

**FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
MADISON PARK, A CONDOMINIUM**

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**THIS INSTRUMENT PREPARED BY:
J. ALEX MUNCIE III
DAVIS, MCLAUGHLIN & MUNCIE
ATTORNEYS AT LAW
324 EAST MAGNOLIA AVENUE
AUBURN, ALABAMA 36830
334.821.1908**

STATE OF ALABAMA
COUNTY OF LEE

**FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
MADISON PARK, A CONDOMINIUM**

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OF MADISON PARK, A CONDOMINIUM (this "Amendment") is made this 7 day of ~~DECEMBER~~, 2009, by McIntyre Building Company, an Alabama corporation, as successor in interest to Tuscany Hills, LLC (the "Declarant"), pursuant to the provisions of the Condominium Act and the Declaration of Condominium of Madison Park, a Condominium, which was recorded in Condo Book 8003 at Page 596 in the Office of the Judge of Probate of Lee County, Alabama (the "Declaration").

1. Submission of Phase 2. In accordance with Article III of the Declaration, the Declarant hereby submits to the Condominium that certain portion of property, which is more particularly described on Exhibit "1" attached hereto ("Phase 2"). By virtue of this Amendment, the Declarant is adding Fifteen (15) Residential Units to the Condominium. Upon recording this Amendment in the Office of the Judge of Probate of Lee County, Alabama, Phase 2 shall thereafter form and be a part of the Condominium in accordance with the Act, the same as if Phase 2 had been submitted to the condominium form of ownership pursuant to the Declaration, and the ownership and use of Phase 2 shall be subject to the terms and conditions of the Declaration, as amended hereby.

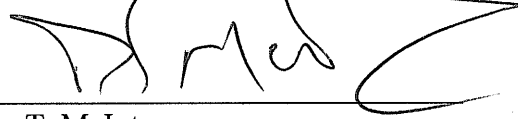
2. Addition to Condominium Plat and Plans. The Condominium Plat and Plans attached as Exhibit "B" to the Declaration are hereby amended and supplemented by adding thereto the supplemental Plat and Plans attached hereto as Exhibit "2" and incorporated herein by reference, which shows the location of each Unit, Common Areas, and Limited Common Areas in Phase 2 and sets forth the unit number for each Unit added to the Condominium pursuant to the terms and conditions hereof. The term "Condominium Plat and Plan" as used in the Declaration shall mean the Plat and Plan attached as Exhibit "B" to the Declaration and as amended and supplemented pursuant to this Section 2.

3. Ownership Interests in Common Elements and Limited Common Elements. Exhibit "C" to the Declaration is hereby amended by deleting the current Exhibit "C" to the Declaration in its entirety and replacing it with the terms set forth on Exhibit "3" attached hereto.

4. Continued Effectiveness. All of the applicable terms, conditions and provisions of the Declaration, as hereby amended, are in all respects hereby ratified and reaffirmed, and the Declaration and this 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 Amendment.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed as of the day and year first above written.

McIntyre Building Company, Inc., an Alabama corporation



By: Innes T. McIntyre
Its: President

STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned notary public in and for said state and county, hereby certify that Innes T. McIntyre whose name as President of McIntyre Building Company, Inc. 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 this 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 official seal this 7 day of DECEMBER, 2009.



Notary Public _____
My Commission Expires: 03.03.13

EXHIBIT "1"
TO
FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
MADISON PARK, A CONDOMINIUM

DESCRIPTION OF MADISON PARK PHASE 2

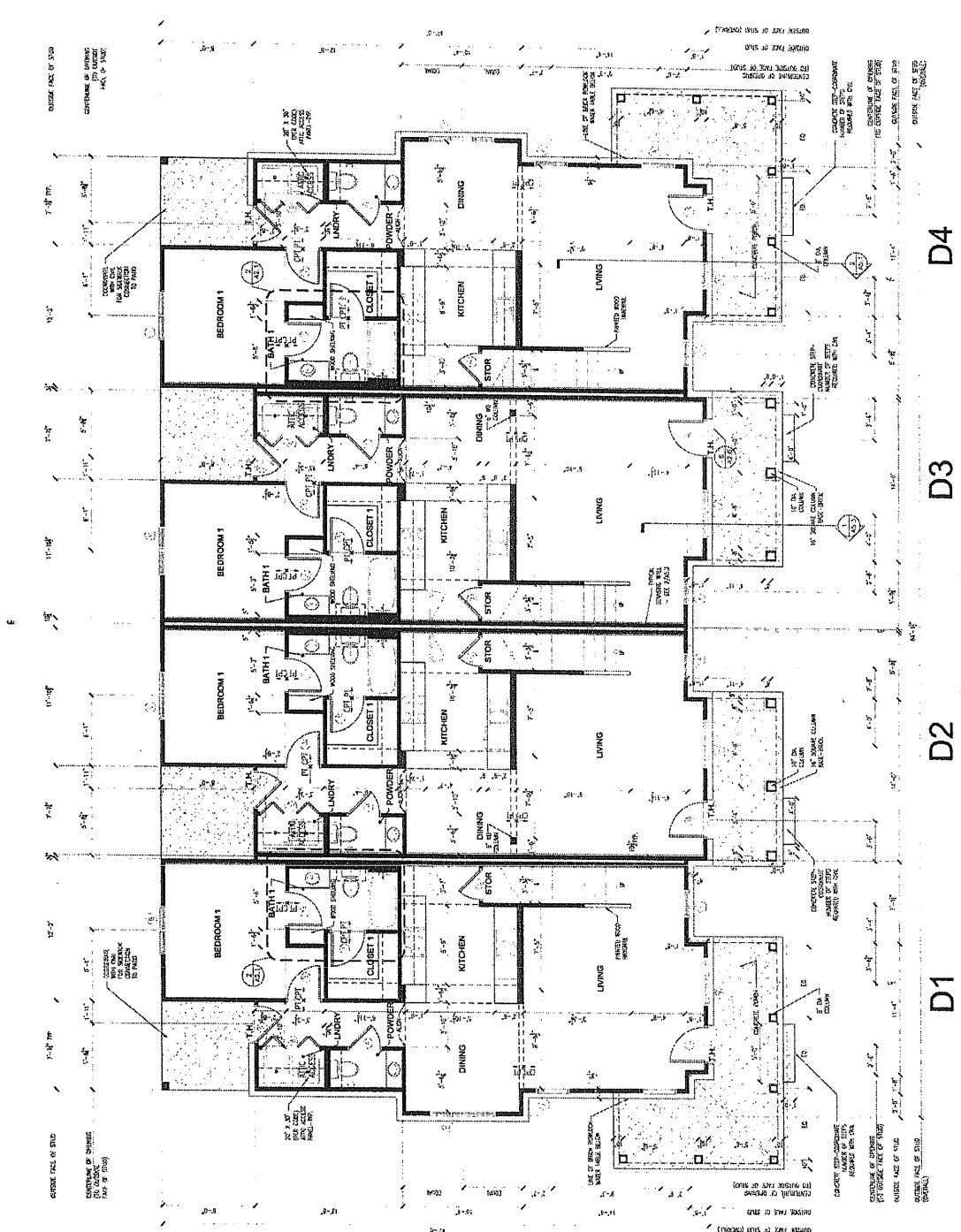
LOT 1, Madison Park Subdivision, as described on that certain map or plat recorded in Book 32 at Page 50 in the Office of the Judge of Probate of Lee County, Alabama.

