

AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR ROCK CREEK, A PLANNED UNIT DEVELOPMENT

This Amendment, made this 31st day of March, 2003 by Rock Creek Property Owners Association, Inc. pursuant to Article XVII of the Declaration of Covenants, Conditions and Restrictions for Rock Creek, a Planned Unit Development, recorded in Miscellaneous Book 74, Pages 433 through 487 (the "Declaration") and amended by instruments recorded in Miscellaneous Book 75, Pages 1847 through 1956, Miscellaneous Book 76, Pages 73 through 81, Miscellaneous Book 78, Pages 389 through 398, Miscellaneous Book 82, Pages 1538 through 1546, Miscellaneous Book 86, Pages 343 through 351, and Miscellaneous Book 91, Pages 299 through 30. (All recording references refer to the Real Property Records of the Office of the Judge of Probate, Baldwin County, Alabama.)

Section 7.13 of the Declaration is amended to read in its entirety:

see page
24

Section 7.13 Fences, Walls, Hedges and Ornamental Structures.

No fence, wall, hedge, ornamental structure, or gazebo shall be located or constructed on and LOT without the prior written approval of the ARCHITECTURAL COMMITTEE. No fence, wall, hedge, ornamental structure, or gazebo shall be over six (6) feet in height nor be located nearer the front property line of any LOT than the front of the dwelling on such LOT without the written approval of the ARCHITECTURAL COMMITTEE. No chain link fence may be constructed on any LOT. As to fences on any LOT line or COMMON AREA property line abutting the Golf Course or GOLF CLUB or the Lake shown as COMMON AREA No. 25 on the Phase Four Plat, there shall be permitted only natural growing hedges or wrought iron-style fencing approved by the ARCHITECTURAL COMMITTEE and not exceeding four (4) feet in height from the ground. No dog runs, animal pens, or fences of any kind shall be permitted on any lot without the prior written approval of the ARCHITECTURAL COMMITTEE. The ASSOCIATION shall have the right to enter upon any LOT and trim or prune, at the expense of the owner, any hedge or other planting which, by reason of its location upon the LOT or the height to which it is permitted to grow, in the opinion of the ASSOCIATION unreasonably detrimental to the adjoining property or obscures the view of road traffic or is unattractive in appearance; provided, however, that the owner shall be given fifteen (15) days prior written notice of such action. All PROPERTY located at street intersections shall be landscaped to permit safe sight across the street corners.

723895

732212

Section 7.27, first sentence, of the Declaration is amended to read as follows:

Instrument 732212 Page 2 of 4

see page
26

No exterior antennas, aerials, towers or other apparatus, or support thereof, for the reception or transmission of television, radio or other signals of any kind shall be

Instrument 723895 Page 3 of 3

(12)

08/12/2004 13:02 #020 P.003

1 251 928 6811

From: PRESTIGE REALTY, LLC

erected, installed, placed, allowed or maintained upon any portion of the PROPERTY, except that one satellite dish of no more than 24" in diameter may be installed.

Section 11.3 of the Declaration is amended to read in its entirety as follows:

Section 11.3 Computation of Assessments.

It shall be the duty of the BOARD to prepare a budget covering the estimated cost of operating the ASSOCIATION during the coming year, which shall include a capital contribution or reserve in accordance with a capital budget separately prepared. The BOARD shall cause the budget and the assessments to be levied against each LOT for the following year to be delivered to each MEMBER at least thirty (30) days prior to the end of the current fiscal year. The budget shall take effect if approved by the MEMBERS at the annual meeting or a special meeting duly called at which a quorum is present.

See page 34

See page 34

Section 11.4, Part B of the Declaration is deleted in its entirety.

See page 35

Section 11.5 of the Declaration is amended to read in its entirety as follows:

Section 11.5 Special Assessments for Capital Improvements Upon Common Area.

In addition to the annual and special ASSESSMENTS authorized by this DECLARATION, the ASSOCIATION may levy, in any ASSESSMENT year, a special ASSESSMENT applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the COMMON AREA, including fixtures and personal property related thereto, provided that any such ASSESSMENT shall have the approval of the MEMBERS at a meeting duly called for the purpose at which a quorum is present.

See page 35

Section 11.6 of the Declaration is amended to read in its entirety as follows:

Section 11.6 Notice For Any Action Authorized Under Sections 11.3, 11.4 and 11.5 Above.

