

This instrument was prepared by:

Jerome K. Lanning

1100 Park Place Tower

Birmingham, Alabama 35203

1862

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM

OF

THE GABLES, A CONDOMINIUM

This Amendment to Declaration of Condominium made this 1st day of September, 1986, by BHN Corporation, a corporation, and Southwood Park Estates, Inc., a corporation, as tenants in common and general partners of Riverchase Properties, an Alabama general partnership (collectively "Developer"), for itself, and for its successors, grantees and assigns, for the purpose of incorporating an as-built site plan, building plans, floor plans and sections for certain real estate and improvements previously submitted to the condominium form of ownership in The Gables, A Condominium, located within the City of Hoover, Shelby County, Alabama.

R E C I T A L S :

WHEREAS, Developer previously executed a Declaration of Condominium recorded in Real Book 10, at Page 177, et seq., in the Office of the Judge of Probate of Shelby County, Alabama, (said Declaration, as subsequently amended, is hereinafter referred to as the "Declaration"), providing for the submission of certain land owned by Developer in fee and described in Exhibit A-1 to the Declaration, together with the improvements erected thereon, to the provisions of the Condominium Ownership Act of Alabama, Code of Alabama, 1975, § 35-8-1, et seq., (the "Act") and thereby established the condominium known as The Gables, A Condominium (the "Condominium"); and

WHEREAS, Developer previously executed an Amendment to Declaration of Condominium (the "Amendment"), recorded in Corp. Book 30, at Page 407, et seq., in the Office of the Probate Judge of Shelby County, Alabama, providing for the submission of certain real property owned by Developer in fee and located within the City of Hoover, Shelby County, Alabama, and more particularly described in Exhibit A-2(b) to the Amendment, subject to those easements, rights of way and other restrictions set forth in the survey of said real estate dated April 30, 1986, prepared by Coulter, Gay, Salmon & Martin Engineering Company, Inc., a copy of which is attached to the Amendment as Exhibit I (the "Phase III Land"), which said Phase III Land is located completely within the Subsequent Phase Land described in Exhibit A-2 to the Declaration; and

WHEREAS, Developer has completed the construction on the Phase III Land of two (2) residential buildings together containing as private elements twenty (20) condominium units (the "Phase III Units"), as well as the construction of other improvements as common elements on the Phase III Land, which improvements are generally described as to building location on the Site Development Plan - East Segment attached to the Amendment as Exhibit II; and

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Land Title

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WHEREAS, the Amendment provided that, upon the completion of the construction of said improvements upon the Phase III Land, and prior to the conveyance of any of the Phase III Units, Developer shall file a further amendment to the Declaration which shall incorporate a site plan, building plans, floor plans and sections to be prepared by Coulter, Gay, Salmon & Martin Engineering Company, Inc., Engineers, and by Edward Bailey & Associates, Inc., Architects, which plans shall contain the certification by said Engineers and Architects that the Phase III Units and other improvements upon the Phase III Land contain a true and correct description of as-built conditions (the "As Built Phase III Plans"); and

WHEREAS, Developer has completed construction of said improvements upon the Phase III Land.

NOW, THEREFORE, the undersigned hereby make, report, consent and agree to the following Amendment to said Declaration:

1. The Declaration is hereby amended by deleting Exhibit III thereto (added by the Amendment) and by substituting in lieu thereof the Exhibit III which is attached hereto and made a part hereof.

2. The Declaration is hereby further amended by adding thereto the following Exhibits:

(a) Exhibit I hereto (Site Plan).

(b) Exhibit II hereto (the As-Built Phase III Plans).

3. As hereby amended, the Declaration remains in full force and effect.

IN WITNESS WHEREOF, the said Developer, BHN Corporation, a corporation, and Southwood Park Estates, Inc., a corporation, as tenants in common and general partners of Riverchase Properties, an Alabama general partnership, has caused this Amendment to Declaration of Condominium to be executed as of the day and year first above written.

Riverchase Properties, an
Alabama general partnership

By: Southwood Park Estates,
Inc., a corporation, Partner

By: Thomas W. Harris Jr.
Its _____ President

AND BY BHN Corporation,
a corporation, Partner

By: [Signature]
Its President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Thomas W. Davis, Jr., whose name as President of Southwood Park Estates, Inc., a corporation, a partner in Riverchase Properties, an Alabama general partnership, 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 as the act of said corporation, which is duly authorized to execute said instrument on behalf of said general partnership.

GIVEN under my hand and official seal this 1st day of October,



[Signature]
Notary Public

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State; hereby certify that William W. Dickey, whose name as President of BHN Corporation, a corporation, a partner in Riverchase Properties, an Alabama general partnership, 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 as the act of said corporation, which is duly authorized to execute said instrument on behalf of said general partnership.

GIVEN under my hand and official seal this 1st day of October,



[Signature]
Notary Public

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For a good and valuable consideration, the receipt whereof is hereby acknowledged, The Gables Condominium Association, Inc., an Alabama not-for-profit corporation, and its successors and assigns, for itself, and for and on behalf of its Members, hereby agrees to and accepts all of the terms and conditions of and the duties, responsibilities, obligations and burdens imposed on it by the provisions of the foregoing Amendment to Declaration of Condominium.

THE GABLES CONDOMINIUM
ASSOCIATION, INC.

By:

William C. Hulsey
Its President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that William C. Hulsey, whose name as President of The Gables Condominium Association, Inc., an Alabama not-for-profit 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 as the act of said corporation.

GIVEN under my hand and official seal this 1st day of October, 1986.