EXHIBIT "2"
TO
FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
MADISON PARK, A CONDOMINIUM

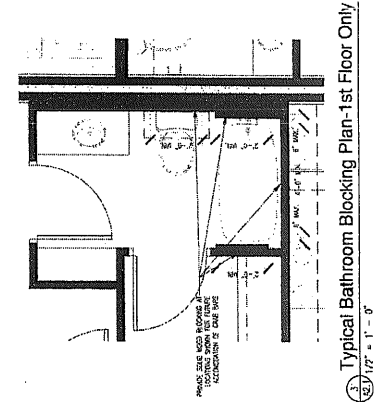
SUPPLEMENTAL PLAT AND PLANS

The Supplemental Condominium Plat referenced in this First Amendment to the Declaration is found at Plat Book 4 at Page 62 in the Office of the Judge of Probate of Lee County, Alabama.

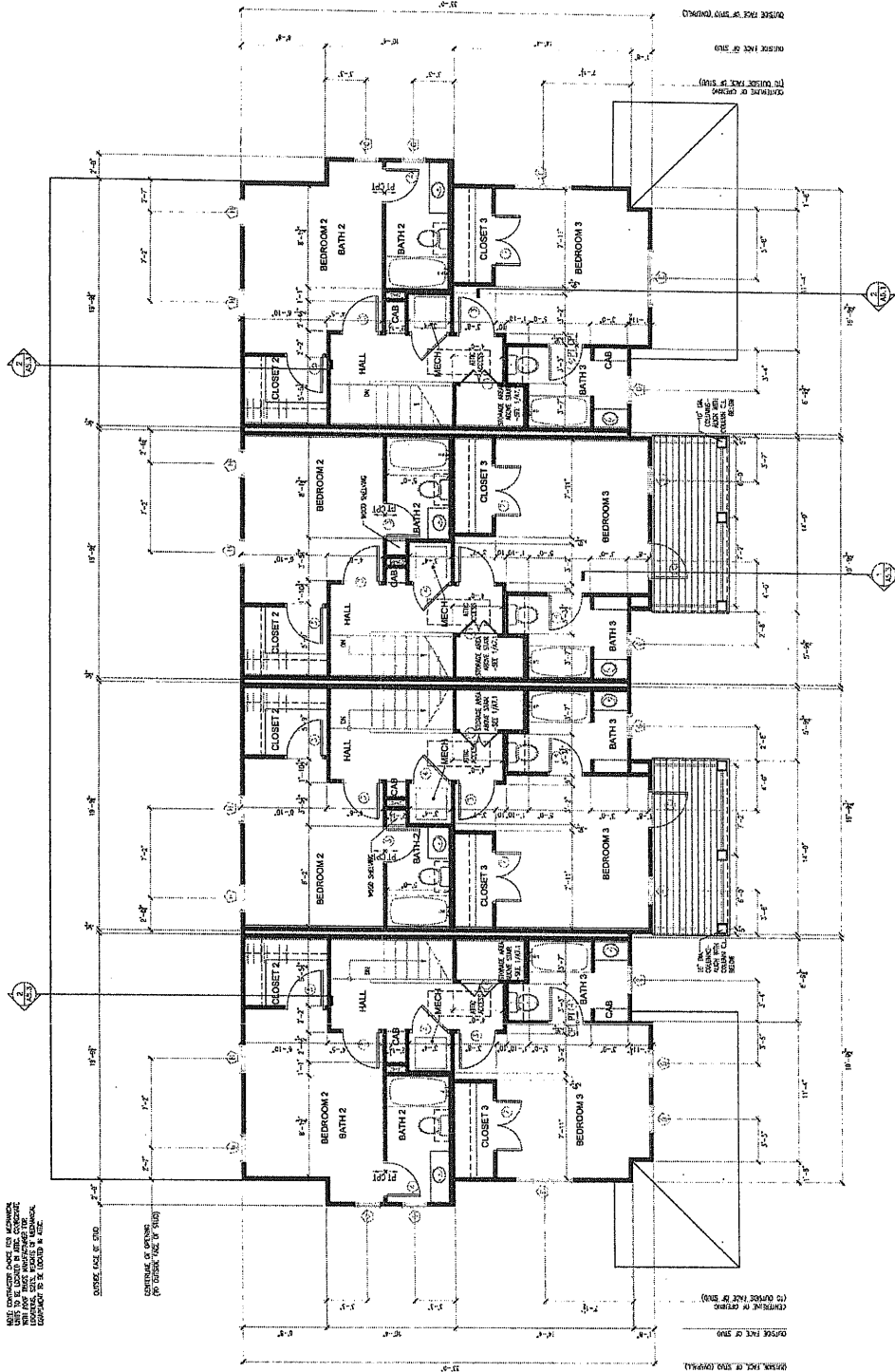
The Supplemental Plans referenced in this First Amendment to the Declaration are attached hereto and incorporated herein.



