

BALDWIN COUNTY, ALABAMA  
TIM RUSSELL, PROBATE JUDGE  
Filed/cert. 6/29/2017 10:23 AM  
TOTAL \$ 91.00  
27 Pages

1641351



**FIFTH AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
OF  
SEA PINES OF BON SECOUR,  
A CONDOMINIUM**

This Instrument is prepared by:

Matthew B. Hall, Esq.  
The Hall Law Firm, LLC  
32328 Wildflower Trail  
Spanish Fort, AL 36527

STATE OF ALABAMA     )  
COUNTY OF BALDWIN    )

**FIFTH AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
OF  
SEA PINES OF BON SECOUR, A CONDOMINIUM**

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THIS FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF SEA PINES OF BON SECOUR, A CONDOMINIUM (this "Amendment") is made as of the 21<sup>st</sup> day of June, 2017, by FOLEY INVESTMENT PARTNERS, LLC, an Ohio Limited Liability Company ("Foley Investment Partners").

**WITNESSETH:**

WHEREAS, on September 27, 2007, Sea Pines, LLC, an Alabama limited liability company (the "Declarant"), caused to be recorded in the office of the Judge of Probate of Baldwin County, Alabama, that instrument number 1076903, the Declaration of Condominium of Sea Pines at Bon Secour, a condominium (the "Declaration"), to create sea Pines at Bon Secour, a condominium (the "Condominium"), and;

WHEREAS, in article 5.04 of the declaration, the declarant reserved a special declarant right to add additional phases to the condominium; and,

WHEREAS, on February 14, 2008, the declarant caused to be filed in the office of the judge of probate of Baldwin county, Alabama, at instrument number 1100021, a first amendment to the declaration of condominium Sea Pines at Bon Secour, a Condominium (the "First Amendment to the Declaration") to add another additional phase to the condominium pursuant to Article 5.04 of the declaration, and;

WHEREAS, on April 23, 2008, the Declarant caused to be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, at Instrument Number 1112215, a Second Amendment to Declaration of Condominium of Sea Pines at Bon Secour, a Condominium (the "Second Amendment to the Declaration"), to add another additional phase to the Condominium pursuant to Article 5.04 of the Declaration, and;

WHEREAS, the Declarant defaulted on its loan for the Condominium and Cadence Bank, N.A., a national banking association, as successor by way of merger to Superior Bank, National Association, a national banking association foreclosed upon the Condominium on February 8, 2013, and Wilcox Investment Group, LLC purchased the Condominium at said foreclosure sale and received a Mortgage Foreclosure Deed dated February 8, 2013 which was recorded in the

and received a Mortgage Foreclosure Deed dated February 8, 2013 which was recorded in the Office of the Judge of Probate of Baldwin County, Alabama, at Instrument Number 1382164; and,

WHEREAS, Article 18.01 of the Declaration provides that the rights and powers reserved to or exercisable by the Developer under the Condominium Documents or the Act may be exercised by any successor assignee of the Developer (i) who acquires title from the Developer by foreclosure or other judicial sale or deed in lieu of foreclosure, or (ii) to whom the Developer specifically assigns such rights and powers; and,

WHEREAS, Code of Alabama § 35-8A-304 (1975) provides for the transfer of special declarant rights; and,

WHEREAS, Cadence Bank, N.A., a national banking association, transferred the special declarant rights set forth in the Declaration to Wilcox Investment Group, LLC by that said Mortgage Foreclosure Deed; and,

WHEREAS, Wilcox Investment Group, LLC, transferred the special declarant rights to Foley Investment Partners pursuant to Code of Alabama 35-8A-304(e)(4) by that certain Declaration of Intention, Quitclaim Deed, Assignment and Bill of Sale of Special Declarant Rights recorded in the Office of the Judge of Probate of Baldwin County, Alabama at Instrument Number 1427325; and,

WHEREAS, on January 16, 2015, the Declarant caused to be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, at Instrument Number 1494641, a Fourth Amendment to Declaration of Condominium of Sea Pines at Bon Secour, a Condominium (the "Fourth Amendment to the Declaration"), to add another additional phase to the Condominium pursuant to Article 5.04 of the Declaration, and;

WHEREAS, Foley Investment Partners now desires to exercise its special declarant rights under Article 5.04 of the Declaration to contribute another additional phase to the Condominium; and,

WHEREAS, Article 15.01(D) of the Declaration authorizes Foley Investment Partners as the successor declarant to amend the Declaration without the consent of the owners to cause additional phases to be made a part of the Condominium in accordance with Article 5.04; and,

NOW, THEREFORE, Foley Investment Partners does hereby amend the Declaration pursuant to Articles 5.04 and 15.01 in the following and no others:

- A. Exhibit "A" to the Declaration, as amended, shall be deleted in its entirety and there shall be inserted in lieu thereof the Exhibit "A" which is attached hereto.

- B. Exhibit "A-1" to the Declaration, as amended, shall be deleted in its entirety and there shall be inserted in lieu thereof the Exhibit "A-1" which is attached hereto.
- C. Exhibit "C" to the Declaration, as amended, shall be supplemented by the addition of the information set forth in Exhibit "C" which is attached hereto.
- D. There shall be added to the Declarations at the end thereof Exhibit "D" which is attached hereto.

IN WITNESS WHEREOF, Foley Investment Partners, LLC, has caused these presents to be executed on its behalf by its duly authorized Manager on the day and year first above written.

