

STATE OF ALABAMA)

SHELBY COUNTY)

THIS INSTRUMENT PREPARED BY:

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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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D. Pelham Industrial Enterprises Eight, 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**.

CERTIFICATION

1. 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.
2. 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 September 15, 1998, were approved by the Committee, and the Committee waives any objection to such encroachments.
3. The Association certifies that PIE has 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.
4. 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.
5. 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 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: 

Its: Vice Pres / Secretary

Date executed: December 9, 1998.

COMMITTEE:

ARCHITECTURAL CONTROL COMMITTEE

By: 

Its: Member


Date executed: December 9, 1998.

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 9 day of December, 1998.

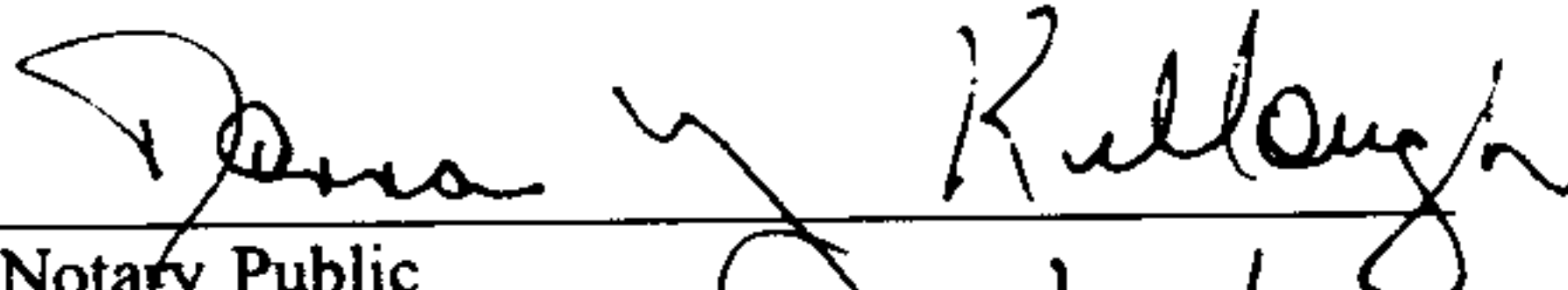

Notary Public
My Commission Expires: 1/10/2000

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 9 day of December, 1998.



Notary Public
My Commission Expires. 1/10/2000

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

Part of Block 3 of Cahaba Valley Park North as recorded in Map Book 13 page 140 in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows: Commence at the NE corner of the NW 1/4 of the NE 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, said 1/4-1/4 Section corner being 1,331.88 feet, measured (1,331.96 feet, record) West of the Northeast corner of Section 31, Township 19 South, Range 2 West, said point being the Northeast corner of said Block 3 of Cahaba Valley Park North and the Northeast corner of the survey of the Alagasco Site by Joseph A. Miller, Jr., dated March 2, 1995, and the Northwest corner of the Survey of the Driver's Mart Site by Joseph A. Miller, Jr., dated December 18, 1996; thence run West along the North line of said NW 1/4 of the NE 1/4 of said Section 31 and along the North line of said Block 3 and the North line of said Alagasco Site for 588.83 feet to a point on the East right of way line of Cahaba Valley Parkway North, said point being 60.08 feet east of the Northwest corner of said Block 3; thence 92 deg. 39 min. 22 sec. left and run southerly along the East right of way line of said Cahaba Valley Parkway North and along the West property line of the Alagasco Site for 427.54 feet to the Northwest corner of Lot 5 of Cahaba Valley Business Park Resurvey No. 2, as recorded in Map Book 23 page 42 in the Office of the Probate Judge of Shelby County, Alabama; thence continue southerly along the last stated course and along the East right of way line of said Cahaba Valley Parkway North, and along the West line of said Lot 5 for 365.33 feet to the Southwest corner of said Lot 5 and the point of beginning of the site herein described; thence continue southerly along the last stated course and along said right of way line for 295.46 feet; thence 90 deg. 00 min. 00 sec. left and run easterly for 575.08 feet to a point on the West line of said Driver's Mart Survey; thence 89 deg. 17 min. 22 sec. left and run northerly along the West line of said Driver's Mart Survey for 295.48 feet to the Southeast corner of said Lot 5; thence 90 deg. 42 min. 38 sec. left and run westerly along the South line of said Lot 5 for 578.74 feet to the point of beginning; being situated in Shelby County, Alabama.

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