

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 2/22/2012 11:17 AM
TOTAL \$ 36.00
10 Pages

1326152

This instrument prepared by:



STATE OF ALABAMA)
COUNTY OF BALDWIN)

**AMENDMENT NUMBER TWO
TO
DECLARATION OF RIGHTS, EASEMENTS, COVENANTS,
CONDITIONS, AFFIRMATIVE OBLIGATIONS, AND RESTRICTIONS,
APPLICABLE TO THE MAGNOLIAS, A SUBDIVISION**

WHEREAS, the developer, Harless Development Company, Inc., an Alabama corporation, herein after referred to as the "Developer," heretofore subdivided and platted certain realty situated in Baldwin County, Alabama into a 36 lot subdivision (the "Subdivision" known as The Magnolias), and the map or plat thereof was recorded on Slide Number 2278-D of the records of the Judge of Probate of Baldwin County, Alabama;

AND WHEREAS, the Developer executed that certain instrument styled, "Declaration of Rights, Easements, Covenants Conditions, Affirmative Obligations, and Restrictions, Applicable to The Magnolias, a subdivision," which was recorded May 3.2007, as Instrument Number 1047455, of the records in the Office of the Judge of Probate of Baldwin County, Alabama, and which was amended by documents recorded at Instrument Number 1211968 and Instrument Number 1215403 of said records (collectively, the "Declaration").

AND WHEREAS, Section Nine, Paragraph 1, of said Declaration, provides that the Declaration may be amended upon and pursuant to the written consent of the owners of not less than eighty percent (80%) of the lots within the Subdivision;

NOW, THEREFORE, pursuant to Section Nine, Paragraph 1, of said Declaration, the undersigned lot owners, being the owners of NINETY TWO percent (92 %) of the 36 lots in the Subdivision, do hereby amend Section Two, paragraphs 6 and 8 of the Declaration by deleting the current text of said paragraphs 6 and 8 in their entirety and inserting in lieu thereof the following, to-wit:

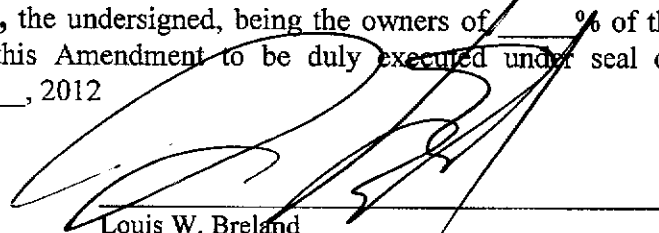
6. All residential structures erected or placed on any lot in the Subdivision shall be at least a total of 2,250 square feet of minimum heated and cooled living space, and shall not exceed more than two stories in height. Living space, as defined herein, means heated and cooled finished area, and shall not include porches, decks, patios, garages, carports, or attics. All houses shall contain an enclosed garage with garage doors, and such garage shall be of a size sufficient to fully enclose at least two vehicles and shall be a side entry only. No front entry garages shall be permitted.

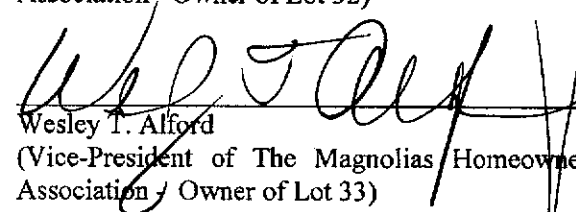
8. The architecture of all the houses and other buildings situated on any lot in the Subdivision shall be a style which must first be approved by the ACC. In addition, the exterior finish materials of all houses and other structures shall be of real stucco, old, used (reclaimed), painted brick, hardi-plank, or cement board. In addition, the exterior finish may be of new brick, as listed on the attached Exhibit "A". All said new brick to be modular laid on ½ bond with "cut-joint tooling". Any combination of the above-listed exterior finish materials may be used. No artificial stucco or other similar exterior finish material shall be permitted. Vinyl material and hardi-plank may be used for eaves, dormers, porch ceilings, and soffits.

