

STATE OF ALABAMA        )  
COUNTY OF LEE            )

**SECOND AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR  
TOWNHOMES AT HARTBROOK**

This Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Townhomes at Hartbrook is made as of 20th day of December, 2023 by **The Hartbrook Townhomes, LLC, an Alabama limited liability company** (“Developer”).

**RECITALS:**

**WHEREAS**, TD Development LLC, as Developer, previously executed and recorded that certain Declaration of Covenants, Conditions and Restrictions for Townhomes at Hartbrook dated February 8, 2023, recorded February 9, 2023 in the Office of the Judge of Probate of Lee County, Alabama in Deed Book 2686, at Page 795, as subsequently amended by that certain First Amendment recorded in Deed Book 2696, at Page 675, both in the Office of the Judge of Probate of Lee County, Alabama (the initial Declaration and subsequent First Amendment are collectively referred to as the “Declaration”); and

**WHEREAS**, The Hartbrook Townhomes, LLC, as assignee of all development rights from TD Development LLC, and pursuant to the rights reserved by Developer in Section 2.02 of the Declaration, desires to add Section 3.05 and amend Section 7.02(a) to affirm the Association’s responsibility for the private roads within the Development and to amend Section 6.07 concerning fencing.

**NOW THEREFORE**, in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound Developer declares, establishes and amends the Declaration as follows:

1. **Section 3.05** is hereby added to the Declaration and reads as follows:

**3.05 Reservation of Private Roadway Easement.** Developer does hereby establish and reserve for itself, the Association, each Town Home Owner, and their respective agents, employees, heirs, successors, assigns and invitees, a permanent and perpetual right and easement on, over, across and upon all private roads located on Lot 58 as shown on the plat entitled Hartbrook Subdivision, Redivision of Lot 3, recorded in Plat Book 45, Page 99, in the Office of the Judge of Probate of Lee County, Alabama.

2. **Section 7.02(a)** is hereby amended and restated in its entirety as follows:

**7.02 Responsibilities of Association**

- a. Except as may be otherwise provided herein to the contrary, the Association shall, to the extent it has received sufficient sums from the Owners through Assessments, maintain and keep in good repair the exterior of all Town Homes, including, without limitation the roof and veneer, and the Lots, including, without limitation, the landscaping, sidewalks and private roads located thereon. Said responsibility shall include the maintenance, repair, and replacement of all private roads and landscaped areas, including all lawns, trees, shrubs, hedges, grass, and other landscaping situated within or upon any Lot. The Association shall not be liable for injuries or damage to any person or property (1) caused

