

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

FOR

**STONE CREEK, PHASE 1,
A PLANNED UNIT DEVELOPMENT**

BALDWIN COUNTY, ALABAMA
JUDGE ADRIAN T. JOHNS
Filed/cert. 2/23/2010 8:42 AM
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STATE OF ALABAMA

COUNTY OF BALDWIN

This Amendment to Declaration of Covenants, Conditions and Restrictions for STONE CREEK, PHASE 1, A PLANNED UNIT DEVELOPMENT (the "Declaration") made this the 11th day of February, 2010 by STONE CREEK, LLC, AN ALABAMA LIMITED LIABILITY COMPANY (the "Developer"), applicable to STONE CREEK, PHASE 1, A PLANNED UNIT DEVELOPMENT (the "Development").

WHEREAS, the Developer owns certain land and lots located in Baldwin County, Alabama as shown on the Plat of STONE CREEK, PHASE 1, A PLANNED UNIT DEVELOPMENT recorded at Slide No. 2270-A, 2270-B and 2270-C in the records of the Office of the Judge of Probate of Baldwin County, Alabama, referred to herein as (the "Property");

WHEREAS, the Developer, pursuant to Section 13.01 of the Declaration, has the unilateral right, in its sole discretion, to amend the Declaration; and to that end, the Developer hereby amends the Declaration of Covenants, Conditions and Restrictions, dated the 5th day of July, 2006, and recorded at Instrument No. 985725 in the Office of the Judge of Probate of Baldwin County, Alabama, and said Amendment shall be applicable to STONE CREEK, PHASE 1, A PLANNED UNIT DEVELOPMENT and shall include the following:

ARTICLE III, Section 3.29 shall be amended to read as follows:

ARTICLE III

GENERAL COVENANTS AND RESTRICTIONS

APPLICABLE TO LOTS AND DWELLING UNITS

Section 3.29 ELEVATION OF DWELLING. The front elevation of all Dwelling Units shall have a minimum finished floor elevation of 16 inches above the finished grade.

ARTICLE IV, Section 4.01 shall be amended to read as follows:

ARTICLE IV

SPECIFIC COVENANTS AND RESTRICTIONS

APPLICABLE TO LOTS AND DWELLING UNITS

Section 4.01 LOTS 1-78, PHASE 1, EXCLUDING LOTS 47-52 AND LOTS 59-64. The following specific covenants and restrictions shall apply to Lots 1-78, Phase 1, excluding Lots 47-52 and Lots 59-64, as shown on the Plat and the Dwelling Units constructed on those Lots.

(a) Minimum enclosed living area (heated and cooled) shall be as follows:

(1) Lots 1-8 and Lots 15-22 (Main Boulevard lots) shall not be less than 2,600 square feet of which a minimum of 1,600 square feet shall be located on the ground floor.

(2) Lots 9-14 (Circle Boulevard lots) shall not be less than 3,400 square feet of which a minimum of 1,800 square feet shall be located on the ground floor.

(3) Lots 23-33 and Lots 53-58 (Villa lots) shall not be less than 2,200 square feet of which a minimum of 1,400 square feet shall be located on the ground floor.

(4) Lots 34-42 (Creek front lots) shall not be less than 2,600 square feet of which a minimum of 1,600 square feet shall be located on the ground floor.

(5) Lots 43-46 and Lots 65-78 (Lodge Boulevard lots) shall not be less than 2,600 square feet of which a minimum of 1,400 square feet shall be located on the ground floor.

(6) Lots 47-52 and Lots 59-64 (On the Square Lots) shall not be less than 2,400 square feet of which a minimum of 1,400 square feet shall be located on the ground floor.

(b) Minimum roof pitch shall not be less than a 9/12 pitch on the primary roof system, however, the Developer shall have the right to approve a lesser roof pitch on any roof area which is not a part of the primary roof system.

(c) Maximum Dwelling height shall not exceed the maximum height allowed by the City of Fairhope.

(d) Exterior finish must be stone, used brick, wood mould brick, tumbled style brick, authentic stucco, wood or hardiplank siding. A sample of all stone and brick shall be submitted to the Developer for approval prior to beginning construction. Facia and soffit areas may be finished in wood or vinyl trim. Porch ceilings must be finished in wood. All windows must be of vinyl or wood construction and no aluminum constructed windows of any type shall be allowed. Wood windows may have a vinyl or aluminum clad exterior finish. No vinyl shutters shall be allowed. The exterior finish of any modification,

addition or alternation after the construction of the initial Dwelling Unit shall be approved by the Developer or the Association and must be constructed of the same or similar material as the original construction.

(e) Roof material shall be a 30 year dimensional architectural grade shingle or metal roof, the style and color of which shall be approved by the Developer prior to beginning construction. Standard three tab shingles are specifically prohibited. Roof jacks shall be painted to match the color of the roof. Cooper accents are allowed. Exposed metal valleys are specifically prohibited.

(f) Driveway surfaces shall be constructed of concrete, brick, brick pavers or other hard surface materials approved by the Developer, its successors and assigns. No asphalt, rock, gravel, shell or other similar materials shall be used for driveway surfaces.

(g) Chimneys shall be constructed of approved brick, stone, stucco, wood or hardiplank. Location of all chimneys and site view from the street or streets shall be approved by the Developer prior to beginning construction.

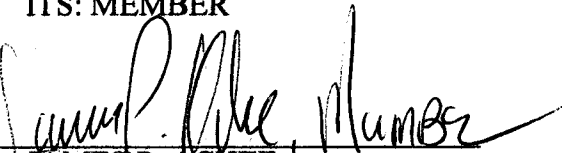
(h) Out-buildings shall be approved by the Developer on a case by case basis and shall be constructed of similar materials as the Primary Dwelling. All Out-Buildings shall comply with the subdivision regulations and zoning regulations of the City of Fairhope. Any such Out-Building shall be located in the rear yard of the Dwelling Unit.

(i) Developer approval of all building plans, exterior building materials, exterior colors and roofing shall be received from the Developer prior to beginning construction or making any improvements or modifications to any Lot, in accordance with Section 6.02. All landscaping and irrigation plans shall also be submitted to the Developer prior to beginning construction or making any improvements to any Lot in accordance with Section 3.20.

IN WITNESS WHEREOF, the Developer has caused this instrument to be executed by its duly authorized officers on the date set forth in the acknowledgment below, but as of the date above first set forth.

STONE CREEK, LLC
AN ALABAMA LIMITED LIABILITY COMPANY

BY: 
WILLIAM RANCE REEHL
ITS: MEMBER

BY: 
JAMES P. ACHEE
ITS: MEMBER

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that WILLIAM RANCE REEHL, whose name as Member of STONE CREEK, 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 the instrument, he, as such Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this the 27th day of January, 2010.

Carol L. Nieber
NOTARY PUBLIC
MY COMMISSION EXPIRES: 7/3/10

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that JAMES P. ACHEE, whose name as Member of STONE CREEK, 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 the instrument, he, as such Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this the 11th day of February, 2010.

Carol L. Nieber
NOTARY PUBLIC
MY COMMISSION EXPIRES: 7/3/10