Building D4-Plan-1st Floor
 1/4" = 1' - 0"



Typical Bathroom Blocking Plan-1st Floor Only
 1/4" = 1' - 0"

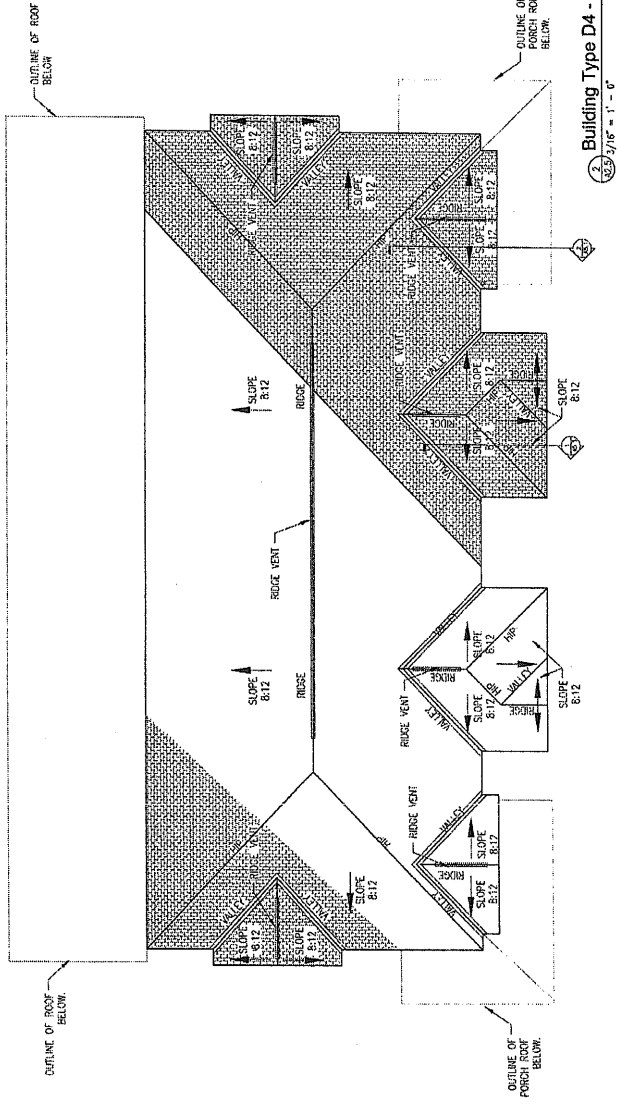


Building Type D4 - Plan - 2nd Floor
 1/4" = 1' - 0"

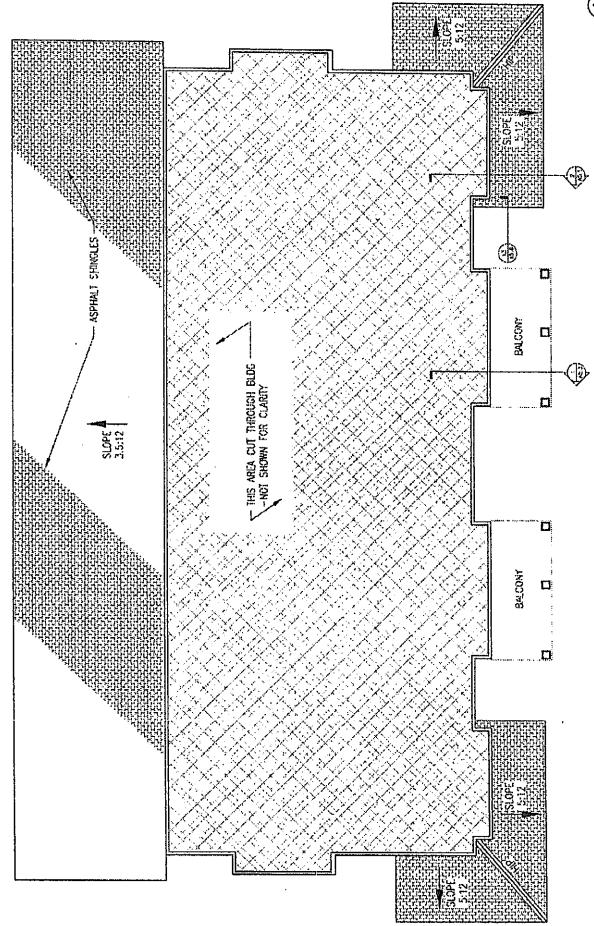
NOTE: DIMENSIONS ARE FOR OPENINGS UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. DIMENSIONS TO 1/8" ROUND UP.

CONTINUED ON OTHER SIDE OF SHEET

CONTINUED ON OTHER SIDE OF SHEET

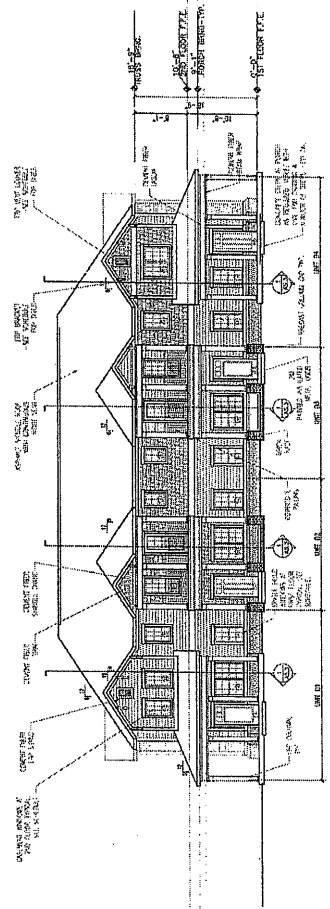


Building Type D4 - Roof-2nd Floor
3/16" = 1' - 0"

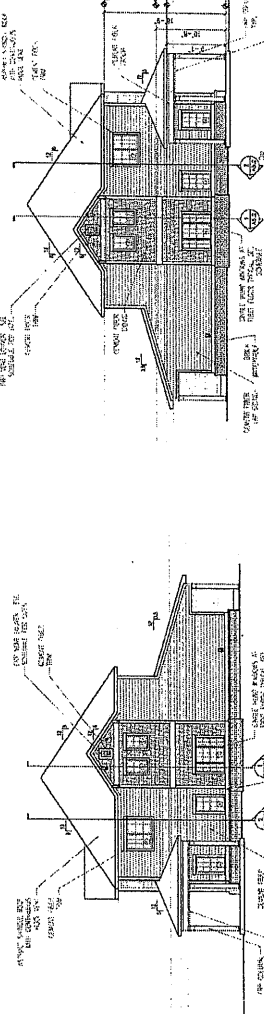


Building Type D4 - Roof-1st Floor
3/16" = 1' - 0"

