

STATE OF ALABAMA  
COUNTY OF BALDWIN

STATE OF ALABAMA  
BALDWIN COUNTY  
I certify that this instrument was filed on

MAR 7 1983 8AM

FIRST SUPPLEMENTAL DECLARATION (AMENDMENT)  
TO DECLARATION OF CONDOMINIUM OF  
SUNSWEPT CONDOMINIUM

and that no tax was collected. Recorded in  
Book 44 Page 760 Index \$        By         
*Sherry Delaine*  
Judge of Probate

THIS INSTRUMENT executed on this the 1st day of March,  
1983, by WATER VIEW DEVELOPMENTS, INC., an Alabama corporation,  
(hereinafter referred to as "Developer") for itself and for its  
successors and assigns.

R E C I T A L S:

WHEREAS, by Declaration dated May 14, 1982, and recorded in  
Miscellaneous Book 41, Pages 1741, et seq., of the Baldwin County  
Probate Court REcords, Developer submitted certain property to the  
condominium form of ownership pursuant to the authority of the "Alabama  
Condominium Act" (Sections 35-8-1, et seq., Code of Alabama, 1975); and

WHEREAS, pursuant to Paragraphs 24 and 26 of the aforesaid  
Declaration and by other references thereto contained therein, Developer  
retained and reserved the right to amend the aforesaid Declaration so as  
to clarify any apparently conflicting provisions thereof, and/or correct  
any mistakes or errors of a clerical nature; and

WHEREAS, Developer desires to amend the aforesaid Declaration so as  
to correct certain errors which were not apparent when the original  
Declaration was filed of record.

W I T N E S S E T H:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that pursuant to the  
"Alabama Condominium Act" (Sections 35-8-1, et seq., Code of Alabama,  
1975) and the authority reserved and contained under the Declaration of  
Condominium of Sunswept Condominium as same appears of record in  
Miscellaneous Book 41, Pages 1741, et seq., of the Baldwin County,  
Alabama, Probate Court Records, Developer does hereby amend and modify  
the aforesaid Declaration of Condominium of Sunswept Condominium to  
provide as follows:

REC. 44-11-760

1. The number of Units in Phase I shall be thirty two (32) and shall be located and have the number of square feet of private elements shown by the following which shall be in substitution of and in lieu of Exhibit "A", Page 1, as same appears of record at Miscellaneous Book 41, Page 1770, of the Baldwin County, Alabama, Probate Court Records, to-wit:

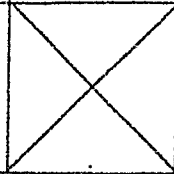
|   |                      |                      |                       |
|---|----------------------|----------------------|-----------------------|
| UNIT 805  | UNIT 806             | UNIT 807             | UNIT 808<br>1450 S.F. |
| 1030 S.F.   | 1400 S.F.            | 1400 S.F.            | UNIT 808A<br>715 S.F. |
| UNIT 705<br>670 S.F.  | UNIT 706<br>950 S.F. | UNIT 707<br>950 S.F. | UNIT 708<br>1250 S.F. |
| UNIT 605<br>670 S.F.  | UNIT 606<br>950 S.F. | UNIT 607<br>950 S.F. | UNIT 608<br>1250 S.F. |
| UNIT 505<br>670 S.F.  | UNIT 506<br>950 S.F. | UNIT 507<br>950 S.F. | UNIT 508<br>1250 S.F. |
| UNIT 405<br>670 S.F.  | UNIT 406<br>950 S.F. | UNIT 407<br>950 S.F. | UNIT 408<br>1250 S.F. |
| UNIT 305<br>670 S.F.  | UNIT 306<br>950 S.F. | UNIT 307<br>950 S.F. | UNIT 308<br>1250 S.F. |
| UNIT 205<br>670 S.F.  | UNIT 206<br>950 S.F. | UNIT 207<br>950 S.F. | UNIT 208<br>1250 S.F. |
|  | UNIT 106<br>950 S.F. | UNIT 107<br>950 S.F. | UNIT 108<br>1250 S.F. |



