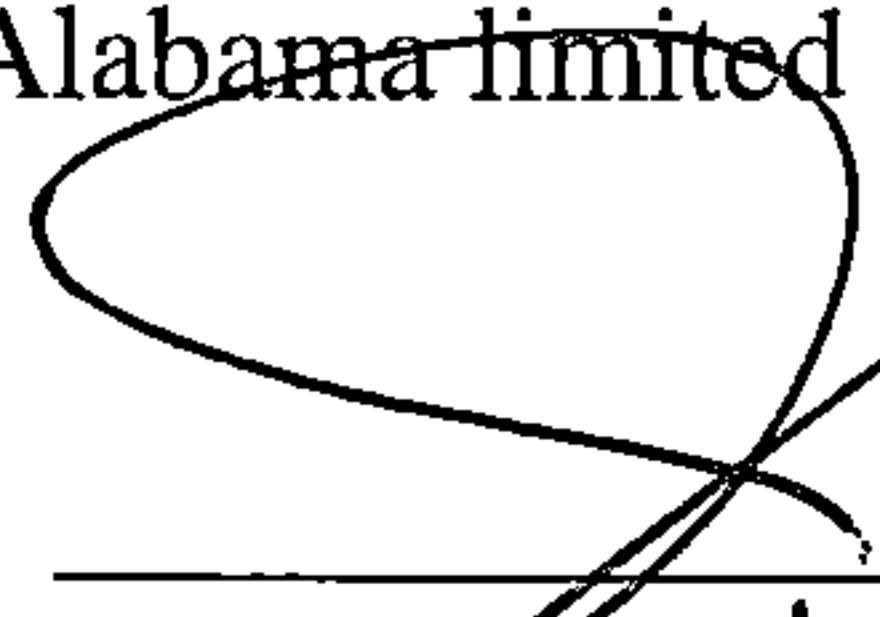
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Shelby Cnty Judge of Probate, AL
06/03/2020 02:13:00 PM FILED/CERT

IN WITNESS WHEREOF, VH Investments, Developer, Lake Wilborn Association and Abingdon Association have executed this Agreement on the date stated above.

VH INVESTMENTS, LLC,
an Alabama limited liability company

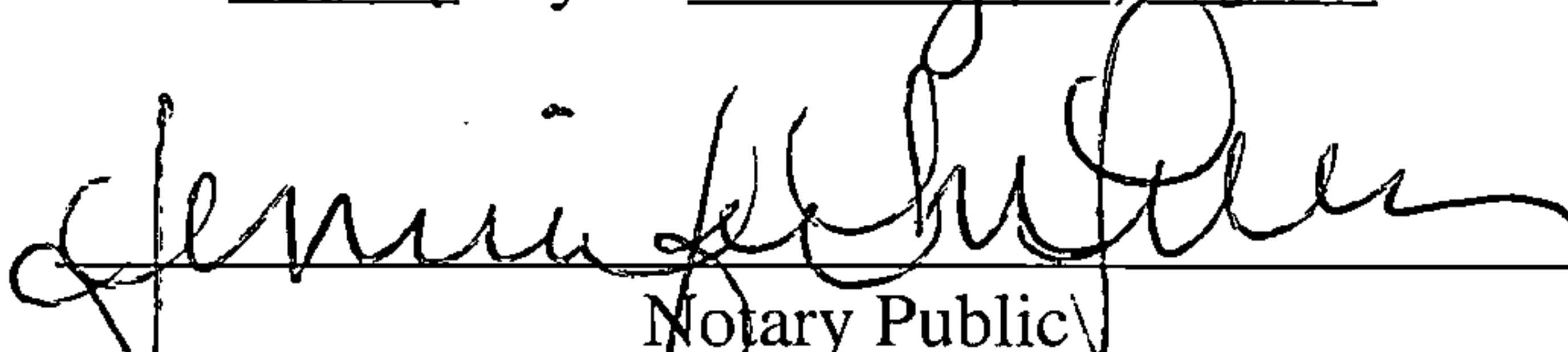
By: 
Printed Name: JOSHUA LOUIS HARTMAN
Title: MANAGING MEMBER

