

STATE OF ALABAMA :
COUNTY OF BALDWIN :

**SUBSEQUENT AMENDMENT AND
SUPPLEMENTARY DECLARATION OF
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SUMMER LAKE, A SUBDIVISION**

State of Alabama, Baldwin County
certify this instrument was filed
and taxes collected on:

2006 March - 6 1:26PM

Instrument Number 959739 Pages 5
Recording 15.00 Mortgage
Deed Min Tax
Index NP
Archive 5.00
Adrian T. Johns, Judge of Probate

This Subsequent Amendment and Supplementary Declaration of Declaration of Covenants, Conditions and Restrictions for Summer Lake, a Subdivision (the "Subsequent Amendment and Supplementary Declaration") made and entered into on the 23rd day of FEBRUARY, 2006, by Duck Duck Goose, Inc., a Florida Corporation (the "Declarant") for itself, its successors, grantees and assigns.

RECITALS:

1. The Declarant did subdivide certain real property located in Baldwin County, Alabama, which is known as Lot 1 through Lot 61, and the areas designated as Common Area 1, Common Area 2, Common Area 3, Common Area 4, Common Area 5, Common Area 6, Common Area 7, and Common Area 8 on the plat of Summer Lake, Phase One, a Subdivision recorded in the Office of the Judge of Probate of Baldwin County, Alabama, on Slide 2224-A and Slide 2224-B together with all improvements and appurtenances located thereon (the "Phase One Property").

2. An Association of owners for the operation of the Subdivision was formed under the laws of the State of Alabama known as Summer Lake Property Owners' Association, Inc., (the "Association").

3. Declarant subjected the Phase One Property to that certain Declaration of Covenants, Conditions and Restrictions for Summer Lake, Phase One, a Subdivision by instrument dated August 10, 2005 and recorded August 15, 2005 as Instrument Number 914915, Pages 1 through 37 (the "Declaration").

4. Declarant and BA-101, LLC, an Alabama Limited Liability Company, together own the real property described as Lot 62 through Lot 94 and the Common Area designated as Common Area 1, Common Area 2, Common Area 3 and Common Area 4 on the Plat of Summer Lake, Phase Two, a Subdivision recorded in Slide 2255E and Slide _____ (the "Phase Two Plat" or sometimes the "Phase Two Property") and Declarant and BA-101, LLC desire to add the real property described in this Paragraph 4 to the Declaration by incorporating the same into the Declaration, the same if the real property described in this Paragraph 4 and referred to as the Phase Two Property had been originally included therein all in accordance with Article XVI of the Declaration. BA-101, LLC joins in the execution of this Subsequent Amendment and Supplementary Declaration for the purpose of consenting thereto.

5. Article XVI of the Declaration grants to the Declarant the power to unilaterally amend the Declaration. Pursuant to Article XVI of the Declaration, Declarant does amend the Declaration as provided in this Subsequent Amendment and Supplementary Declaration.

The recording references referred to in this Subsequent Amendment and Supplementary Declaration are to the Office of the Judge of Probate of Baldwin County, Alabama. The terms used in this Subsequent Amendment and Supplementary Declaration shall have the same meaning as that contained in the Declaration, unless the context otherwise requires.

NOW, THEREFORE, Declarant, joined by BA-101, LLC, an Alabama Limited Liability Company, makes the following additional Declaration and Subsequent Amendment and Supplementary Declaration

959739

as to the use to which the real property described in **Paragraph 4** of this **Subsequent Amendment and Supplementary Declaration** and referred to as the **Phase Two Property** and the improvements thereon may be put, specifying that the **Declaration**, as amended by this **Subsequent Amendment and Supplementary Declaration** shall be binding upon the **Declarant**, and the successors and assigns of the **Declarant**, and all **Owners** of all or any part thereof of the real property and improvements described on or located on the property described above and referred to as the **Phase Two Property** together with their grantees, successors, heirs, executors, administrators, devisees or assigns:

A. Increment. As provided in **Article XVI** of the **Declaration**, and with the consent of **BA-101, LLC**, the **Declarant** elects to incorporate the real property described above and referred to as the **Phase Two Property** into **Summer Lake, a Subdivision**. The **Phase Two Property** is subject to the **Declaration** which shall run with the real property and be binding on all parties having any right, title or interest in the real property described above and referred to as the **Phase Two Property**. **BA-101, LLC** is joining this **Subsequent Amendment and Supplementary Declaration** for the sole purpose of subjecting its portion of the **Phase Two Property** to the terms, conditions and restrictions of the **Declaration** and acknowledges that **Declarant** shall remain the sole **Declarant** for the **Phase One Property** and the **Phase Two Property**. **BA-101, LLC** and **Declarant** acknowledge that the provisions contained in **Section 8.03** of the **Declaration** related to **Declarant** control shall be extended to include the completion and sale of all lots and property contained in the **Phase Two Property** as well as any other lots and property which may be bought within the jurisdiction of the **Association** by **Subsequent Amendment** as provided in the **Declaration**.