FOLEY INVESTMENT PARTNERS, LLC


By:   
James C. Wilcox

STATE OF ILLINOIS  
COUNTY OF COOK

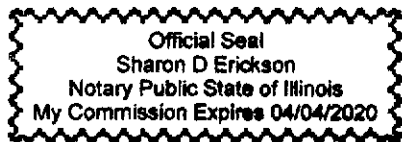
I, the undersigned notary public in and for said state and county, hereby certify that James C. Wilcox, whose name as Manager of Foley Investment Partners, LLC, an Ohio limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such Manager and with full authority, executed the same voluntarily on the day set forth below.

Given under my hand and seal this 21<sup>ST</sup> day of JUNE, 2017.

[NOTARY SEAL]

  
NOTARY PUBLIC

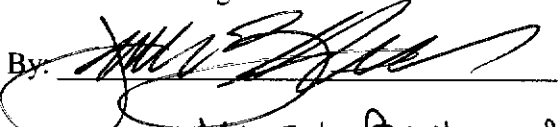
My commission expires: 04/04/2020



**CONSENT OF MORTGAGEE**

This Fifth Amendment to Declaration of Condominium of Sea Pines at Bon Secour, a Condominium, is consented to and acknowledged by CFBank, National Association, a national banking association, as mortgagee.

CFBank, National Association,  
a national banking association.

By:   
Print name: JAMES L. BANDEEN  
Title: Vice President

STATE OF OHIO  
COUNTY OF FRANKLIN

I, the undersigned notary public in and for said state and county, hereby certify that JAMES L. BANDEEN whose name as Vice President of to CFBank, National Association, a national banking association, 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/Vice President and with full authority, executed the same voluntarily for and as the act of said association on the day set forth below.

Given under my hand and seal this 23<sup>rd</sup> day of June, 2017.

[NOTARY SEAL]



*AMANDA BOYD-RICE*  
Notary Public, State of Ohio  
My Commission Expires *01-11-2022*

  
NOTARY PUBLIC

My commission expires: *01-11-2022*

**EXHIBIT "A"**

**TO**

**FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF  
SEA PINES AT BON SECOUR, A CONDOMINIUM**

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**REAL PROPERTY DESCRIPTION**

THOSE CERTAIN PARCELS OF REAL PROPERTY LOCATED IN BALDWIN COUNTY,  
ALABAMA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A. BUILDING UNIT #1

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 462.89 FEET TO A POINT; THENCE RUN SOUTH 00°08'03" WEST A DISTANCE OF 31.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°08'03" WEST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN NORTH 89°51 '57" WEST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN NORTH 00°08'03" EAST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN SOUTH 89°51 '57" EAST A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

B. BUILDING UNIT #4

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 286.23 FEET TO A POINT; THENCE RUN SOUTH 90°00'00"

WEST A DISTANCE OF 248.13 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°00'00" EAST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN NORTH 90°00'00" WEST A DISTANCE OF 120.00 FEET TO A POINT; THENCE RUN NORTH 00°00'00" EAST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN NORTH 90°00'00" EAST A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

C. BUILDING UNIT #13

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE RUN SOUTH 00°00'00" EAST A DISTANCE OF 997.72 FEET TO A POINT; THENCE RUN NORTH 90°00'00" EAST A DISTANCE OF 92.37 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 44°01'38" EAST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN SOUTH 45°58'22" EAST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN SOUTH 44°01'38" WEST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN NORTH 45°58'22" WEST A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

D. BUILDING UNIT #1700

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 505.02 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 22.15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A

DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 140.00 FEET TO A POINT; THENCE NORTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" WEST A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

E. BUILDING UNIT #1900

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 369.31 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 22.15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 140.00 FEET TO A POINT; THENCE NORTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" WEST A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

F. BUILDING UNIT #2000

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 231.45 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 22.15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 140.00 FEET TO A POINT; THENCE NORTH 00°00'00"



EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00"  
WEST A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

G. BUILDING UNIT #21

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 620.96 FEET TO A POINT; THENCE RUN SOUTH 00°08'03" WEST A DISTANCE OF 30.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°08'03" WEST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN NORTH 89°51 '57" WEST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN NORTH 00°08'03" EAST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN SOUTH 89°51 '57" EAST A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

H. COMMON AREA/CLUB HOUSE

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 462.89 FEET TO A POINT; THENCE RUN SOUTH 00°08'03" WEST A DISTANCE OF 219.03 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 41°48'46" EAST A DISTANCE OF 123.17 FEET TO A POINT; THENCE RUN SOUTH 48°11'14" WEST A DISTANCE OF 83.16 FEET TO A POINT; THENCE RUN NORTH 41°48'46" WEST A DISTANCE OF 123.17 FEET TO A POINT; THENCE RUN NORTH 48°11'14" EAST A DISTANCE OF 83.16 FEET TO THE POINT OF BEGINNING.