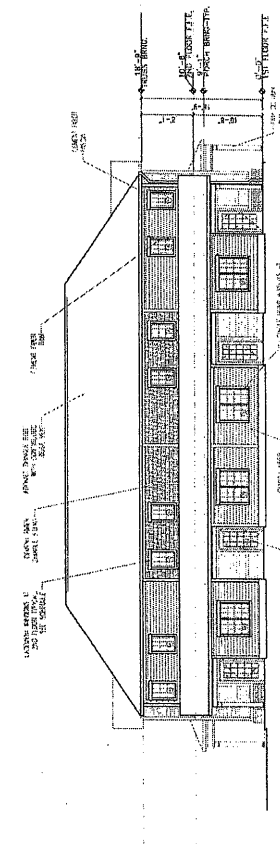
Building Type D4-Front Elev. $\frac{1}{8}'' = 1' - 0''$



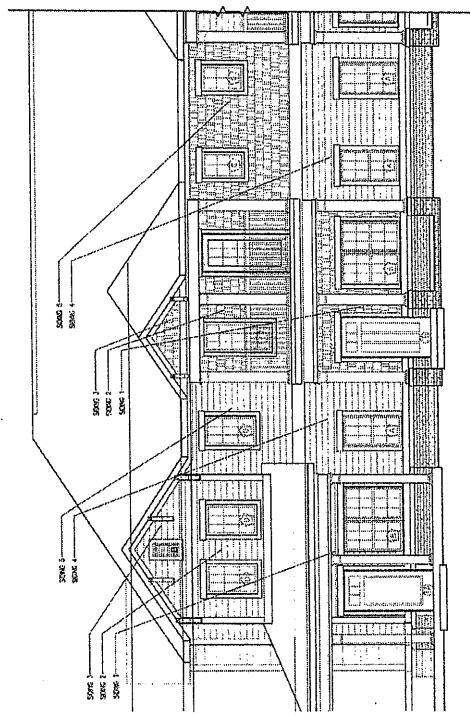
Building Type D4-Side Elev. $\frac{1}{8}'' = 1' - 0''$



Building Type D4-Rear Elev. $\frac{1}{8}'' = 1' - 0''$



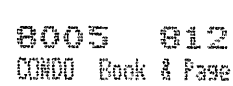
Building Type D4-Front Elev. $\frac{1}{8}'' = 1' - 0''$

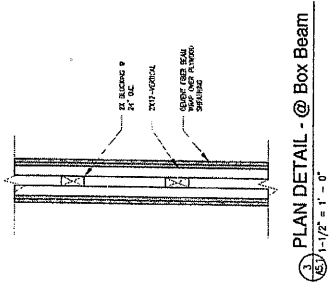


Building Type D4-Detail Elev. $\frac{1}{4}'' = 1' - 0''$

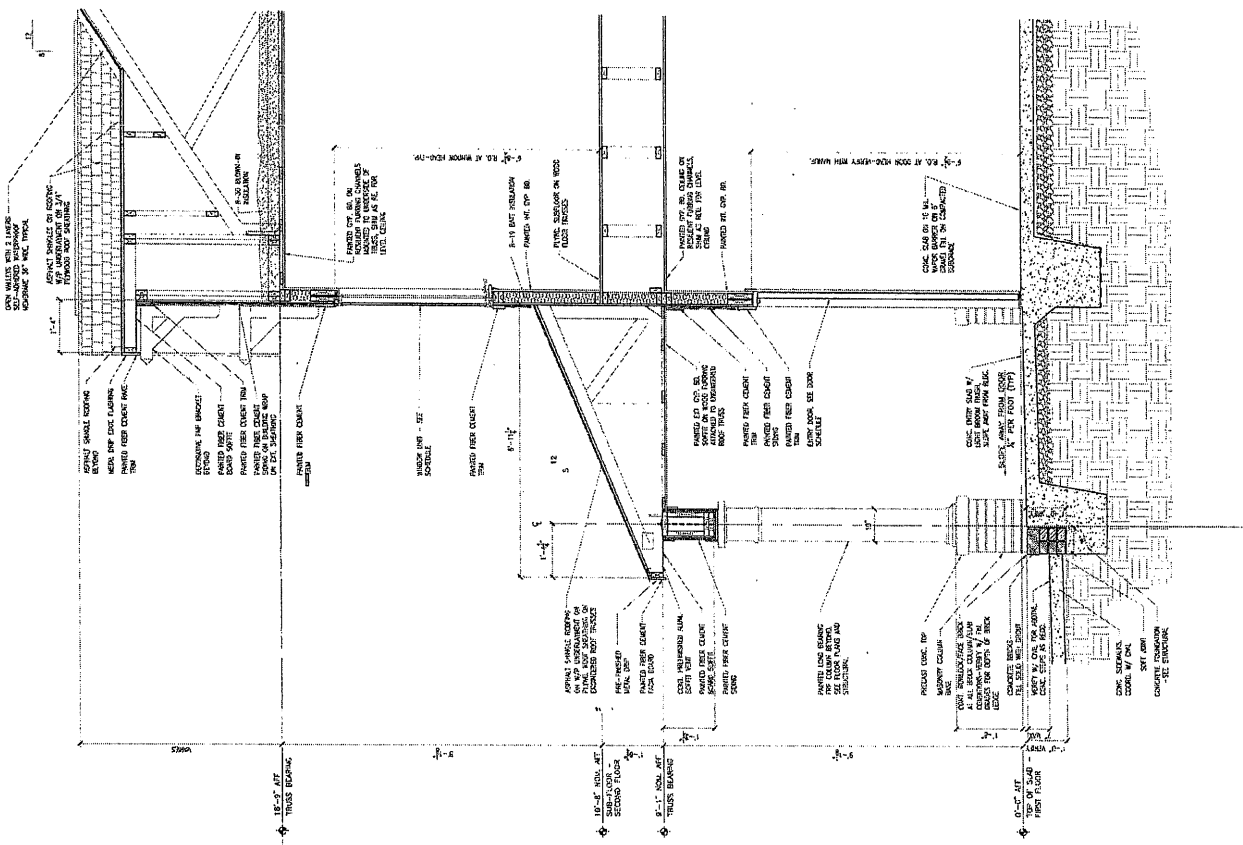
SEE SPECIMENS APPROVED AND THE ARCHITECT'S RECORD FOR THE SEVERAL SPECIMENS WHICH ARE LOCATED IN THE CITY OF CHICAGO, ILL. AT SEVERAL CORNERS IN VARIOUS CITY BLOCKS.

