

This instrument was prepared by

*Jerome H. Lanning*  
1100 Park Place Tower  
BIRMINGHAM, ALABAMA 35203

2096

THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM  
OF  
THE GABLES, A CONDOMINIUM

This Amendment to Declaration of Condominium made this 24th day of January, 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.

RECITALS

WHEREAS, Developer previously executed a Declaration of Condominium (the "Declaration"), recorded in Real Book 10, at Page 177, et seq., in the Office of the Judge of Probate of Shelby County, Alabama, 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 Real Book 50, at Page 327, 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(a) to the Amendment, subject to those easements, rights of way and other restrictions set forth in the survey of said real estate dated March 4, 1985, prepared by Coulter, Gay, Salmon & Martin Engineering Company, Inc., a copy of which is attached to the Amendment as Exhibit II (the "Phase II Land"), which said Phase II 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 II Land of three (3) residential buildings together containing as private elements thirty (30) condominium units (the "Phase II Units"), as well as the construction of other improvements as common elements on the Phase II Land, which improvements are generally described as to building location on the Site Development Plan - West Segment attached to the Amendment as Exhibit II; and

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*Linda Little*

WHEREAS, the Amendment provided that, upon the completion of the construction of said improvements upon the Phase II Land, and prior to the conveyance of any of the Phase II 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 II Units and other improvements upon the Phase II Land contain a true and correct description of as-built conditions (the "As Built Phase II Plans"); and

WHEREAS, Developer has completed construction of said improvements upon the Phase II 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 I 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 (Amended Schedule of Interest in Common Elements).
- (b) Exhibit II hereto (the As Built Phase II Plans).

(3) Except as hereby amended, the Declaration remains in full force and effect.

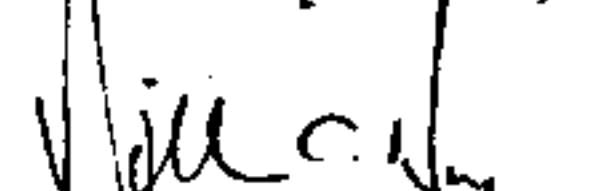
IN WITNESS WHEREOF, the said Developer, BHN Corporation, a corporation, and Southwood Park Estates, Inc., a corporation, as tenants in common and general partners of Riverchase Properties, an Alabama general partnership, has caused this Amendment to Declaration of Condominium to be executed as of the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

Riverchase Properties, an  
Alabama general partnership

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

By:   
Vice  
Its President

AND By: BHN Corporation,  
a corporation, Partner

By:   
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 E. C. Gardner, 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 24th day of January, 1986.

  
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 C. Hulsey, 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 24th day of January, 1986.

  
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 24th day of  
January, 1986.