- I. TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND PEDESTRIAN PASSAGE OVER ALL ROADWAYS, DRIVEWAYS, GRASSED, AND LANDSCAPED AREAS LOCATED ON THE FOLLOWING DESCRIBED REAL PROPERTY:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10 AND THE POINT OF BEGINNING; THENCE RUN NORTH 89°40'36 11 WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE RUN SOUTH A DISTANCE OF 1296.04 FEET TO A POINT; THENCE RUN NORTH 89°50'12" EAST A DISTANCE OF 754.18 FEET TO A POINT; THENCE RUN NORTH 00°19'12" WEST A DISTANCE OF 1289.68 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "A-1"**

**TO**

**FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF  
SEA PINES AT BON SECOUR, A CONDOMINIUM**

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THE ADDITIONAL LAND CONSISTS OF THE FOLLOWING PARCELS OF REAL PROPERTY:

A. 22.28 ACRE PARCEL:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, THENCE NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED: THENCE NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 1296.04 FEET TO A POINT; THENCE NORTH 89°50'12" EAST A DISTANCE OF 754.18 FEET TO A POINT; THENCE NORTH 00°19' 12" WEST A DISTANCE OF 1289.68 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS OF PROPERTY:

BUILDING UNIT #1

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 462.89 FEET TO A POINT; THENCE RUN SOUTH 00°08'03" WEST A DISTANCE OF 31.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE

SOUTH 00°08'03" WEST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN NORTH 89°51'57" WEST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN NORTH 00°08'03" EAST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN SOUTH 89°51'57" EAST A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

BUILDING UNIT #4

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 286.23 FEET TO A POINT; THENCE RUN SOUTH 90°00'00" WEST A DISTANCE OF 248.13 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°00'00" EAST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN NORTH 90°00'00" WEST A DISTANCE OF 120.00 FEET TO A POINT; THENCE RUN NORTH 00°00'00" EAST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN NORTH 90°00'00" EAST A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

BUILDING UNIT #13

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE RUN SOUTH 00°00'00" EAST A DISTANCE OF 997.72 FEET TO A POINT; THENCE RUN NORTH 90°00'00" EAST A DISTANCE OF 92.37 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 44°01'38" EAST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN SOUTH 45°58'22" EAST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN SOUTH 44°01'38" WEST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN NORTH 45°58'22" WEST A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

BUILDING UNIT #1700

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 505.02 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 22.15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 140.00 FEET TO A POINT; THENCE NORTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" WEST A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

BUILDING UNIT #1900

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 369.31 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 22.15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 140.00 FEET TO A POINT; THENCE NORTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" WEST A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

BUILDING UNIT #2000

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE

OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'36" WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 746.98 FEET TO A POINT; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 231.45 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 22.15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" EAST A DISTANCE OF 140.00 FEET TO A POINT; THENCE NORTH 00°00'00" EAST A DISTANCE OF 96.00 FEET TO A POINT; THENCE NORTH 90°00'00" WEST A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

BUILDING UNIT #21

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'156" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'12" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'3611 WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 620.96 FEET TO A POINT; THENCE RUN SOUTH 00°08'0311 WEST A DISTANCE OF 30.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°08'0311 WEST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN NORTH 89°51 '57" WEST A DISTANCE OF 92.00 FEET TO A POINT; THENCE RUN NORTH 00°08'0311 EAST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN SOUTH 89°51 '57" EAST A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING.

COMMON AREA/CLUB HOUSE

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°40'56" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 649.83 FEET TO A POINT; THENCE RUN SOUTH 00°19'1211 EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF COUNTY HIGHWAY 10; THENCE RUN NORTH 89°40'3611 WEST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 462.89 FEET TO A POINT; THENCE RUN SOUTH 00°08'0311 WEST A DISTANCE OF 219.03

FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH  $41^{\circ}48'46.11$   
EAST A DISTANCE OF 123.17 FEET TO A POINT; THENCE RUN SOUTH  
 $48^{\circ}11'14''$  WEST A DISTANCE OF 83.16 FEET TO A POINT; THENCE RUN  
NORTH  $41^{\circ}48'46''$  WEST A DISTANCE OF 123.17 FEET TO A POINT;  
THENCE RUN NORTH  $48^{\circ}11'14.11$  EAST A DISTANCE OF 83.16 FEET  
TO THE POINT OF BEGINNING.

**EXHIBIT "C"**

**TO**

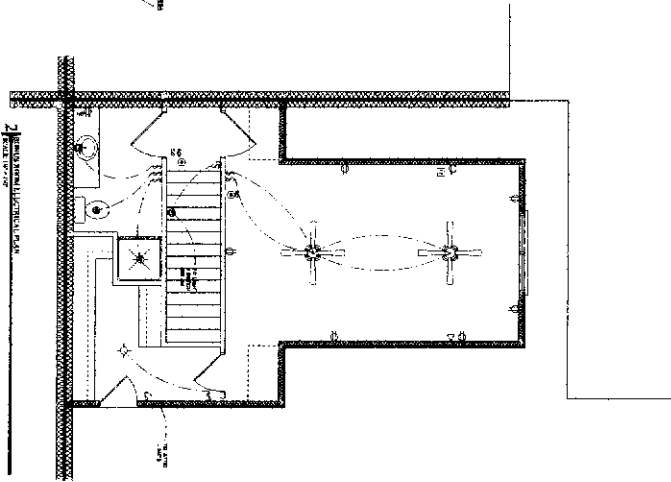
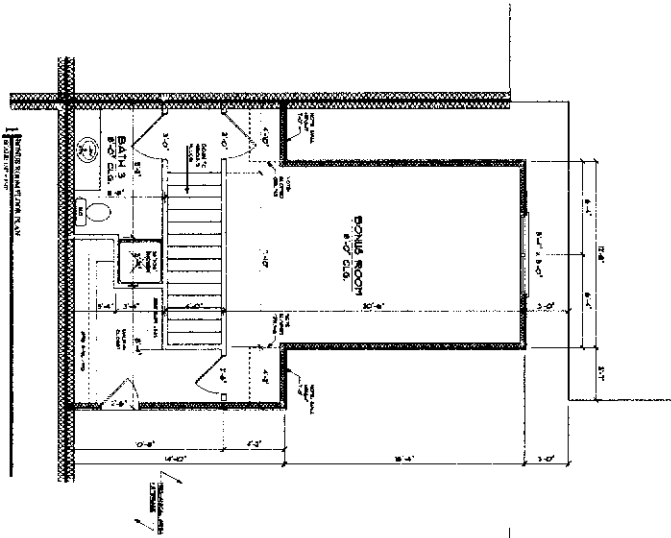
**FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF  
SEA PINES AT BON SECOUR, A CONDOMINIUM**