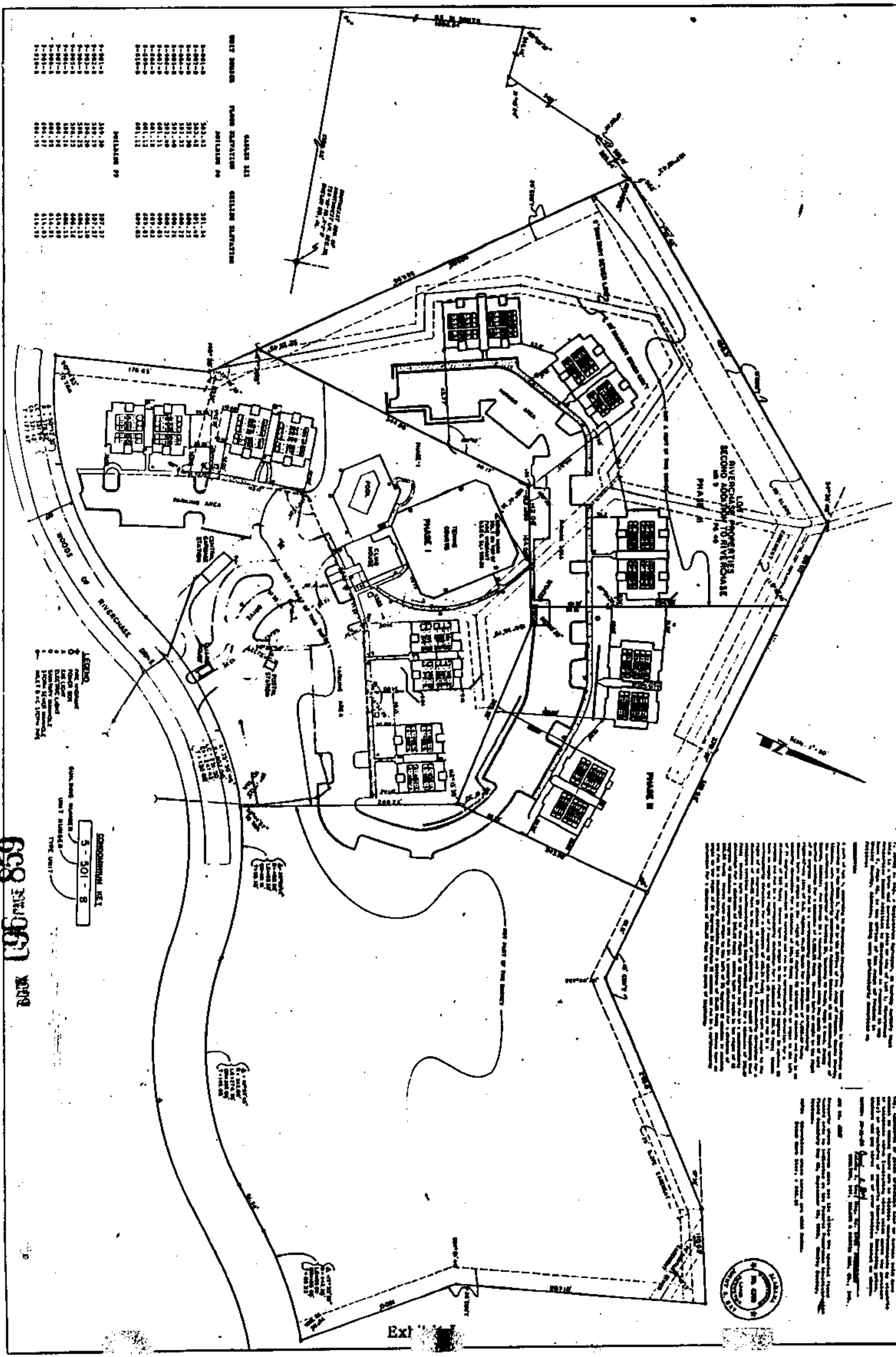
Notary Public
Notary Public

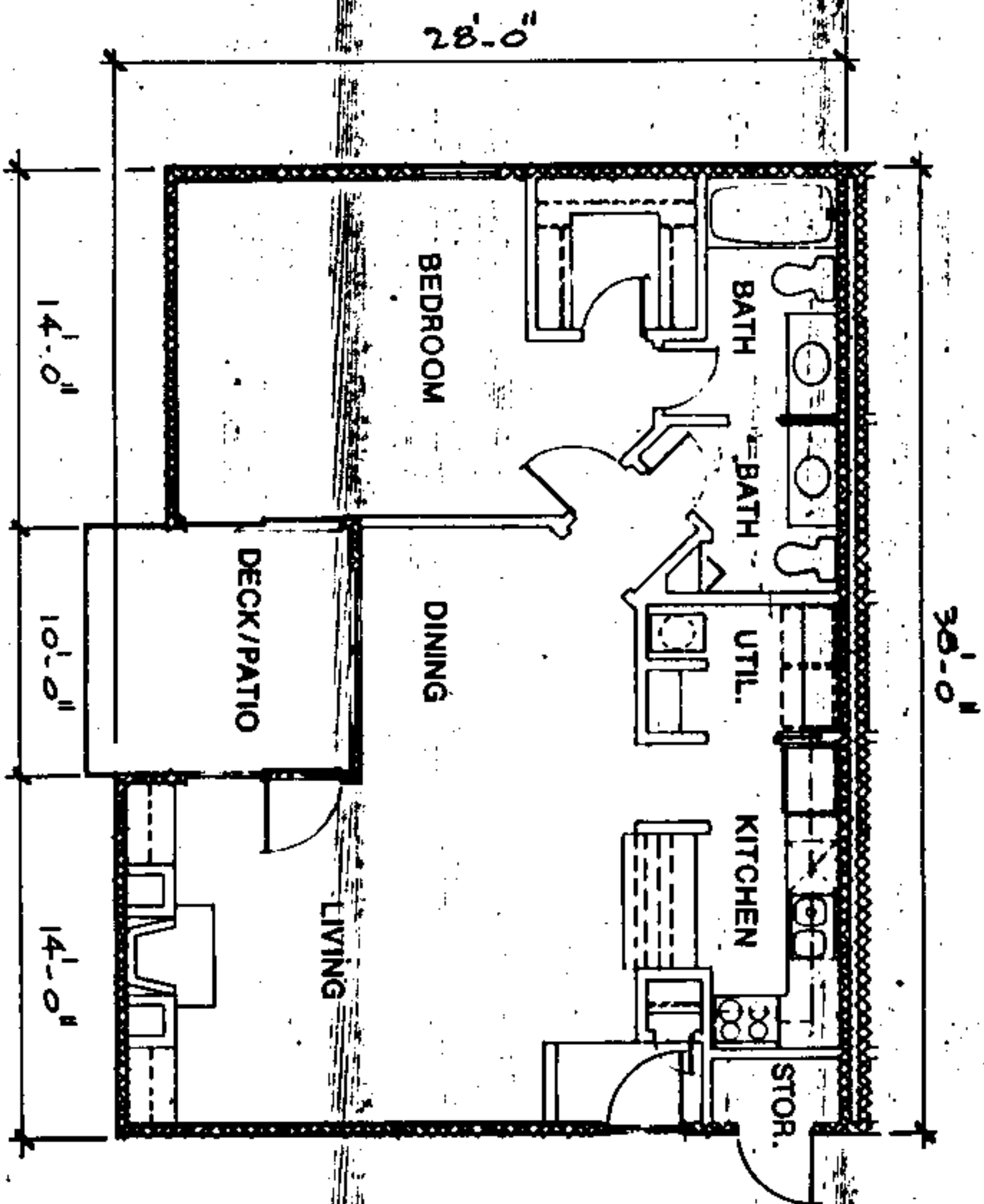
BOOK 096 PAGE 858



The following is a list of the names of the persons who have been appointed to the various committees and subcommittees of the House of Representatives for the 85th Congress, 1st Session, 1957-1958. The names are listed in alphabetical order by committee.

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FLOOR PLAN

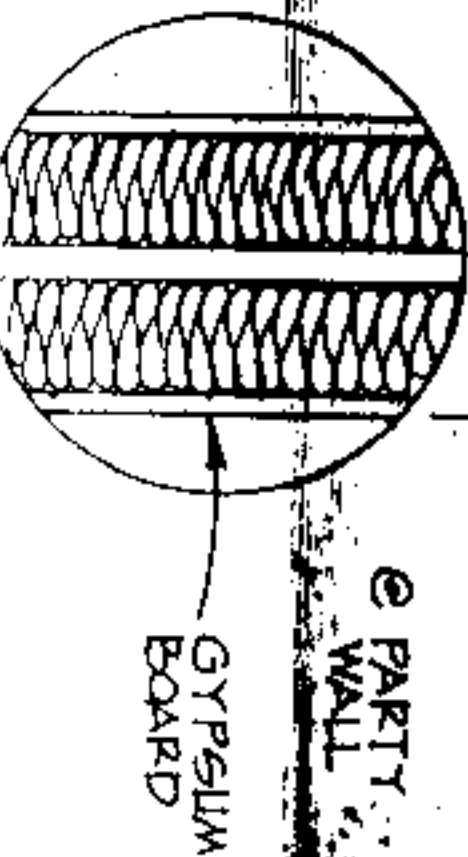
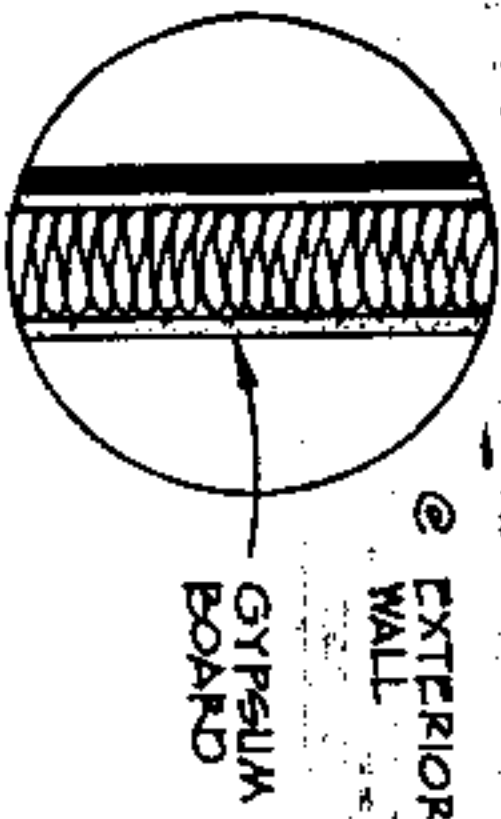
UNIT TYPE B

