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**AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF
WIND DRIFT AT PERDIDO KEY, A CONDOMINIUM**

WHEREAS, the Declaration of Condominium of Wind Drift at Perdido Key, A Condominium, dated May 30, 1984 and recorded in Miscellaneous Book 49, Page 1362, et. seq., of the records in the office of the Judge of Probate of Baldwin County, Alabama, as amended; and,

WHEREAS, the owners of the units of Wind Drift at Perdido Key, a Condominium, do wish to amend and revise the Declaration of Condominium of Wind Drift at Perdido Key, A Condominium, according to Article Twenty, Sub-Paragraph C of said Declaration of Condominium; and,

WHEREAS, notice of the subject matter of this proposed revision was included in a notice of a general meeting given to all unit owners held on the 23rd day of April, 2005; and,

WHEREAS, a Resolution having been adopted and approved prior to that time, by a majority of the Board of Directors proposing the revision given below; and,

WHEREAS, said proposed revision was approved by seventy five percent (75%) of the votes of the unit owners according to their proportional ownership and by fifty one percent (51%) of the mortgagees who are the holders of first mortgages on the units;

THEREFORE, THE DECLARATION OF CONDOMINIUM OF WIND DRIFT OWNERS' ASSOCIATION, INC. SHALL BE AMENDED AS FOLLOWS:

Article One is hereby amended to read as follows:

ARTICLE ONE

Purpose. The purpose of this Declaration is to submit the lands hereinafter described and the improvements constructed thereon to the condominium form of ownership and use in the manner provided by Code of Alabama, 1975, §35-8A-101, et. seq., as amended, otherwise known as the Alabama Uniform Condominium Act of 1991 (The Act). Notwithstanding the foregoing, nothing in this Amendment is meant to change any owner's ownership interest in the private and common elements. All further references in the following Paragraphs and Sub-Paragraphs of this Declaration shall substitute the Alabama Uniform Condominium Act of 1991 wherever the Condominium

Ownership Act of Alabama is cited unless said reference refers to definitions of common and private elements under the Old Act.

Article Five, Sub-Paragraph E is hereby added to read as follows:

E. Material Changes to Common Elements. Any proposal to make material changes to the common elements must be approved by a vote of seventy-five percent (75%) of the unit owners according to their proportional interest.

Article Nine, Sub-Paragraph C is hereby amended to read as follows:

ARTICLE NINE

Powers. The powers and duties of the Association shall include (in descending order) those set forth in the Code of Alabama, 1975, §35-8A-101, et. seq., otherwise known as the Alabama Uniform Condominium Act of 1991, those set forth in this Declaration, those contained in the Articles of Incorporation, those contained in the Bylaws of the Association, those contained in the Rules and Regulations of the Association and shall include the power to purchase a unit of the condominium.

Article Eleven, Sub-Paragraph D is hereby amended to read as follows:

D. Liens for Assessments and Foreclosure of Unit for Failure to Pay Assessments. The Association shall have a lien against any unit, for any unpaid assessment, together with interest costs and reasonable attorney fees if not paid when due in accordance with applicable law. Each assessment against the unit shall also be the personal obligation of the owner at the time the assessment falls due. Such personal obligation shall not pass to successors in title unless assumed by them or required by applicable law. The Association shall have the right to foreclosure for unpaid assessments, interest and attorney fees in the name of the Association in the same manner as a foreclosure of a mortgage on real property, all as provided in the Code of Alabama, 1975, §35-8A-101, et. seq., also known as the Alabama Uniform Condominium Act of 1991. All such liens for assessments shall be subordinate to any lien for taxes, the lien of any mortgage of record and any other lien recorded prior to the time of recording of the claim of the Association's lien.

Article Eleven, Sub-Paragraph G is hereby added to read as follows:

- G. Assignment of Future Income. The Association may assign its right to future income, including the right to receive common expense assessments.

Article Thirteen, Prelude is hereby amended to read as follows:

ARTICLE THIRTEEN

Reconstruction or Repair after Casualty. In the event of the damage or destruction of all or part of the property, then, unless it be determined by a vote of seventy five percent (75%) of the unit owners, according to their proportional interest, not to repair or reconstruct such damaged or destroyed property, the following provisions shall apply:

Article Seventeen, Sub-Paragraph B.1.d is hereby deleted.

Article Twenty, Sub-Paragraph C.2 is hereby amended to read as follows:

2. Resolution. A Resolution adopting a proposed amendment may be proposed by either the Board of Directors of the Association or by the members of the Association, and after being proposed and approved by one (1) of such bodies, it must then be approved by the other to become effective. Such approval must be by not less than seventy-five percent (75%) of the unit owners, according to their proportional interest.

Article Twenty-Two is hereby amended to read as follows:

ARTICLE TWENTY-TWO

Termination. The condominium may be terminated pursuant to the Code of Alabama, 1975, §35-8A-101, et. seq., otherwise known as the Alabama Uniform Condominium Act of 1991.

Article Twenty-Three is hereby deleted.

IN WITNESS WHEREOF, the said Wind Drift Owners' Association, Inc., an Alabama Non-Profit Corporation, has caused this Amendment to the Declaration of Condominium of Wind Drift at Perdido Key, a Condominium, to be executed on its behalf and its corporate seal to be affixed hereto by its officers thereunto duly authorized this the 24TH day of OCTOBER, 2005.

WIND DRIFT OWNERS' ASSOCIATION, INC.
An Alabama Non-Profit Corporation

BY: Jack McGuire
JACK MCGUIRE, Its President

Attest:

BY: Caroline Smith
CAROLINE SMITH, Its Secretary

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the Undersigned, a Notary Public in and for said State and County, hereby certify that JACK MCGUIRE whose name is as President of WIND DRIFT OWNERS' ASSOCIATION, INC., an Alabama Non-Profit Corporation, is signed to the foregoing Amendment to the Articles of Incorporation, and who is known to me, acknowledged before me on this date that being informed of the contents of said Amendment, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the date the same bears date.

Given under my hand and seal on this the 24th day of OCTOBER, 2005.

Raeel Palmer
NOTARY PUBLIC

My Commission Expires: 10-03-06



STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, the Undersigned, a Notary Public in and for said State and County, hereby certify that CAROLINE SMITH whose name is as Secretary of WIND DRIFT OWNERS' ASSOCIATION, INC., an Alabama Non-Profit Corporation, is signed to the foregoing Amendment to the Articles of Incorporation, and who is known to me, acknowledged before me on this date that being informed of the contents of said Amendment, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the date the same bears date.

Given under my hand and seal on this the 24TH day of OCTOBER, 2005.

Rachel Putnam

NOTARY PUBLIC

My Commission Expires: 10-03-00



State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2006 March - 1 1:41PM

Instrument Number 958816 Pages 5
Recording 15.00 Mortgage
Deed Min tax
Index DP 5.00
Archive 5.00
Adrian T. Johns, Judge of Probate