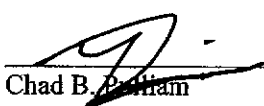
ALL OTHER covenants, conditions, and restrictions contained in said Declaration shall remain unchanged and effective as written, and shall continue to be deemed as covenants running with the land and shall be binding upon all owners, their heirs, successors and assigns.

THE AFORESAID DECLARATION, as amended and every part, condition, provision, and this amendment thereof, are in all respects ratified and confirmed, and by reference adopted and incorporated herein, the same as if fully set forth herein.

IN WITNESS WHEREOF, the undersigned, being the owners of (92%) % of the lots in the Subdivision, have caused this Amendment to be duly executed under seal on this 17TH day of FEBRUARY, 2012

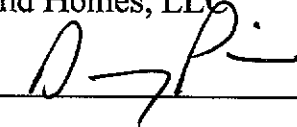

Louis W. Breland
(President of The Magnolias Homeowners Association - Owner of Lot 32)


Wesley T. Alford
(Vice-President of The Magnolias Homeowners Association - Owner of Lot 33)


Chad B. Prilliam

(Secretary / Treasurer of The Magnolias
Homeowners Association - Owner of Lot 34)

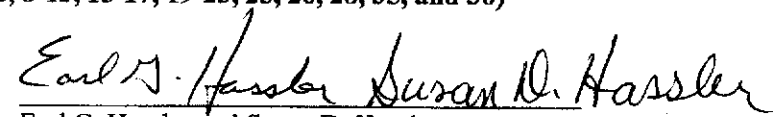
Breland Homes, LLC

By: 

(Print Name) Danny Pierce

Its: General Manager, Coastal Division

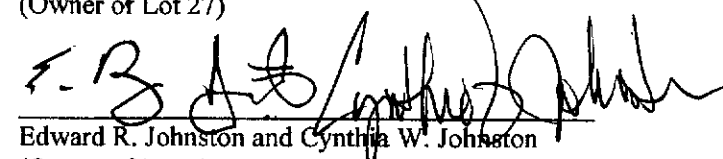
(Owner of Lots 1-6, 8-13, 15-17, 19-23, 25, 26, 28, 35, and 36)


Earl G. Hassler and Susan D. Hassler

(Owner of Lot 14)


Jeffrey W. Farrow and Angel G. Farrow

(Owner of Lot 27)


Edward R. Johnston and Cynthia W. Johnston

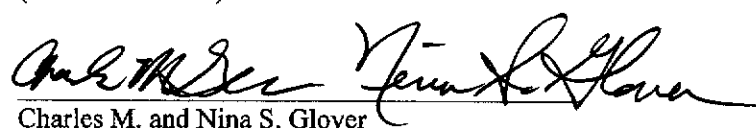
(Owner of Lot 7)


Glover Builders, Inc.

(Owner of Lot 18)

(U/A - ABSTAINED)

Jason C. and Stacey M. Hall
(Owner of Lot 24)


Charles M. and Nina S. Glover

(Owner of Lot 30)

(U/A - NOT AVAILABLE)

Steven K. and Lisa C. Morrison
(Owner of Lot 31)

STATE OF ALABAMA:
COUNTY OF Baldwin :

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Louis W. Breland, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.

Given under my official hand and seal this 17th day of February, 2012.

(AFFIX NOTARIAL SEAL)

Josh Pucett
NOTARY PUBLIC

My Commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 9, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA:
COUNTY OF Baldwin :

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Wesley T. Alford, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.

Given under my official hand and seal this 17th day of February, 2012.

(AFFIX NOTARIAL SEAL)

Josh Pucett
NOTARY PUBLIC

My Commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 9, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA:
COUNTY OF Baldwin :

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Chad B. Pulliam, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.

Given under my official hand and seal this 17th day of February, 2012.

(AFFIX NOTARIAL SEAL)

Jack D. Smith
NOTARY PUBLIC

My Commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 9, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF Alabama :
COUNTY OF Baldwin :

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Danny Pierce, whose name as General Manager of Breland Homes, LLC, Coastal Division, is signed to the foregoing instrument and who is known to me, acknowledged before me on the day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said company.

