

STATE OF ALABAMA)
COUNTY OF BALDWIN)

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 7/29/2021 10:17 AM
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1932389



THIRD AMENDMENT
TO EXHIBIT "A"
OF THE
DECLARATION OF PROTECTIVE COVENANTS FOR
COTTAGES ON THE GREENE,
A PLANNED UNIT DEVELOPMENT

This Third Amendment to Exhibit "A" of the Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development (this "Third Amendment") is made and entered into by the undersigned pursuant to the Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development (the "Declaration").

RECITALS:

A. Cottages on the Greene, a Planned Unit Development (the "Subdivision") was formed October 21, 2005, by the Declarant recording a plat for Phase I of the Subdivision in the records of the Office of the Judge of Probate of Baldwin County, Alabama on Slide 2237-E and as Instrument 931163.

B. On October 21, 2005, the Declarant recorded the Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development, in the Office of the Judge of Probate of Baldwin County, Alabama as Instrument 931273 in order to govern and regulate the use and occupancy of the lots in all phases of the Subdivision and the common areas of all phases of the development.

C. The Plat for Phase II of Cottages on the Greene, a Planned Unit Development, was recorded on March 15, 2006, in the Office of the Judge of Probate of Baldwin County, Alabama on Slide 2257-E and as Instrument 962225, incorporating Phase II into the Subdivision, and the Declaration was amended by the Addendum to Add Phase II Amendment to the Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development, dated March 28, 2006, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on March 31, 2006, as Instrument 965325, in order to subject Phase II of the Subdivision to the Declaration.

D. The Plat for Phase III of Cottages on the Greene, a Planned Unit Development, was recorded on August 28, 2006, in the Office of the Judge of Probate of Baldwin County, Alabama on Slide 2289-E and as Instrument 997563, incorporating Phase III into the Subdivision, and the Declaration was amended by the Addendum to Add Phase III Amendment to the Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development, dated October 12, 2006, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on October 16, 2006, as Instrument 1007780, in order to subject Phase

III of the Subdivision to the Declaration.

E. The Declaration was amended by the Amendment to Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development, dated July 15, 2009, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on July 16, 2009 as Instrument 1188123.

F. The Declarant transferred control of the Association to the Lot Owners by an Action by the Declarant of Cottages on the Greene, a Planned Unit Development for Cottages on the Greene Property Owners Association, Inc., dated December 31, 2009, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on January 6, 2010, as Instrument 1214660.

G. Exhibit "A" to the Declaration was amended by the First Amendment to Exhibit "A" of the Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development, dated January 26, 2011, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on January 31, 2011, as Instrument 1271385 ("First Amendment").

H. The Declaration was amended by the Second Amendment to Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development, dated February 20, 2020, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on April 6, 2020 as Instrument 1821521.

I. Exhibit "A" to the Declaration was amended by the Second Amendment to Exhibit "A" of the Declaration of Protective Covenants for Cottages on the Greene, a Planned Unit Development, dated August 24, 2020, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama on September 30, 2020, as Instrument 18605637 ("Second Amendment").

J. The Architectural Review Board ("A.R.B.") desires to amend Exhibit "A" to the Declaration and the First Amendment, in accordance with Article V, Section 4, of the Declaration.

NOW, THEREFORE, premises considered, this instrument is made to amend Exhibit "A" of the Declaration and all amendments thereto and is hereby made a part of said Exhibit "A" of the Declaration:

1. Amendment of Section 10. Section 10 of Exhibit "A" of the Declaration and First Amendment is hereby amended as follows:

10. GARAGES AND CARPORTS. All home sites will provide for parking automobiles or other motorized vehicles in an enclosed garage. The exterior of the garage shall be constructed of the same material as the home and shall be the same color as the home.

2. Amendment of Section 14. Section 14 of Exhibit "A" of the Declaration and First Amendment is hereby amended as follows:

14. **WINDOWS.** All windows shall be foam sealed and must be constructed out of wood, vinyl clad or vinyl construction that meets all applicable building code requirements, have double panes and be marine glazed to withstand wind loads of up to at least 140 miles per hour and must further meet all applicable building codes.

Temporary storm shutters may be put up when a named storm enters or forms in the Gulf of Mexico. The temporary shutters shall be removed no later than ten (10) days following the named storm vacating the area or dissipating.

3. **Manner of Adoption.** This Second Amendment is made in accordance with Article V, Section 4, of the Declaration. An A.R.B. meeting was held on the 9th day of June, 2021. Consideration of the adoption of the amendments to Exhibit "A" to the Declaration and First Amendment described in Paragraphs 1 and 2 above (the "Amendments") were on the agenda delivered to the A.R.B. members prior to the meeting. All of the members of the A.R.B. were present at the meeting. At the meeting the Amendments was presented to the members of the A.R.B. for a vote. A simple majority of the members of the A.R.B. (_____ percent (100 %)) of the total number of members of the A.R.B. voted in favor of the Amendments, which meets the voting required by Article V, Section 4, of the Declaration. Thus, the Amendments were properly approved. By executing below, the members of the A.R.B. hereby attest that the foregoing information is true and correct in all respects.

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

5. **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 amended by this Third Amendment.

6. **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.

IN WITNESS WHEREOF, the Architectural Review Board of Cottages on the Greene, has caused this instrument to be properly executed by the undersigned on this the 9th day of June, 2021.

Architectural Review Board for Cottages on the
Greene Property Owners Association, Inc.

