

**THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF BAY GARDENS CONDOMINIUM IN BALDWIN COUNTY, ALABAMA**

WHEREAS, the Declaration of Condominium of Bay Gardens Condominium in Baldwin County, Alabama, dated May 14, 1987 and recorded in Miscellaneous Book 59, Page 1631, et. seq. and First Amended September 14, 1989 and recorded in Miscellaneous Book 65, Page 784 et. seq. and Second Amended November 26, 1991 and recorded in Miscellaneous Book 69, Page 1644 et. seq., of the records in the Office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the Owners of the Units of Bay Gardens Condominium in Baldwin County, Alabama, do wish to amend and revise the Declaration of Condominium of Bay Gardens Condominium in Baldwin County, Alabama, according to Article XIII, Section 13.02 of said Declaration of Condominium; and,

WHEREAS, notice of the subject matter of this proposed revision was included in a notice of a general meeting given to all unit owners held on the 3<sup>rd</sup> day of March, 2007; and,

WHEREAS, a Resolution having been adopted and approved prior to that time, by a majority of the Board of Directors proposing the revision given below; and,

WHEREAS, said proposed revision was approved by seventy five percent (75%) of the votes of the Unit Owners according to their proportional ownership;

THEREFORE, THE DECLARATION OF CONDOMINIUM OF BAY GARDENS CONDOMINIUM OWNERS ASSOCIATION, INC. SHALL BE AMENDED AS FOLLOWS:

Article IX, Section 9.03, 2<sup>nd</sup> sentence is hereby amended to read as follows:

**ARTICLE IX**

*9.03, 2<sup>nd</sup> sentence. Therefore, no building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and the 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 Association's Board of Directors or its designee the Architectural Committee chaired by the Board of Directors' vice*



president.

IN WITNESS WHEREOF, the said Bay Gardens Condominium Owners Association, Inc., an Alabama Non-Profit Corporation, has caused this Third Amendment to the Declaration of Condominium of Bay Gardens Condominium in Baldwin County, Alabama, to be executed on its behalf and its corporate seal to be affixed hereto by its officers thereunto duly authorized this the 26<sup>th</sup> day of NOVEMBER, 2008.

BAY GARDENS CONDOMINIUM  
OWNERS ASSOCIATION, INC.  
An Alabama Non-Profit Corporation

BY: William Smith  
BILL SMITH, Its President

Attest:

BY: Sue Farrell  
SUE FARRELL, Its Secretary

STATE OF ALABAMA )

COUNTY OF BALDWIN )

I, the Undersigned, a Notary Public in and for said State and County, hereby certify that BILL SMITH whose name as President of BAY GARDENS CONDOMINIUM OWNERS ASSOCIATION, INC., an Alabama Non-Profit Corporation, is signed to the foregoing Third Amendment to the Declaration of Condominium of Bay Gardens Condominium, and who is known to me, acknowledged before me on this date that being informed of the contents of said Third Amendment, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the date the same bears date.

Given under my hand and seal on this the 25<sup>th</sup> day of NOVEMBER 2008.



Rachel Aho  
NOTARY PUBLIC

My Commission Expires: 1-12-10

STATE OF ALABAMA )

COUNTY OF BAUDWIN )

I, the Undersigned, a Notary Public in and for said State and County, hereby certify that SUE FARRELL whose name as Secretary of BAY GARDENS CONDOMINIUM OWNERS ASSOCIATION, INC., an Alabama Non-Profit Corporation, is signed to the foregoing Third Amendment to the Declaration of Bay Gardens Condominium, and who is known to me, acknowledged before me on this date that being informed of the contents of said Third Amendment, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the date the same bears date.

Given under my hand and seal on this the 25th day of November 2008.

Rachel Aho  
NOTARY PUBLIC

My Commission Expires: 1-12-10

