

STATE OF ALABAMA)
COUNTY OF BALDWIN)

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
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THIRD AMENDMENT
TO THE
MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LIVE OAK VILLAGE

This Third Amendment to the Master Declaration of Covenants, Conditions and Restrictions for Live Oak Village (this “Third Amendment”) is made and entered into by the undersigned pursuant to the Master Declaration of Covenants, Conditions And Restrictions for Live Oak Village (the “Declaration”, as more particularly defined herein).

RECITALS:

A. CHS Properties, Inc., (the “Developer”) is the Developer of a certain residential development located in Foley, Alabama, known as Live Oak Village (the “Development”) as more particularly described in the Declaration, which was recorded in the records of the Office of the Judge of Probate of Baldwin County, Alabama on August 16, 1999, as Instrument 506808.

B. The Declaration was amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions for Live Oak Village, Foley, Alabama (Phase II, January 2003) (“First Amendment”), dated January 23, 2003, and recorded in the Records of the Office of the Judge of Probate of Baldwin County, Alabama on January 23, 2003, as Instrument 705939.

C. The Declaration was amended by the Second Amendment to Declaration of Covenants, Conditions and Restrictions for Live Oak Village, Foley, Alabama (Phase III, July 18, 2018) (“Second Amendment”), dated July 18, 2018, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on July 23, 2018, as Instrument 1709259.

D. Section 2.2 of the Declaration provides in part that the “Developer reserves the right, in its sole and absolute discretion, at any time and from time to time during the pendency of these Covenants, to add and submit any Additional Property to these Covenants and, to the extent any of the Additional Property is specifically submitted to these Covenants by Developer, then any such Additional Property shall constitute part of the Property.”

E. Section 11.2 of the Declaration, as amended by the Second Amendment, reserves the right of the Developer to amend the Declaration in the Developer’s sole discretion.

F. The Developer desires to exercise its right under the Declaration to add Additional Property to Phase III of the Development subject to the provisions of the Declaration, as amended, and to correct certain errors in prior amendments.

NOW, THEREFORE, premises considered, this instrument is made to amend the Declaration and all amendments thereto and is hereby made a part of the Declaration, as amended:

1. Amendment of Section 10 of the First Amendment. Section 10 of the First Amendment is hereby amended as follows:

10. An additional Section 1.39(a) is added to read as follows: “Section 1.39(a) Phase II. The term ‘Phase II’ shall refer to the lots and lands included in (i) the Plat of Live Oak Village Phase I(a) and I(b), Foley, Alabama, as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, on November 26, 2002 as Instrument Number 695837; and (ii) the Plat of Live Oak Village Phase 2, Foley, Alabama, as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, on January 23, 2006, as Instrument Number 951142 (collectively, the “Phase II Plat”), said lands being more particularly described on **Exhibit “1”**¹ attached hereto and made a part hereof; the same containing 25.485 acres more or less and being composed of ninety-one (91) residential lots, private streets and a common area detention pond. Phase II is sometimes referred to as Phase Two.”

2. Amendment of Section 29 of the First Amendment. Section 29 of the First Amendment is hereby amended as follows:

Section 7.40 Additional Restrictions and Easements as to Phase II. The ninety-one (91) residential lots included in the Phase II Plat recorded in phases in the Office of the Judge of Probate of Baldwin County, Alabama as Instrument #695837 and Instrument # 951142 shall be subject to the following additional restrictions:

(a) All lots in Phase II shall be known and described as Residential Lots and shall be used for residential purposes only. All new construction and/or modifications to existing construction must be approved by the Design Review Board pursuant to these restrictions.

(b) No residence shall be erected or allowed to occupy a lot or lots unless the main structure is adjacent to or attached to a garage accommodating a minimum of two full sized automobiles and unless the main structure, exclusive of open porches and garages, is not less than the minimum square footage required as follows: Subject to the approval of the Design Review Board, all dwellings must have a minimum of 2,175 square feet under roof, including garage, of which not less than 1,500 square feet shall be heated and air conditioned.

(c) Building Location. No dwelling shall be located on any lot nearer to the front lot line or the side street line than that set out in these restrictions and approved by the DRB.

