

SUBSEQUENT AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
MARTYN WOODS AT BON SECOUR, A SUBDIVISION

BALDWIN COUNTY, ALABAMA  
TIM RUSSELL PROBATE JUDGE  
Filed/cert. 11/13/2018 1:54 PM  
TOTAL \$ 19.00  
3 Pages

STATE OF ALABAMA :

COUNTY OF BALDWIN :



1729607

This Subsequent Amendment to Declaration of Covenants, Conditions and Restrictions (this "Subsequent Amendment") made and entered into on the 12<sup>th</sup> day of November, 2018, by Martyn Woods, L.L.C., an Alabama Limited Liability Company and for the successors, grantees and assigns of the Declarant.

RECITALS:

1. Martyn Woods, L.L.C. did subdivide certain real property located in Baldwin County, Alabama, under the name Martyn Woods at Bon Secour, a Subdivision, as per plat thereof recorded on Slide 1958-B, Slide 1959-A, Slide 1959-B and Slide 1960-A (collectively referred to as the "Phase One Plat") and subjected the real property described on the Phase One Plat to that certain Declaration of Covenants, Conditions and Restrictions for Martyn Woods at Bon Secour, a Subdivision, dated December 20, 1999, and recorded December 20, 1999 as Instrument Number 525191, Pages 1 through 38 (the "Declaration"). The terms used in this Subsequent Amendment shall have the same meaning as those contained in the Declaration, unless the context otherwise requires.

2. An Association of Owners for the operation of Martyn Woods at Bon Secour, a Subdivision was formed under the laws of the State of Alabama known as Martyn Woods at Bon Secour Property Owner=s Association, Inc. (the "Association").

3. Martyn Woods, L.L.C. did amend the Declaration and add additional real property as described in the Amended and Supplemental Declaration of Declaration of Covenants, Conditions and Restrictions for Martyn Woods at Bon Secour, a Subdivision dated August 17, 2006 and recorded August 22, 2006 as Instrument Number 996026, Pages 1 through 6 (the "Amended and Supplemental Declaration") and as described on the plat of Martyn Woods at Bon Secour, Phase Two, a Subdivision recorded on Slide 2288-B and Slide 2288-C (the "Phase Two Plat") to Martyn Woods at Bon Secour, Phase Two, a Subdivision by incorporating the same into the Declaration, the same as if the real property described on the Phase Two Plat had been originally included in the Declaration, all in accordance with the Declaration and Amended and Supplemental Declaration.

4. Martyn Woods, LLC desires to further amend the Declaration, as amended by the Amended and Supplemental Declaration, as provided for herein and in the Declaration.

The recording references referred to in this Subsequent Amendment are to the Office of the Judge of Probate, Baldwin County, Alabama.

NOW, THEREFORE, Martyn Woods, LLC makes the following amendment to the Declaration, as amended by the Amended and Supplemental Declaration, as to the use to which the real property described herein and the improvements thereon may be put, specifying that the Declaration, as amended by the Amended and Supplemental Declaration, and as further amended by this Subsequent Amendment shall be binding upon all owners of all or any part of the real property described on the Phase One Plat, Phase Two Plat and Phase Three Plat together with their grantees, successors, heirs, executors, personal representatives, devisees or assigns.

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A. Incorporation of Property Described on Phase Three Plat. As provided in the Declaration, Martyn Woods, LLC elects to incorporate the real property described below into Martyn Woods at Bon Secour, a Subdivision. The real property described below shall be held, sold or conveyed subject to the easements, restrictions, covenants and conditions set out in the Declaration, as amended by the Amended and Supplemental Declaration, and further amended by this Subsequent Amendment and shall run with the real property and be binding on all parties having any right, title or interest in the real property described below.

B. Real Property Submitted. Subject to the following, Martyn Woods, L.L.C. hereby submits all that real property located in Baldwin County, Alabama designated as Martyn Woods, a Subdivision, Phase Three as per plat thereof recorded in Slide 2652-A and Slide 2652-B (the "Phase Three Plat"). Provided, however, the Parcel A designated on the Phase Three Plat is designated as a Common Area and shall be used by the Association as Common Area in accordance with the provisions of the Declaration, as amended.

C. Voting Rights and Assessments in the Association. The Owner of a Lot shown on the Phase Three Plat shall have the same vote and shall be obligated to pay the same Assessments to the Association as Owners of Lots shown on the Phase One Plat and Phase Two Plat.

D. Common Areas. The Common Areas shown on the Phase Three Plat are NOT DEDICATED, DONATED NOR GRANTED to the public, but are private properties to be conveyed by the Declarant to the Association as said Common Areas in accordance with the Declaration and in accordance with the Conservation Easement granted to the City of Gulf Shores.

E. Ratification. As altered and amended by this Supplemental Declaration, the Declaration and every part and provision of the Declaration is in all respects ratified and confirmed and by reference adopted and incorporated in this Supplemental Declaration, the same as if fully set out in this Supplemental Declaration.

F. Conflict. If there is any conflict between the provisions of the Declaration and this Supplemental Declaration, the provisions of this Supplemental Declaration shall control.


G. Right to Amend. The Declarant may unilaterally amend this Supplemental Declaration in the same manner as provided for in the Declaration.

In all other respects the Declaration, as amended by the Amended and Supplemental Declaration shall remain in full force and effect and unchanged.

IN WITNESS WHEREOF, the undersigned has caused this Subsequent Amendment to be executed on this 17th day of November, 2018.

Martyn Woods, L.L.C., an Alabama Limited Liability Company

By:




Leonard A. Kaiser  
Its: Member

STATE OF ALABAMA :

COUNTY OF BALDWIN :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that Leonard A. Kaiser, whose name as Member of Martyn Woods, L.L.C., an Alabama 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 on behalf of said Company.

Given under my hand and seal this 12<sup>th</sup> day of November, 2018.

  
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Notary Public  
My Commission Expires: 9/13/21

THIS INSTRUMENT PREPARED BY:

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