Written notice of any meeting called for the purpose of taking any action authorized under Sections 11.3, 11.4, and 11.5 above shall be sent to all MEMBERS not less than thirty (30) days and no more than sixty (60) days in advance of the meeting.

Article XVII, second paragraph, of the Declaration is amended to read in its entirety as follows:

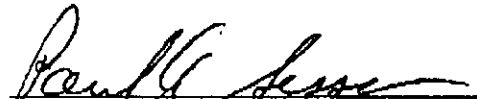
In addition to the above, this DECLARATION may be amended by a vote of the MEMBERS at a meeting duly noticed and called for the purpose at which a quorum is present in person or by proxy. Amendments to this DECLARATION

See page 43

123

shall become effective upon recordation in the Baldwin County, Alabama, Probate Records, unless a later effective date is specified therein.

I, Paul Sessa, the duly elected President of Rock Creek Property Owners Association, Inc. certify that the amendments set forth in the foregoing Amendment were adopted by Rock Creek Property Owners Association, Inc. pursuant to vote of a majority of the members of the Association as required by Article XVII of the Declaration.


Paul Sessa, President

ATTEST:


Henry Cassity, Secretary

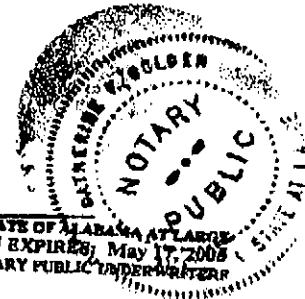
STATE OF ALABAMA

COUNTY OF BALDWIN

I, the undersigned authority, a Notary Public in and for Baldwin County, Alabama, hereby certify that Paul Sessa, whose name as President of Rock Creek Property Owners Association, Inc. 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 within instrument, he as such officer and with full authority executed the foregoing on the day the same bears date.

Given under my hand and seal on this the 31st day of March 2003.


NOTARY PUBLIC
My commission expires: _____



This Instrument Prepared By:
Catherine F. Golden, Attorney
P. O. Box 21
Fairhope, Alabama 36533

Instrument 782212 Page 4 of 4

(123)

Instrument 783896 Page 2 of 2

08/12/2004 13:03 #020 P.005

1 251 928 6811

From: PRESTIGE REALTY, LLC

STATE OF ALABAMA
COUNTY OF BALDWIN

SCRIVENER'S AFFIDAVIT OF CORRECTION
ROCK CREEK PROPERTY OWNERS ASSOCIATION, INC.

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2003 May -28 3:54PM
Instrument Number 732212 Pages
Recording 12.00 Mortgage
Deed Min Tax 99 1.1
Index 3.00
Archive
Adrian T. Johns, Judge of Probate

BEFORE ME, the undersigned Notary Public in and for the aforesaid County and State, personally came and appeared CATHERINE F. GOLDEN, who did depose and state that:

1. She served as the Notary Public before whom the following documents were executed: Amendment to the Declaration of Covenants, Conditions and Restrictions for Rock Creek, A Planned Unit Development, Instrument number 723895, and Second Subsequent Amendment to the Bylaws of Rock Creek Property Owners Association, Inc., Instrument number 723896, each filed in the real property records of the office of the Probate Judge of Baldwin County, Alabama, and delivered the documents for recording.

2. Upon recording of the instruments, the signature pages of the instruments were transposed.

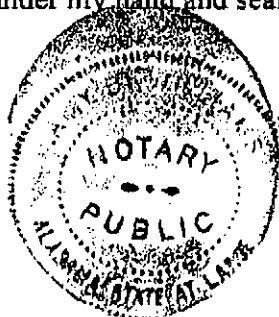
3. The error has been corrected by a second recording of the above-named instruments, as Instruments number 732212 and 732213 respectively.


SWORN TO AND SUBSCRIBED this 28th day of May, 2003.


Catherine F. Golden

I, the undersigned authority, a Notary Public in and for Baldwin County, Alabama, hereby certify that Catherine F. Golden, whose 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 within instrument, she executed the foregoing as her own act and deed on the day the same bears date.

Given under my hand and seal on this the 28 day of May, 2003.




NOTARY PUBLIC
My commission expires: 11-26-06

(120)

732212