STATE OF ALABAMA }

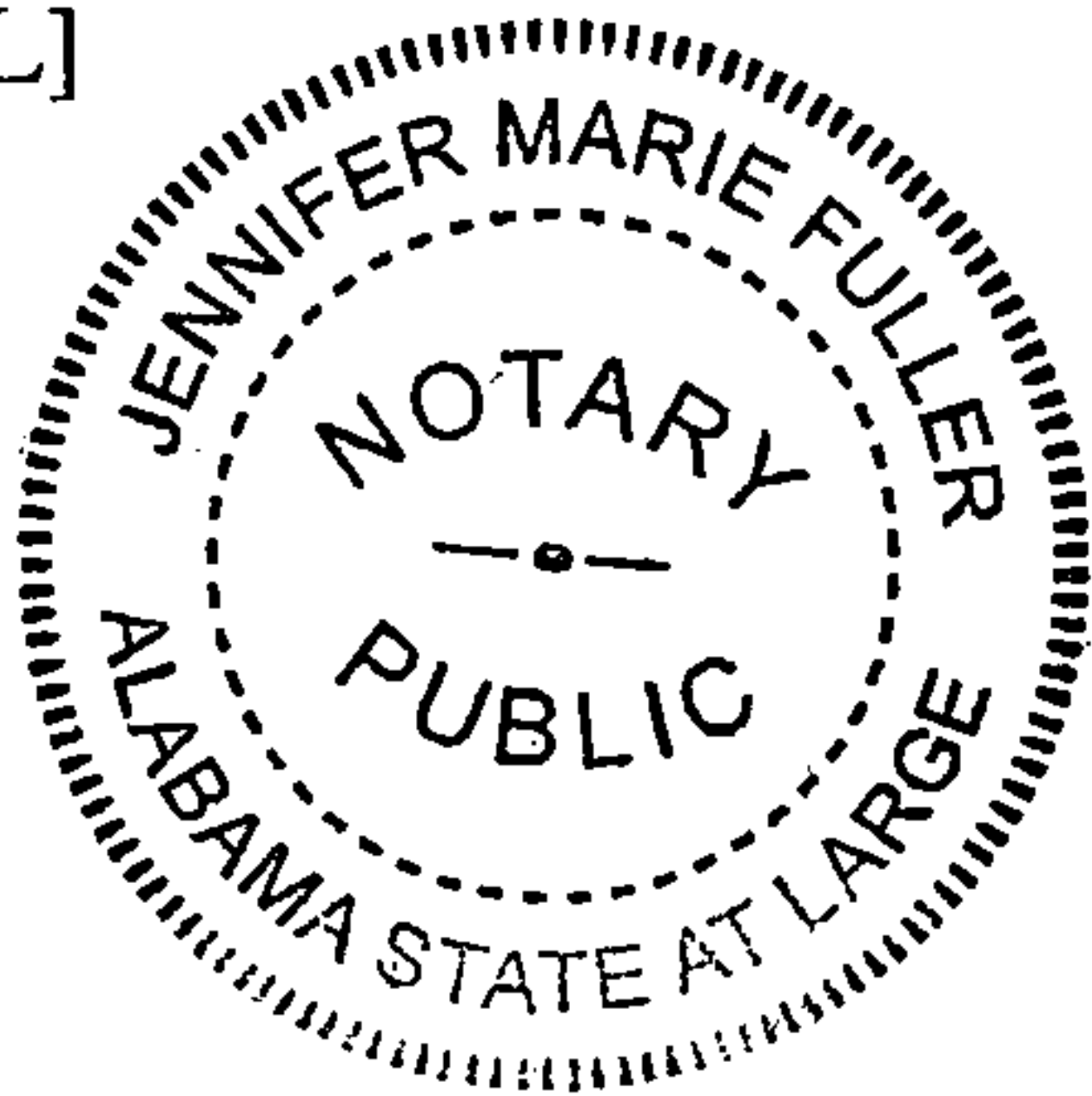
COUNTY OF JEFFERSON }

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Joshua Louis Hartman, whose name as Managing Member of VH INVESTMENTS, 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 this instrument, he as such Managing Member and with full authority, executed the same voluntarily for and as the act of aforesaid limited liability company.

Given under my hand and official seal this 29 day of May, 2020.

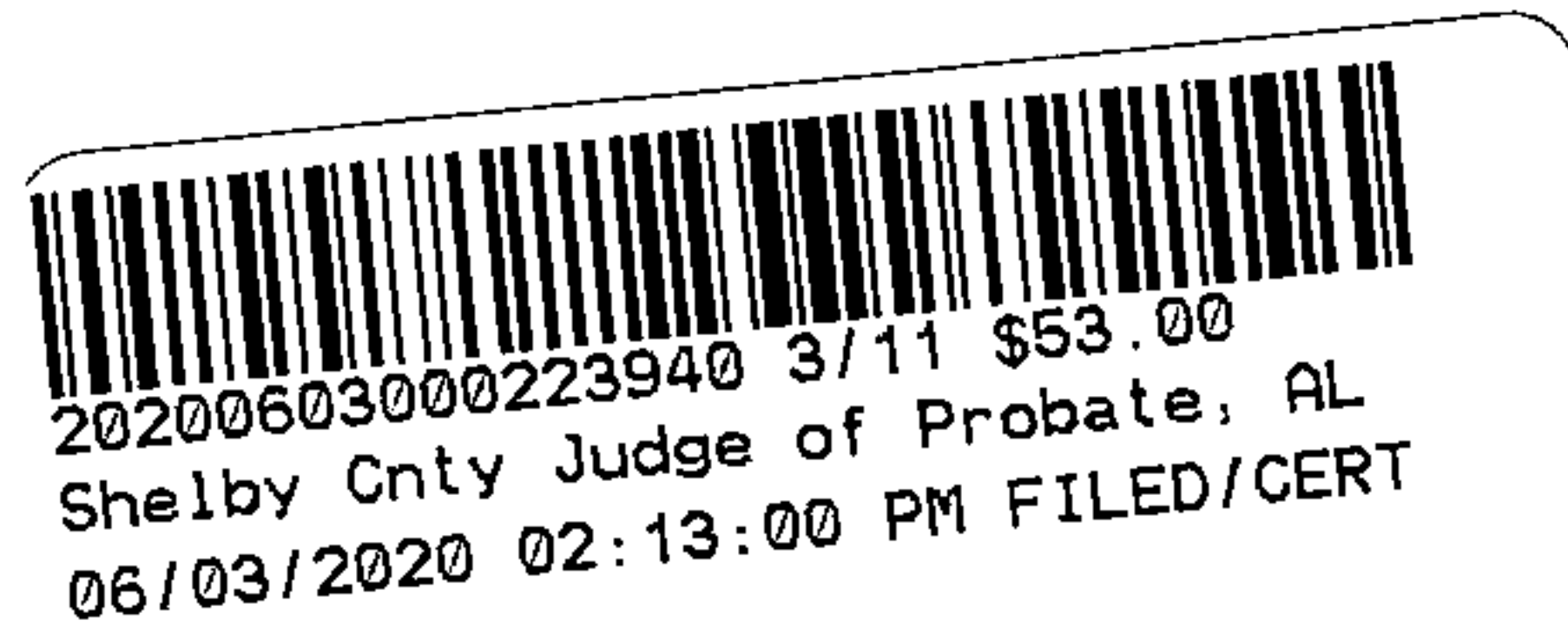

Notary Public

[NOTARIAL SEAL]