B. Adoption. Except as provided in this **Subsequent Amendment and Supplementary Declaration**, and as altered and amended by this **Subsequent Amendment and Supplementary Declaration**, the **Declaration** and every part and provision of the **Declaration** is in all respects ratified and confirmed and by reference adopted and incorporated in this **Subsequent Amendment and Supplementary Declaration**, the same as if fully set forth in this **Subsequent Amendment and Supplementary Declaration**.

IN WITNESS WHEREOF, the **Declarant** and **BA-101, LLC** have caused this instrument to be executed on the day and year first above referred to.

Declarant

Duck Duck Goose, Inc., a Florida Corporation

By:



Kathleen C. Corte
Its: President

(Corporate Seal)

BA-101, LLC, an Alabama Limited Liability Company

By:



Kevin G. Boone
Its: Member

By:



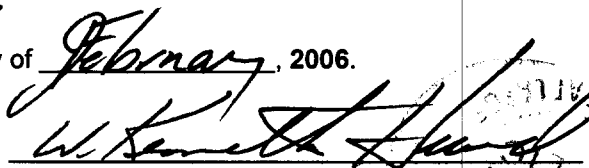
John G. Avent
Its: Member

STATE OF ALABAMA :

COUNTY OF BALDWIN :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that **Kathleen C. Corte**, whose name as **President of Duck Duck Goose, a Florida 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, she, as such officer and with full authority, executed the same voluntarily for and on behalf of said **Corporation**.

Given under my hand and seal on this 20th day of February, 2006.


Notary Public

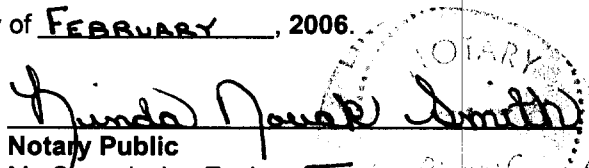
My Commission Expires: 8/23/09

STATE OF ALABAMA :

COUNTY OF BALDWIN :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that **Kevin G. Boone**, whose name as **Member of BA-101, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and on behalf of said **Company**.

Given under my hand and seal on this 22 day of FEBRUARY, 2006.


Notary Public

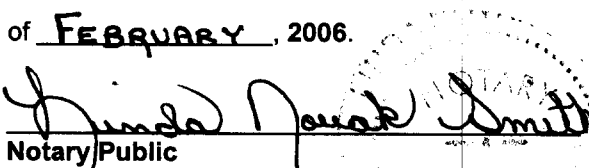
My Commission Expires: JUNE 10, 2006

STATE OF ALABAMA :

COUNTY OF BALDWIN :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that **John G. Avent**, whose name as **Member of BA-101, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and on behalf of said **Company**.

Given under my hand and seal on this 22 day of FEBRUARY, 2006.


Notary Public

My Commission Expires: JUNE 10, 2006

JOINDER OF MORTGAGEE

The undersigned, **Wachovia Bank** formerly known as **SouthTrust Bank** and **Colonial Bank, N.A.**, being the holders of the first **Mortgages** on the **Phase Two Property** covered by this **Subsequent Amendment and Supplementary Declaration**, do consent to this **Subsequent Amendment and Supplementary Declaration**.

Dated this 21st day of February, 2006.

**Wachovia Bank formerly known as
SouthTrust Bank**

By: A. Larry Harrison

Its: Vice President

Colonial Bank, N.A.

By: Rusty Winfree

Its: De Vice President

STATE OF ALABAMA :

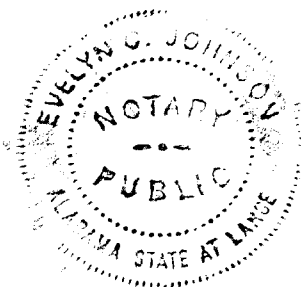
COUNTY OF BALDWIN :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that A. Larry Davison, whose name as Vice President of **Wachovia Bank formerly known as SouthTrust Bank**, 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, , as such officer and with full authority, executed the same voluntarily for and on behalf of said Bank.

Given under my hand and seal this 21st day of February, 2006.

Evelyn C. Johnson
Notary Public

My Commission Expires: ~~My~~ Commission Expires **06/21/08**



STATE OF ALABAMA :

COUNTY OF BALDWIN :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that Rusty Winfree, whose name as SR VP of Colonial Bank, N.A., 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, ____, as such officer and with full authority, executed the same voluntarily for and on behalf of said Bank.

Given under my hand and seal this 23 day of FEBRUARY, 2006.

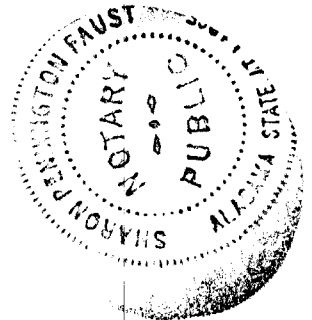
Sharon Pennington Faust

Notary Public

My Commission Expires:

THIS INSTRUMENT PREPARED BY:

**W. Kenneth Heard
Irby & Heard, P.C.
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(251) 928-4555**



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