Brenda S. Taylor  
Notary Public

BOOK 059 PAGE 22

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

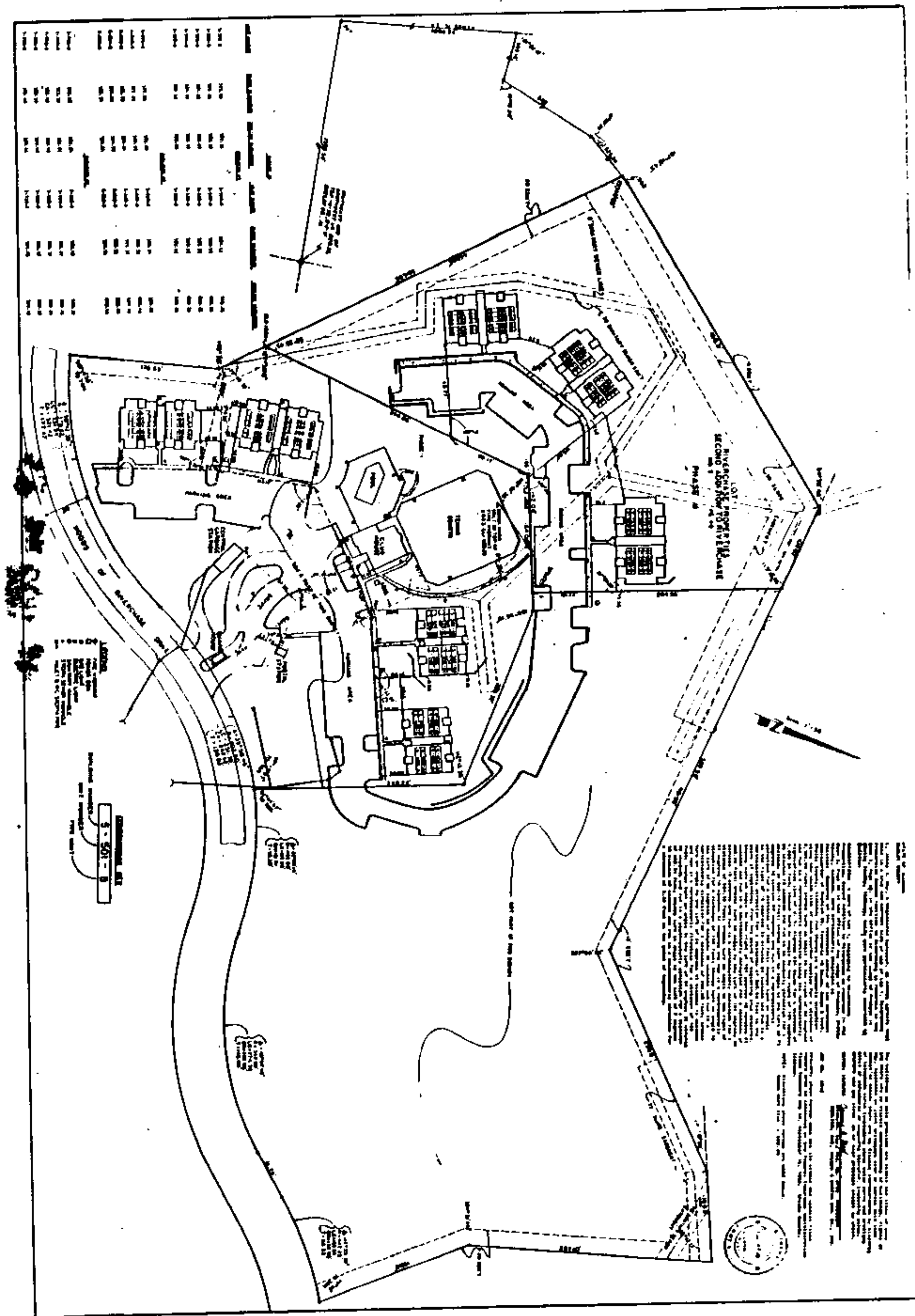
<u>Building No.</u>	<u>Unit Number (Address: "Gables Drive")</u>	<u>Floor Level</u>	<u>Unit Type</u>	<u>Front/ Rear</u>	<u>The Fractional Undivided Interest In Common Elements of Each Unit Is 1/68th Or Approximately:*</u>
1	101	Terrace	C	Rear	.01471
1	102	Terrace	C	Rear	.01471
1	103	Middle	C	Rear	.01471
1	104	Middle	C	Rear	.01471
1	105	Middle	C	Front	.01471
1	106	Middle	C	Front	.01471
1	107	Top	C	Rear	.01471
1	108	Top	C	Rear	.01471
1	109	Top	C	Front	.01471
1	110	Top	C	Front	.01471
2	201	Terrace	D	Rear	.01471
2	202	Terrace	D	Rear	.01471
2	203	Middle	D	Rear	.01471
2	204	Middle	D	Rear	.01471
2	205	Middle	D	Front	.01471
2	206	Middle	D	Front	.01471
2	207	Top	D	Rear	.01471
2	208	Top	D	Rear	.01471
2	209	Top	D	Front	.01471
2	210	Top	D	Front	.01471
3	301	Terrace	B	Rear	.01471
3	302	Terrace	B	Rear	.01471
3	303	Walk-In	B	Rear	.01471
3	304	Walk-In	B	Rear	.01471
3	305	Walk-In	B	Front	.01471
3	306	Walk-In	B	Front	.01471
3	307	Top	B	Rear	.01471
3	308	Top	B	Rear	.01471
3	309	Top	B	Front	.01471