My Commission Expires: _____

My Commission Expires January 3, 2024



SB. DEV. CORP.,
an Alabama corporation

By: [Signature]
Printed Name: SCOTT ROHLER
Title: VP

STATE OF ALABAMA }

COUNTY OF JEFFERSON }

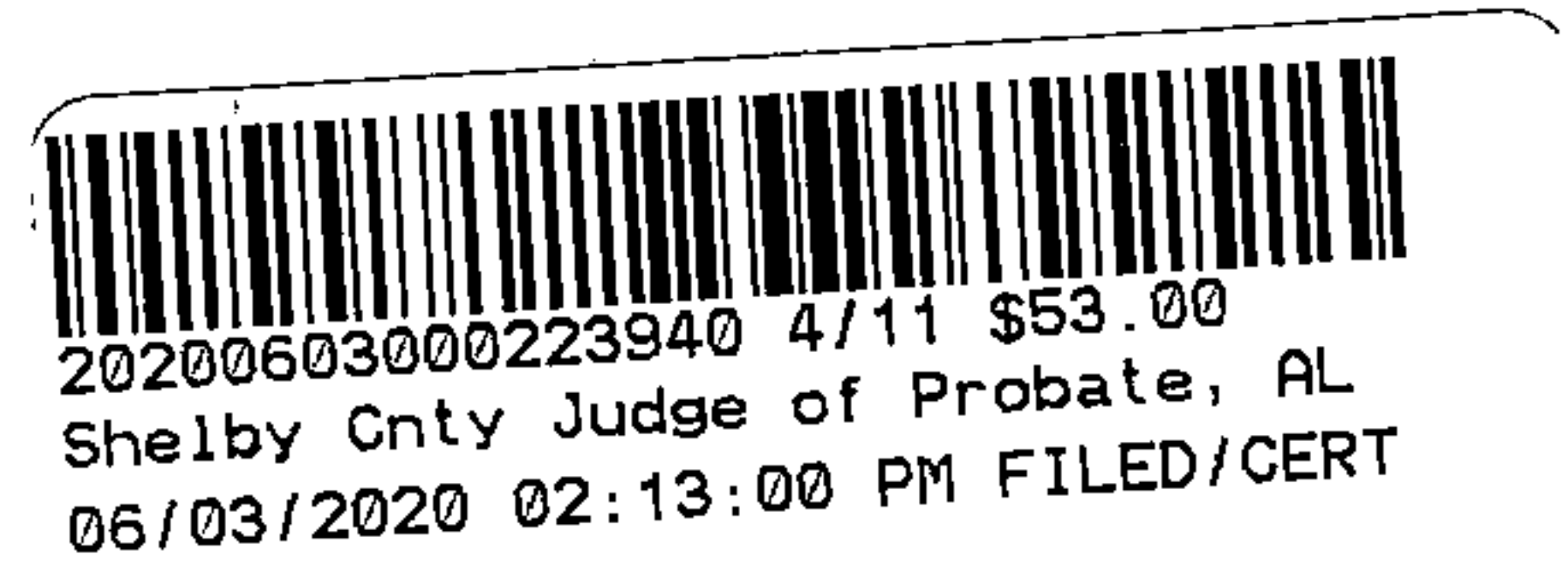
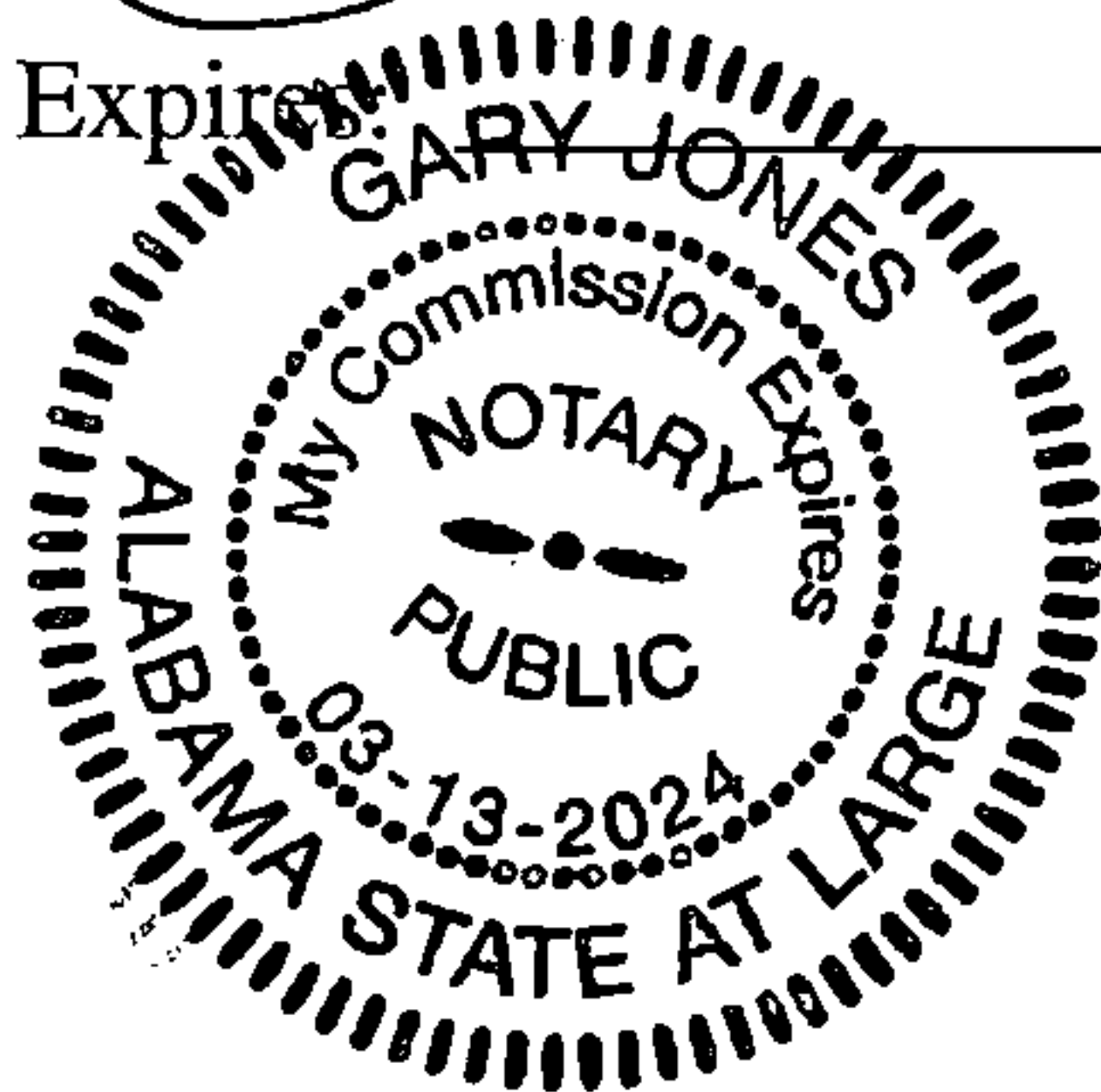
I, the undersigned Notary Public in and for said County, in said State, hereby certify that SCOTT ROHLER, whose name as VP SALES & MARKETING of SB DEV. CORP., an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of this instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of aforesaid corporation.

Given under my hand and official seal this 1 day of JUNE, 2020.

[Signature]
Notary Public

[NOTARIAL SEAL]

My Commission Expires _____



LAKE WILBORN RESIDENTIAL ASSOCIATION,
INC., an Alabama nonprofit corporation

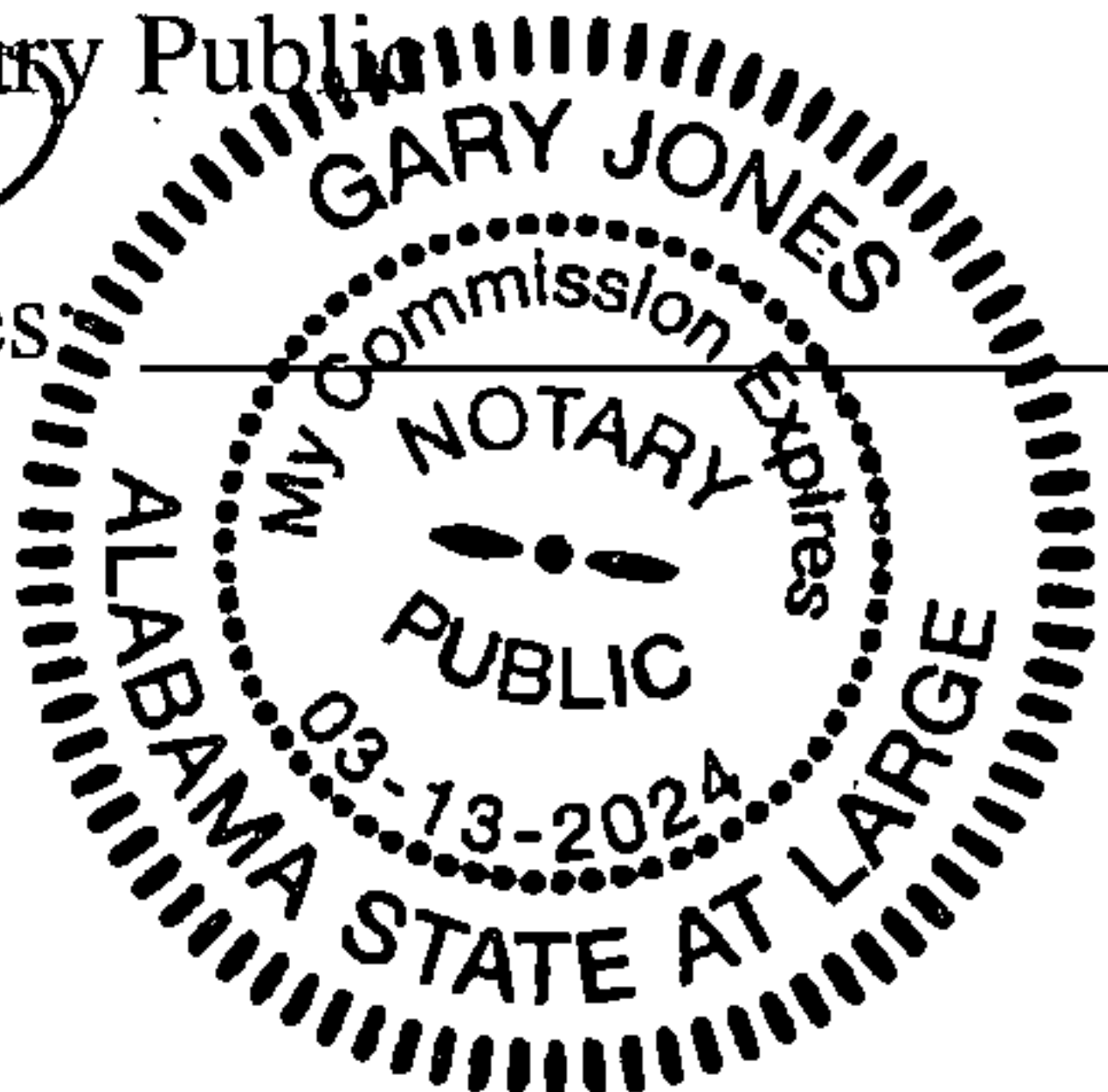
By: [Signature]
Printed Name: Scott Rohrer
Title: Member


