

STATE OF ALABAMA)
)
)
COUNTY OF BALDWIN)

This Instrument Was Prepared By:
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FIFTH AMENDMENT TO
DECLARATION OF RIGHTS, COVENANTS, RESTRICTIONS,
AFFIRMATIVE OBLIGATION AND CONDITIONS

Of

HERITAGE SHORES

A PLANNED UNIT DEVELOPMENT

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 10/23/2015 10:16 AM
TOTAL \$ 15.00
3 Pages

1540462



This Fifth 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 1st day of November, 2014 ;

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 Alabama (“the Declaration”); and

WHEREAS, On the 28th 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 Probate, 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 Heritage Shores Property Owners Association, Inc., in Instrucment Number 566826, Pages 1-9, in the Office of the Judge of Probate, Baldwin County Alabama (“the Second Amendment to the Declaration”); and

WHEREAS, On the 24th day of May, 2005, a Third Amendment to Declaration of Rights, Covenants, Restrictions, Affirmation Obligation and Conditions was filed by the Heritage Shores Property Owners Association, Inc., in Instrucment Number 893893, Pages 1-3, in the Office of the Judge of Probate, Baldwin County Alabama (“the Third Amendment to the Declaration”); and

WHEREAS, On the 7th day of October, 2009, a Fourth Amendment to Declaration of Rights, Covenants, Restrictions, Affirmation Obligation and Conditions was filed by the Heritage Shores Property Owners Association, Inc., in Instrucment Number 1202055, Pages 1-6, in the Office of the Judge of Probate, Baldwin County Alabama (“the Fourth Amendment to the Declaration”); and

WHEREAS, a majority of the Owners of the Heritage Shores Property Owners Association, Inc. voted on the 1st day of November, 2014 to amend the Declaration and Amendments thereto as hereinafter set forth.

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 amendments to the Declaration and the amendments thereto:

Section 3.4 of ARTICLE III of the Declaration, as amended in the Fourth Amendment, is hereby deleted in its entirety and the following is substituted in its place and stead so that Section 3.4 shall read as follows:

“3.4 Quorum

At any initial meeting of the Members, whether regular or special, the presence at the meeting, in person or by proxy, of members entitled to cast a majority of all the votes shall constitute a quorum. If the required quorum is not forthcoming at any such meeting, one or more subsequent meetings may be

called on not less than ten (10) days written notice of each such subsequent meeting; and the required quorum at any such subsequent meeting shall be one-half (1/2) of the required quorum at the immediately preceding meeting; provided that no such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

If a quorum is present at a meeting the affirmative vote of a majority in interest of the Members represented at the meeting and entitled to vote on the subject matter shall be the act of the Members, unless a greater number is required by the Articles of Incorporation or By-Laws.

Notwithstanding anything herein to the contrary, if a quorum is not available at an annual meeting of the Association and no subsequent meeting is held with a quorum, as set out above, for a given year than the budget and the Board shall stay as designated for the prior year and thereafter until a quorum is present at a future annual meeting."

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

IN WITNESS WHEREOF, the duly authorized President and Secretary of Heritage Shores Property Owners Association, Inc. have executed this Fourth Amendment effective as of the 1st day of November, 2014.

Heritage Shores Property Owners Association, Inc.
an Alabama nonprofit corporation

By: [Signature]
Charles A. Wilson, Its President

By: [Signature] Secretary
Charles Crook, Its Secretary

STATE OF ALABAMA)
)
BALDWIN COUNTY)

I, the undersigned Notary Public in and for said State and County, do hereby certify that Charles A. Wilson, whose name as President of Heritage Shores Property Owners Association, Inc., an Alabama nonprofit 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 executed the same voluntarily for and as the act of said Association and the owners of Lots at Heritage Shores.

Given under my hand and official seal, this 5 day of March, 2015.

[Signature]
Notary Public My Commission Expires
7/27/2015
My Commission Expires: _____

(SEAL)

STATE OF ~~ALABAMA~~ Arkansas)
Crawford)
~~MOBILE~~ COUNTY)

I, the undersigned Notary Public in and for said State and County, do hereby certify that Charles Crook, whose name as Secretary of Heritage Shores Property Owners Association, Inc., an Alabama nonprofit 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 executed the same voluntarily for and as the act of said Association and the owners of Lots at Heritage Shores.

Given under my hand and official seal, this 11 day of February 2015.

J. J. J. J.

Notary Public

My Commission Expires: 1-1-2022