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**PLANS AND PLAT**







1 BONUS ROOM FLOOR PLAN  
2 BONUS ROOM LIVING AREA PLAN  
3 BONUS ROOM GARAGE PLAN

NAME	AREA
Living Area	198 sq ft
Garage/Storage	55 sq ft
Front Porch	45 sq ft
Total Under Roof	300 sq ft

TOTAL SQUARE FOOTAGE

NAME	AREA
Living Area	180 sq ft
Garage/Storage	55 sq ft
Front Porch	64 sq ft
Total Under Roof	300 sq ft

UNIT 102 SQUARE FOOTAGE

NAME	AREA
Living Area	180 sq ft
Garage/Storage	55 sq ft
Front Porch	64 sq ft
Total Under Roof	300 sq ft

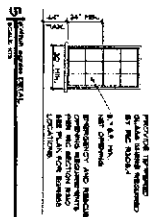
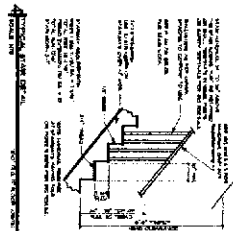
UNIT 101 SQUARE FOOTAGE

NAME	AREA
Living Area	180 sq ft
Bonus Room	96 sq ft
Total Living Area	276 sq ft
Garage/Storage	55 sq ft
Front Porch	64 sq ft
Total Under Roof	395 sq ft

UNIT 102 SQUARE FOOTAGE

NAME	AREA
Living Area	180 sq ft
Garage/Storage	55 sq ft
Front Porch	64 sq ft
Total Under Roof	300 sq ft

UNIT 101 SQUARE FOOTAGE



CUSTOM HOME PLANS  
OF NORTHWEST FLORIDA  
DILWORTH DEVELOPMENT

DRAWN BY: BEN SEVCK

SCALE: 1/4"=1'-0"

