

STATE OF ALABAMA  
SHELBY COUNTY

) 1296  
)

**THIRD AMENDMENT  
TO RESTRICTIVE COVENANTS**

KNOW ALL MEN BY THESE PRESENTS, that

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BOOK 838

WHEREAS, USX Corporation (formerly known as the United States Steel Corporation), did declare and adopt certain covenants and restrictions for the property known as and included in the survey of Cahaba River Park, a subdivision in the W 1/2 of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama (hereinafter the "Property"), a map of which is recorded in Map Book 6, page 31 in the office of the Judge of Probate of Shelby County, Alabama (hereinafter the "Survey"), by the adoption of that certain Declaration of Covenants and Restrictions for Cahaba River Park which was recorded in said office in Misc. Book 9, page 513 and which was subsequently amended by that certain Amendment to Restrictive Covenants recorded in said office in Misc. Book 42, page 428, the Second Amendment to Restrictive Covenants recorded in said office in Book 52, Page 969, and, as to part of the property contained in said subdivision, those certain Restrictive Covenants recorded in said office in Book 52, page 340 (as so amended, "the Covenants and Restrictions");

and

Mark Parnell  
John Waldrep, Stewart  
1507 City Fed Bldg

WHEREAS, the undersigned, USX Corporation (formerly known as the United States Steel Corporation); Vulcan Materials Company (hereinafter "Vulcan"); Riverview, an Alabama general partnership; Riverview Partners, Ltd., an Alabama limited partnership (Riverview and Riverview Partners, Ltd. being hereinafter called together "Riverview"); and The Water Works and Sewer Board of the City of Birmingham are the owners of all of the Property (hereinafter the "Owners"); and

WHEREAS, the Owners desire to amend the Covenants and Restrictions with regard to Lot 2-F;

NOW, THEREFORE, the undersigned do hereby amend Paragraph 1, USE OF LOTS, as contained in the Covenants and Restrictions, to provide that Lot 2-F may be used for the following purposes, in addition to those uses now permitted:

- (a) residential, either single family or multi-family uses;
- (b) a sewage treatment plant or ancillary uses.

Except as expressly amended heretofore or hereby, the Covenants and Restrictions shall remain in full force and effect in accordance with their terms.

IN WITNESS WHEREOF, the undersigned have  
caused these presents to be executed for and in their  
name as of this 28 day of April, 1989.

ATTEST:

USX CORPORATION

USR Realty Development Division

By: [Signature]

Its Asst. Sec.

By: [Signature]

Its Vice President and General Manager

VULCAN MATERIALS COMPANY

ATTEST:

By: [Signature]

Its Asst. Secretary

By: [Signature]

Its Executive Vice President

Bom

RIVERVIEW, an Alabama general  
partnership

By: MONCUS INVESTMENTS, an Alabama  
general partnership, one of  
its two general partners

By: [Signature]

One of Its General Partners

By: HADLEY, CHURCH & COMPANY,  
INC., one of its two  
general partners

By: [Signature]

Its President

BOOK 238 PAGE 918

RIVERVIEW PARTNERS, LTD., an  
Alabama Limited Partnership, By  
RIVERVIEW, an Alabama General  
Partnership, its General Partner

By: MONCUS INVESTMENTS, an Alabama  
general partnership, one of  
its two general partners

By: [Signature]  
One of Its General Partners

By: HADLEY, CHURCH & COMPANY,  
INC., one of its two  
general partners

By: [Signature]  
Its President

THE WATER WORKS AND SEWER  
BOARD OF THE CITY OF BIRMING-  
HAM

ATTEST:

By: [Signature]  
Its

By: [Signature]  
Its

Chairman

STATE OF PENNSYLVANIA )  
ALLEGHENY COUNTY )

I, the undersigned a Notary Public in and for said County, in said State, hereby certify that W.W. Kiser, whose name as VP, Gen Mgr - U.S. Realty of USX Corporation, a 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.

Given under my hand and official seal this the 28<sup>th</sup> day of April, 1989.

