

STATE OF ALABAMA)
BALDWIN COUNTY)

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM AND BYLAWS
OF
BAY GARDENS CONDOMINIUMS

WHEREAS, by instrument dated April 28, 1987, the undersigned, BON SECOUR DEVELOPMENT CORPORATION, a Alabama corporation, (hereinafter sometimes referred to as "Declarant") did submit certain properties to condominium development and ownership and filed of record in Miscellaneous Book 59, Pages 1631, et seq., including Exhibits thereto, of the Baldwin County Probate Records, the Declaration of Condominium of Bay Gardens Condominium and related Exhibits thereto which Exhibits included the Bylaws of the condominium owners association, and;

WHEREAS, the undersigned, constitutes all of the members of Bay Gardens Condominium Owners' Association, Inc., an Alabama Non-Profit corporation, which was formed simultaneously with the aforementioned Declaration of Condominium (Exhibit C to said Declaration); and,

WHEREAS, Developer retained within the above described instruments the right to amend the Declaration of Condominium, and its related Bylaws, and;

WHEREAS, Developer filed an Amendment to said Declaration of Condominium, in Miscellaneous Book 65, pages 784, et seq.; and,

WHEREAS, Developer filed an Amendment to the said Bylaws, in Miscellaneous Book 65, page 789, et seq.; and,

WHEREAS, Developer desires to amend the Declaration of Condominium of Bay Gardens Condominiums and the said Bylaws, so as to extend certain time periods set out in the documents and the amendments thereto from five (5) years to seven (7) years.

WITNESSETH:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT;

1. Declarant does hereby amend the Declaration of Condominium of Bay Gardens Condominium, as follows:

a. Paragraph 5.03 is hereby deleted and the following substituted therefor in its entirety:

5.03 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

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ownership in the common elements. Payment of common expenses shall be in such amounts and at such times a 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 documents, Declarant shall not be required to pay any portion of the common expenses until seven (7) years from the date of the original filing of the Declaration of Condominium or until four (4) months after Declarant has completed and sold 75% of the units of the condominium, whichever occurs first.

2. Declarant does hereby amend the Bylaws of Bay Gardens Condominium Owners Association (Exhibit D of the aforementioned Declaration) as follows:

a. Paragraph 3.10 is amended to delete the term "five (5) years" therefrom, and to substitute the term "seven (7) years" therein.

b. Paragraph 5.03 is amended to delete the term "five (5) years" therefrom, and to substitute the term "seven (7) years" therein.

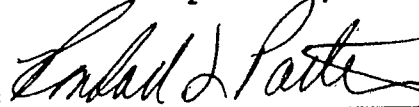
c. Paragraph 5.11 is amended to delete the term "five (5) years" therefrom, and to substitute the term "seven (7) years" therein.

Except as specifically modified by this instrument, all other terms, covenants, conditions and provisions contained in the Original Declaration of Condominium and all Exhibits thereto, as amended, be and the same hereby are ratified, approved and confirmed and the same shall remain in full force and effect.

IN WITNESS WHEREOF, the said BON SECOUR DEVELOPMENT CORPORATION, an Alabama Corporation, has caused THESE PRESENTS to be executed by Randall L. Patterson, as President, being thereunto duly authorized, this the 21 day of November, 1991.

Bon Secour Development Corporation,
an Alabama corporation,

By:



Randall L. Patterson, President

Approved and ratified by:

Bay Gardens Condominium Owners' Association, Inc.

Randall L. Patterson
Randall L. Patterson, President

STATE OF ALABAMA)
BALDWIN COUNTY :)

I, the undersigned, a Notary Public, within and for said County in said State, do hereby certify that Randall L. Patterson, whose name President of Bon Secour Development Corporation, 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 said instrument, he as such officer and with full authority for and as the act of said corporation, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 21 day of November, 1991.

[Signature]
NOTARY PUBLIC,

My commission expires: 11/10/94

STATE OF ALABAMA)
BALDWIN COUNTY :)

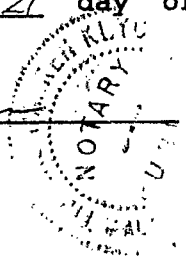
I, the undersigned, a Notary Public, within and for said County in said State, do hereby certify that Randall L. Patterson, whose name President of Bay Gardens Condominium Owners' Association, Inc., an Alabama Non-Profit Corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he as such officer and with full authority for and as the act of said corporation, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 21 day of November, 1991.

[Signature]
NOTARY PUBLIC,

My commission expires: 11/10/94

This instrument prepared by: Thomas W. Klyce, Attorney at Law, P.O. Box 2301, Gulf Shores, AL 36547



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