SHEET NUMBER: A-2

DATE: 3-9-2011

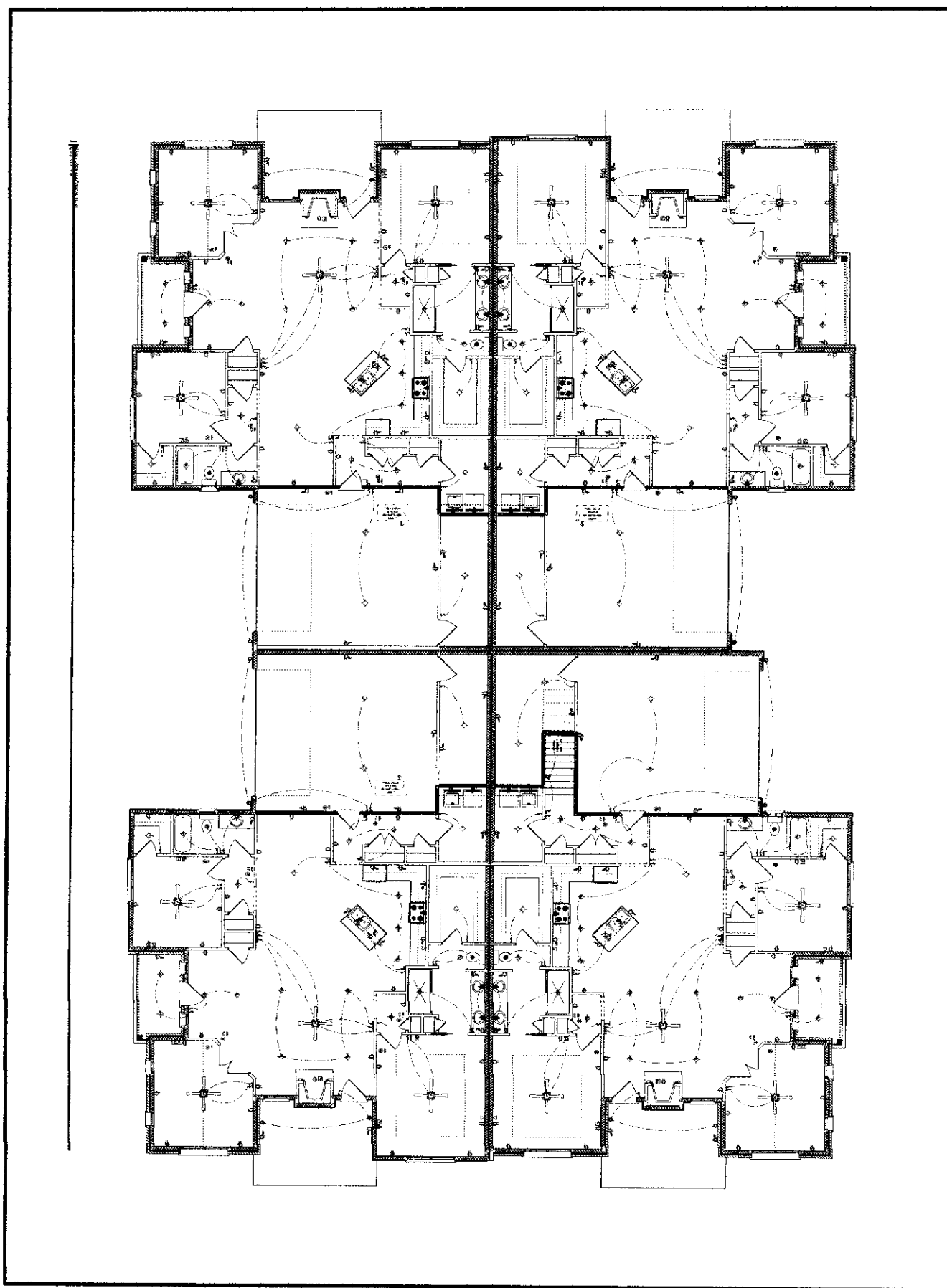
PROJECT NO: A-345920

DESCRIPTION: BONUS ROOM PLAN

CUSTOM HOME PLANS OF NORTHWEST FLORIDA  
ARE NOT RESPONSIBLE OR LIABLE  
FOR THESE PLANS AFTER CONSTRUCTION HAS BEGUN  
AND OR HAS FINISHED.

ALL DOCUMENTS PROVIDED  
BY CUSTOMER ARE THE PROPERTY  
OF NORTHWEST FLORIDA  
AND CANNOT BE REPRODUCED  
WITHOUT WRITTEN PERMISSION.

REVISIONS:  
DATE REVISION:  
DRAWN BY:

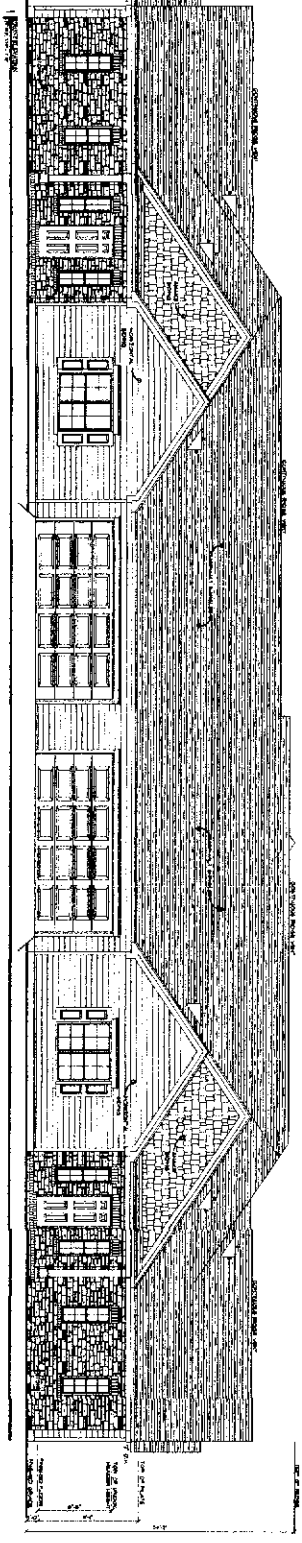
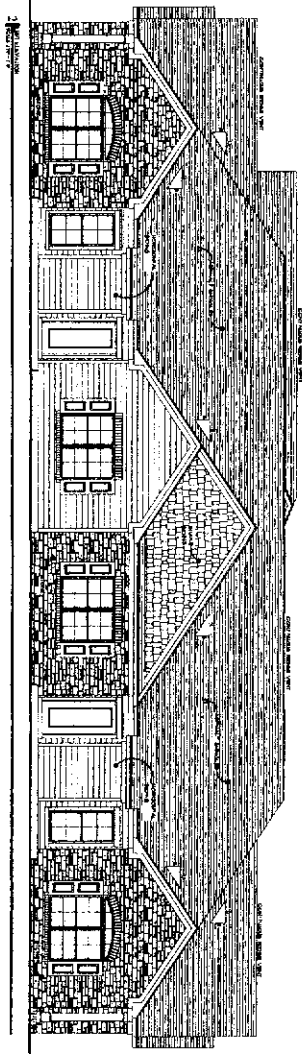
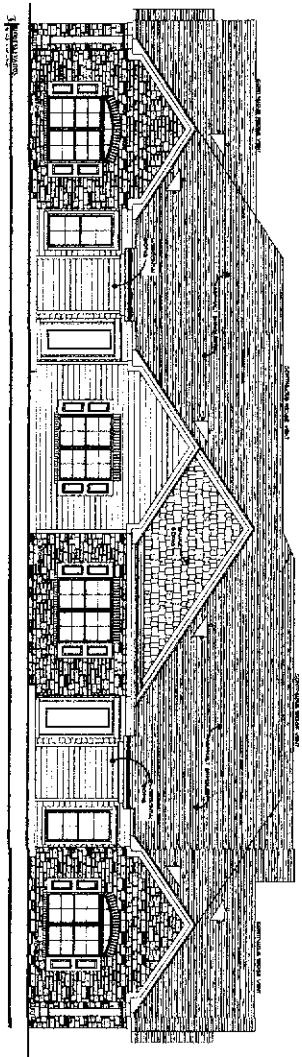
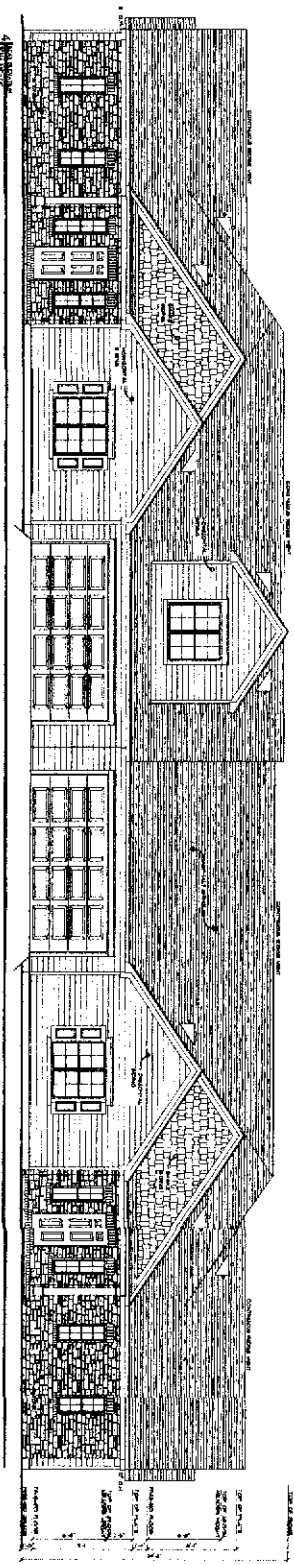


