

STATE OF ALABAMA
COUNTY OF BALDWIN

APR 22 8 41 AM '96

FILED 1489
JUDGE OF PROBATE

**FIRST AMENDMENT TO
THIRD SUPPLEMENTAL
DECLARATION OF RIGHTS, COVENANTS, RESTRICTIONS,
AFFIRMATIVE OBLIGATIONS AND CONDITIONS APPLICABLE TO
TIMBERCREEK, PHASE FOUR, A SUBDIVISION**

This First Amendment To Third Supplemental Declaration Of Rights, Covenants, Restrictions, Affirmative Obligations and Conditions Applicable To TimberCreek, Phase Four, A Subdivision ("First Amendment") by **TIMBERCREEK LAND CO., INC.**, an Alabama corporation, (the "Developer") made as of the 16th day of April, 1996.

WHEREAS, the Developer owns that certain land located in Baldwin County, Alabama as shown on the Subdivision Plat of TimberCreek, Phase Four, recorded on Slide 1627-B in the records of the Office of the Judge of Probate of Baldwin County, Alabama (the "Phase Four Property"); and

WHEREAS, on February 23, 1996, the Developer made that certain Third Supplemental Declaration Of Rights, Covenants, Restrictions, Affirmative Obligations And Conditions Applicable To TimberCreek, Phase Four, A Subdivision, said instrument being recorded at Miscellaneous Book 86, Page 1858, et seq., Baldwin County, Alabama Probate Records, which was applicable to the TimberCreek Phase Four Property (the "Declaration") which provided for its amendment by the Developer in Section 14.01, and this First Amendment is being made pursuant thereto; and

WHEREAS, this amendment is made for the purpose of revising Section 6.07 of Article VI of the Declaration, and to restate said Section 6.07 in its entirety.

W I T N E S S E T H:

NOW, THEREFORE, the Developer hereby deletes Section 6.07 in its entirety and modifies and amended Section 6.07 of the Declaration to Read in its entirety as follows:

Section 6.07 **FENCES AND HEDGES.** All fences, hedges, and similar improvements must be constructed, installed, and maintained in accordance with the TimberCreek Design Guidelines. Chain link or any other wire fences shall not be used. A wooden, brick, stucco, wrought iron or similar approved fence

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or privacy screen may be used if constructed and placed in accordance with the TimberCreek Design Guidelines.

CONFLICTING TERMS OR PROVISIONS. To the extent that any of the terms of the Declaration conflict with the terms or provisions of this First Amendment, then the terms and provisions of this First Amendment shall control and such provisions shall be complied with.

Except as herein specifically amended, the above described Declaration shall remain in full force and effect in accordance with all covenants contained therein.

IN WITNESS WHEREOF, the parties hereto have executed these presents on the dates of their acknowledgments hereto to be effective as of the year and day first set forth above.

TIMBERCREEK LAND CO., INC.,
an Alabama corporation

By: 

J. RICHARD MILLER, III,
President

ATTEST:

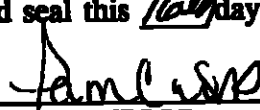

W. ALLEN COX,
Secretary-Treasurer

STATE OF ALABAMA

COUNTY OF Baldwin

I, the undersigned notary public in and for said state and county, hereby certify that J. RICHARD MILLER, III, whose name as President of TIMBERCREEK LAND CO., INC., 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and seal this 16th day of April, 1996.


NOTARY PUBLIC

[NOTARY SEAL]

My commission expires: 4.26.98

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STATE OF ALABAMA

COUNTY OF BALDWIN

I, the undersigned notary public in and for said state and county, hereby certify that W. ALLEN COX, whose name as Secretary-Treasurer of TIMBERCREEK LAND CO., INC., 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and seal this 16th day of April, 1996.

Jan Cox [NOTARY SEAL]
NOTARY PUBLIC
My commission expires: 7.26.98

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