STATE OF ALABAMA }
COUNTY OF JEFFERSON }

I, the undersigned Notary Public in and for said County, in said State, hereby certify that SCOTT ROHRER, whose name as VP SALES & MARKETING of LAKE WILBORN RESIDENTIAL ASSOCIATION, INC., an Alabama nonprofit 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 this instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of the aforesaid nonprofit corporation.

Given under my hand and official seal this 1 day of JUNE, 2020.

[NOTARIAL SEAL]

[Signature]
Notary Public
My Commission Expires _____



20200603000223940 5/11 \$53.00
Shelby Cnty Judge of Probate, AL
06/03/2020 02:13:00 PM FILED/CERT

ABINGDON RESIDENTIAL ASSOCIATION,
INC., an Alabama nonprofit corporation

By: [Signature]
Printed Name: Scott Rohrer
Title: Member

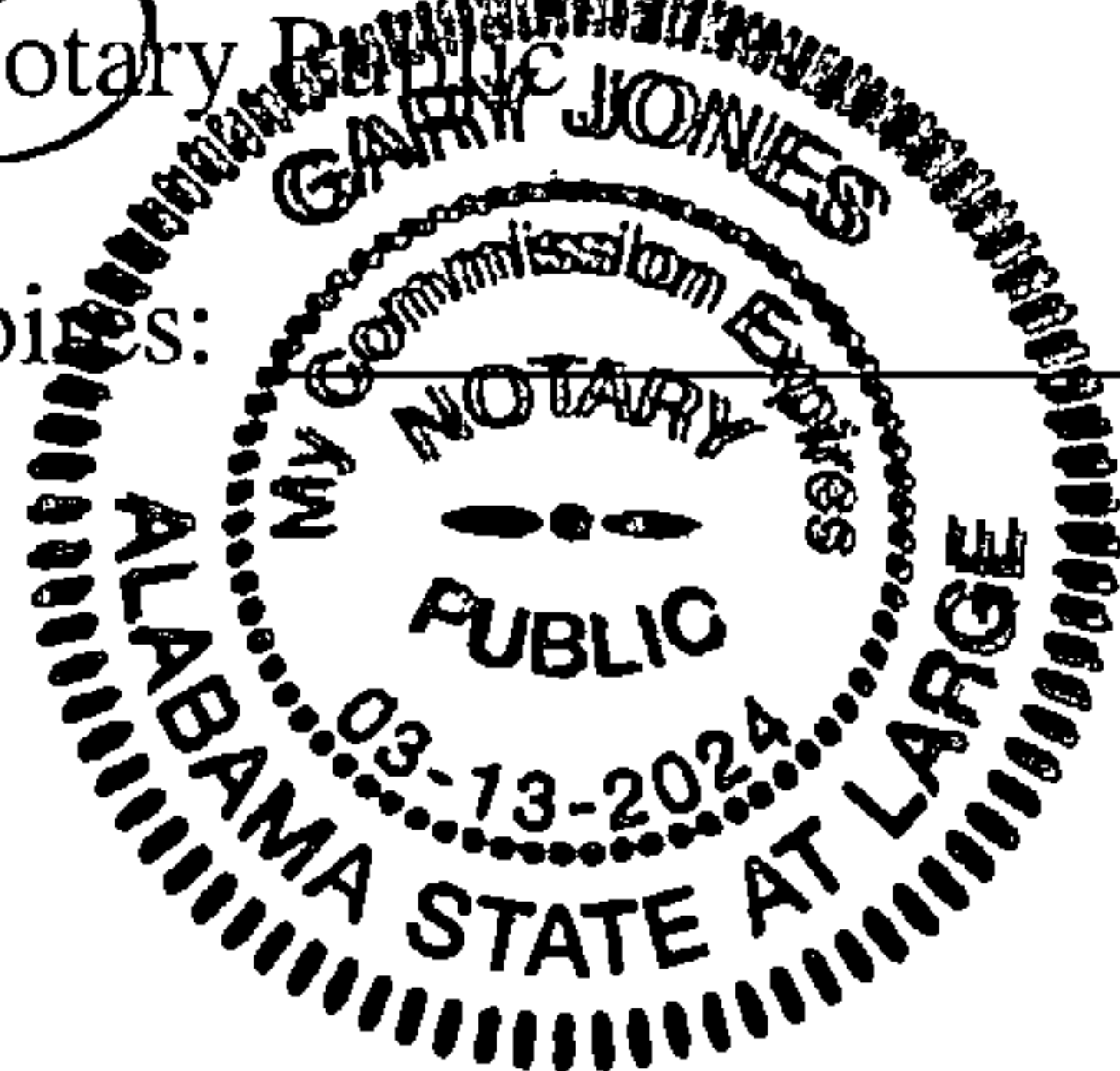
STATE OF ALABAMA }

COUNTY OF JEFFERSON }

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Scott Rohrer, whose name as VP Sikes & Maricey N 6 of ABINGDON RESIDENTIAL ASSOCIATION, INC., an Alabama nonprofit 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 this instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of the aforesaid nonprofit corporation.

Given under my hand and official seal this 1 day of June, 2020.