CUSTOM HOME PLANS  
 OF NORTHWEST FLORIDA  
 DILWORTH DEVELOPMENT

DRAWN BY: BEN SEVICK  
 SCALE: 3/16"=1'-0"  
 SHEET NUMBER: 4-6  
 DATE: 3-8-2011  
 PROJECT NO: A-349830

**DESCRIPTION: ELECTRICAL PLAN**  
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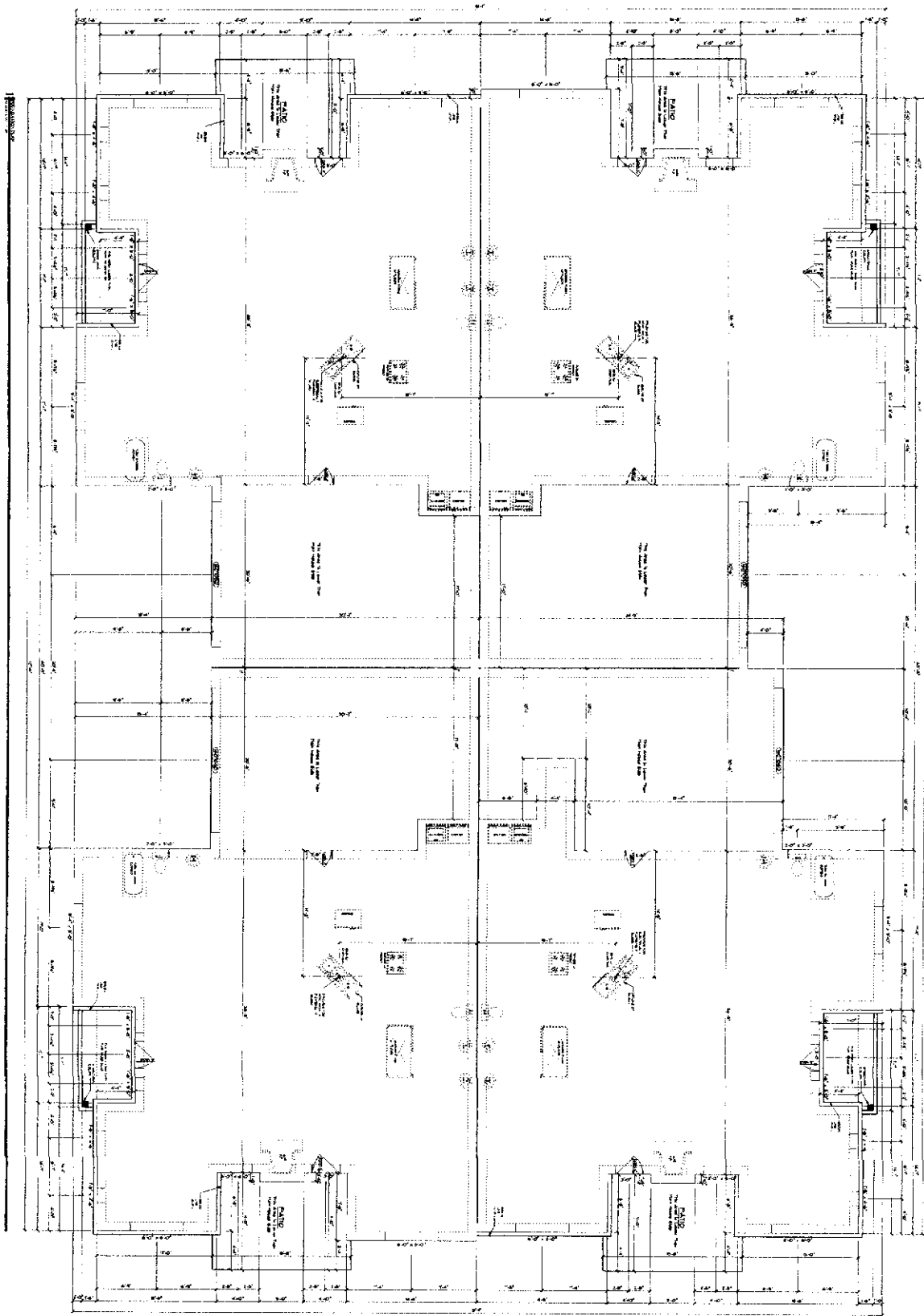


CUSTOM HOME PLANS  
 OF NORTHWEST FLORIDA  
 DILWORTH DEVELOPMENT

DRAWN BY: BEN SEVICK  
 SCALE: 3/16"=1'-0"  
 SHEET NUMBER: A-3  
 DATE: 3-9-2011  
 PROJECT NO.: A-349620

**DESCRIPTION: ELEVATIONS**  
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 AND OR HAS FINISHED.

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 NORTHWEST FLORIDA  
 ARE CONTAINED HERE AND  
 REPRODUCED WITHOUT  
 WRITTEN PERMISSION.