EXHIBIT "A", PAGE 1  
FRONT ELEVATION

UNIT NUMBER IDENTIFICATION/NO. OF SQUARE FEET OF PRIVATE ELEMENTS

2. The number of Units in Phase II shall be thirty-three (33) and shall be located and have the number of square feet of Private Elements shown by the following, which shall be in substitution of and in lieu of Exhibit "B", Page 2, as same appears of record at Miscellaneous Book 41, Page 1831 of the Baldwin County, Alabama, Probate Court Records; to-wit:

|                         |                      |                      |                      |                      |                      |                      |                         |
|-------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-------------------------|
| UNIT 801<br>1460 S.F.   | UNIT 802             | UNIT 803             | UNIT 804             | UNIT 805             | UNIT 806             | UNIT 807             | UNIT 808<br>1460 S.F.   |
| UNIT<br>801A<br>715S.F. | 1400 S.F.            | 1400 S.F.            | 1030 S.F.            | 1030 S.F.            | 1400 S.F.            | 1400 S.F.            | UNIT<br>808A<br>715S.F. |
| UNIT 701<br>1250 S.F.   | UNIT 702<br>950 S.F. | UNIT 703<br>950 S.F. | UNIT 704<br>670 S.F. | UNIT 705<br>670 S.F. | UNIT 706<br>950 S.F. | UNIT 707<br>950 S.F. | UNIT 708<br>1250 S.F.   |
| UNIT 601<br>1250 S.F.   | UNIT 602<br>950 S.F. | UNIT 603<br>950 S.F. | UNIT 604<br>670 S.F. | UNIT 605<br>670 S.F. | UNIT 606<br>950 S.F. | UNIT 607<br>950 S.F. | UNIT 608<br>1250 S.F.   |
| UNIT 501<br>1250 S.F.   | UNIT 502<br>950 S.F. | UNIT 503<br>950 S.F. | UNIT 504<br>670 S.F. | UNIT 505<br>670 S.F. | UNIT 506<br>950 S.F. | UNIT 507<br>950 S.F. | UNIT 508<br>1250 S.F.   |
| UNIT 401<br>1250 S.F.   | UNIT 402<br>950 S.F. | UNIT 403<br>950 S.F. | UNIT 404<br>670 S.F. | UNIT 405<br>670 S.F. | UNIT 406<br>950 S.F. | UNIT 407<br>950 S.F. | UNIT 408<br>1250 S.F.   |
| UNIT 301<br>1250 S.F.   | UNIT 302<br>950 S.F. | UNIT 303<br>950 S.F. | UNIT 304<br>670 S.F. | UNIT 305<br>670 S.F. | UNIT 306<br>950 S.F. | UNIT 307<br>950 S.F. | UNIT 308<br>1250 S.F.   |
| UNIT 201<br>1250 S.F.   | UNIT 202<br>950 S.F. | UNIT 203<br>950 S.F. | UNIT 204<br>670 S.F. | UNIT 205<br>670 S.F. | UNIT 206<br>950 S.F. | UNIT 207<br>950 S.F. | UNIT 208<br>1250 S.F.   |
| UNIT 101<br>1250 S.F.   | UNIT 102<br>950 S.F. | UNIT 103<br>950 S.F. | UNIT 104<br>670 S.F. |                      | UNIT 106<br>950 S.F. | UNIT 107<br>950 S.F. | UNIT 108<br>1250 S.F.   |



EXHIBIT "B", PAGE 2

FRONT ELEVATION

UNIT NUMBER IDENTIFICATION/NO. OF SQUARE FEET OF PRIVATE ELEMENTS

MS. 44-406 762

3. The corrected and herein amended floor plans for Units 801, 801A, 808 and 808A, are hereto attached as Exhibit "A" and incorporated herein by reference.