[NOTARIAL SEAL]

[Signature]
Notary Public
My Commission Expires: _____



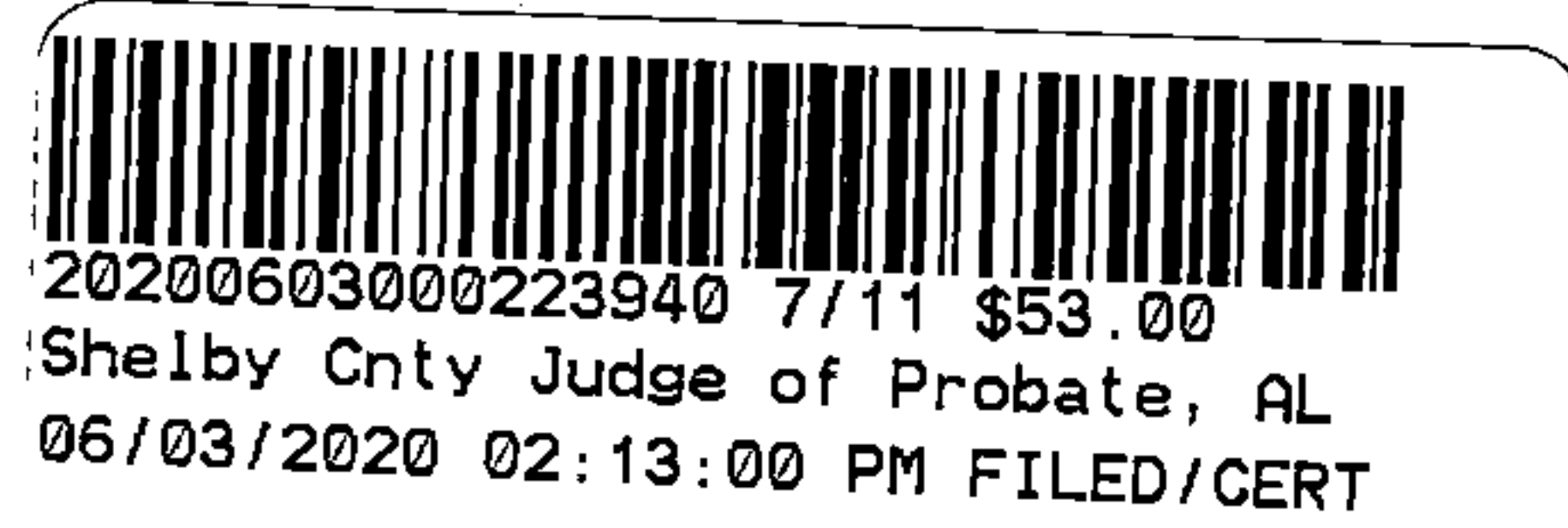

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Shelby Cnty Judge of Probate, AL
06/03/2020 02:13:00 PM FILED/CERT

EXHIBIT A

Legal Description of Abingdon Phase 1B

All Lots shown on the Final Plat of the Subdivision of Abingdon Phase 1B as recorded in the Office of the Judge of Probate for Jefferson County, Alabama in Map Book 49, Page 99.



- Being a subdivision of acreage situated in the SW 1/4 & the SE 1/4 Section 33, Township 19 South, Range 3 West, in the City of Hoover, Jefferson County, Alabama

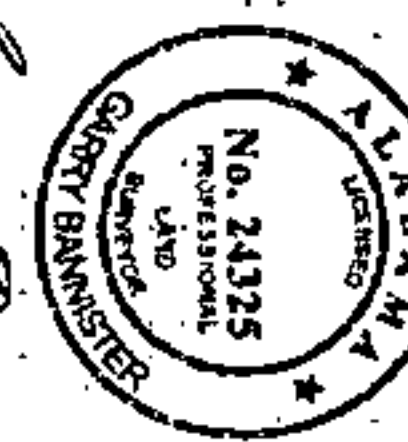
SCALE: 1" = 60'