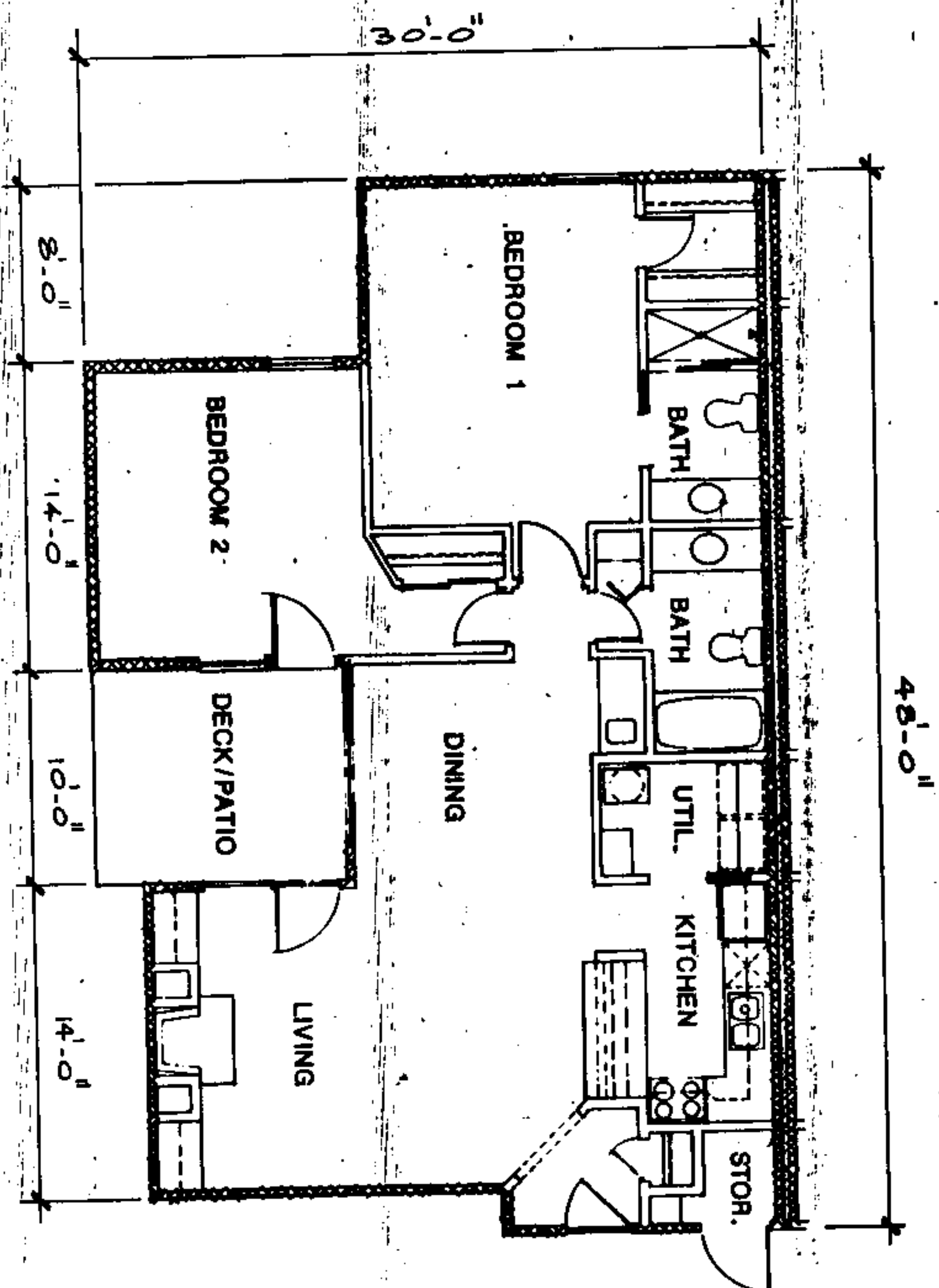
THE GABLES PHASE III

This is a true and correct description of built conditions based on my field observation and construction documents.

Lawrence L. Corley, Reg. #1376
 Bailey-Corley & Associates, Inc. - Architects

008 NOV 1960





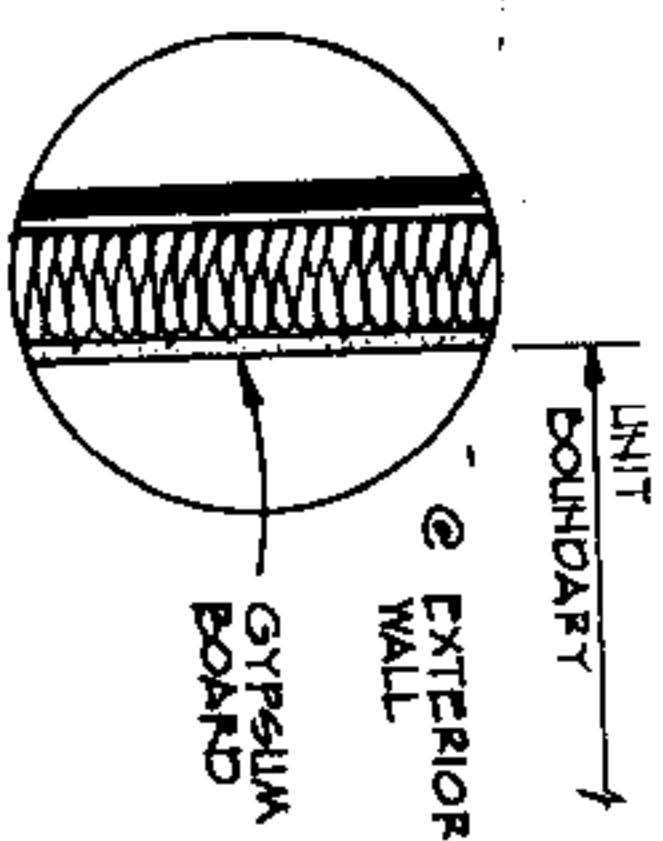
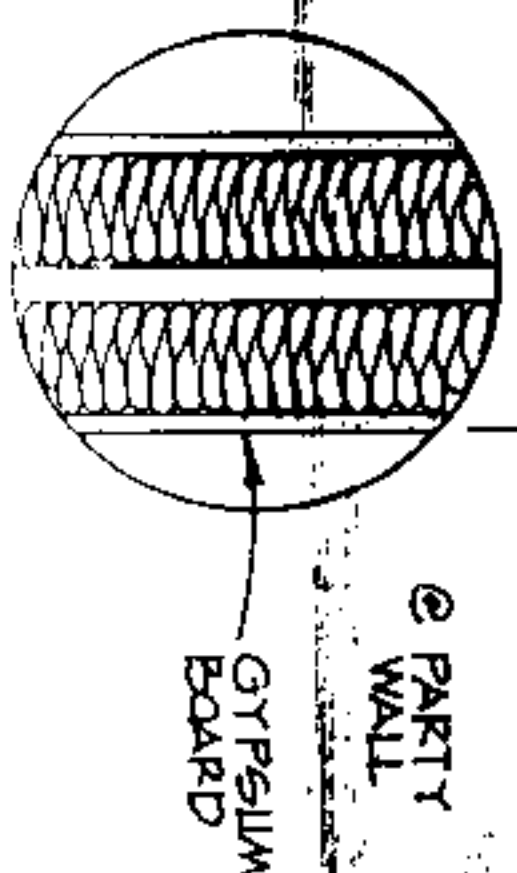
FLOOR PLAN-