4. The ownership Interest in the Common Elements for Phase I is hereby amended and modified and shall be as shown by the following, which shall be in substitution of and in lieu of Exhibit "C", Page 1, and Exhibit "C", Page 2, as same appear of record at Miscellaneous Book 41, Pages 1862 and 1863, of the Baldwin County, Alabama, Probate Court Records; to-wit:

EXHIBIT "C"

OWNERSHIP OF COMMON ELEMENTS

Subject to the provisions of the Declaration of Condominium, the Owner or Owners of each Unit shall own as an appurtenance to each such Unit, a fractional undivided interest in the Common Elements which fraction shall have as its numerator a number equal to the number of square feet of Private Elements within each Unit, and as its denominator the total number of square feet of Private Elements in the entire Condominium as follows:

UNIT NUMBERS

OWNERSHIP INTEREST  
IN COMMON ELEMENTS

|          |                         |
|----------|-------------------------|
| 101, 108 | 1250 = 1.9290% per Unit |
| 201, 208 | 64800                   |
| 301, 308 |                         |
| 401, 408 |                         |
| 501, 508 |                         |
| 601, 608 |                         |
| 701, 708 |                         |

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|                    |                        |
|--------------------|------------------------|
| 102, 103, 106, 107 | 950 = 1.4660% Per Unit |
| 202, 203, 206, 207 | 64800                  |
| 302, 303, 306, 307 |                        |
| 402, 403, 406, 407 |                        |
| 502, 503, 506, 507 |                        |
| 602, 603, 606, 607 |                        |
| 702, 703, 706, 707 |                        |

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|          |                        |
|----------|------------------------|
| 104,     | 670 = 1.0340% Per Unit |
| 204, 205 | 64800                  |
| 304, 305 |                        |
| 404, 405 |                        |
| 504, 505 |                        |
| 604, 605 |                        |
| 704, 705 |                        |

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REC- 44-11- 263

801, 808 ~  $\frac{1460}{64800} = 2.2530\%$  Per Unit

802, 803  $\frac{1400}{64800} = 2.1605\%$  Per Unit  
806, 807

804, 805  $\frac{1030}{64800} = 1.5895\%$  Per Unit

801A, 808A  $\frac{715}{64800} = 1.1034\%$  Per Unit

TOTAL = 100%

5. The proposed Budget which appears as Exhibit "G", Page 1 and Page 2, at Miscellaneous Book 41, Page 1883-1884 of the Baldwin County, Alabama, Probate Court Records, is hereby amended and modified and the following shall be in lieu of and in substitution of said Exhibit, to-wit:

EXHIBIT "G"

SUNSWEPT CONDOMINIUM ASSOCIATION, INC.  
PHASE I AND PHASE II  
ESTIMATED OPERATING BUDGET  
(Common Expenses)  
65 UNITS

| <u>ITEM</u>  | <u>ANNUAL AMOUNT</u> |
|--|----------------------|
| 1. Accounting & Legal -  | \$ 1,500.00          |
| 2. Electricity (Common Area Light,<br>Pool & manager's Unit) -             | 4,800.00             |
| 3. Insurance (Building & Liability) -                                      | 8,228.00             |
| 4. Landscape, Road, Parking Lot, Pool<br>Maintenance & Elevator Contract - | 8,000.00             |
| 5. Maintenance/Exterior of Buildings<br>(Replacement Reserve) -            | 31,670.40            |
| 6. Office Supplies -   | 300.00               |
| 7. Office Equipment -  | 1,200.00             |
| 8. Salary/Manager (Independent Contractor) -                               | 14,400.00            |
| 9. Salaries/Labor -  | 3,600.00             |
| 10. Telephone -  | 1,200.00             |
| 11. Miscellaneous Supplies -   | 1,200.00             |
| 12. Miscellaneous (Working Capital Reserve) -                              | 2,000.00             |
| 13. Garbage Service -  | 1,200.00             |
| 14. Water & Sewer -  | 12,960.00            |
| 15. TV Cable/All Units -   | 4,680.00             |
| TOTAL ANNUAL AMOUNT -  | \$96,938.40          |