(d) Commencement and Completion of Construction. Once title to a lot in Phase II is conveyed by Developer to a second party owner, including a speculative or

¹ Exhibit “1” is replacing Exhibit “A-1” to the First Amendment.

contract builder (the "Second Party"), the Second Party owner shall commence construction of a residence on a lot purchased within six (6) months of conveyance of the lot by Developer to such Second Party owner, said construction to be in compliance with all restrictions and requirements contained elsewhere. Once a Second Party owner has commenced construction of a residence, he shall diligently pursue same until completion and shall complete same and secure a Certificate of Occupancy from the City of Foley within one (1) year of such commencement. Each Second Party owner will notify the Developer and the Master Association of the date of commencement and completion of all residential improvements on such owner's lot.

(e) Developer's Right of Repurchase. Should any Second Party owner of a lot not commence construction of a residence on a lot within six (6) months of purchase of same from Developer, then, in accordance with the requirements of these restrictions and applicable requirements of the City of Foley, Developer shall have the right to repurchase such lot from such Second Party owner for the actual amount paid to Developer for said lot exclusive of interest.

(f) Easement for Privacy Fence. A one foot easement for a privacy fence along the rear property line of each lot is reserved. Any fence erected by the Developer within said one foot easement shall be owned and maintained by the Phase II Association as a Limited Common Area.

3. Amendment of Section 1 of the Second Amendment. Section 1 of the Second Amendment is hereby amended as follows:

1. The Table of Contents is amended to add the following Sections:
 - (a) Section 1.39(b) Phase III
 - (b) Section 1.40(b) Phase III Association
 - (c) Section 6.11 Limited Common Areas
 - (d) Section 7.41 Additional Restrictions and Easement as to Phase III

4. Amendment of Section 2 of the Second Amendment. Section 2 of the Second Amendment is hereby amended as follows:

2. Paragraph E of the Recitals is amended to read as follows: Developer has developed (i) a portion of the Overall Property composed of 15.6 acres known as Live Oak Village Phase I described in **Exhibit "2"**² and attached hereto and made a part hereof; (ii) a portion of the Overall Property composed of 25.485 acres known as Live Oak Village Phase II described in **Exhibit "1"**³ attached hereto and made a part hereof; and (iii) a portion of the Overall Property composed of 38.269 acres

² Exhibit "2" is the same as Exhibit "A-1" to the Second Amendment.

³ Exhibit "1" is also replacing Exhibit "A-2" to the Second Amendment.

known as Live Oak Village Phase III described in **Exhibit “3”**⁴ attached hereto and made a part hereof.

5. Amendment of Section 8 of the Second Amendment. Section 8 of the Second Amendment is hereby amended as follows:

8. An additional Section 1.39(b) is added to read as follows: "Section 1.39(b) Phase III. The term 'Phase III' shall refer to the lots and lands included in the (i) the Plat of Live Oak Village Phase 3, Foley, Alabama, as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, on January 8, 2007 as Instrument Number 1024152; (ii) the Plat of Live Oak Village Phase 3A, Foley, Alabama, as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, on April 23, 2007 as Instrument Number 1044908; and (iii) the Plat of Live Oak Village Phase 3B, Foley, Alabama, as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, on September 28, 2023 as Instrument Number 2088340 (together, the "Phase III Plat"), said lands being more particularly described on **Exhibit “3”** attached hereto and made a part hereof; the same containing 38.269 acres more or less and being composed of one hundred thirty-eight (138) residential lots, private streets and a common area detention pond. Phase III is sometimes referred to as Phase Three."

6. Amendment of Section 25 of the Second Amendment. Section 25 of the Second Amendment is hereby amended as follows:

25. Section 7.41 Additional Restrictions and Easements as to Phase III. The one hundred thirty-eight (138) lots included in Phase III and their Plats recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Instrument #1024152, Instrument #1044908 and Instrument #2088340 shall be subject to the following additional restrictions:

(a) All lots in Phase III shall be known and described as Residential Lots and shall be used for residential purposes only. All new construction and/or modifications to existing construction must be approved by the Design Review Board pursuant to these restrictions.

(b) Building Location. No dwelling shall be located on any lot nearer to the front lot line or the side street line than that set out in these restrictions and approved by the DRB.

