

STATE OF ALABAMA
BALDWIN COUNTY

AMENDMENT TO DECLARATION OF CONDOMINIUM OF
BAY GARDENS CONDOMINIUM

The undersigned, Bon Secour Development Corporation, an Alabama Corporation, as Declarant of that certain Declaration of Condominium of Bay Gardens Condominium dated April 28, 1987 and recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Miscellaneous Book 59, Pages 1631-1711, and Bay Gardens Condominium Owners' Association, Inc., an Alabama non-profit corporation, do hereby file and declare the following amendments to said Declaration of Condominium of Bay Gardens Condominium:

1. Paragraph 5.03 of said Declaration is hereby amended to read as follows:

5.03 Share of Common Expenses. Each unit owner shall be liable for a proportionate share of the common expenses, and the proportionate share of the common expenses shall be the same ratio as his percentage of ownership in the common elements. Payment of common expenses shall be in such amounts and at such times as determined in the bylaws. No unit owner shall be exempt from payment of his or her proportionate share of the common expenses by waiver or non-use or non-enjoyment of the common elements, or by abandonment of his unit. Notwithstanding any provision to the contrary in this Declaration or any other provision of the condominium document, Declarant shall not be required to pay any portion of the common expenses until five (5) years from the date of the original filing of the Declaration of Condominium or until four months after Declarant has completed and sold 75% of the units of the condominium, whichever occurs first.

2. Paragraph 6.03 of said Declaration is hereby amended to read as follows:

6.03 Voting Rights. Each unit is entitled to one vote, which vote is not divisible. Where the unit owner is more than one person, if only one person is present at the meeting of the Association, that person shall be entitled to cast the vote pertaining to that unit. If more than one such person is present at a meeting, the vote pertaining to that unit shall be cast by their unanimous consent OR in accordance with the provisions set forth in the bylaws. The provisions of this paragraph are subject, however, to the right of the Declarant to appoint and remove directors as set forth in paragraph 5.03 of the bylaws of Bay Gardens Condominium Owners' Association, as amended, which amendment is recorded simultaneously with this instrument.

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3. Paragraph 9.03 of said Declaration is hereby amended to read as follows:

9.03. Architectural Control. The essence of the Bay Gardens Condominium lies in its architectural concept which makes it unique and thereby enhances the value of each unit and the condominium project as a whole. Therefore, no building, fence, wall or other structure shall be commenced, erected, or maintained upon the properties nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to the surrounding structures and topography by the Board of the Association or by an architectural committee composed of three or more representatives appointed by the Board. In the event said Board or its designated committee fails to approve or disapprove such design and location within sixty (60) days after said plans and specifications have been submitted to it, approval will not be required and this article will be deemed to have been fully complied with. THIS PROVISION CONCERNING ARCHITECTURAL CONTROL WILL BE STRINGENTLY ENFORCED AND NO UNIT OWNER SHOULD MAKE ANY ASSUMPTION THAT THE PLANS AND SPECIFICATIONS FOR IMPROVEMENTS TO BE LOCATED ON ANY UNIT WILL BE AUTOMATICALLY APPROVED.

4. Paragraph 14.05 is hereby amended to read as follows:

14.05 Notice. The following provisions shall govern the construction of the condominium documents, except as maybe specifically provided to the contrary herein: All notices required or desired under the condominium documents to be sent to the Association shall be sent certified mail, return receipt requested, to the Secretary of the Association at 29261 Ono Boulevard, Orange Beach, Alabama, 36561, or at such other address as the Association may hereafter designate from time to time by notice in writing to all unit owners. Except as provided specifically to the contrary in the act, all notices to any unit owner shall be delivered in person or sent by first class mail to the addresses of such unit owner at the condominium, or to such other addresses as he may have designated from time to time, in writing, duly receipted for, to the Association. Proof of such mailing or personal delivery to him by the Association may be provided by the Affidavit of the person personally delivering said notice or by a post office certificate of mailing. All notices to the Association or unit owner shall be deemed to have been given when delivered to the addressee in person in accordance with the provisions of this Declaration or when mailed in a postage prepaid, sealed envelope, except notices of address changes, which shall be deemed to have been given when received.

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5. Except as specifically modified by this instrument, all other terms, covenants, conditions and provisions contained in the original Declaration of Condominium of Bay Gardens Condominium dated April 28, 1987 and recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Miscellaneous Book 59, Pages 1631-1711, be and the same hereby are ratified, approved and confirmed and the same shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on this the 25TH day of AUGUST, 1989.

BON SECOUR DEVELOPMENT CORPORATION

By Kambal L. Patterson

Its President

ATTEST:

By Carolyne L. Patterson

Its Vice President

BAY GARDENS CONDOMINIUM OWNERS' ASSOCIATION, INC.

By Kambal L. Patterson

Its President

ATTEST:

By Carolyne L. Patterson

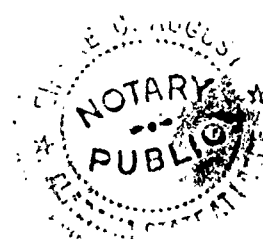
Its Vice President

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Carolyne L. Patterson and Kambal L. Patterson whose names as President and Vice President of BON SECOUR DEVELOPMENT CORPORATION, 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, as such officers and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 25th day of August, 1989.

Gedrene C. August
NOTARY PUBLIC
My Commission Expires: 2/22/90



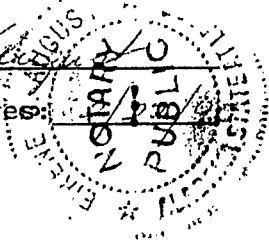
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STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that William A. Johnson and Landra L. Litterer whose names as President and Vice President of BAY GARDENS CONDOMINIUM OWNERS' ASSOCIATION, INC., 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, as such officers and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 25th day of August, 1989.

Carlene C. [Signature]
NOTARY PUBLIC
My Commission Expires: 10/10/91



THIS INSTRUMENT WAS PREPARED BY:

JULIAN B. BRACKIN
BRACKIN AND BEAR
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201 North Alston Street
Foley, Alabama 36535

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STATE OF ALABAMA
BALDWIN COUNTY
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