DRAWN BY: BEN SEVICK  
 CHECKED BY: BEN SEVICK  
 DATE: 3-8-2011

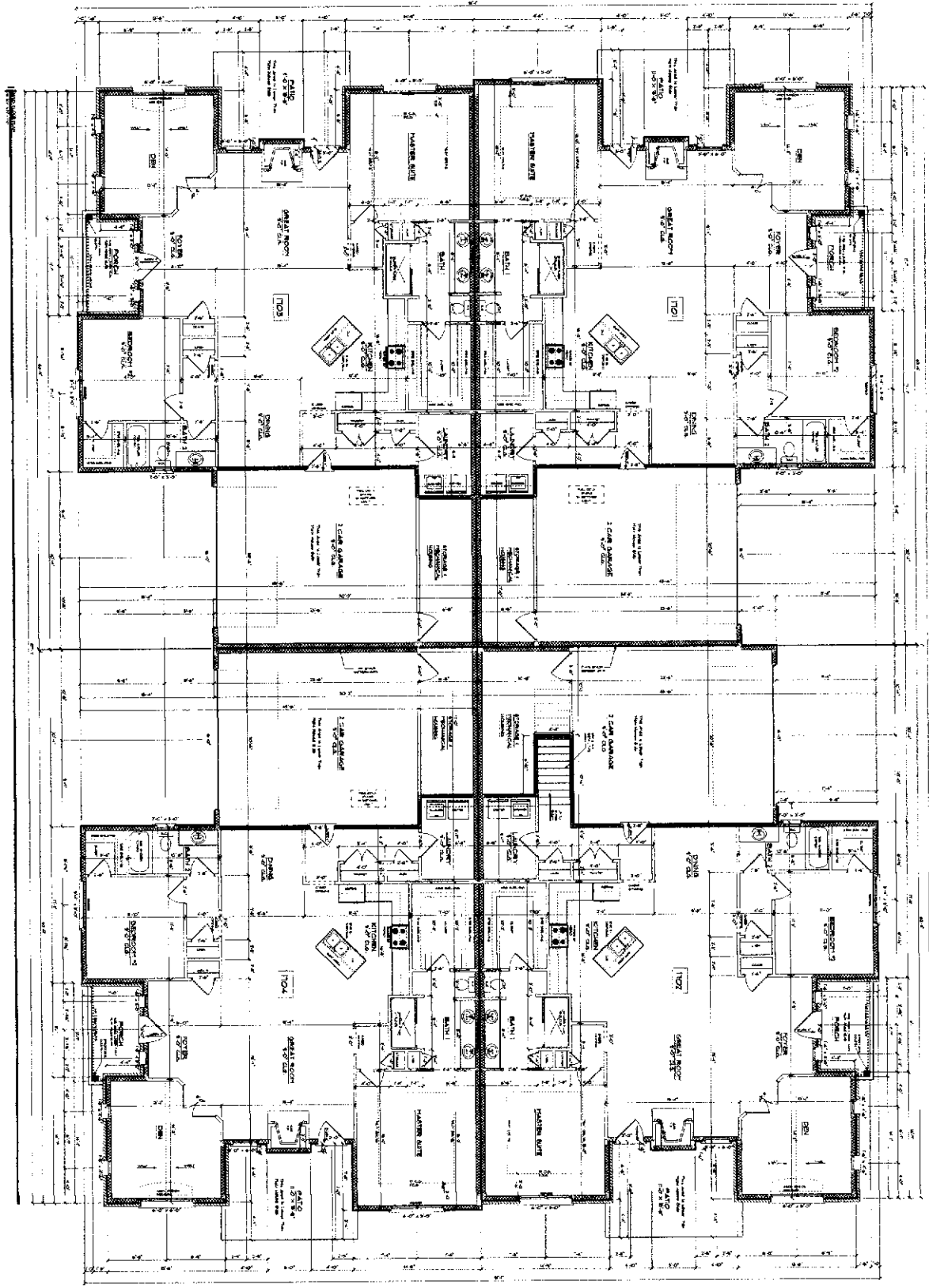
**CUSTOM HOME PLANS  
 OF NORTHWEST FLORIDA**  
 DILLWORTH DEVELOPMENT

DRAWN BY: BEN SEVICK  
 SCALE: 3/16"=1'-0"  
 SHEET NUMBER: A-4  
 DATE: 3-8-2011  
 PROJECT NO.: A-345920

**DESCRIPTION: FOUNDATION PLAN**  
 CUSTOM HOME PLANS OF NORTHWEST FLORIDA  
 ARE NOT RESPONSIBLE OR LIABLE  
 FOR THESE PLANS AFTER CONSTRUCTION HAS BEGUN  
 AND OR HAS FINISHED.



ALL DIMENSIONS PROVIDED  
 FOR CONSTRUCTION  
 AND CONSULTANTS AND  
 ARE NOT TO BE  
 USED FOR PERMITS  
 WITHOUT PERMISSION



REVIEWED BY:  
DATE REVIEWED:  
OTHER NOTES:

**CUSTOM HOME PLANS  
OF NORTHWEST FLORIDA  
DILWORTH DEVELOPMENT**

DRAWN BY: BEN SEVCK  
SCALE: 3/16" = 1'-0"  
SHEET NUMBER: A-1  
DATE: 3-8-2011  
PROJECT NO: A-348520

**DESCRIPTION: FLOOR PLANS**  
CUSTOM HOME PLANS OF NORTHWEST FLORIDA  
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FOR THESE PLANS AFTER CONSTRUCTION HAS BEGUN  
AND OR HAS FINISHED.