(c) Commencement and Completion of Construction. Once title to a lot in Phase III is conveyed by Developer to a second party owner, including a speculative or contract builder (the "Second Party"), the Second Party owner shall commence construction of a residence on a lot purchased within six (6) months of conveyance of the lot by Developer to such Second Party owner, said construction to be in compliance with all restrictions and requirements contained elsewhere. Once a

⁴ Exhibit "3" is replacing Exhibit "A-3" to the Second Amendment.

Second Party owner has commenced construction of a residence, he shall diligently pursue same until completion and shall complete same and secure a Certificate of Occupancy from the City of Foley within one (1) year of such commencement. Each Second Party owner will notify the Developer and the Master Association of the date of commencement and completion of all residential improvements on such owner's lot.

(d) Developer's Right of Repurchase. Should any Second Party owner of a lot not commence construction of a residence on a lot within six (6) months of purchase of same from Developer, then, in accordance with the requirements of these restrictions and applicable requirements of the City of Foley, Developer shall have the right to repurchase such lot from such Second Party owner for the actual amount paid to Developer for said lot exclusive of interest.

(e) Easement for Privacy Fence. A one foot easement for a privacy fence along the rear property line of each lot is reserved. Any fence erected by the Developer within said one foot easement shall be owned and maintained by the Phase III Association as a Limited Common Area.

7. Manner of Adoption. This Third Amendment is made by the Developer in accordance with Sections 2.2 and 11.2 of the Declaration.

8. Capitalized Terms. Capitalized terms used herein unless otherwise defined herein have the meaning ascribed to such terms in the Declaration.

9. Continued Effectiveness. All of the applicable terms, conditions and provisions of the Declaration, as supplemented and amended, are in all respects hereby ratified and reaffirmed, and the Declaration, the First Amendment, Second Amendment and this Third Amendment shall be read, taken and construed as one and the same instrument. References in the Declaration and all exhibits thereto shall be deemed to be references to the Declaration, as previously amended, and as further amended by this Third Amendment.

10. Effective Date. This Third Amendment shall be effective upon being recorded in the records of the Office of the Judge of Probate of Baldwin County, Alabama.

[The rest of this page is intentionally left blank. Signatures begin on the following page.]

IN WITNESS WHEREOF, CHS Properties, Inc., an Alabama corporation, has caused this instrument to be properly executed by the undersigned on this the 18th day of December, 2023.

CHS Properties, Inc.
An Alabama corporation

By: [Signature]
Doug Warren
Its: President

Attest:

By: [Signature]
Joy Solberg
Its: Secretary

STATE OF Alabama)

COUNTY OF Baldwin)

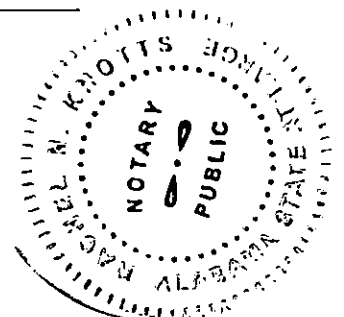
I, Rachel N. Knotts, the undersigned Notary Public in for said County in said State, hereby certify that **Doug Warren**, whose name as President of **CHS Properties, Inc.**, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

Given under my hand and seal this the 14th day of December, 2023.

[Signature]
NOTARY PUBLIC

My Commission Expires: 1-11-2025

[Notary acknowledgments continue on the following page.]



STATE OF Alabama)

COUNTY OF Baldwin)

I, Rachel N. Knotts, the undersigned Notary Public in for said County in said State, hereby certify that **Joy Solberg**, whose name as Secretary of **CHS Properties, Inc.**, 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 the instrument, she, as such officer and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

Given under my hand and seal this the 15th day of December, 2023.

Rachel N Knotts
NOTARY PUBLIC

My Commission Expires: 1-1-2025



THIS INSTRUMENT PREPARED BY:

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EXHIBIT "1"

**TO THIRD AMENDMENT TO THE
MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR LIVE OAK VILLAGE**

Live Oak Village Phase II Description

The Phase II Lands consist of the following:

1. Phases 1(a) and 1(b):

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 7 SOUTH,
RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.

