

STATE OF ALABAMA     )  
SHELBY COUNTY         )

THIS INSTRUMENT PREPARED BY:  
James C. Stanley  
Berkowitz, Lefkovits, Isom  
& Kushner, P. C.  
420 N. 20th St., Ste. 1600  
Birmingham, AL 35203-5202

**CERTIFICATE REGARDING  
DECLARATION OF PROTECTIVE COVENANTS FOR  
CAHABA VALLEY PARK NORTH**

Re: Declaration of Protective Covenants for Cahaba Valley Park North, as set out in Real Property Volume 268, page 140 in the Office of the Probate Judge for Shelby County, Alabama (the "Protective Covenants") and which have been amended from time to time as parcels are sold, the same being amended by:

- (i) Declaration of Protective Covenants in connection with sale to Taco Bell recorded in Real Property Volume 325, page 929.
- (ii) Restrictive Covenants in connection with sale to Camps, Inc. as recorded in Real Property Volume 290, page 386.
- (iii) Restrictive Covenants in connection with sale to Pelham Motel Investments, Inc. recorded in Inst. No. 1992-15856.
- (iv) Restrictive Covenants in connection with sale to the Baptist Medical Centers, as recorded in Inst. No. 1993-25691.

**R E C I T A L S**

A. 119 Properties, Ltd., an Alabama limited liability company, as owner of certain real property known as the Cahaba Valley Park North, located in Shelby County, Alabama, which is more particularly described on the attached Exhibit A (the "Property"), imposed the Protective Covenants on the Property by recording the same in the Office of the Probate Judge for Shelby County, Alabama.

B. Cahaba Valley Park North Associates, Inc. is an Alabama non-profit corporation organized to perform certain obligations and duties with regard to the Property as set forth in its Charter and Bylaws, and in the Protective Covenants, including the collection of assessments from owners of parcels subject to the Protective Covenants.

C. Pursuant to Article V of the Protective Covenants, an Architectural Control Committee (hereinafter referred to as the "Committee") was created to examine and approve all plans and specifications for construction of improvements on the Property and to have such other responsibilities, duties and authority as provided in the Protective Covenants.

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CAHABA Title

D. Pelham Industrial Enterprises, L.L.C., an Alabama limited liability company (hereinafter referred to as "PIE"), is the current owner of a portion of the Property subject to the Protective Covenants, as described on the attached Exhibit B (the "PIE Property"). Pelham Industrial Enterprises VII, L.L.C., an Alabama limited liability company (hereinafter referred to as "PIE VII"), is the current owner of a portion of the Property subject to the Protective Covenants, as described on the attached Exhibit C (the "PIE VII Property").

#### CERTIFICATION

1. The Association and the Committee hereby certify that the undersigned are the Association and the Committee under the Protective Covenants and as such have the full and complete authority to execute this Certificate;
2. The Association certifies that, except as referenced above, there are no amendments, modifications or assignments of the Protective Covenants which have not been recorded in the Office of the Judge of Probate for Shelby County, Alabama, and the Protective Covenants remain in full force and effect;
3. The Committee certifies (i) that both the use of, and the requisite drawings, plans and specifications submitted by PIE with respect to, the improvements constructed on the PIE Property were reviewed and approved by the Committee and such improvements were constructed in compliance with the Protective Covenants and (ii) that all encroachments of buildings over set back lines created by the Protective Covenants, as indicated on the Surveys of the PIE Property by Joseph A. Miller dated October 1, 1997, which are described more particularly on the attached Exhibit D, were approved by the Committee, and the Committee waives any objection to such encroachments;
4. The Committee certifies (i) that both the use of, and the requisite drawings, plans and specifications submitted by PIE VII with respect to, the improvements constructed on the PIE VII Property were reviewed and approved by the Committee and such improvements were constructed in compliance with the Protective Covenants and (ii) that all encroachments of buildings over set back lines created by the Protective Covenants, as indicated on the Survey of the PIE VII Property by Joseph A. Miller dated October 1, 1997, which is described more particularly on the attached Exhibit E, were approved by the Committee, and the Committee waives any objection to such encroachments;
5. The Association certifies that PIE and PIE VII each have fully complied with all of the terms, conditions, restrictions and obligations under the Protective Covenants and that there are no outstanding sums or

amounts due or past due under the Protective Covenants, including, without limitation, the payment of any and all assessments to the Association; and

6. The Association certifies that there are no defaults, events or existing circumstances which violate any of the terms, conditions, requirements and restrictions of the Protective Covenants on the part of PIE or PIE VII.
7. The officers of the Association are Charles H. Stephens, President and Marc A. Eason, Vice President/Secretary. The members of the Committee are Marc A. Eason, David Bunkin and Charles H. Stephens.