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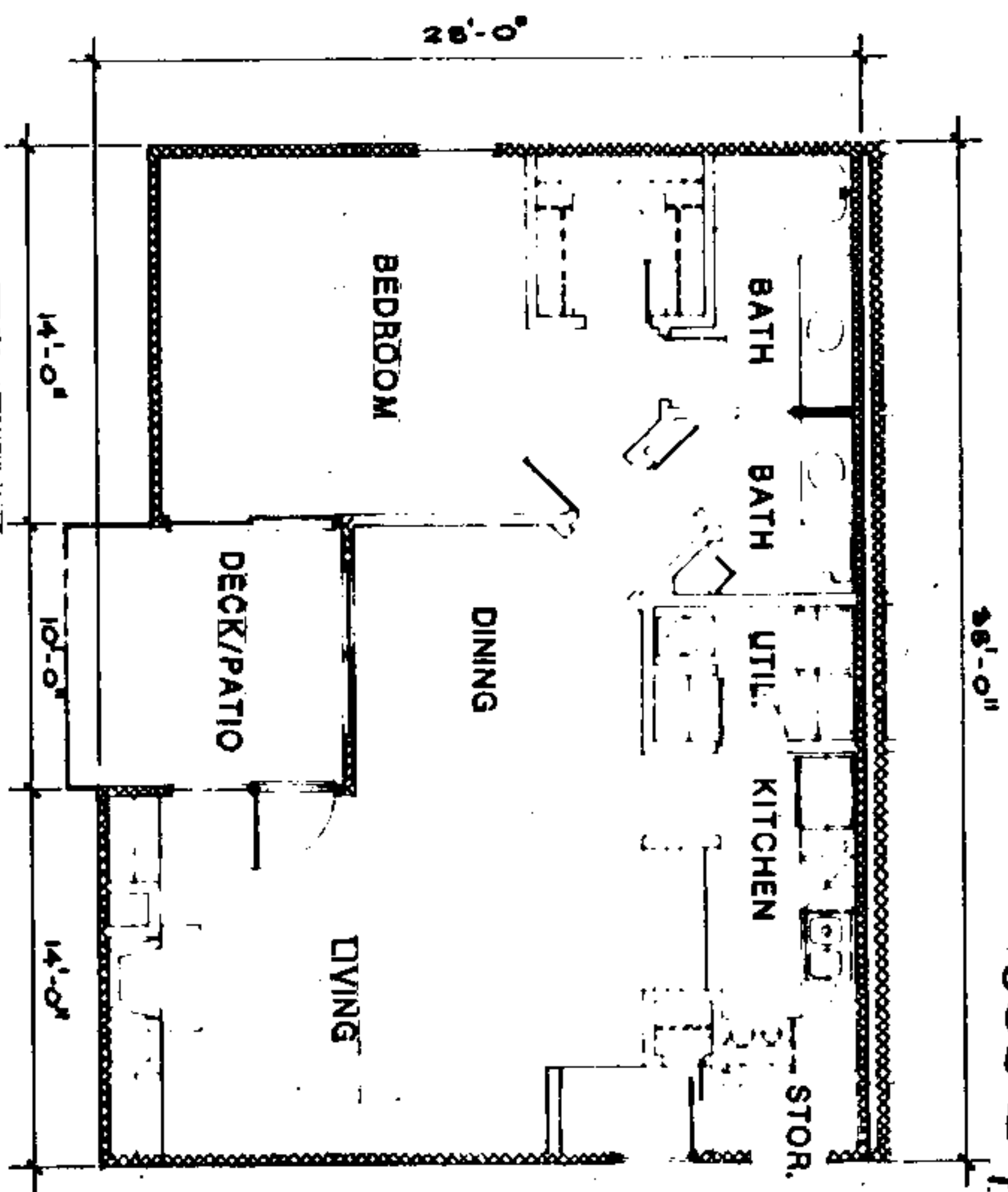
The Fractional Undivided Interest In Common Elements of Each Unit Is 1/68th Or Approximately:*					Unit Type		Front/ Rear	Unit Number (Address: "Gables Drive")		Building No.
					Floor Level					
					B		Front	310		3
					A		Rear	401		4
					A		Rear	402		4
					A		Front	403		4
					A		Front	404		4
					A		Rear	405		4
					A		Rear	406		4
					A		Front	407		4
					A		Front	408		4
					B-II		Rear	501		5
					B-II		Rear	502		5
					B-II		Rear	503		5
					B-II		Rear	504		5
					B-II		Front	505		5
					B-II		Front	506		5
					B-II		Front	507		5
					B-II		Rear	508		5
					B-II		Front	509		5
					B-II		Front	510		5
					D-II		Rear	601		6
					D-II		Rear	602		6
					D-II		Rear	603		6
					D-II		Rear	604		6
					D-II		Rear	605		6
					D-II		Front	606		6
					D-II		Front	607		6
					D-II		Rear	608		6
					D-II		Rear	609		6
					D-II		Front	610		6
					D-II		Front	701		7
					D-II		Rear	702		7
					D-II		Rear	703		7