COMMENCE AT A POINT BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF CEDAR STREET (60' R/W) AND THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 24 (80' R/W) THENCE RUN S 00° 02' 55" W AND ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1780.08 FEET AND POINT OF BEGINNING; THENCE CONTINUE S 00° 02' 55" W AND ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 519.66 FEET, THENCE RUN N 89° 57' 05" W A DISTANCE OF 174.50 FEET, THENCE RUN N 00° 02' 55" E A DISTANCE OF 19.69 FEET, THENCE RUN S 90° 00' 00" W A DISTANCE OF 335.84 FEET, THENCE RUN N 84° 16' 47" W A DISTANCE OF 132.86 FEET, THENCE RUN N 43° 51' 31" W A DISTANCE OF 80.47 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 380.00 FEET, A DELTA OF 33° 14' 07", A CHORD BEARING OF S 62° 50' 00" W, AND A CHORD LENGTH OF 217.35 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 220.42 FEET, THENCE RUN S 79° 27' 03" W A DISTANCE OF 72.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 320.00 FEET, A DELTA OF 46° 32' 34", A CHORD BEARING OF N 77° 16' 40" W, AND A CHORD LENGTH OF 252.86 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 259.94 FEET, THENCE RUN N 54° 00' 23" W A DISTANCE OF 82.76 FEET, THENCE RUN N 11° 24' 21" W A DISTANCE OF 494.00 FEET, THENCE RUN N 78° 54' 22" E A DISTANCE OF 505.48 FEET, THENCE RUN S 11° 05' 38" E A DISTANCE OF 146.19 FEET, THENCE RUN N 90° 00' 00" E A DISTANCE OF 264.18 FEET, THENCE RUN N 00° 01' 24" E A DISTANCE OF 93.47 FEET TO THE P.C. OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1975.0 FEET, A DELTA OF 00° 20' 44", A CHORD BEARING OF N 00° 08' 58" W, AND A CHORD LENGTH OF 11.91 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 11.91 FEET, THENCE RUN N 00° 19' 20" W A DISTANCE OF 536.68 FEET TO THE P.C. OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2025.0 FEET, A DELTA OF 00° 19' 20", A CHORD BEARING OF N 00° 09' 40" W, AND A CHORD LENGTH OF 11.38 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 11.38 FEET, THENCE RUN N 00° 00' 00" E A DISTANCE OF 73.14 FEET TO THE P.C. OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.0 FEET, A DELTA OF 90° 00' 00", A CHORD BEARING OF N 45° 00' 00" W, AND A CHORD LENGTH OF 35.36 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.27 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF VILLAGE

SQUARE BOULEVARD (80' R/W), THENCE RUN N 90° 00' 00" E AND ALONG SAID VILLAGE SQUARE BOULEVARD R-O-W A DISTANCE OF 103.34 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 25.0 FEET, A DELTA OF 89° 58' 36", A CHORD BEARING OF S 45° 00' 42" W, AND A CHORD LENGTH OF 35.35 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.26 FEET, THENCE RUN S 00° 01' 24" W A DISTANCE OF 727.68 FEET, THENCE RUN S 89° 58' 52" E A DISTANCE OF 536.60 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 17.26 ACRES, MORE OR LESS.

2. Phase 2:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.

COMMENCE AT A POINT BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF CEDAR STREET (60' R/W) AND THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 24 (80' R/W) THENCE RUNS 00° 02' 55" W AND ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 2299.74 FEET AND POINT OF BEGINNING; THENCE CONTINUE S 00° 02' 55" W AND ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 280.10 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY INTERSECTION OF SAID CEDAR STREET AND PEACHTREE STREET (60' R/W), THENCE RUN N 89° 58' 08" W AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID PEACHTREE STREET A DISTANCE OF 1205.09 FEET, THENCE RUN N 11° 24' 21" W A DISTANCE OF 364.51 FEET TO A POINT ON THE SOUTHWEST PROPERTY LINE OF LOT 14, LIVE OAK VILLAGE PHASE IA & IB, THENCE RUN S 54° 00' 23" E A DISTANCE OF 82.76 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 320.00 FEET, A DELTA OF 46° 32' 34", A CHORD BEARING OF S 77° 16' 40" E, AND A CHORD LENGTH OF 252.86 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 259.94 FEET; THENCE RUN N 79° 27' 03" E A DISTANCE OF 72.77 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 380.00 FEET, A DELTA OF 33° 14' 07", A CHORD BEARING OF N 62° 50' 00" E, AND A CHORD LENGTH OF 217.35 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 220.42 FEET, THENCE RUN S 43° 51' 31" E A DISTANCE OF 80.47 FEET, THENCE RUN S 84° 16' 47" E A DISTANCE OF 132.86 FEET, THENCE RUN S 90° 00' 00" E A DISTANCE OF 335.84 FEET, THENCE RUN S 00° 02' 55" W A DISTANCE OF 19.69 FEET, THENCE RUN S 89° 57' 05" E A DISTANCE OF 174.50 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 8.225 ACRES, MORE OR LESS.