UNIT TYPE D

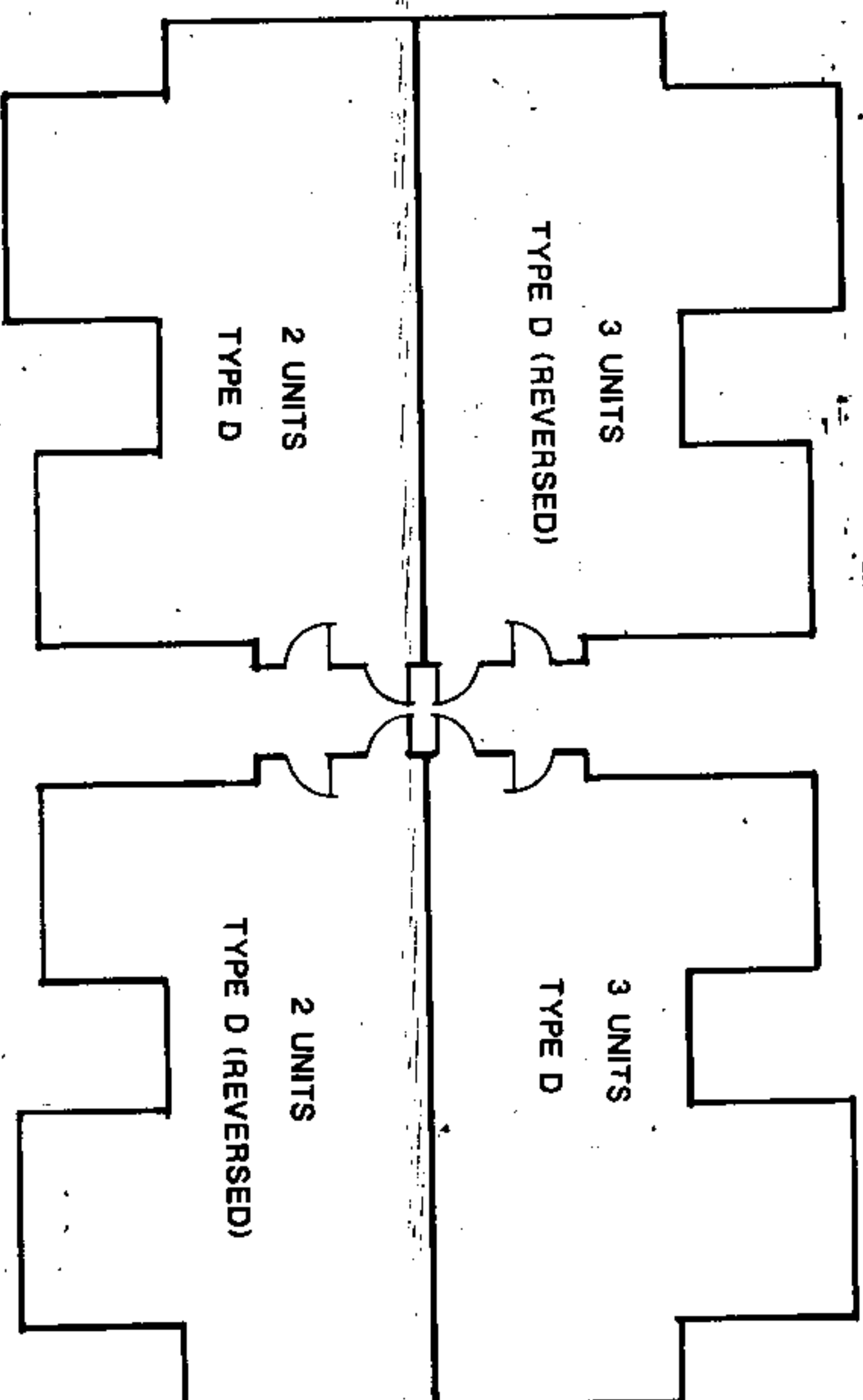
This is a true and correct description of built conditions based on my field observation and construction documents.

THE GABLES PHASE III

Lawrence L. Corley
 Lawrence L. Corley, Reg. #1376
 Bailey-Corley & Associates, Inc. - Architects