The Fractional Undivided Interest In Common Elements of Each Unit Is 1/68th Or Approximately:*					
<u>Building No.</u>	<u>Unit Number (Address: "Gables Drive")</u>	<u>Floor Level</u>	<u>Unit Type</u>	<u>Front/ Rear</u>	
7	704	Walk-In	D-II	Rear	.01471
7	705	Walk-In	D-II	Front	.01471
7	706	Walk-In	D-II	Front	.01471
7	707	Top	D-II	Rear	.01471
7	708	Top	D-II	Rear	.01471
7	709	Top	D-II	Front	.01471
7	710	Top	D-II	Front	.01471

\* 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 1/68th 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.







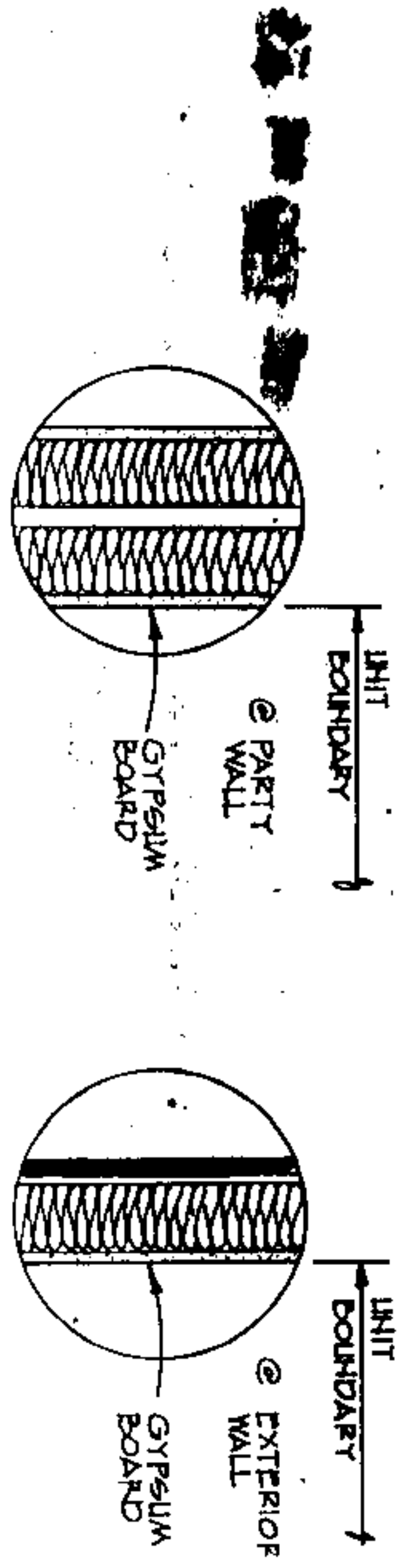
FLOOR PLAN -  
UNIT TYPE B

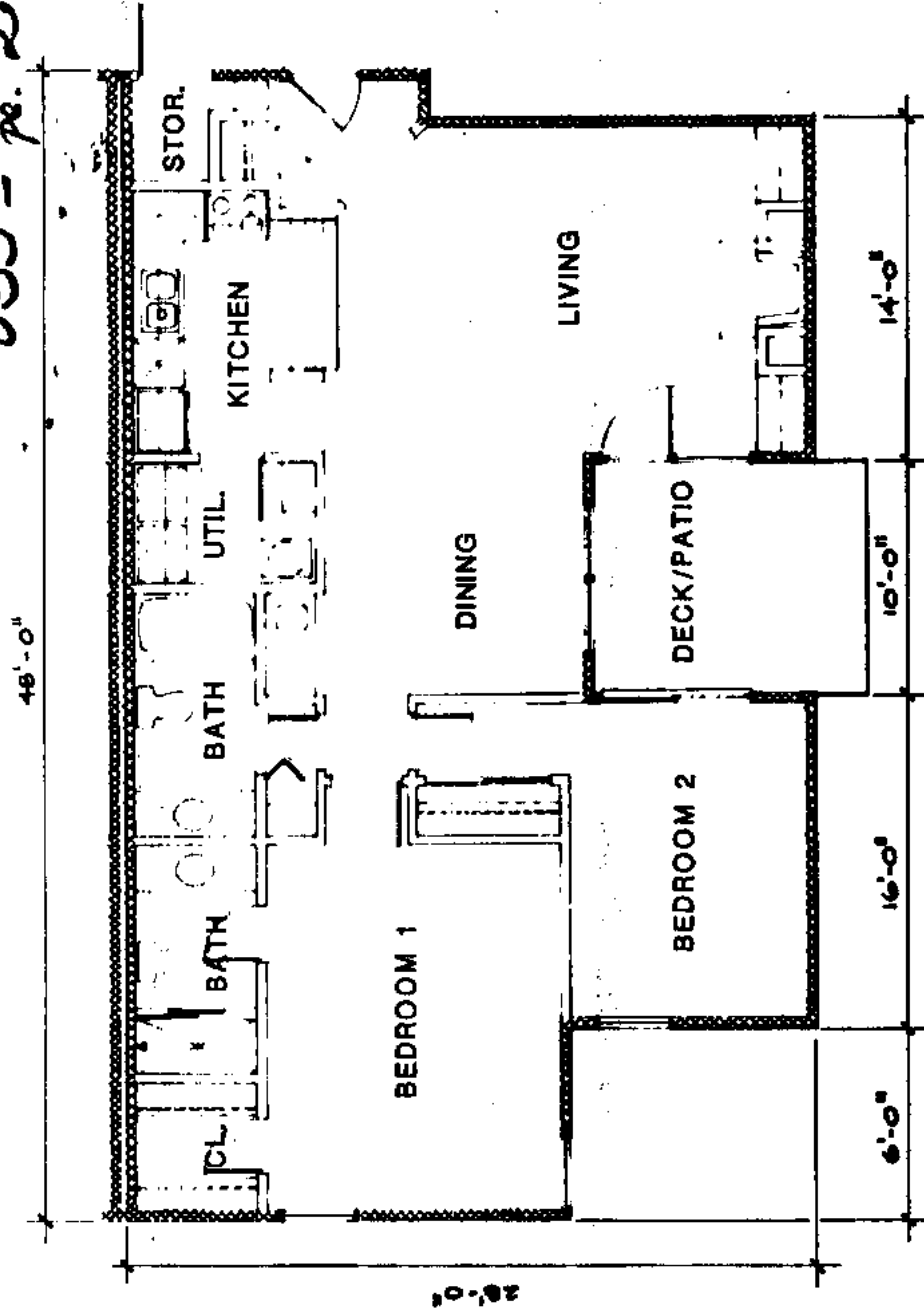
THE GABLES  
PHASE II

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

*Lawrence T. Corley*

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



