

2021 Doc# 354250 1 of 53
Tallapoosa, Alabama Tallmadge East, PROBATE J
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This instrument prepared by:
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STATE OF ALABAMA
COUNTY OF TALLAPOOSA

AMENDMENT TO RESTRICTIONS AND CONDITIONS
OF BARRON BRIDGE SUBDIVISION

WHEREAS, Wind Creek Farms, Inc., an Alabama corporation, was the owner of land in Tallapoosa County, Alabama, which it caused to be subdivided and platted into property known as Barron Bridge Subdivision (the "Subdivision"), the plat of which was recorded in the Office of the Judge of Probate of Tallapoosa County, Alabama, in Plat Book 4 at Page 185; and

WHEREAS, Wind Creek Farms, Inc., as owner, determined that the use of the property in the Subdivision would be restricted in accordance with terms enumerated in Restrictions and Conditions of Barron Bridge Subdivision dated August 17, 1965 and filed for record in Volume 174 at Page 409 in the Office of the Judge of Probate of Tallapoosa County, Alabama (the "Restrictions and Conditions"); and

WHEREAS, restriction number three (3) of the Restrictions and Conditions states that "No building shall be erected on any of said lots except a dwelling house and private garage. Any garage erected on any of said lots must conform generally in appearance and material with any of the dwelling on said lot. A duplex shall be considered a dwelling house."; and

WHEREAS, restriction number six (6) of the Restrictions and Conditions states that "The said premises shall not be used for any commercial, mercantile, or manufacturing purposes"; and

WHEREAS, the Restrictions and Conditions states that "EXCEPT THAT Restrictions numbered 3 and 6 shall not apply to any sites of the said subdivision to be designated by the owner hereinabove named and which said sites may be used as business and/or well sites"; and

WHEREAS, Lots 1 and 2 of Block D of the Subdivision have been used as a marina and ancillary business uses, including but not limited to boat storage, fueling, and boat rentals, since at least 1995; and

WHEREAS, there is nothing of record in the Office of the Judge of Probate of Tallapoosa County, Alabama filed by Wind Creek Farms, Inc. that expressly designates Lots 1 and 2, Block D, of the Subdivision as business sites; and

WHEREAS, Wind Creek Farms, Inc., is no longer an active entity, and therefore is not able to provide such designation; and

WHEREAS, the Restrictions and Conditions specifically state any or all of the conditions, restrictions and limitations created by the Restrictions and Conditions may be altered, amended, modified, cancelled, or annulled at any time upon the written consent of the property owners owning eighty percent (80%) of the lots in the Subdivision; and

WHEREAS, the undersigned, being at least eighty percent (80%) of the owners of the lots of the Subdivision, desire to amend the Restrictions and Conditions to expressly confirm and affirm that that restrictions 3 and 6 of the Restrictions and Conditions do not and shall not apply to Lots 1 and 2, Block D, of the Subdivision.

NOW THEREFORE, the undersigned lot owners of the Subdivision hereby amend the Restrictions and Conditions by adding the following provision to the Restrictions and Conditions:

"Notwithstanding the foregoing, it is hereby acknowledged that the restrictions numbered 3 and 6 shall not apply to Lot 1 and Lot 2, Block D, of Barron Bridge Subdivision, the plat of which is recorded in Plat Book 4 at Page 185 in the Office of the Judge of Probate of Tallapoosa County, Alabama, or any subdivisions or redivisions thereof."

This Amendment to Restrictions and Conditions of Barron Bridge Subdivision Restrictions may be signed in multiple counterparts, and that each counterpart, when taken together, shall constitute a single fully executed document.

Except as amended hereby, in all other respects, the Restrictions and Conditions remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have duly executed this Amendment to Restrictions and Conditions of Barron Bridge Subdivision and agree to be bound by the terms and conditions as set out herein.

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[SIGNATURES ON FOLLOWING PAGES]