188 304 960

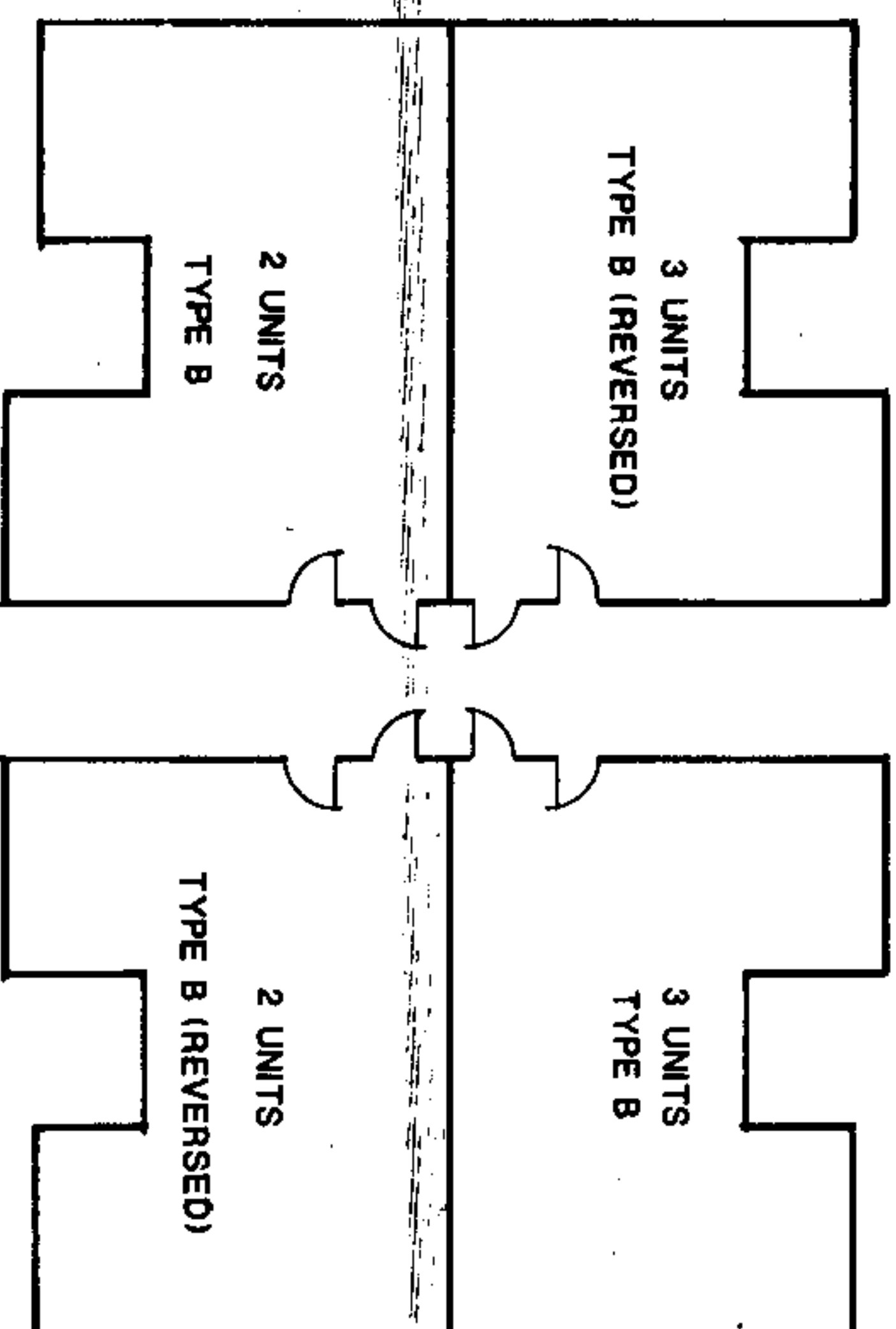


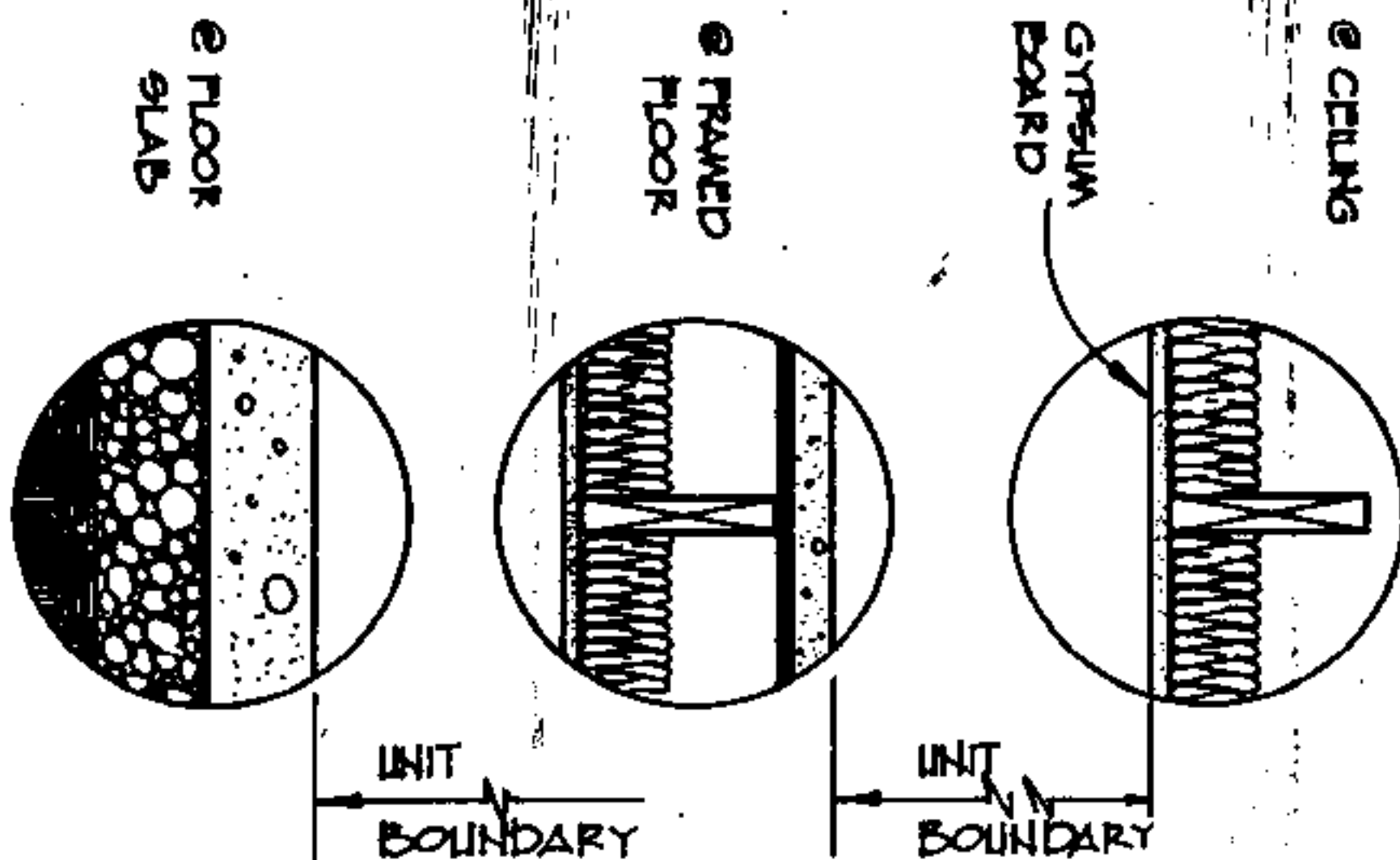