| <u>UNIT NUMBERS</u>  | <u>OWNERSHIP INTEREST<br/>IN COMMON ELEMENTS</u> | <u>ESTIMATED MONTHLY<br/>ASSESSMENT PER UNIT</u> |
|--|--|--|
| 101, 108<br>201, 208<br>301, 308<br>401, 408<br>501, 508<br>601, 608<br>701, 708   | 1.9290% Per Unit<br>(14 Units)                   | \$ 155.82  |
| 102, 103, 106, 107<br>202, 203, 206, 207<br>302, 303, 306, 307<br>402, 403, 406, 407<br>502, 503, 506, 507<br>602, 603, 606, 607<br>702, 703, 706, 707 | 1.4660% Per Unit<br>(28 Units)                   | \$ 118.42  |
| 104,<br>204, 205<br>304, 305<br>404, 405<br>504, 505<br>604, 605<br>704, 705   | 1.0340% Per Unit<br>(13 Units)                   | \$ 83.52   |
| 801, 808   | 2.2530% Per Unit<br>(2 Units)                    | \$ 181.52  |
| 802, 803<br>806, 807   | 2.1605% Per Unit<br>(4 Units)                    | \$ 174.52  |
| 804, 805   | 1.5895% Per Unit<br>(2 Units)                    | \$ 128.40  |
| 801A, 808A   | 1.1034% Per Unit<br>(2 Units)                    | \$ 89.13   |
| TOTAL MONTHLY AMOUNT -   |  | \$ 8,078.20                                      |
| TOTAL ANNUAL AMOUNT -  |  | \$96,938.40                                      |

6. The Declaration of Sunswept Condominium shall remain in full force and effect as herein modified and amended and the same is hereby re-affirmed and ratified.

IN WITNESS WHEREOF, Developer has caused this instrument to be executed on its behalf by Thomas G. Nonnenmacher, as its President, and its corporate seal to be affixed, all duly authorized on the day and year first set forth above.

WATER VIEW DEVELOPMENTS, INC.

By: 

THOMAS G. NONNENMACHER,  
President

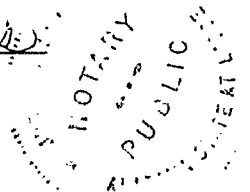
[CORPORATE SEAL]

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that THOMAS G. NONNENMACHER, whose name as President of WATER VIEW DEVELOPMENTS, INC., an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this the 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 corporation on the day the same bears date.

GIVEN Under my hand and seal this the 1st day of March, 1983.

  
NOTARY PUBLIC



REC. 44-04-785

JOINDER BY MORTGAGEE

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLAR and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned FARMERS & MERCHANTS BANK, FOLEY, ALABAMA, a state banking corporation, as holder and owner of a Mortgage which encumbers the herein described property does hereby SUBORDINATE its said mortgage lien and agrees and consents to the submission of the herein described amendment to the Declaration of Condominium of Sunswept, a condominium, pursuant to Sections 35-8-1, et seq., of the Code of Alabama, 1975; however, this instrument shall not be construed as a release of the above described mortgage.

FARMERS & MERCHANTS BANK, FOLEY, ALABAMA,  
a state banking corporation

By: [Signature]

As Its: Vice President

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Ed Polston, whose name as Vice President of FARMERS & MERCHANTS BANK, FOLEY, ALABAMA, a state banking 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 state banking corporation on the day the same bears date.