NO.	DESCRIPT.	WORK	FINISH	THICKNESS	UNIT	QUANTITY	REMARKS
1	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
2	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
3	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
4	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
5	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
6	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
7	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
8	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
9	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.
10	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	WOOD SHINGLES	100		SEE SPEC.



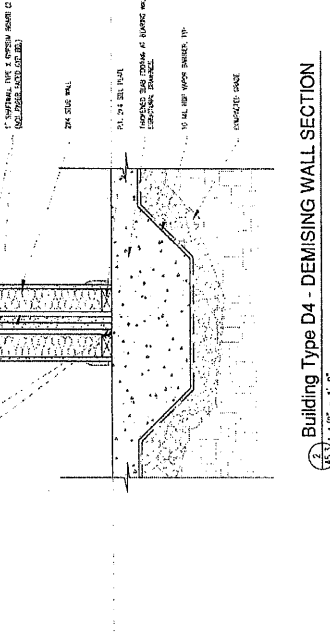
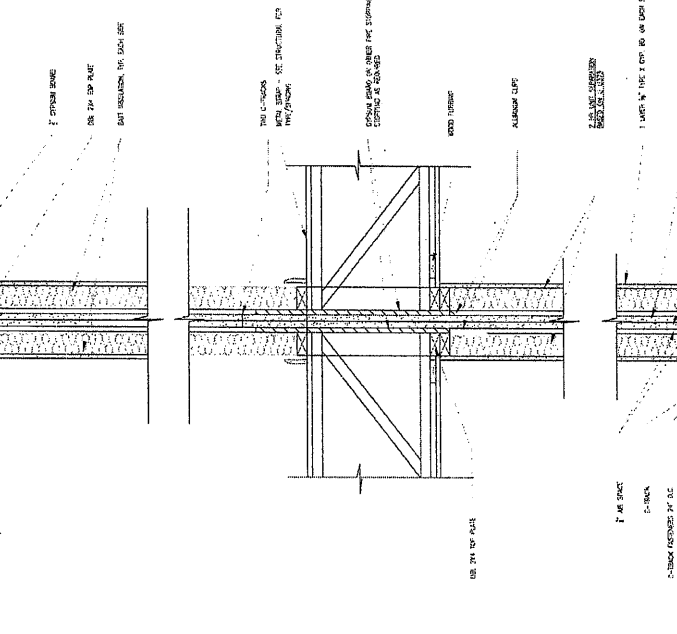
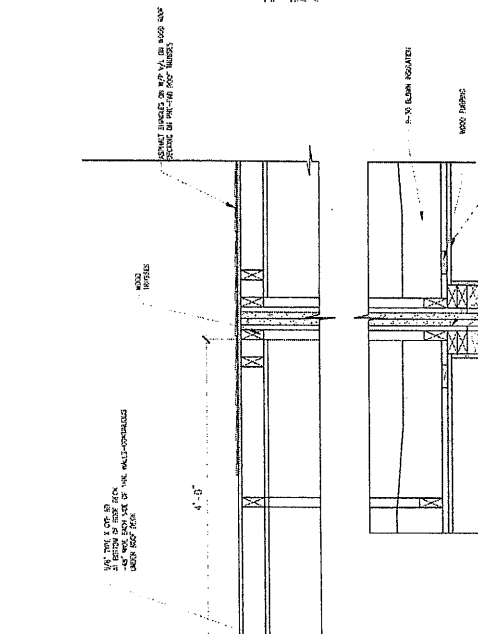
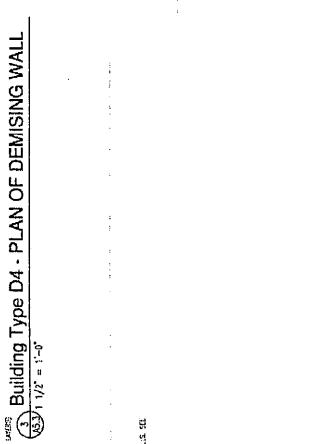
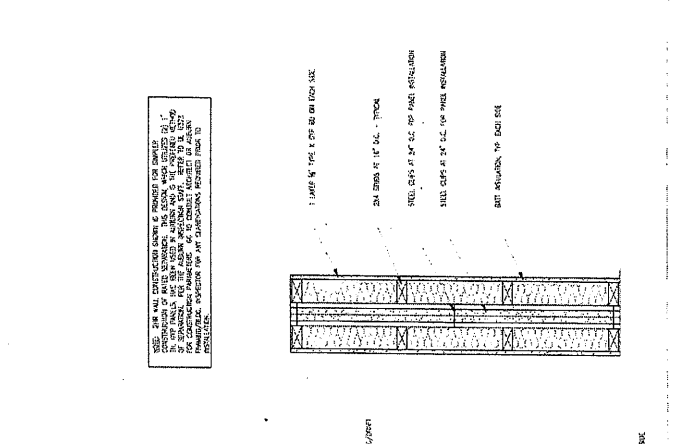
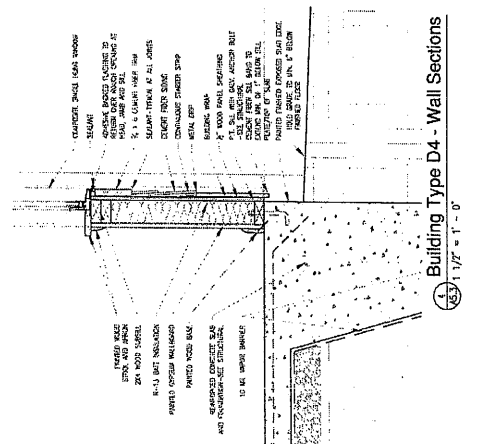
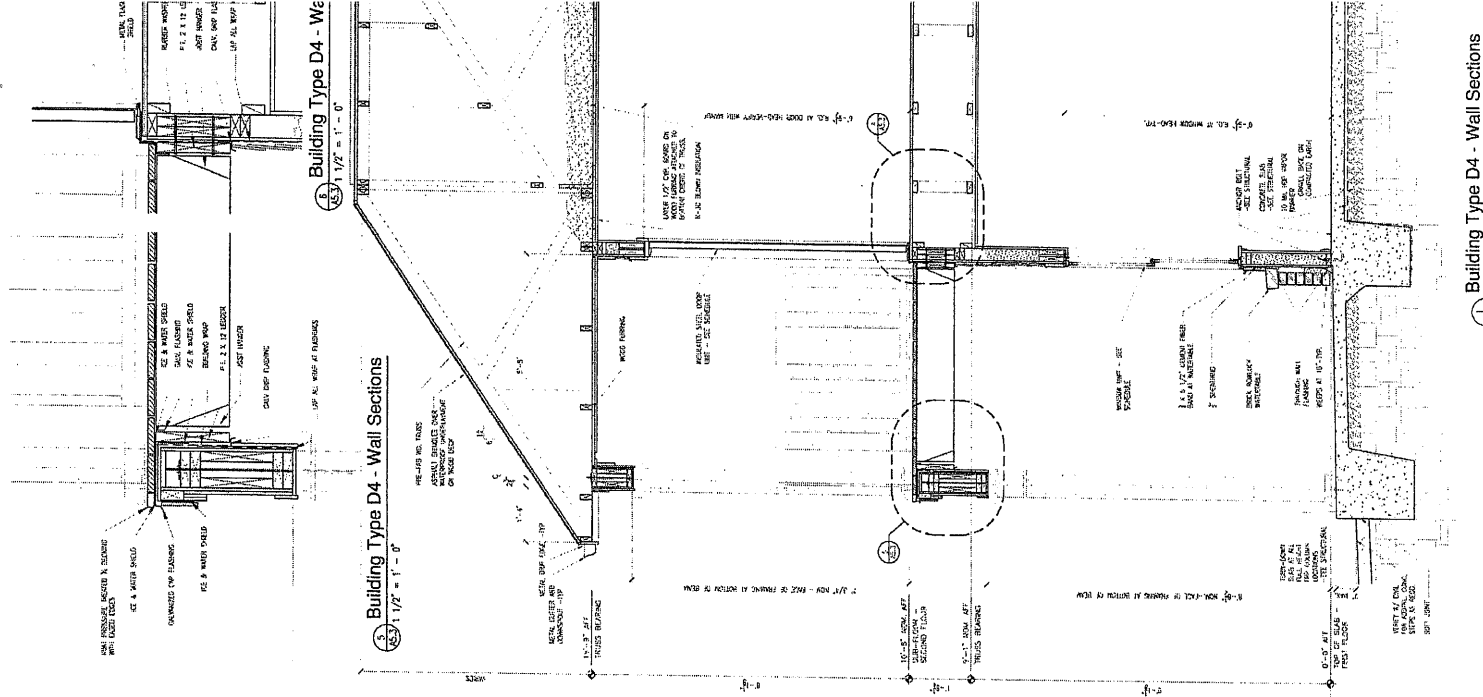