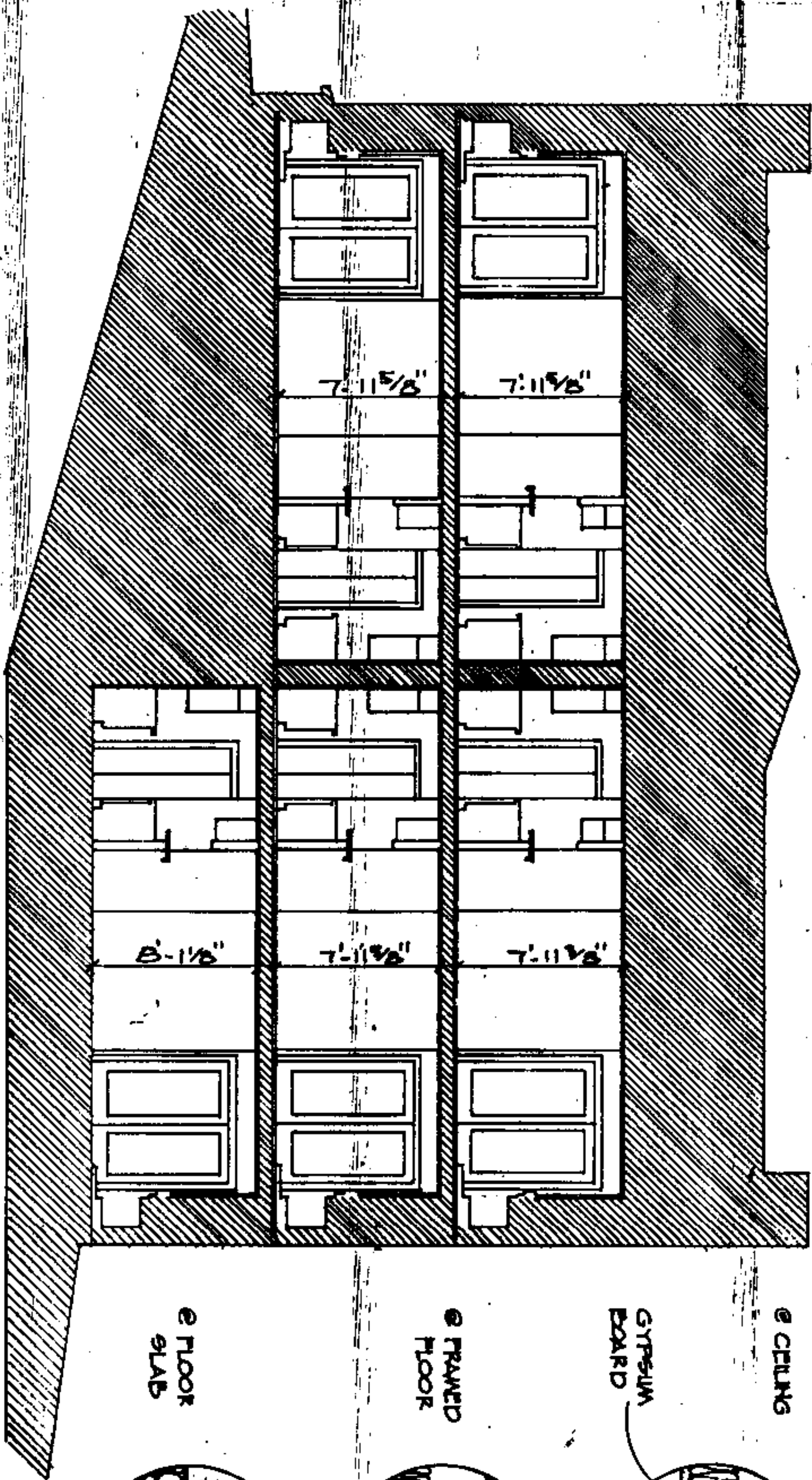
BUILDING TYPE 8 FLOOR PLAN
THE GABLES
PHASE III