EXHIBIT "2"

**TO THIRD AMENDMENT TO THE
MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR LIVE OAK VILLAGE**

Live Oak Village Phase I Description

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE S 00° 03' 37" E, 40.0 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO 24 (80.0' WIDE RIGHT-OF-WAY); RUN THENCE N 89° 42' 38" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1592.75 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE N 89° 42' 38" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1043.98 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO 24 AND THE WEST RIGHT-OF-WAY LINE OF CEDAR STREET (60' RIGHT-OF-WAY); RUN THENCE S 00° 02' 55" W, ALONG SAID WEST RIGHT-OF-WAY LINE, 461.44 FEET; RUN THENCE, DEPARTING SAID WEST RIGHT-OF-WAY LINE, S 58° 40' 29" W, 248.95 FEET; RUN THENCE S 89° 32' 28" W, 495.98 FEET; RUN THENCE N 59° 23' 42" W, 214.71 FEET; RUN THENCE WEST, 40.0 FEET; RUN THENCE SOUTH, 431.70 FEET; RUN THENCE SOUTHEASTWARDLY, ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 30.0 FEET, AN ARC DISTANCE OF 47.12 FEET (CHORD: S 45° 00' 00" E, 42.43 FEET); RUN THENCE EAST, 873.04 FEET; RUN THENCE NORTHEASTWARDLY ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 30.0 FEET, AN ARC DISTANCE OF 47.10 FEET (CHORD: N 45° 01' 27" E, 42.41 FEET) TO THE WEST RIGHT-OF-WAY LINE OF CEDAR STREET; RUN THENCE S 00° 02' 55" W, ALONG SAID WEST RIGHT-OF-WAY LINE, 140.0 FEET; RUN THENCE NORTHWESTWARDLY ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 30.0 FEET, AN ARC DISTANCE OF 47.15 FEET (CHORD: N 44° 58' 33" W, 42.44 FEET); RUN THENCE WEST, 1012.92 FEET; RUN THENCE NORTH 80.0 FEET; RUN THENCE NORTHEASTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 30.0 FEET, AN ARC DISTANCE OF 47.12 FEET (CHORD: N 45° 00' 00" E, 42.43 FEET); RUN THENCE NORTH 881.96 FEET; RUN THENCE NORTHWESTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 30.0 FEET, AN ARC DISTANCE OF 47.28 FEET (CHORD: N 45° 08' 41" W, 42.53 FEET) TO THE POINT OF BEGINNING, CONTAINING 15.6 ACRES, MORE OR LESS.

EXHIBIT "3"

TO THIRD AMENDMENT TO THE MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LIVE OAK VILLAGE

Description of Live Oak Village Phase III

The Phase III Lands consist of the following:

1. Phase 3:

BEGINNING AT THE NORTHWEST CORNER OF LIVE OAK VILLAGE PHASE IA AND IB AS RECORDED ON SLIDE #2096-C IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 11° 24' 21" EAST, 858.52 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PEACHTREE STREET, HAVING A 60 FOOT RIGHT-OF-WAY; THENCE RUN NORTH 89° 58' 08" WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE, 753.67 FEET; THENCE DEPARTING THE SAID NORTH RIGHT-OF-WAY LINE; RUN NORTH 34° 39' 06" WEST, 130.54 FEET; THENCE RUN NORTH 55° 27' 35" EAST, 76.67 FEET; THENCE RUN NORTH 27° 12' 53" EAST, 93.90 FEET; THENCE RUN NORTHWESTWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 410.00 FEET, AN ARC LENGTH OF 8.19 FEET (THE CHORD BEARS NORTH 54° 27' 14" WEST, AND MEASURES 8.19 FEET); THENCE RUN NORTH 36° 07' 06" EAST, 153.58 FEET; THENCE RUN SOUTH 57° 33' 42" EAST, 55.18 FEET; THENCE RUN SOUTH 72° 42' 24" EAST, 55.24 FEET; THENCE RUN NORTH 89° 57' 17" EAST, 111.48 FEET; THENCE RUN NORTH 65° 10' 22" EAST, 73.68 FEET; THENCE RUN NORTH 46° 15' 05" EAST, 247.52 FEET; THENCE RUN NORTH 11° 24' 21" WEST, 87.57 FEET; THENCE RUN NORTHWESTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 194.79 FEET (THE CHORD BEARS NORTH 27° 27' 23" WEST, AND MEASURES 192.28 FEET); THENCE RUN NORTH 46° 36' 00" EAST, 40.00 FEET; THENCE RUN NORTH 66° 51' 43" EAST, 96.35 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.46 ACRES, MORE OR LESS.

2. Phase 3A:

BEGINNING AT THE NORTHWEST CORNER OF LIVE OAK VILLAGE PHASE IA & IB AS RECORDED ON SLIDE #2096-C IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE SOUTH 66° 51' 43" WEST, 96.35'; THENCE SOUTH 46° 36' 00" WEST, 40.00'; THENCE NORTHWESTWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 440.00', AN ARC LENGTH OF 282.73' (THE CHORD BEARS NORTH 24° 59' 31" WEST, AND MEASURES 277.89'); THENCE NORTHWESTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00', AN ARC LENGTH OF 36.85' (THE CHORD BEARS NORTH 48° 48' 26" WEST, AND MEASURES 33.60'); THENCE SOUTH 88° 58' 10" WEST, 41.98'; THENCE WESTWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 370.00', AN ARC LENGTH OF 30.74' (THE CHORD BEARS NORTH 88° 39' 01" WEST, AND MEASURES 30.73'); THENCE

SOUTHEASTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00', AN ARC LENGTH OF 40.92' (THE CHORD BEARS SOUTH 46° 50' 41" WEST, AND MEASURES 36.50'); THENCE RUN NORTH 83° 02' 15" WEST, 40.27'; THENCE NORTHWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 220.00', AN ARC LENGTH OF 10.09' (THE CHORD BEARS NORTH 1° 56' 33" EAST, AND MEASURES 10.08'); THENCE NORTHWESTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00', AN ARC LENGTH OF 33.29' (THE CHORD BEARS NORTH 34° 53' 14" WEST, AND MEASURES 30.88'); THENCE NORTHWESTWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 