PLAN DETAIL - @ Box Beam
 1/4" = 1' - 0"



Building Type D4- Wall Sections
 1/4" = 1' - 0"

Building Type D4- Wall Sec
 1/4" = 1' - 0"



WOOD
COND
Back
60
33
38

ARCHITECTURAL GENERAL

GENERAL

1. THE PARTY WALLS: This section includes, but is not limited to, the following: (a) Party walls between lots, (b) Party walls between units, (c) Party walls between buildings, (d) Party walls between existing and new buildings, (e) Party walls between existing and new buildings, (f) Party walls between existing and new buildings, (g) Party walls between existing and new buildings, (h) Party walls between existing and new buildings, (i) Party walls between existing and new buildings, (j) Party walls between existing and new buildings, (k) Party walls between existing and new buildings, (l) Party walls between existing and new buildings, (m) Party walls between existing and new buildings, (n) Party walls between existing and new buildings, (o) Party walls between existing and new buildings, (p) Party walls between existing and new buildings, (q) Party walls between existing and new buildings, (r) Party walls between existing and new buildings, (s) Party walls between existing and new buildings, (t) Party walls between existing and new buildings, (u) Party walls between existing and new buildings, (v) Party walls between existing and new buildings, (w) Party walls between existing and new buildings, (x) Party walls between existing and new buildings, (y) Party walls between existing and new buildings, (z) Party walls between existing and new buildings.

DIVISIONS

1. FOUNDATION: Foundations shall be designed and constructed to support the building, including all equipment, and to resist lateral and overturning forces.
2. FLOORING: Flooring shall be designed and constructed to support the building, including all equipment, and to resist lateral and overturning forces.
3. ROOFING: Roofing shall be designed and constructed to support the building, including all equipment, and to resist lateral and overturning forces.
4. WALLS: Walls shall be designed and constructed to support the building, including all equipment, and to resist lateral and overturning forces.
5. DOORS AND WINDOWS: Doors and windows shall be designed and constructed to support the building, including all equipment, and to resist lateral and overturning forces.
6. ELEVATIONS: Elevations shall be designed and constructed to support the building, including all equipment, and to resist lateral and overturning forces.
7. FINISHES: Finishes shall be designed and constructed to support the building, including all equipment, and to resist lateral and overturning forces.

FINISHES

1. INTERIOR WALLS: Interior walls shall be finished with plaster or gypsum board and paint.
2. EXTERIOR WALLS: Exterior walls shall be finished with masonry, stucco, or brick.
3. CEILING: Ceilings shall be finished with gypsum board and paint.
4. FLOORING: Flooring shall be finished with tile, carpet, or wood.
5. ROOFING: Roofing shall be finished with asphalt shingles or metal.
6. WINDOWS: Windows shall be finished with wood or metal frames and glass.
7. DOORS: Doors shall be finished with wood or metal frames and glass.

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
2. ALL MATERIALS SHALL BE AS SHOWN OR OF EQUAL OR BETTER QUALITY.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.

BUILDING CODE DATA

REFER TO CODE BOOK FOR CODE COMPLIANCE, WITH THE FOLLOWING EGRESS AND FIRE SEPARATION INFORMATION NOTED AS REQUIREMENTS FOR BUILDING DS.

BUILDING TYPE	TYPE D3 - TOWNHOUSE BUILDING
TYPE D3 - TOWNHOUSE BUILDING	
EMERGENCY ESCAPE AND RESCUE REQUIRED	YES - EMERGENCY ESCAPE AND RESCUE REQUIRED
MEANS OF EGRESS	STREET (R310.3) STAIRWAYS WITH CLEAR WIDTH: MINIMUM CLEAR WIDTH: 36" (R310.1.4.1, R310.1.4.2) NO LESS THAN 6" AT ALL PORTIONS OF STAIR (R310.1.5.2) MINIMUM CLEAR WIDTH: 36" (R310.1.5.2) HANDRAILS SHALL BE PROVIDED ON ONE SIDE OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH A MINIMUM HEIGHT: NOT LESS THAN 36" (R310.1.5.6.1) NOT MORE THAN 36" (R310.1.5.6.1) GUARDS: MIN. OF 36" IN HEIGHT FOR PORCHES, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE (R310.1) PROTECTIVE DEVICES: FIRE ALARMS, SMOKE ALARMS, WHICH DO NOT ALLOW PASSAGE OF 4" DIAMETER SPHERE, EXCEPT AT STAIR ENDS WHERE A 6" DIA. SPHERE CANNOT PASS (R310.2.3)
GUARD OPENINGS RECS.	