Given under my official hand and seal this 17th day of February, 2012.

(AFFIX NOTARIAL SEAL)

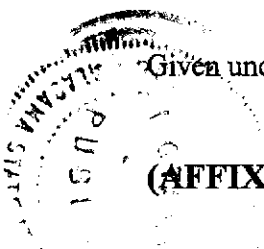
Jack D. Smith
NOTARY PUBLIC

My Commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 9, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA:
COUNTY OF Baldwin:

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Earl G. Hassler and wife, Susan D. Hassler, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.



Given under my official hand and seal this 11th day of February, 2012.

(AFFIX NOTARIAL SEAL)

Rosemary Doggett
NOTARY PUBLIC

My Commission expires: 7/28/13

STATE OF ALABAMA:
COUNTY OF Baldwin:

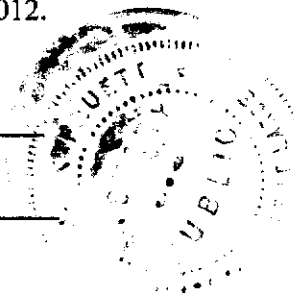
I, the undersigned Notary Public, in and for said County in said State, hereby certify that Jeffrey W. Farrow and wife, Angel G. Farrow, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.

Given under my official hand and seal this 16th day of February, 2012.

(AFFIX NOTARIAL SEAL)

Josh Smith
NOTARY PUBLIC

My Commission expires: _____



STATE OF ALABAMA:
COUNTY OF Baldwin :

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Edward R. Johnston and wife, Cynthia W. Johnston, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.

Given under my official hand and seal this 16th day of February, 2012.

(AFFIX NOTARIAL SEAL)

[Signature]
NOTARY PUBLIC

My Commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 9, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF Alabama :
COUNTY OF Baldwin :

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Charles M. Glover, whose name as Charles M. Glover of Glover Builders, Inc. is signed to the foregoing instrument and who is known to me, acknowledged before me on the day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said company.

Given under my official hand and seal this 16th day of February, 2012.

(AFFIX NOTARIAL SEAL)

[Signature]
NOTARY PUBLIC

My Commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 9, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA:
COUNTY OF _____:

(W/A)
I, the undersigned Notary Public, in and for said County in said State, hereby certify that Jason C. and wife, Stacey M. Hall, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.

Given under my official hand and seal this _____ day of _____, 2012.

(AFFIX NOTARIAL SEAL) _____
NOTARY PUBLIC
My Commission expires: _____

STATE OF ALABAMA:
COUNTY OF Baldwin:

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Charles M. and wife, Nina S. Glover, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.

Given under my official hand and seal this 16th day of February, 2012.

(AFFIX NOTARIAL SEAL) [Signature]
NOTARY PUBLIC
My Commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 9, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA:

COUNTY OF _____:

(J/A)
I, the undersigned Notary Public, in and for said County in said State, hereby certify that Steven K. and wife, Lisa C. Morrison, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily.

Given under my official hand and seal this _____ day of _____, 2012.

(AFFIX NOTARIAL SEAL) _____

NOTARY PUBLIC

My Commission expires: _____

EXHIBIT "A"

This Exhibit "A" is attached to and made a part of that "Amendment Number Two to Declaration of Rights, Easements, Covenants, and Restrictions, Applicable to The Magnolias, a Subdivision, and dated the 17th of FEBRUARY, 2012.

Manufacturer

Name of Brick

Boral

**Alamo – Birmingham Series
Laredo – Birmingham Series
Smithsonian – Birmingham Series
Weracoba 2 – Columbus Series
Clayburne – Augusta Collection**

Henry Brick Co.

Cypress Point

Columbus

**Annandale
Fieldstowne
Stone Chase**

And any other mutually acceptable brick.

SIGNED FOR IDENTIFICATION:

Eod G. Hassler Susan D. Hassler