370.00', AN ARC LENGTH OF 76.53' (THE CHORD BEARS NORTH 67° 06' 17" WEST, AND MEASURES 76.39'); THENCE SOUTH 28° 58' 50" WEST, 24.80'; THENCE SOUTH 50° 23' 19" WEST, 205.31'; THENCE SOUTH 37° 04' 07" WEST, 55.48'; THENCE SOUTH 24° 45' 47" WEST, 54.36'; THENCE SOUTH 11° 36' 08" WEST, 53.36'; THENCE NORTH 84° 55' 03" WEST, 155.00'; THENCE NORTHEASTWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 390.00', AN ARC LENGTH OF 37.58' (THE CHORD BEARS NORTH 7° 50' 35" EAST, AND MEASURES 37.57'); THENCE NORTH 80° 32' 55" WEST, 151.49'; THENCE SOUTH 48° 03' 06" WEST, 32.13'; THENCE NORTH 90° 00' 00" WEST, 111.49'; THENCE NORTH 0° 02' 16" EAST, 468.77'; THENCE NORTH 2° 54' 13" EAST, 302.98'; THENCE SOUTH 89° 56' 18" EAST, 306.29'; THENCE SOUTH 77° 39' 51" EAST, 96.34'; THENCE SOUTH 38° 37' 33" EAST, 493.16'; THENCE SOUTH 40° 45' 18" WEST, 91.93'; THENCE SOUTHEASTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 330.00', AN ARC LENGTH OF 203.16' (THE CHORD BEARS SOUTH 73° 23' 38" EAST, AND MEASURES 199.97'); THENCE NORTH 88° 58' 10" EAST, 41.98'; THENCE NORTHEASTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00', AN ARC LENGTH OF 36.85' (THE CHORD BEARS NORTH 46° 44' 47" EAST, AND MEASURES 33.60'); THENCE NORTHEASTWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 440.00', AN ARC LENGTH OF 179.79' (THE CHORD BEARS NORTH 16° 13' 44" EAST, AND MEASURES 178.54'); THENCE NORTH 27° 56' 04" EAST, 112.11'; THENCE NORTHEASTWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 420.00', AN ARC LENGTH OF 289.08' (THE CHORD BEARS NORTH 47° 39' 10" EAST, AND MEASURES 283.41'); THENCE NORTHEASTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00', AN ARC LENGTH OF 36.74' (THE CHORD BEARS NORTH 25° 16' 22" EAST, AND MEASURES 33.52'); THENCE NORTH 73° 09' 02" EAST, 40.00'; THENCE SOUTHEASTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00', AN ARC LENGTH OF 35.82' (THE CHORD BEARS SOUTH 57° 52' 32" EAST, AND MEASURES 32.84'); THENCE NORTH 81° 04' 27" EAST, 179.73'; THENCE SOUTH 0° 00' 00" EAST, 80.00'; THENCE NORTH 85° 36' 13" WEST, 148.71'; THENCE SOUTHWESTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00', AN ARC LENGTH OF 54.05' (THE CHORD BEARS SOUTH 32° 27' 41" WEST, AND MEASURES 44.12'); THENCE SOUTH 60° 31' 35" WEST, 40.00'; THENCE SOUTHEASTWARDLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 220.00', AN ARC LENGTH OF 27.10' (THE CHORD BEARS SOUTH 33° 00' 09" EAST, AND MEASURES 27.08'); THENCE SOUTHWARDLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00', AN ARC LENGTH OF 42.54' (THE CHORD BEARS SOUTH 4° 05' 40" WEST, AND MEASURES 39.07'); THENCE SOUTH 44° 43' 12" WEST, 12.05'; THENCE NORTH 45° 16' 48" WEST, 98.47'; THENCE RUN SOUTHWESTWARDLY ALONG