BUILDING TYPE	TYPE D3 - TOWNHOUSE BUILDING
EMERGENCY ESCAPE AND RESCUE REQUIRED	YES - EMERGENCY ESCAPE AND RESCUE REQUIRED
MEANS OF EGRESS	STREET (R310.3) STAIRWAYS WITH CLEAR WIDTH: MINIMUM CLEAR WIDTH: 36" (R310.1.4.1, R310.1.4.2) NO LESS THAN 6" AT ALL PORTIONS OF STAIR (R310.1.5.2) MINIMUM CLEAR WIDTH: 36" (R310.1.5.2) HANDRAILS SHALL BE PROVIDED ON ONE SIDE OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH A MINIMUM HEIGHT: NOT LESS THAN 36" (R310.1.5.6.1) NOT MORE THAN 36" (R310.1.5.6.1) GUARDS: MIN. OF 36" IN HEIGHT FOR PORCHES, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE (R310.1) PROTECTIVE DEVICES: FIRE ALARMS, SMOKE ALARMS, WHICH DO NOT ALLOW PASSAGE OF 4" DIAMETER SPHERE, EXCEPT AT STAIR ENDS WHERE A 6" DIA. SPHERE CANNOT PASS (R310.2.3)
GUARD OPENINGS RECS.	

AREA CALC.	UNIT	1ST FLOOR	2ND FLOOR	TOTALS (SF)
NET GROSS FLOOR	D3	886	602	1488
COURTYARD		876	602	1478

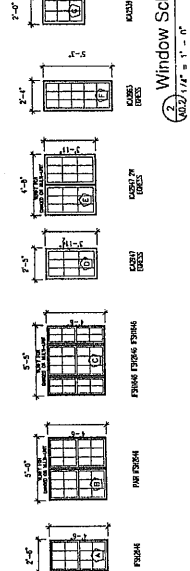
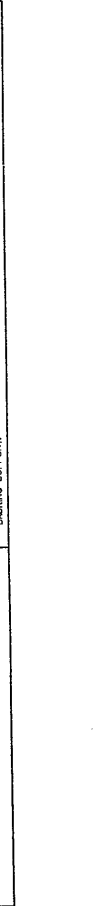
AREA MEASURED FROM EXTERIOR FACE OF FRAMING FOR ALL WALLS
AREA MEASURED FROM EXTERIOR FACE OF FRAMING FOR ALL WALLS
ALL AREA CALCULATIONS COUNT THE AREA ABOVE AND AT THE FIRST FLOOR, WITH THE AREA OF THE STAIR DOWN ENCLOSURE FLOOR AREA (COUNT AS SECOND FLOOR AREA).

NO.	LOCATION TO	DOOR	SIZE	FINISH	REMARKS
1	EXTERIOR FRONT	1	3'-0" X 6'-6"	METAL PAINT	RESERVE 6" X 6" S.E.P.
2	EXTERIOR BALCONY	2	3'-0" X 6'-6"	METAL PAINT	FRENCH
3	EXTERIOR GALLERY	3	3'-0" X 6'-6"	METAL PAINT	
4	EXTERIOR PORCH	4	3'-0" X 6'-6"	METAL PAINT	
5	INTERIOR GALLERY	5	3'-0" X 6'-6"	WOOD PAINT	
6	INTERIOR PORCH	6	3'-0" X 6'-6"	WOOD PAINT	
7	INTERIOR DOORS	7	3'-0" X 6'-6"	WOOD PAINT	
8	INTERIOR DOORS - PAIR	8	3'-0" X 6'-6"	WOOD PAINT	

NO.	LOCATION TO	GLAZING	REMARKS
1	EXTERIOR FRONT	1	SINGLE HUNG
2	EXTERIOR BALCONY	2	SINGLE HUNG
3	EXTERIOR GALLERY	3	CASEMENT
4	EXTERIOR PORCH	4	CASEMENT
5	INTERIOR GALLERY	5	CASEMENT
6	INTERIOR PORCH	6	CASEMENT

WINDOW SCHEDULE

NO.	LOCATION TO	GLAZING	REMARKS
1	EXTERIOR FRONT	1	SINGLE HUNG
2	EXTERIOR BALCONY	2	SINGLE HUNG
3	EXTERIOR GALLERY	3	CASEMENT
4	EXTERIOR PORCH	4	CASEMENT
5	INTERIOR GALLERY	5	CASEMENT
6	INTERIOR PORCH	6	CASEMENT



TEMPERED GLASS IS REQUIRED IN THE FOLLOWING LOCATIONS BY CODE:

1. GLAZING IN FRAMED AND UNFRAMED SWINGING DOORS, EXCEPT IF THE GLASS OPENING WILL NOT ALLOW GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24" OF THE EDGE OF THE GLAZING IS LESS THAN 60" ABOVE THE WALKING SURFACE.
2. GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24" OF THE EDGE OF THE GLAZING IS LESS THAN 60" ABOVE THE WALKING SURFACE.
3. GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24" OF THE EDGE OF THE GLAZING IS LESS THAN 60" ABOVE THE WALKING SURFACE.
4. GLAZING ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN A 24" OF THE EDGE OF THE GLAZING IS LESS THAN 60" ABOVE THE WALKING SURFACE.
5. NOT REQUIRED FOR MIRRORS HUNG OR MOUNTED ON A SURFACE THAT PROVIDES A CONTINUOUS GLAZING SUPPORT.

MANUFACTURER TO PROVIDE TEMPERED GLASS IN ALL AREAS REQUIRED BY CODE AND IN THE ADJACENT COLUMN.