ALL DOCUMENTS PROVIDED  
BY CUSTOM HOME PLANS  
OF NORTHWEST FLORIDA  
ARE NOT TO BE  
REPRODUCED WITHOUT  
WRITTEN PERMISSION.

**CERTIFICATION OF PLANS**

**AND**

**CERTIFICATE OF SUBSTANTIAL COMPLETION**

I, the undersigned, MATTHEW Johnson independent registered engineer in the State of Alabama, Registration Number 28737, pursuant to Ala. Code § 35-8A-209 (1975), as amended, hereby certify the plans recorded contemporaneously with this certification in the Office of the Judge of Probate of Baldwin County, Alabama, and made a part of the Declaration of Condominium of Sea Pines at Bon Secour, a Condominium, (i) contain all of the information required by Ala. Code § 35-8A-209 (1975), and (ii) show the layout, unit numbers and dimensions of the units and the improvements.

I hereby further certify (i) that the units shown on the plans made a part hereof, that are additional to the units shown on the plans that are made a part of the Declaration of Condominium of Sea Pines at Bon Secour, a Condominium, and all previous amendments (specifically units 1901, 1902, 1903, 1904, 2000, 2001, 2002, 2003, 2004 [the "subject units"]), are substantially complete and constructed in general accordance with the plans, and (ii) that all structural components and mechanical systems of all buildings containing or comprising the subject units are substantially complete and constructed in accordance with the plans.

Dated this 28<sup>th</sup> of JUNE, 2017.

By: [Signature]  
Engineer

License Number 28737

State Registered ALABAMA

STATE OF ALABAMA

COUNTY OF Baldwin

Given under my hand and seal this 28 day of JUNE, 2017.

[NOTARY SEAL]

[Signature]  
NOTARY PUBLIC

My commission expires: 4/20/20

FLOOD CERTIFICATION

I, the undersigned, LAWRENCE A. WILSON an independent registered engineer in the State of Alabama, Registration Number 27036, pursuant to Ala. Code § 35-8A-209 (1975), as amended, hereby certify that the condominium property is located in Flood Zone X and Flood Zone AE as reflected on the plat for Sea Pines at Bon Secour, a Condominium, recorded contemporaneously with this certification in the Office of the Judge of Probate of Baldwin County, Alabama, and as reflected on the Federal Emergency Management Agency's Flood Insurance Rate Map, Community Panel No. 01003C0933L, revised July 17, 2007.

Dated this 21<sup>st</sup> DAY of JUNE, 2017.  
By [Signature]  
engineer  
Engineer Number 27036  
License Number N/A

STATE OF Alabama  
COUNTY OF Baldwin

Given under my hand and seal this 23 day of JUNE, 2017.

[NOTARY SEAL] [Signature]  
NOTARY PUBLIC

My commission expires:

KELSIA ROBB  
Notary Public, Alabama State At Large  
My Commission Expires Sept. 16, 2019



THOSE CERTAIN PARCELS OF REAL PROPERTY DESCRIBED ON EXHIBIT "A" AND EXHIBIT "A-1" ARE SUBJECT TO THE FOLLOWING DEVELOPMENT RIGHTS AS DESCRIBED IN DETAIL IN THE DECLARATION:

- (I) TO ADD THE PARCELS OF REAL PROPERTY DESCRIBED ON EXHIBIT "A-1" TO THE CONDOMINIUM.
- (II) TO CREATE UNITS, COMMON ELEMENTS, OR LIMITED COMMON ELEMENTS WITHIN THE CONDOMINIUM.
- (III) TO MAINTAIN OFFICES, SIGNS ADVERTISING THE CONDOMINIUM, AND MODELS.
- (IV) TO USE EASEMENTS THROUGH THE COMMON ELEMENTS FOR THE PURPOSE OF MAKING IMPROVEMENTS WITHIN THE CONDOMINIUM OR WITHIN REAL ESTATE WHICH MAY BE ADDED TO THE CONDOMINIUM.
- (V) ALL OTHER SPECIAL DEVELOPMENT RIGHTS SET FORTH IN ARTICLE V OF THE DECLARATION.

**EXHIBIT "D"**

**TO**

**FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF  
SEA PINES AT BON SECOUR, A CONDOMINIUM**

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**UNDIVIDED INTEREST IN COMMON ELEMENTS  
AND LIABILITY FOR EXPENSES**

UNIT NUMBER		TOTAL NUMBER OF CONDOMINIUM UNITS	OWNERSHIP PERCENTAGE
101	1	28	3.57
102	1	28	3.57
103	1	28	3.57
104	1	28	3.57
401	1	28	3.57
402	1	28	3.57
403	1	28	3.57
404	1	28	3.57
1401	1	28	3.57
1402	1	28	3.57
1403	1	28	3.57
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1703	1	28	3.57
1704	1	28	3.57
1901	1	28	3.57
1902	1	28	3.57
1903	1	28	3.57
1904	1	28	3.57
2001	1	28	3.57
2002	1	28	3.57
2003	1	28	3.57
2004	1	28	3.57
2101	1	28	3.57
2102	1	28	3.57

2103	1	28	3.57
2104	1	28	3.57