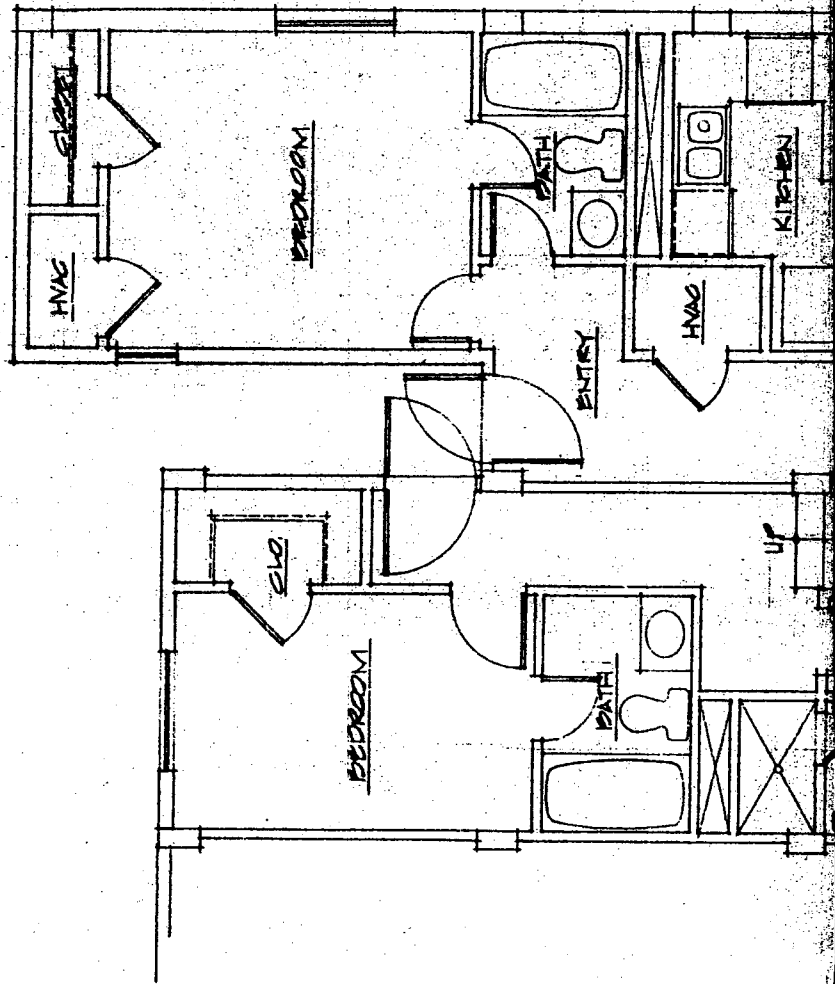
GIVEN under my hand and seal this the 1st day of March, 1983.

[Signature]  
NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:  
RAY G. RILEY, JR., Attorney  
McFADDEN, RILEY & PARKER  
718 Downtowner Boulevard  
Mobile, Alabama 36609