JANUARY 21, 2018

GRAPHIC SCALE

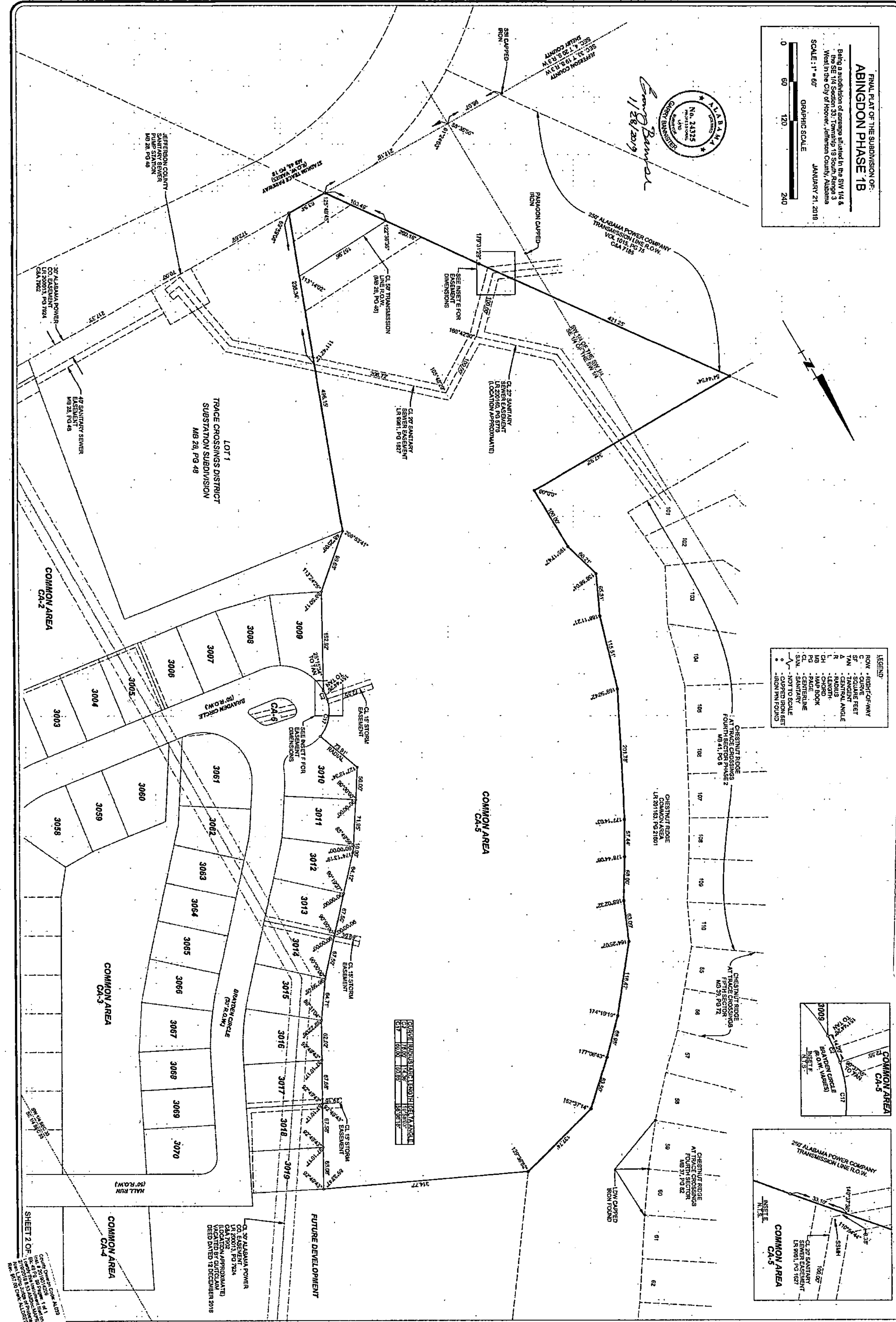
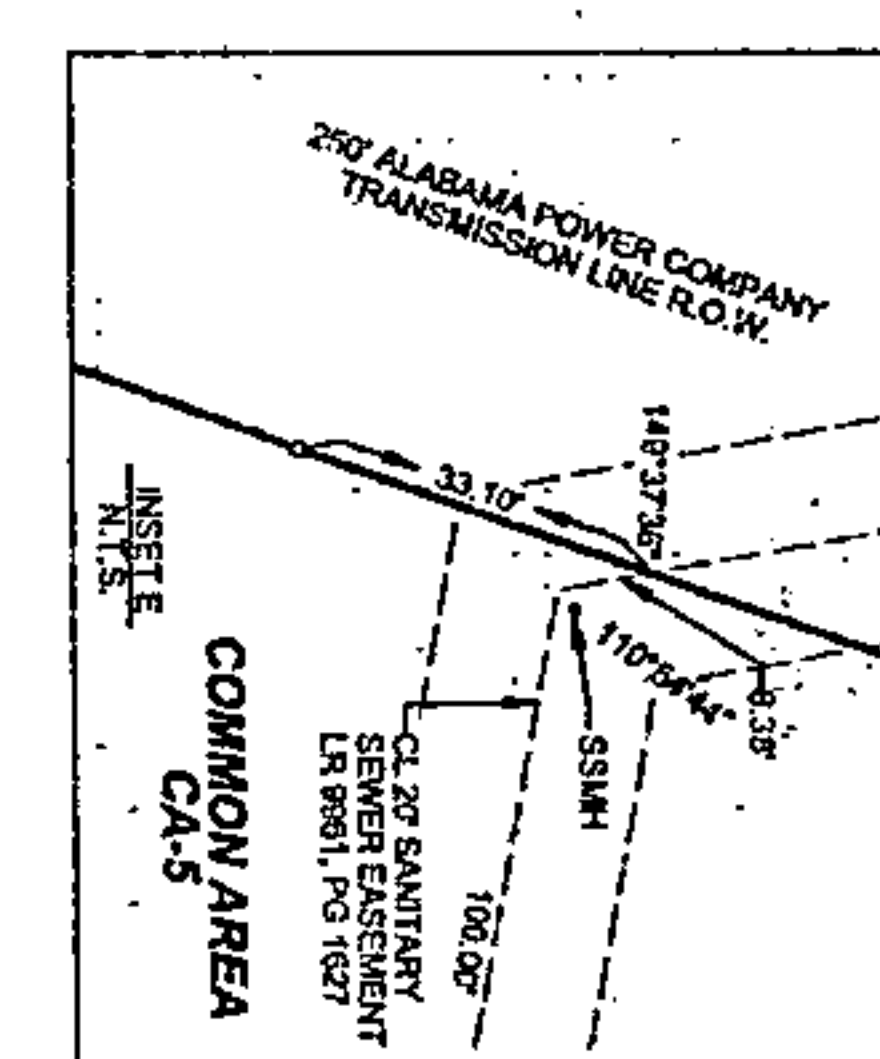
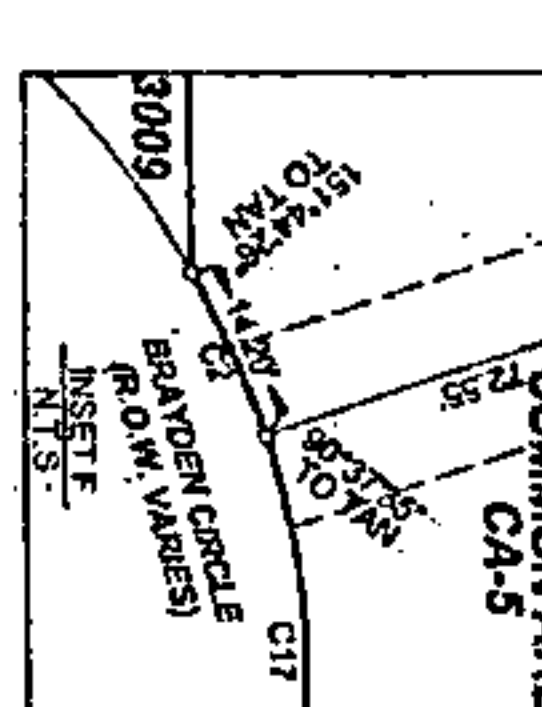
0	60	120	240
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11/28/2019
George Barker



LEGEND:

ROW	RIGHT-OF-WAY
C	CURVE
SF	SQUARE FEET
TAN	TANGENT
A	CENTRAL ANGLE
R	RADIUS
L	LENGTH
CH	CHORD
MB	MAP BOOK
PG	PAGE
CL	CENTERLINE
SAN.	SANITARY
	-NOT TO SCALE
	-CAPPED IRON S.
	-IRON PIN FOUNDING



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Shelby Cnty Judge of Probate, AL
06/03/2020 02:13:00 PM FILED/CERT

COUNTY DEWANE CODE AL030
 COUNTY NO 60 PAGE 1 of 1
 INTL. BQ. DEPARTMENT AL030
 Bk. AL030 AL030 AL030 AL030
 2100018 AL030 AL030 AL030
 NEW YORK CREDIT AL030 AL030
 REC 87 00

EXHIBIT B

Legal Description of Abingdon Phase 2

All Lots shown on the Final Plat of the Subdivision of Abingdon Phase 2 as recorded in the Office of the Judge of Probate for Jefferson County, Alabama in Map Book 50, Page 17.



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Shelby Cnty Judge of Probate, AL
06/03/2020 02:13:00 PM FILED/CERT

Being a subdivision of acreage situated in, the South 1/2 of Section 33, Township 19 South,

GRAPHIC SCALE



APRIL 24, 2019

NOTES

EACH LOT OWNER IS RESPONSIBLE FOR VERIFYING SOIL CONDITIONS PRIOR TO ANY FURTHER CONSTRUCTION ON THEIR LOT. SOIL OUTSIDE OF THE FOOTPRINT OF THE ORIGINAL HOUSE LOCATION MAY NOT BE SUITABLE TO SUPPORT HOUSE ADDITIONS, SWIMMING POOLS, ETC. BEFORE ANY FUTURE CONSTRUCTION IS PERFORMED, THE LOT OWNER SHOULD CONSULT A QUALIFIED GEOTECHNICAL ENGINEER TO DETERMINE IF SOILS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION.