This is a true and correct description
of built conditions based on my field
observation and construction documents.

Lawrence L. Corley
Lawrence L. Corley & Associates, Inc. - Architects
Lawrence L. Corley, Reg. #1376

2008 JUN 10 900 AM '08





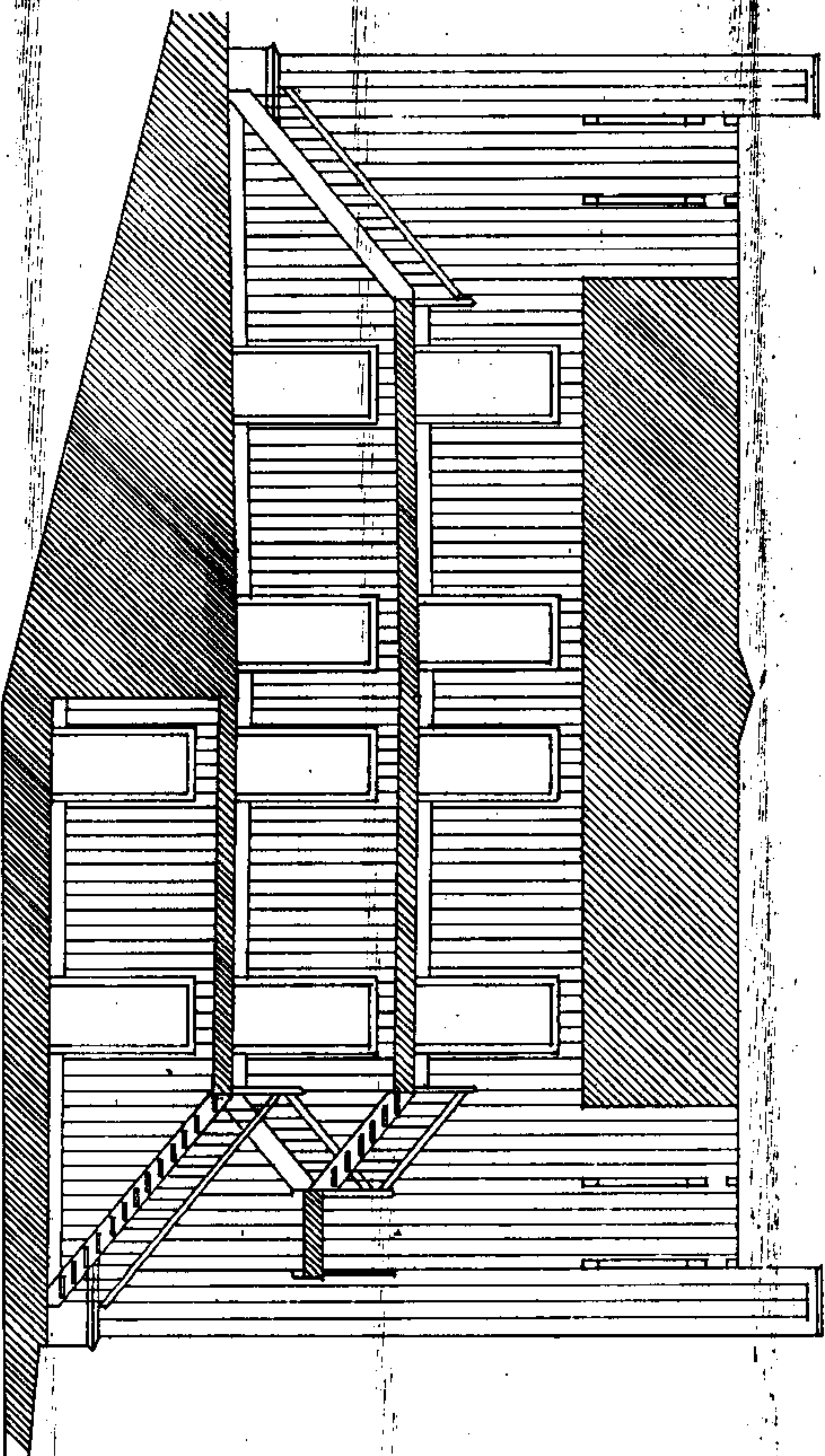
TYPICAL BUILDING CROSS-SECTION **AT UNITS TYPE B & D**

This is a true and correct description of built conditions based on my field observation and construction documents.

THE GABLES
 PHASE III

Lawrence L. Corley, Reg. #1376
 Architects

798 34863 111



TYPICAL BUILDING CROSS-SECTION **AT BREEZEWAY**

This is a true and correct description of built conditions based on my field observation and construction documents.