MS. 44-116 767

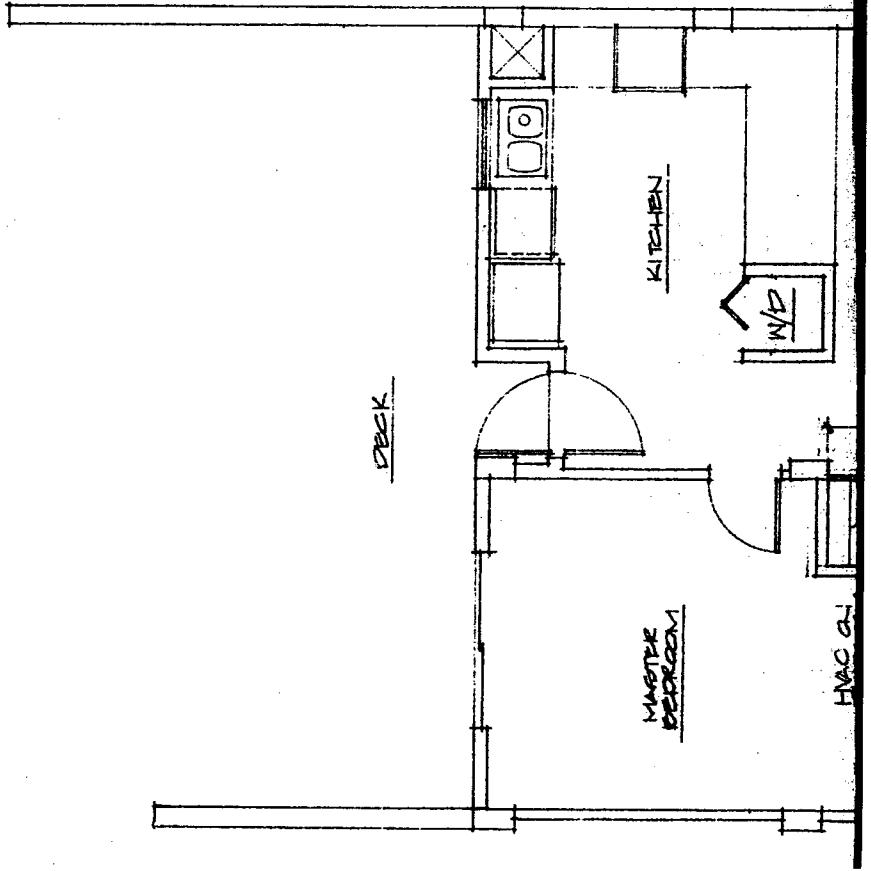


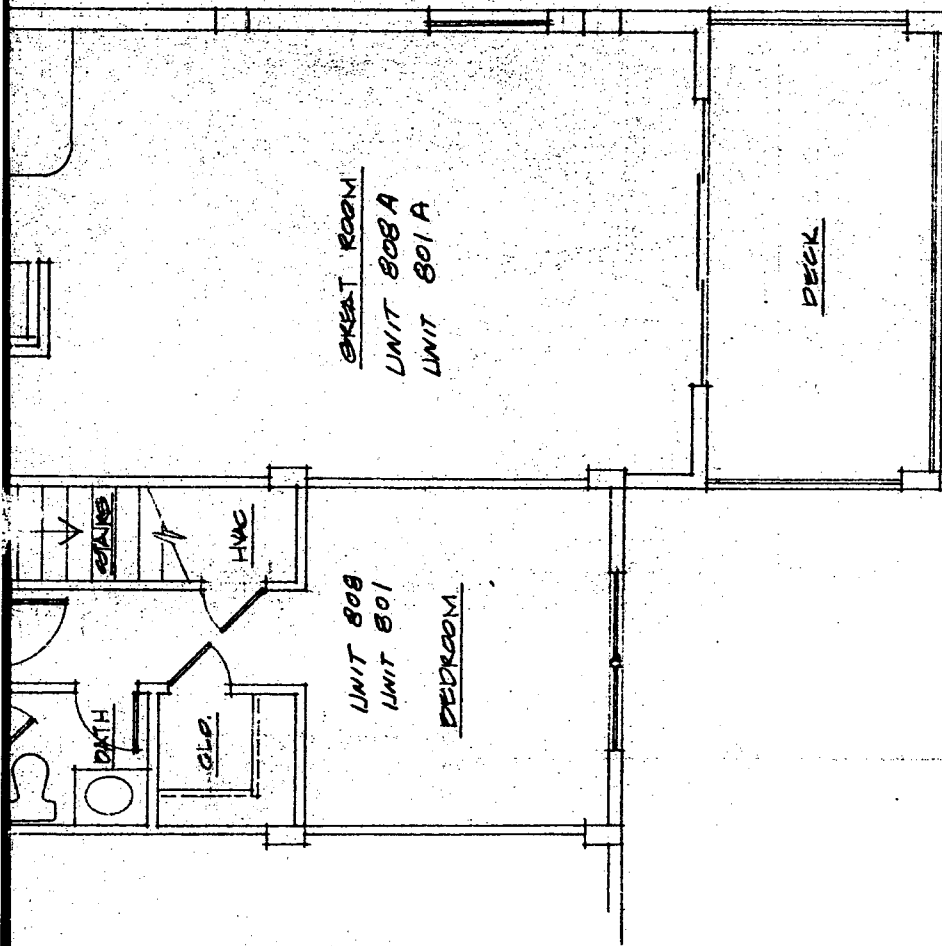


**MACHER ARCHITECTS**  
**TACOLA, FLORIDA**  
**32503**

W/PT CONDOMINIUMS  
9.20.82  
#001, #001A, #000, #000A

692 307-45 289





8TH FLOOR PLAN 1/4-11-01

PENTHOUSE PLAN ABOVE.