FRONT SETBACKS FOR ALL LOTS: 30 FEET FOR FRONT-LOADED LOTS (I.E. THE DRIVEWAY IS LOCATED IN FRONT OF THE DWELLING). HOWEVER, IF THE GARAGE DOOR(S) FOR SUCH FRONT-LOADED LOT IS SETBACK 35 FEET OR MORE FROM THE FRONT LOT LINE, THEN THE FRONT SETBACK MAY BE 15 FEET.

ALL RECORDING REFERENCES ON THIS MAP REFER TO THE JEFFERSON COUNTY PROBATE OFFICE, BESSEMER DIVISION, UNLESS NOTED OTHERWISE

Don Mathison
PLAT ACKNOWLEDGED BY
VALLEY NATIONAL BANK *Don Mathison*

5/3/2017
DATE

CL 30' ALABAMA POWER
CO. EASEMENT
LR 200013, PG 7924
(LOCATION APPROXIMATE)
VACATED BY OUITCLAIM
DEED DATED 12 DECEMBER 2016
INST # 2018007506

UNITED STATES
STEEL CORP
600 GRANT ST
PITTSBURGH, PA 15219

[illegible]State of Alabama
Jefferson County

I, the undersigned, a Notary Public in and for said County and State hereby certify that Gary Benister, whose name as surveyor is signed to the foregoing plat, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he executed the same voluntarily.

Given under my hand and seal this 2nd day of MAY, 2018.

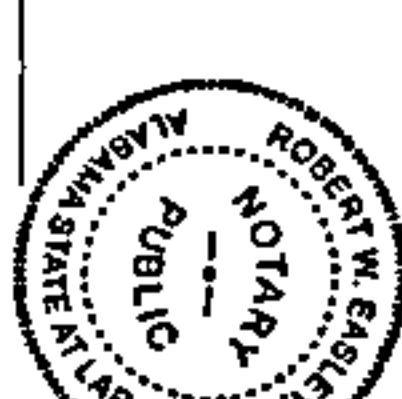
My Commission Expires 5/3/2022



that after having been duly informed of the contents of said certificates, he executed same voluntarily as such Member with full authority thereof.

Given under my hand and seal this 5th, day of MAY, 2019.

5/3/2022 My Commission Expires



ENGINEER: ALABAMA ENGINEERING COMPANY, INC.

1214 ALFORD AVENUE, SUITE 200
HOOVER, ALABAMA 35226
(205) 803-2161

APPROVED IN FORMAT ONLY:

DIRECTOR OF ENVIRONMENTAL SERVICES

DATE / /

Environmental Services Department approval indicates that this document has been reviewed for provision of future or existing 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 Easement boundaries after the date may VOID this approval.

CITY CLERK, CITY OF HOVER

5-30-19
DATE

CITY ENGINEER

5-14-19
DATE

RECEIVED
CHAIRMAN PLANNING AND ZONING

DATE 5-14-15

STATE OF ALABAMA
JEFFERSON COUNTY

1. GARRY DANIELSON, A REREGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, AND THE UNDERSIGNED AS AN AUTHORIZED REPRESENTATIVE OF THE OWNER OF THE LAND SHOWN HEREON HERETOFORE STATE THAT THIS PLAT OR MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR, AND THAT SAID SURVEY AND THIS PLAT OR MAP WERE MADE IN A MANNER OF SAID GARRY DANIELSON SURVEYOR. THE NORTHERN STATES LAND SURVEY OR MAP IS A TRUE AND CORRECT MAP OF LANDS SHOWN THEREIN, AND THE SURVEYOR HAS BEEN THOROUGHLY FAMILIAR WITH THE LENGTHS AND BEARINGS OF EACH LOT AND PROPOSED DIVISIONS OF LANDS, GIVEN THE LENGTHS AND BEARINGS OF THE BOUNDARIES, EACH LOT AND ITS NUMBER, SHOWING THE STREETS, ALLEYS, AND PUBLIC LANDS, GIVEN THE BEARINGS, LENGTH, WIDTH, AND NAME OF EACH STREET AS WELL AS THE NUMBER OF EACH LOT AND BLOCK, AND SHOWING THE RELATION OF LANDS TO THE GOVERNMENT SURVEY, THAT IRON PINS HAVE BEEN INSTALLED AT ALL CORNERS AS SHOWN AND DESCRIBED BY SAID OPEN CIRCLES ON SAID MAP OR PLAT, AND OWNERS ALSO CONSENTED. IT IS THE OWNER OF SAID LANDS AND THAT THE SAME ARE SUBJECT TO A MORTGAGE HELD BY CALLETA NATIONAL BANK.