Thayer R. Klus  
Notary Public

My Commission Expires

NOTARIAL SEAL  
THAYER R. KLUS, NOTARY PUBLIC  
PITTSBURGH, ALLEGHENY COUNTY  
MY COMMISSION EXPIRES JULY 16, 1991

Member, Pennsylvania Association of Notaries

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned a Notary Public in and for said County, in said State, hereby certify that William J. Brown, whose name as Executive Vice President of Vulcan Materials Company, a 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.

Given under my hand and official seal this the 26<sup>th</sup> day of April, 1989.

Danella A. Reaves  
Notary Public

My Commission Expires: 9/30/90

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STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County and said State, hereby certify that Claude McCain Moncus, whose name as a general partner of Moncus Investment, 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 this instrument, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said Moncus Investments acting in its capacity as one of the two general partners of Riverview, an Alabama general partnership.

Given under my hand and official seal this  
the 26 day of April, 1989.

Julia E. Thomas  
Notary Public

My Commission Expires: 3/25/91

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County and said State, hereby certify that Greg A. Church, whose name as President of Hadley, Church & Company, Inc., a 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 acting in its capacity as one of the two general partners of Riverview, an Alabama general partnership.

Given under my, hand and official seal this  
the 26 day of April, 1989.

Julia E. Thomas  
Notary Public

My Commission Expires: 3/25/91

BOOK 238 PAGE 921



STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County and said State, hereby certify that Claude McCain Moncus, whose name as general partner of Moncus Investments, 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 this instrument, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said general partners of Riverview, an Alabama General Partnership, and that Riverview, in turn, executed such instrument in its capacity as the general partner of Riverview Partners, Ltd., an Alabama General Partnership.

Given under my hand and official seal this  
the 26 day of April, 1989.

*Julia Uptham*  
Notary Public

My Commission Expires: 3/25/91

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County and said State, hereby certify that Greg A. Church, whose name as President of Hadley, Church & Company, Inc. a 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, acting in its capacity as one of the general partners of Riverview, an Alabama General Partnership, and that Riverview, in turn, executed such instrument in its capacity as the general partner of Riverview Partners, Ltd., an Alabama General Partnership.

Given under my hand and official seal this  
the 26 day of April, 1989.

*Julia Uptham*  
Notary Public

My Commission Expires: 3/25/91

BOOK 238 PAGE 922

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County, in and for said State and County hereby certify that David J. Vann whose name as Chairman of The Water Works and Sewer Board of the City of Birmingham, 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 public corporation.

Given under my hand and official seal this the 26<sup>th</sup> day of April, 1989.

Linda J. Zurpo  
Notary Public

My Commission Expires: 4/29/90

04/20/89

BOOK 238 PAGE 923

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

89 MAY -2 PM 12:29

Thomas A. Shanderson, Jr.  
JUDGE OF PROBATE



**CONSENT TO THIRD AMENDMENT  
TO RESTRICTIVE COVENANTS**

The undersigned, constituting all the partners of Riverview Associates, an Alabama General Partnership hereby execute this document to evidence its consent and agreement as to the Third Amendment to Restrictive Covenants.

IN WITNESS WHEREOF, the parties hereto have executed, sealed and delivered this Consent to Third Amendment to Restrictive Covenants this the 28<sup>th</sup> day of APRIL, 1989.

**RIVERVIEW ASSOCIATES, an Alabama  
General Partnership**

By: RIVERVIEW, an Alabama General  
Partnership, a General  
Partner

By: Hadley, Church & Company,  
Inc.

By: [Signature]  
Greg A. Church  
Its President

By: Moncus Investments, a  
General Partner

By: [Signature]  
Claude McCain Moncus  
Its General Partner

By: CGS RIVERVIEW, LTD., an  
Alabama Limited Partnership, a  
General Partner

By: CHAR-TER INVESTMENTS, its  
General Partner

By: [Signature]  
Charles Grelier  
Its General Partner

By: [Signature]  
Carter L. Cooper  
Its General Partner

1. Bond Tax \$ \_\_\_\_\_  
2. Mtg. Tax \_\_\_\_\_  
3. Recording Fee 22.50  
4. Indexing Fee 2.00  
TOTAL 24.50

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

89 MAY 17 AM 10:11

[Signature]  
JUDGE OF PROBATE