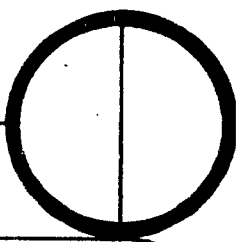
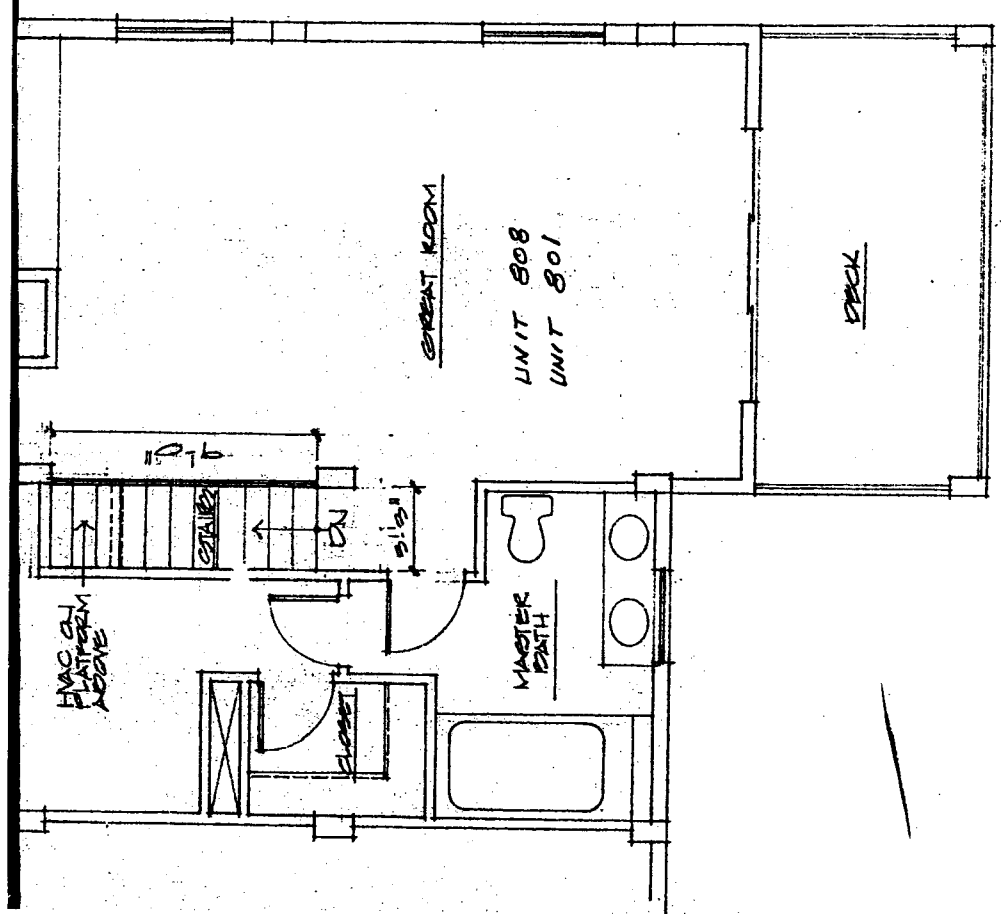


EXHIBIT "A"



9TH FLOOR PLAN 1/4" = 1'-0"

OR UNITS) PHASE 1 and 2