

STATE OF ALABAMA )  
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COUNTY OF BALDWIN )

This Instrument Was Prepared By:  
Albert E. Ritchey, Attorney  
P. O. Drawer 590069  
Birmingham, Alabama 35259-0069

THIRD AMENDMENT TO  
DECLARATION OF RIGHTS, COVENANTS, RESTRICTIONS  
AFFIRMATIVE OBLIGATION AND CONDITIONS  
of  
HERITAGE SHORES  
A PLANNED UNIT DEVELOPMENT

State of Alabama, Baldwin County  
I certify this instrument was filed  
and taxes collected on:  
2005 May -24 1:45PM  
Instrument Number 893893 Pages 3  
Recording 9.00 Mortgage  
Deed Min Tax  
Index DP 5.00  
Archive 5.00  
Adrian T. Johns, Judge of Probate

This Third Amendment to the Declaration of Rights, Covenants, Restrictions, Affirmation  
Obligation and Conditions of Heritage Shores, a Planned Unit Development, as amended, is made and  
entered into effective as of the 16th day of April, 2005 ;

WITNESSETH

WHEREAS, On the 3rd day of March, 1995, a Declaration of Rights, Covenants, Restrictions,  
Affirmation Obligation and Conditions was filed by the Developer of Heritage Shores, a Planned Unit  
Development, in Misc. 82, Pages 166-190, in the Office of the Judge of Probate, Baldwin County Ala-  
bama ("the Declaration"); and

WHEREAS, On the 28<sup>th</sup> day of April, 1997, a First Amendment to Declaration of Rights,  
Covenants, Restrictions, Affirmation Obligation and Conditions was filed by the Developer of Heritage  
Shores, a Planned Unit Development, in Real. 749, Pages 0181-0185, in the Office of the Judge of Pro-  
bate, Baldwin County Alabama ("the First Amendment to the Declaration"); and

WHEREAS, On the 16th day of October, 2000, a Second Amendment to Declaration of Rights,  
Covenants, Restrictions, Affirmation Obligation and Conditions was filed by the Developer of Heritage  
Shores, a Planned Unit Development, in Instrucment Number 566826, Pages 1-9, in the Office of the  
Judge of Probate, Baldwin County Alabama ("the Third Amendment to the Declaration"); and

WHEREAS, the Owners of Heritage Shores, a Planned Unit Development desire to amend the  
Declaration, pursuant to Article XII of the Declaration, as amended in the Second Amendment.

893893

NOW, THEREFORE, in consideration of the premises and the covenants herein contained, the Owners, pursuant to the provisions of Article XII of the Declaration, as amended in the Second Amendment, do hereby adopt the following amendment to the Declaration:

Section 5.4 of ARTICLE V of the Declaration, is hereby deleted in its entirety and the following is substituted in its place and stead so that Section 5.4 shall read as follows:

Section 5.4 of ARTICLE V of the Declaration is hereby deleted in its entirety and the following is substituted in its place and stead so that Section 5.4 shall read as follows

**“5.4            Special Assessments**

In addition to the annual assessment, the Board of Directors may levy in any year, one or more special assessments for the purpose of defraying in whole or in part the cost of any construction, reconstruction, unexpected repair or replacement of any improvement upon the Common Elements, including the necessary fixtures and personal property related thereto. The Board may either provide for the special assessment to be paid by the Owners in a lump sum or may provide for the special assessment to be paid by the Owners in a monthly, quarterly and/or annual structured form payable over any monthly, quarterly or annual period as determined by the Board from time to time.”

All other provisions of the Declaration of Rights, Covenants, Restrictions, Affirmation Obligation and Conditions of Heritage Shores and the First and Second Amendment to the Declaration of Rights, Covenants, Restrictions, Affirmation Obligation and Conditions shall remain in full force and effect and are hereby ratified, confirmed and approved.

IN WITNESS WHEREOF, the majority of the Owners have caused these presents to be executed by the duly authorized President and Secretary of Heritage Shores Property Owners Association, Inc., hereunto appearing, as of the 16th day of April, 2005.

Heritage Shores Property Owners Association, Inc.

By: Don Baker  
Don Baker  
Its President

By: Ronald Bingham  
Ronald Bingham  
Its Secretary

STATE OF ALABAMA

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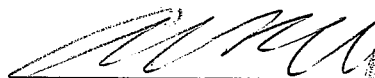
BALDWIN COUNTY

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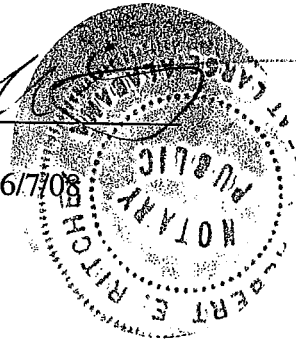
I, the undersigned Notary Public in and for said State and County, do hereby certify that Don Baker and Ronald Bingham, whose names as President and Secretary, respectively, of Heritage Shores Property Owners Association, Inc., an Alabama nonprofit corporation, are signed to the foregoing instrument, and who are know to me, acknowledged before me on this day that, being informed of the contents of said instrument, they, as such officers and with full authority executed the same voluntarily for and as the act of said Association and the owners of Lots at Heritage Shores, on the day the same bears date.

Given under my hand and official seal, this 16th day of April, 2005.



Notary Public

My Commission Expires: 6/7/08



(SEAL)