The undersigned officer of the Association and the undersigned member of the Committee each acknowledge that he has full authority to execute this Certificate on behalf of the respective entity. The undersigned further acknowledge that First Colony Life Insurance Company is relying on this Certificate as an inducement to extend financing with regard to the Property.

**ASSOCIATION:**

CAHABA VALLEY PARK NORTH ASSOCIATION,  
INC.

By: *Marc A. Eason*

Its: *Vice Pres / Secretary*

Date executed: December 16, 1997.

**COMMITTEE:**

ARCHITECTURAL CONTROL COMMITTEE

By: *Marc A. Eason*

Its: *Member*

Date executed: December 16, 1997.



STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Marc A. Eason, whose name as Vice-President & Secretary of Cahaba Valley Park North Associates, Inc., is signed to the foregoing Certificate Regarding Declaration of Protective Covenants for Cahaba Valley Park North and who is known to me, acknowledged before me on this day that, being informed of the contents of the Certificate, he, in his capacity as such Officer, executed the same voluntarily on the day the same bears date.

Given under my hand this the 11<sup>th</sup> day of December, 1997.

Stella M. Eubank  
Notary Public  
My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Marc A. Eason, whose name as Member of the Architectural Control Committee is signed to the foregoing Certificate Regarding Declaration of Protective Covenants for Cahaba Valley Park North and who is known to me, acknowledged before me on this day that, being informed of the contents of the Certificate, he, in his capacity as such Member, executed the same voluntarily on the day the same bears date.

Given under my hand this the 11<sup>th</sup> day of December, 1997.

Stella M. Eubank  
Notary Public  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A**

Part of Block 2, Part of Block 3 and Part of Block 4 of Survey of Cahaba Valley Park North, as recorded in Map Book 13, Page 140, in the Office of Judge of Probate of SHELBY COUNTY, ALABAMA.

## EXHIBIT B

- 1) Lot D, according to the survey of Cahaba Valley Business Park, Resurvey No. 2, as recorded in Map Book 23, Page 42 in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.
- 2) Lots 3 and 4, according to the survey of Cahaba Valley Business Park, Resurvey No. 2, as recorded in Map Book 23, Page 42 in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.
- 3) Lot O-14B, according to the survey of Cahaba Valley Business Park, as recorded in Map Book 17, Page 73 in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.
- 4) Lot OW-4A, according to the survey of Cahaba Valley Business Park, as recorded in Map Book 17, Page 73 in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.
- 5) Lot 1, according to the survey of Valleydale Business Center, as recorded in Map Book 18, Page 89 in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.

# EXHIBIT C

- 1) Lot 5, according to the survey of Cahaba Valley Business Park, Resurvey No. 2, as recorded in Map Book 23, Page 42 in the Office of the Judge of Probate of Shelby County, Alabama; being situated in Shelby County, Alabama.

## EXHIBIT D

Survey by Joseph A. Miller of Miller, Triplett and Miller Engineers each dated October 1, 1997, last revised on December 2, 1997, as to Lot 1, according to the survey of Valleydale Business Center, as recorded in Map Book 18, Page 89 in the Office of the Judge of Probate of Shelby County, Alabama (Job No. 21302).

Surveys by Joseph A. Miller of Miller, Triplett and Miller Engineers each dated October 1, 1997, last revised on December 11, 1997, as to (i) Lot D, according to the survey of Cahaba Valley Business Park, Resurvey No. 2, as recorded in Map Book 23, Page 42 in the Office of the Judge of Probate of Shelby County, Alabama (Job No. 21204), (ii) Lots 3 and 4, according to the survey of Cahaba Valley Business Park, Resurvey No. 2, as recorded in Map Book 23, Page 42 in the Office of the Judge of Probate of Shelby County, Alabama (Job No. 21226), (iii) Lot O-14B, according to the survey of Cahaba Valley Business Park, as recorded in Map Book 17, Page 73 in the Office of the Judge of Probate of Shelby County, Alabama (Job No. 21298), and (iv) Lot OW-4A, according to the survey of Cahaba Valley Business Park, as recorded in Map Book 17, Page 73 in the Office of the Judge of Probate of Shelby County, Alabama (Job No. 21301).



**EXHIBIT E**

Survey by Joseph A. Miller of Miller, Triplett and Miller Engineers each dated October 1, 1997, last revised on December 2, 1997, as to Lot 5, according to the survey of Cahaba Valley Business Park, Resurvey No. 2, as recorded in Map Book 23, Page 42 in the Office of the Judge of Probate of Shelby County, Alabama (Job No. 21173).

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