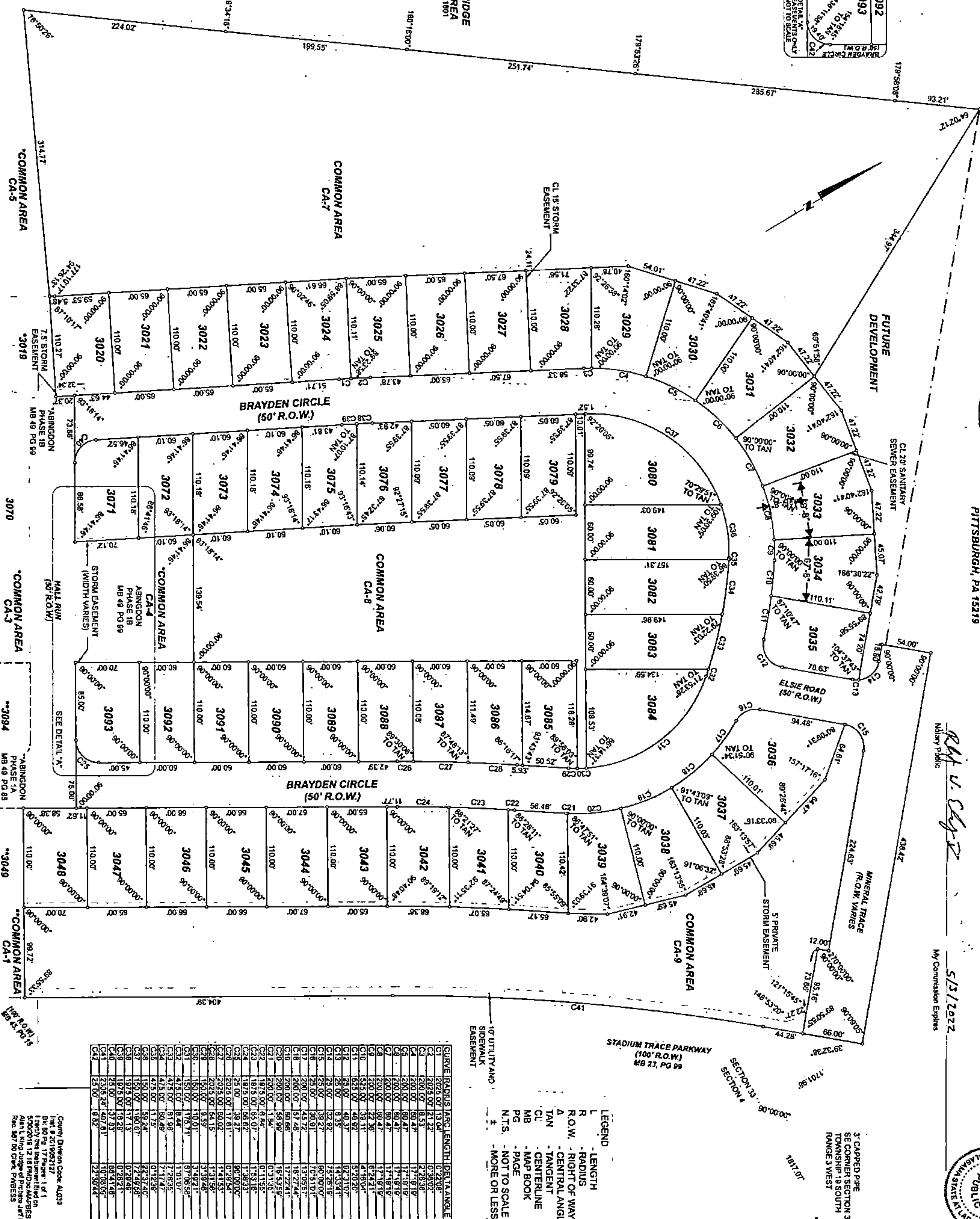
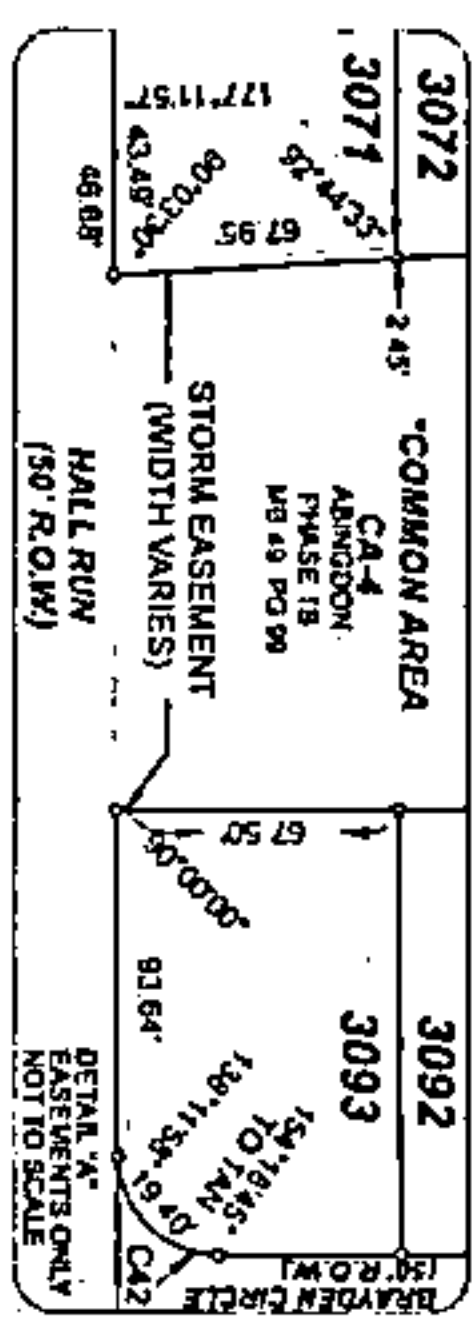
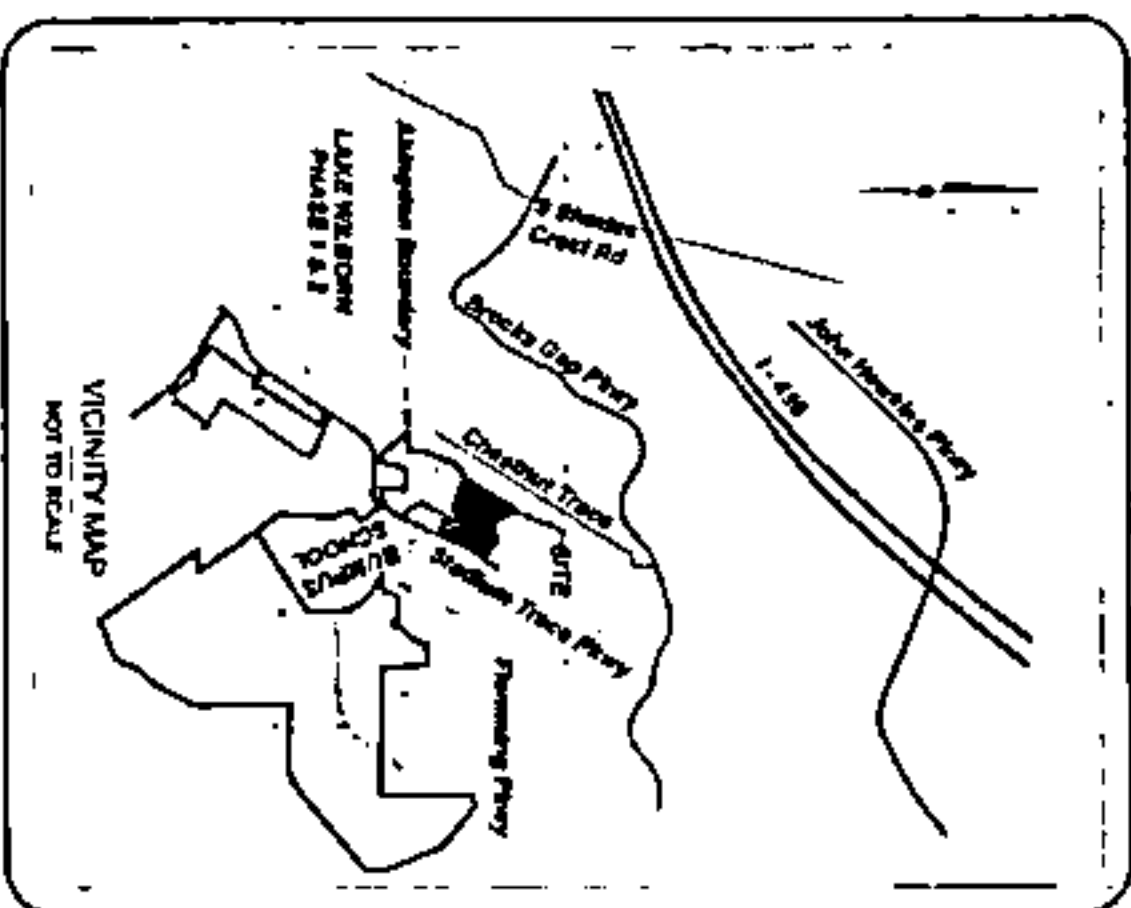
FURTHER GARRY BANISTER, HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

VI INVESTMENTS LLC, OWNER
JOSHUA L. HARTMAN, MEMBER

Date 5/3/2015

CHART BANNING, PLS.
ALABAMA REG. NO. 24325

Date 5/3/2019

[illegible]

County Division Code: AL038
Inst # 2010052127
Ex: 50 Pg 17 Pages: 1 of 1
Identify the instrument filed on
5/30/2018 12:16 PM DUARTE, ALBERT
Allen L King Judge of Probate Jeff Co.
Rec: \$67.00 Clerk: PWBESS