

1026

AMENDMENT TO RESTRICTIVE COVENANTS

STATE OF ALABAMA     )  
SHELBY COUNTY         )

WHEREAS, Jameswood Development, Inc. (the "Seller") has agreed to sell, and Alabama Power Company (the "Buyer") has agreed to buy that certain parcel of land described as Lot 48, According to the Survey of Jameswood, First Sector, as recorded in Map Book 10, Page 45, in the Probate Office of Shelby County, Alabama (the "Property");

WHEREAS, the Property is sold subject to restrictive covenants (the "Restrictions") recorded by the Seller in Real 94, Page 426, in the Probate Office of Shelby County, Alabama;

WHEREAS, said Restrictions, No. 2, states that the Property shall be used fo residential purposes only;

WHEREAS, the Buyer intends to build upon the Property a house for use as a display model for certain energy-efficient features for a period of not greater than six months, after which time the Buyer intends to sell the property;

NOW, THEREFORE, the undersigned Buyer and Seller agree as follows:

1. That those Restrictions recorded in Real 94, Page 426 in the Probate Office of Shelby County, Alabama, are hereby modified to allow the Buyer to build upon the Property a house to be used by Buyer, for a period of not greater than six months from the date of completion of said house, as a model for displaying certain energy-efficient features, such use to include opening the house to the public for

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15 South 20th St.

12th Ave. 33

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general examination and display purposes during reasonable hours as Buyer and Seller may hereafter determine.

2. That the Seller hereby waives any right or claim to enjoin Buyer from pursuing that use detailed in Section 1, above.

3. The parties agree that this Agreement is to be given full force and effect and to be binding upon successors and assignees of either.

ATTEST:

SELLER:  
JAMESWOOD DEVELOPMENT, INC.

By \_\_\_\_\_

By E. Elbert E. Turner, Jr.  
Its:

WITNESS:

BUYER:  
ALABAMA POWER COMPANY

Marie T. Oaks

By H. H. Turner, Jr.  
Its:

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Elbert E. Turner, Jr., whose name as President of Jameswood Development, Inc., 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, in his capacity as such d.p., executed the same voluntarily.

Given under my hand this the 13 day of November, 1986.

James Ray Martin  
Notary Public

My Commission Expires: 3/2/87



STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that H. H. Turner Jr., whose name as Division Vice President of Alabama Power Company, 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, in his capacity as such Div. V. P., executed the same voluntarily.

Given under my hand this the 14 day of November, 1986.

Marie T. Oaks  
Notary Public

My Commission Expires: 3/6/90

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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

1986 NOV 14 PM 12:38

Thomas J. Cunningham  
JUDGE OF PROBATE

RECORDING FEES	
Recording Fee	\$ <u>7.50</u>
Index Fee	<u>1.00</u>
TOTAL	\$ <u>8.50</u>