THE GABLES

PHASE III

Lawrence L. Corley, Reg. #1376
 Architects

598 307 960 X009

SCHEDULE C TO
DECLARATION OF CONDOMINIUM OF
THE GABLES, A CONDOMINIUM

The Fractional
Undivided Interest In
Common Elements of
Each Unit Is 1/88th
Or Approximately:

Building No.	Unit Number (Address: "Gables Drive")	Floor Level	Unit Type	Front/ Rear	The Fractional Undivided Interest In Common Elements of Each Unit Is 1/88th Or Approximately:
1	101	Terrace	C	Rear	.01136
1	102	Terrace	C	Rear	.01136
1	103	Middle	C	Rear	.01136
1	104	Middle	C	Rear	.01136
1	105	Middle	C	Front	.01136
1	106	Middle	C	Front	.01136
1	107	Top	C	Rear	.01136
1	108	Top	C	Rear	.01136
1	109	Top	C	Front	.01136
1	110	Top	C	Front	.01136
2	201	Terrace	D	Rear	.01136
2	202	Terrace	D	Rear	.01136
2	203	Middle	D	Rear	.01136
2	204	Middle	D	Rear	.01136
2	205	Middle	D	Front	.01136
2	206	Middle	D	Front	.01136
2	207	Top	D	Rear	.01136
2	208	Top	D	Rear	.01136
2	209	Top	D	Front	.01136
2	210	Top	D	Front	.01136
3	301	Terrace	B	Rear	.01136
3	302	Terrace	B	Rear	.01136
3	303	Walk-In	B	Rear	.01136
3	304	Walk-In	B	Rear	.01136
3	305	Walk-In	B	Front	.01136
3	306	Walk-In	B	Front	.01136
3	307	Top	B	Rear	.01136
3	308	Top	B	Rear	.01136
3	309	Top	B	Front	.01136

Exhibit III

The Fractional
Undivided Interest In
Common Elements of
Each Unit Is 1/88th
Or Approximately:*

Building No.	Unit Number (Address: "Gables Drive")	Floor Level	Unit Type	Front/ Rear	
3	310	Top	B	Front	.01136
4	401	Walk-In	A	Rear	.01136
4	402	Walk-In	A	Rear	.01136
4	403	Walk-In	A	Front	.01136
4	404	Walk-In	A	Front	.01136
4	405	Top	A	Rear	.01136
4	406	Top	A	Rear	.01136
4	407	Top	A	Front	.01136
4	408	Top	A	Front	.01136
5	501	Terrace	B-II	Rear	.01136
5	502	Terrace	B-II	Rear	.01136
5	503	Walk-In	B-II	Rear	.01136
5	504	Walk-In	B-II	Rear	.01136
5	505	Walk-In	B-II	Front	.01136
5	506	Walk-In	B-II	Front	.01136
5	507	Top	B-II	Rear	.01136
5	508	Top	B-II	Rear	.01136
5	509	Top	B-II	Front	.01136
5	510	Top	B-II	Front	.01136
6	601	Terrace	D-II	Rear	.01136
6	602	Terrace	D-II	Rear	.01136
6	603	Walk-In	D-II	Rear	.01136
6	604	Walk-In	D-II	Rear	.01136
6	605	Walk-In	D-II	Front	.01136
6	606	Walk-In	D-II	Front	.01136
6	607	Top	D-II	Rear	.01136
6	608	Top	D-II	Rear	.01136
6	609	Top	D-II	Front	.01136
6	610	Top	D-II	Front	.01136
7	701	Terrace	D-II	Rear	.01136
7	702	Terrace	D-II	Rear	.01136
7	703	Walk-In	D-II	Rear	.01136

The Fractional
Undivided Interest In
Common Elements of
Each Unit Is 1/88th
Or Approximately:*

<u>Building No.</u>	<u>Unit Number</u> (Address: "Gables Drive")	<u>Floor</u> <u>Level</u>	<u>Unit</u> <u>Type</u>	<u>Front/</u> <u>Rear</u>	
7	704	Walk-In	D-II	Rear	.01136
7	705	Walk-In	D-II	Front	.01136
7	706	Walk-In	D-II	Front	.01136
7	707	Top	D-II	Rear	.01136
7	708	Top	D-II	Rear	.01136
7	709	Top	D-II	Front	.01136
7	710	Top	D-II	Front	.01136
8	801	Terrace	D	Rear	.01136
8	802	Terrace	D	Rear	.01136
8	803	Walk-In	D	Rear	.01136
8	804	Walk-In	D	Rear	.01136
8	805	Walk-In	D	Front	.01136
8	806	Walk-In	D	Front	.01136
8	807	Top	D	Rear	.01136
8	808	Top	D	Rear	.01136
8	809	Top	D	Front	.01136
8	810	Top	D	Front	.01136
9	901	Terrace	B	Rear	.01136
9	902	Terrace	B	Rear	.01136
9	903	Walk-In	B	Rear	.01136
9	904	Walk-In	B	Rear	.01136
9	905	Walk-In	B	Front	.01136
9	906	Walk-In	B	Front	.01136
9	907	Top	B	Rear	.01136
9	908	Top	B	Rear	.01136
9	909	Top	B	Front	.01136
9	910	Top	B	Front	.01136

* The Fractional Undivided Interest in the Common Elements of Each Unit is subject to dilution if all or any portion of the remaining Subsequent Phase Land and Improvements are submitted to condominium ownership under the Declaration, the extent of the dilution to depend upon the number of additional Units added to the Condominium. The maximum dilution shall be to decrease the fractional interest in the Common Elements and share in the Common Expenses and Common Surplus of each Unit Owner from 1/88th to 1/138th. In the event fewer Units are constructed and submitted to condominium ownership under the Declaration, the dilution shall be reduced to reflect the fraction the numerator of which shall be one (1) and the denominator of which shall be the total of Units constructed and submitted to condominium ownership under the Declaration.

RECORDING FEES
 Recording Fee \$ 37.50
 Index Fee 1.00
 TOTAL \$ 38.50

STATE OF ALABAMA
 I CERTIFY THIS
 INSTRUMENT WAS FILED
 1986 OCT 23 AM 8:47
 JUDGE OF PROBATE