By: 
Ted Romano

By: *Tony Scarpuzzi*
Tony Scarpuzzi

By: *Ken Lott*
Ken Lott

By: *Terry Harrison*
Terry Harrison

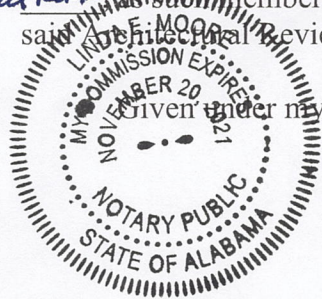
By: *Tom Stillwagon*
Tom Stillwagon

STATE OF ALABAMA)

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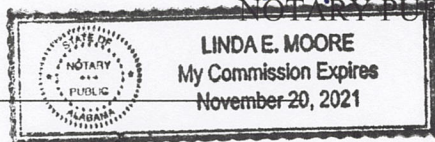
I, Linda E Moore, the undersigned Notary Public in for said County in said State, hereby certify that **Ted Romano**, whose name as member of the Architectural Review Board for Cottages on the Greene, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, Ted Romano is such member and with full authority, executed the same voluntarily for and as the act of said Architectural Review Board on the day the same bears date.

Given under my hand and seal this the 9th day of June, 2021.



Linda E. Moore
NOTARY PUBLIC

My Commission Expires:



[Notary acknowledgements continue on the following page.]

STATE OF ALABAMA)

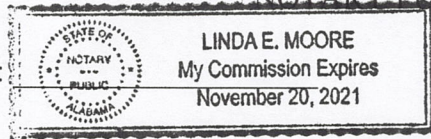
COUNTY OF BALDWIN)

I, Linda E Moore, the undersigned Notary Public in for said County in said State, hereby certify that **Tony Scarpuzzi**, whose name as member of the Architectural Review Board for Cottages on the Greene, 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, Tony Scarpuzzi, as such member and with full authority, executed the same voluntarily for and as the act of said Architectural Review Board on the day the same bears date.



My Commission expires: under my hand and seal this the 9th day of June, 2021.

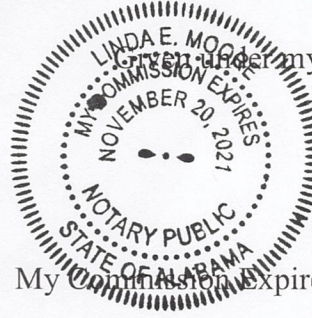
Linda E Moore
NOTARY PUBLIC



STATE OF ALABAMA)

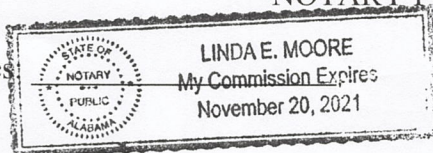
COUNTY OF BALDWIN)

I, Linda E. Moore, the undersigned Notary Public in for said County in said State, hereby certify that **Ken Lott**, whose name as member of the Architectural Review Board for Cottages on the Greene, 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, Ken Lott, as such member and with full authority, executed the same voluntarily for and as the act of said Architectural Review Board on the day the same bears date.



My Commission expires: under my hand and seal this the 9th day of June, 2021.

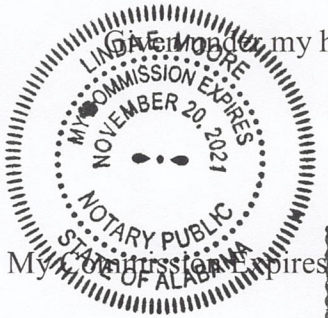
Linda E Moore
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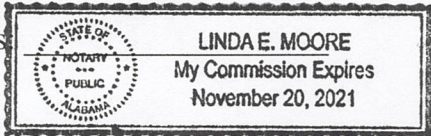
COUNTY OF BALDWIN)

I, Linda E. Moore, the undersigned Notary Public in for said County in said State, hereby certify that **Terry Harrison**, whose name as member of the Architectural Review Board for Cottages on the Greene, 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, Terry Harrison as such member and with full authority, executed the same voluntarily for and as the act of said Architectural Review Board on the day the same bears date.



Under my hand and seal this the 4th day of June, 2021.

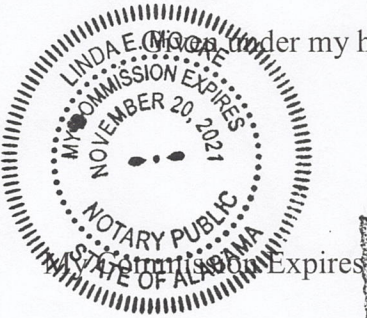
Linda E. Moore
NOTARY PUBLIC



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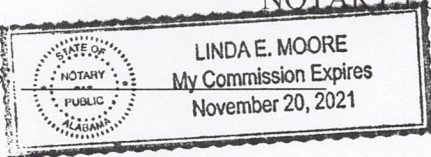
COUNTY OF BALDWIN)

I, Linda E. Moore, the undersigned Notary Public in for said County in said State, hereby certify that **Tom Stillwagon**, whose name as member of the Architectural Review Board for Cottages on the Greene, 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, Tom Stillwagon as such member and with full authority, executed the same voluntarily for and as the act of said Architectural Review Board on the day the same bears date.



Under my hand and seal this the 9th day of June, 2021.

Linda E. Moore
NOTARY PUBLIC



THIS INSTRUMENT PREPARED BY:
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