

STATE OF ALABAMA

COUNTY OF BALDWIN

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
AND RESTRICTIONS FOR CASWELL @ BAYOU ST. JOHN  
A PLANNED UNIT DEVELOPMENT

The DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CASWELL @ BAYOU ST. JOHN, A PLANNED UNIT DEVELOPMENT is hereby amended by CASWELL DEVELOPMENT COMPANY, L.L.C., an Alabama Limited Liability Company (the "DECLARANT") as follows:

1. Paragraph 1 of the "Recitals" found on page 1 is hereby amended to read in its entirety as follows:

1. DECLARANT is the owner of that certain real property which is known as CASWELL @ BAYOU ST. JOHN, a Planned Unit Development, as per plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Slide 2197D and as amended on Slide 2204-B together with all improvements and appurtenances (sometimes hereinafter referred to as the "PROPERTY").

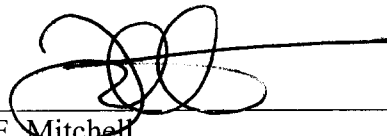
2. In all other respects, the DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CASWELL @ BAYOU ST. JOHN, A PLANNED UNIT DEVELOPMENT shall remain unchanged, in full force and effect and are ratified and confirmed hereby.

IN WITNESS WHEREOF, the undersigned, being the DECLARANT herein has caused this instrument to be executed on this the 18<sup>th</sup> day of March, 2005.

DECLARANT:

CASWELL DEVELOPMENT COMPANY, L.L.C.,  
an Alabama Limited Liability Company

BY:



T. E. Mitchell  
Its: Manager

877939

STATE OF ALABAMA :

COUNTY OF BALDWIN :

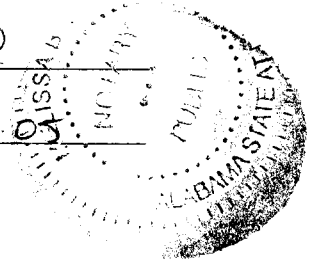
Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared T. E. Mitchell whose name as Manager of CASWELL DEVELOPMENT CO., L.L.C., an Alabama Limited Liability Company, is signed to the foregoing instrument and who being by me first duly sworn deposes and says that he is authorized to execute this instrument on behalf of the Company and that the facts contained in the above and foregoing are true and correct.

Given under my hand and seal on this the 18<sup>th</sup> day of March, 2005.

Melissa B. Hall

Notary Public

My Commission Expires: 9-28-05



BY:

Leonard A. Kaiser

Leonard A. Kaiser  
Its: Manager

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared Leonard A. Kaiser, whose name as Manager of CASWELL DEVELOPMENT CO., L.L.C., an Alabama Limited Liability Company, is signed to the foregoing instrument and who being by me first duly sworn deposes and says that he is authorized to execute this instrument on behalf of the Company and that the facts contained in the above and foregoing are true and correct.

Given under my hand and seal on this the 16<sup>th</sup> day of March, 2005.

Janet L. Cobb

Notary Public

My Commission Expires: 7/23/05



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

2005 March -21 9:58AM

Instrument Number 877939 Pages 3  
Recording 9.00 Mortgage  
Deed Min Tax  
Index DP 5.00  
Archive 5.00  
Adrian T. Johns, Judge of Probate