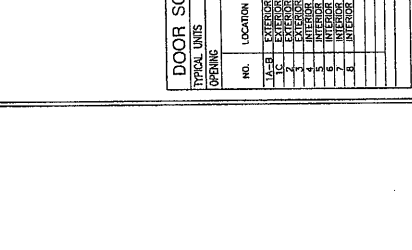
ALL UNITS TO BE SINGLE HUNG

MANUFACTURER TO PROVIDE TEMPERED GLASS IN ALL AREAS REQUIRED BY CODE AND IN THE ADJACENT COLUMN.

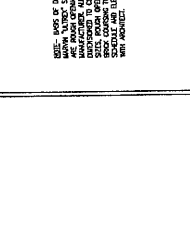
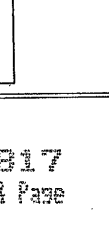
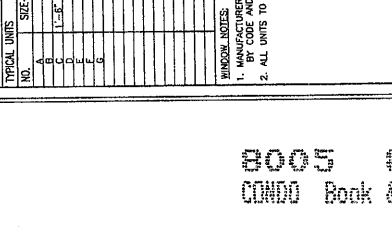
ALL UNITS TO BE SINGLE HUNG

NO.	LOCATION TO	GLAZING	REMARKS
1	EXTERIOR FRONT	1	SINGLE HUNG
2	EXTERIOR BALCONY	2	SINGLE HUNG
3	EXTERIOR GALLERY	3	CASEMENT
4	EXTERIOR PORCH	4	CASEMENT
5	INTERIOR GALLERY	5	CASEMENT
6	INTERIOR PORCH	6	CASEMENT

WINDOW SCHEDULE



Bracket Schedule



MANUFACTURER TO PROVIDE TEMPERED GLASS IN ALL AREAS REQUIRED BY CODE AND IN THE ADJACENT COLUMN.

ALL UNITS TO BE SINGLE HUNG

MANUFACTURER TO PROVIDE TEMPERED GLASS IN ALL AREAS REQUIRED BY CODE AND IN THE ADJACENT COLUMN.

ALL UNITS TO BE SINGLE HUNG

Door Sched

1/2" x 1" x 0"

1/2" x 1" x 0"

1/2" x 1" x 0"

TYPE C

R12228

TYPE B

R12228

TYPE A

R12228

TYPE C

R12228

TYPE B

R12228

TYPE A

R12228

TYPE C

R12228

TYPE B

R12228

TYPE A

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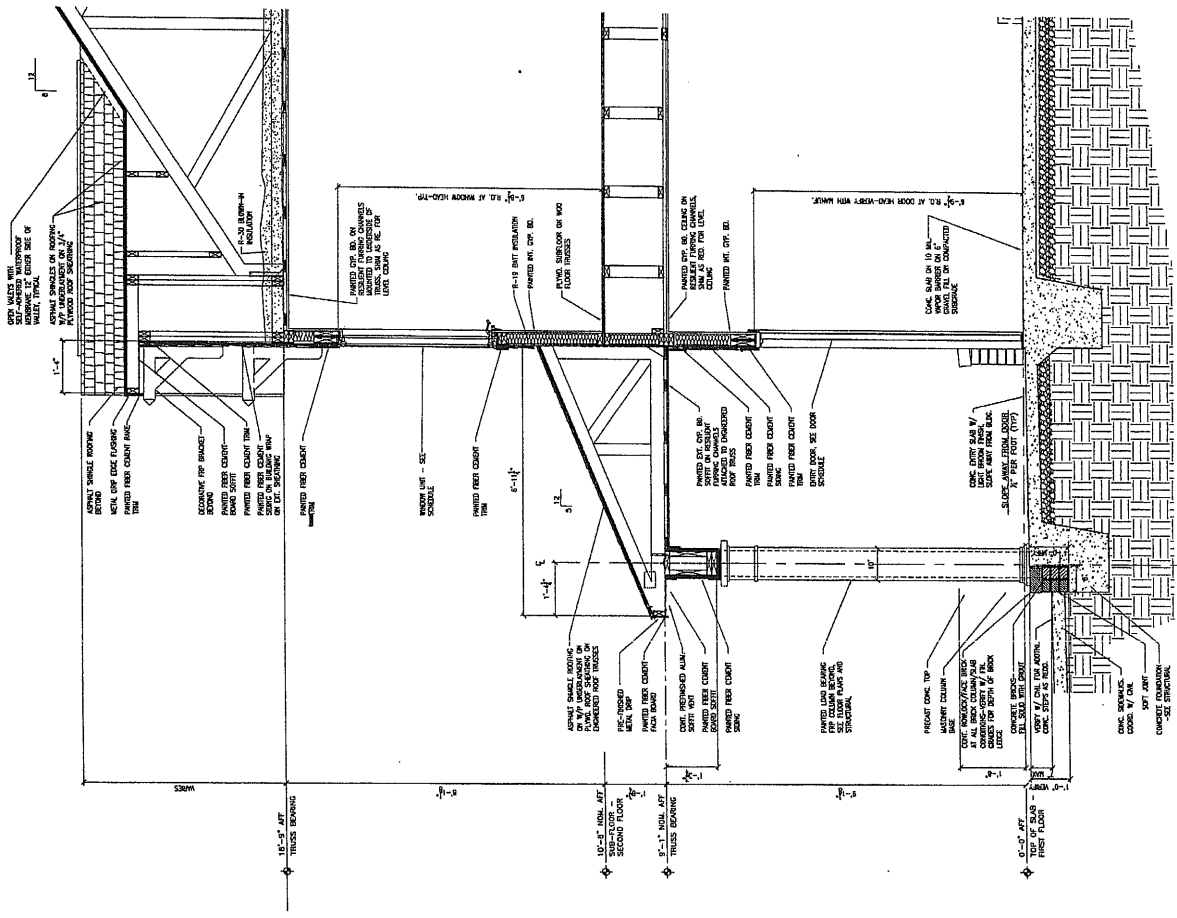
TYPE B

R12228

TYPE A

R12228

TYPE C



Building Type D3- Wall Sections
 3/4" = 1' - 0"

EXHIBIT "3"
TO
FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
MADISON PARK, A CONDOMINIUM

**UNIT OWNER'S COMMON INTERESTS IN COMMON ELEMENTS AND LIMITED
COMMON ELEMENTS**

The following is the current approximation for ownership interests in the Common Elements and Limited Common Elements for Phase I-A and Phase 2 of the Condominium. In the event future phases are added, the Common Interests shall be further adjusted as established in the Declaration.

Each Unit Owner shall have an undivided interest in the Common Elements and Limited Common Elements attributable to the Unit equal to 1/37, or 2.70%