A CURVE TO THE LEFT, HAVING A RADIUS OF 360.00', AN ARC LENGTH OF 205.04' (THE CHORD BEARS SOUTH 44° 15' 05" WEST, AND MEASURES 202.28'); THENCE SOUTH 27° 56' 04" WEST, 112.11'; THENCE SOUTH 18° 46' 00" WEST, 121.09'; THENCE SOUTH 31° 56' 04" EAST, 226.51'; THENCE SOUTH 42° 08' 42" EAST, 102.77'; THENCE SOUTH 26° 48' 38" WEST, 35.76' TO THE POINT OF BEGINNING AND CONTAINING 12.77 ACRES, MORE OR LESS.

3. Phase 3B:

DESCRIPTION OF LIVE OAK VILLAGE, PHASE 3B:

(NOTE: ALL BEARINGS AND DISTANCES IN THIS DESCRIPTION ARE REFERENCED TO THE PLAT OF LIVE OAK VILLAGE - PHASE 3, AS RECORDED ON SLIDE NO. 2314-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA AND THE PLAT OF LIVE OAK VILLAGE - PHASE 3A, AS RECORDED ON SLIDE NO. 2336-C OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA)

BEGINNING AT THE NORTHEAST CORNER OF LOT 92, LIVE OAK VILLAGE - PHASE 3, AS PER PLAT RECORDED ON SLIDE NO. 2314-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF CHARLESTON CIRCLE; THENCE ALONG THE NORTH BOUNDARY OF SAID LIVE OAK VILLAGE - PHASE 3, RUN AS FOLLOWS: S 46° 15' 05" W 247.52 FEET, S 65° 10' 22" W 73.68 FEET, S 89° 57' 17" W 111.48 FEET, N 72° 42' 24" W 55.24 FEET, N 57° 33' 42" W 55.18 FEET TO THE NORTHWEST CORNER OF SAID LIVE OAK VILLAGE - PHASE 3; THENCE ALONG THE WEST BOUNDARY OF SAID LIVE OAK VILLAGE - PHASE 3, RUN S 36° 07' 06" W 153.58 FEET TO A POINT ON THE ARC OF A 410.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTWARDLY; THENCE CONTINUING ALONG SAID WEST BOUNDARY OF LIVE OAK VILLAGE - PHASE 3, RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 8.19 FEET (CHORD BEARS S 54° 27' 14" E AND MEASURES 8.19 FEET) TO A POINT; THENCE CONTINUING ALONG SAID WEST BOUNDARY OF LIVE OAK VILLAGE - PHASE 3, RUN AS FOLLOWS: S 27° 12' 53" W 93.90 FEET; S 55° 27' 35" W 76.67 FEET; S 34° 39' 06" E 130.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF PEACHTREE STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF PEACHTREE STREET, RUN N 89° 58' 08" W 575.36 FEET, MORE OR LESS, TO A POINT; THENCE RUN N 00° 02' 16" E 850.68 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LIVE OAK VILLAGE - PHASE 3A, AS PER PLAT RECORDED ON SLIDE 2336-C OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID LIVE OAK VILLAGE - PHASE 3A, RUN AS FOLLOWS: EAST 111.49 FEET, N 48° 03' 06" E 32.13 FEET, S 80° 32' 55" E 151.49 FEET TO A POINT ON THE ARC OF A 390.00 FOOT CURVE, CONCAVE EASTWARDLY; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF LIVE OAK VILLAGE - PHASE 3A, RUN SOUTHWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 37.58 FEET (CHORD BEARS S 07° 50' 35" W AND MEASURES 37.57 FEET) TO A POINT; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF LIVE OAK VILLAGE - PHASE 3A, RUN AS FOLLOWS: S 84° 55' 03" E 155.00 FEET, N 11° 36' 08" E 53.36 FEET, N

24° 45' 47"E 54.36 FEET, N 37° 04' 07" E 55.48 FEET, N 50° 23' 19" E 205.31 FEET, N 28° 58' 50" E 24.80 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HUDSON ROAD; SAID POINT BEING ON THE ARC OF A 370.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTWARDLY; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF HUDSON ROAD, RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 76.53 FEET (CHORD BEARS S 67° 06' 17" E AND MEASURES 76.39 FEET) TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76° 17' 09" AND A RADIUS OF 25.00 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF HUDSON ROAD, RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 33.29 FEET (CHORD BEARS S 34° 53' 14" E AND MEASURES 30.68 FEET) TO THE P.R.C. OF CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02° 37' 35" AND A RADIUS OF 220.00 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF HUDSON ROAD, RUN SOUTHWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 10.09 FEET (CHORD BEARS S 01° 56' 33" E AND MEASURES 10.08 FEET) TO A POINT; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF LIVE OAK VILLAGE - PHASE 3A, RUN S 83° 02' 15" E 40.27 FEET TO A POINT ON THE ARC OF A 25.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTWARDLY; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF HUDSON ROAD, RUN NORTHEASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 40.92 FEET (CHORD BEARS N 46° 50' 41" E AND MEASURES 36.50 FEET) TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 370.00 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF HUDSON ROAD, RUN EASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 30.74 FEET (CHORD BEARS S 88° 39' 01" E AND MEASURES 30.73 FEET) TO THE P.T. OF SAID CURVE; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF HUDSON ROAD, RUN N 88° 58' 10" E 41.98 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 84° 26' 48" AND A RADIUS OF 25.00 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY OF HUDSON ROAD, RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 36.85 FEET (CHORD BEARS S 48° 48' 26" E AND MEASURES 33.60 FEET) TO THE P.R.C. OF A 440.00 FOOT RADIUS CURVE TO THE LEFT; SAID POINT BEING ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF CHARLESTON CIRCLE; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF CHARLESTON CIRCLE, RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 282.73 FEET (CHORD BEARS S 24° 59' 31" E AND MEASURES 277.69 FEET) TO A POINT ON THE ARC OF A 350.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTWARDLY; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF CHARLESTON CIRCLE, RUN SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 194.79 FEET (CHORD BEARS S 27° 27' 23" E AND MEASURES 192.28 FEET) TO THE END OF SAID CURVE; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF CHARLESTON CIRCLE, RUN S 11° 24' 21" E 87.57 FEET TO THE POINT OF BEGINNING. CONTAINING 19.039 ACRES, MORE OR LESS.