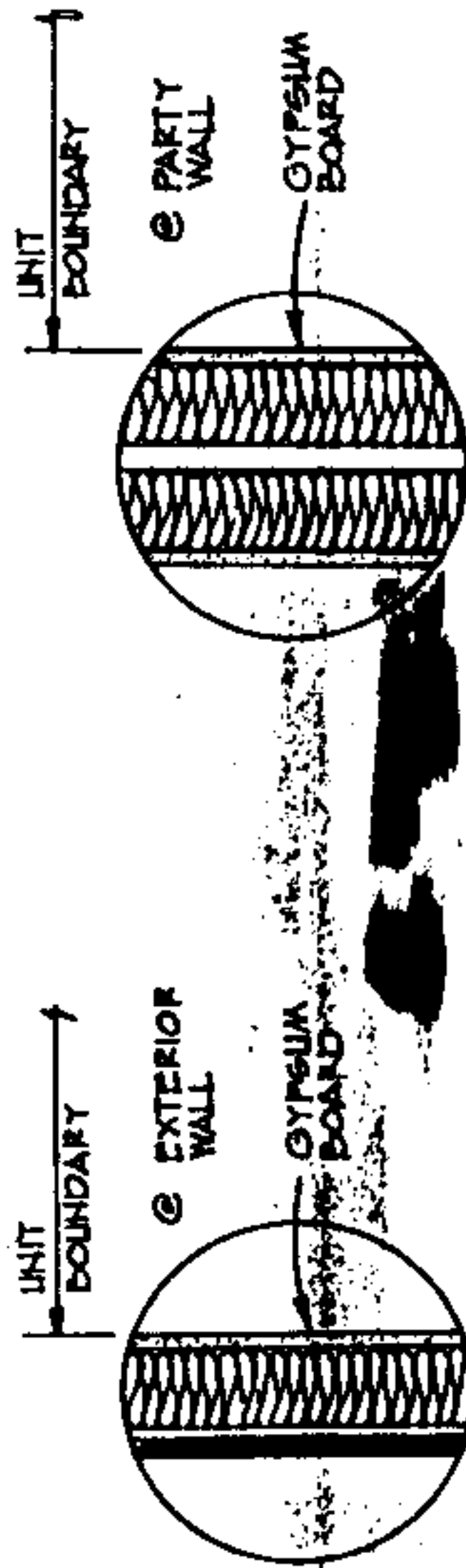


FLOOR PLAN -  
UNIT TYPE D

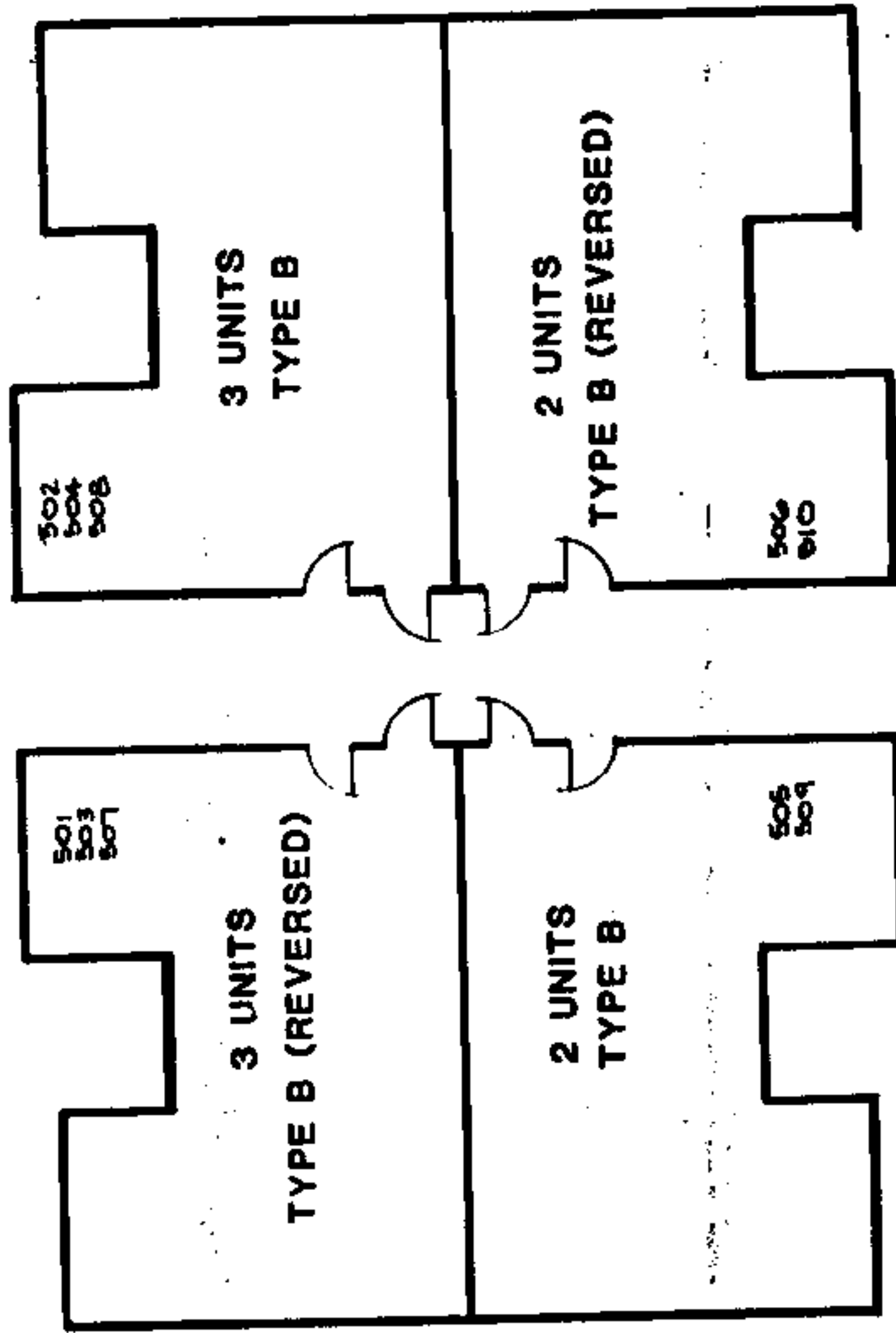
THE GABLES  
PHASE II

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of built conditions based on my field  
observation and construction documents.

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



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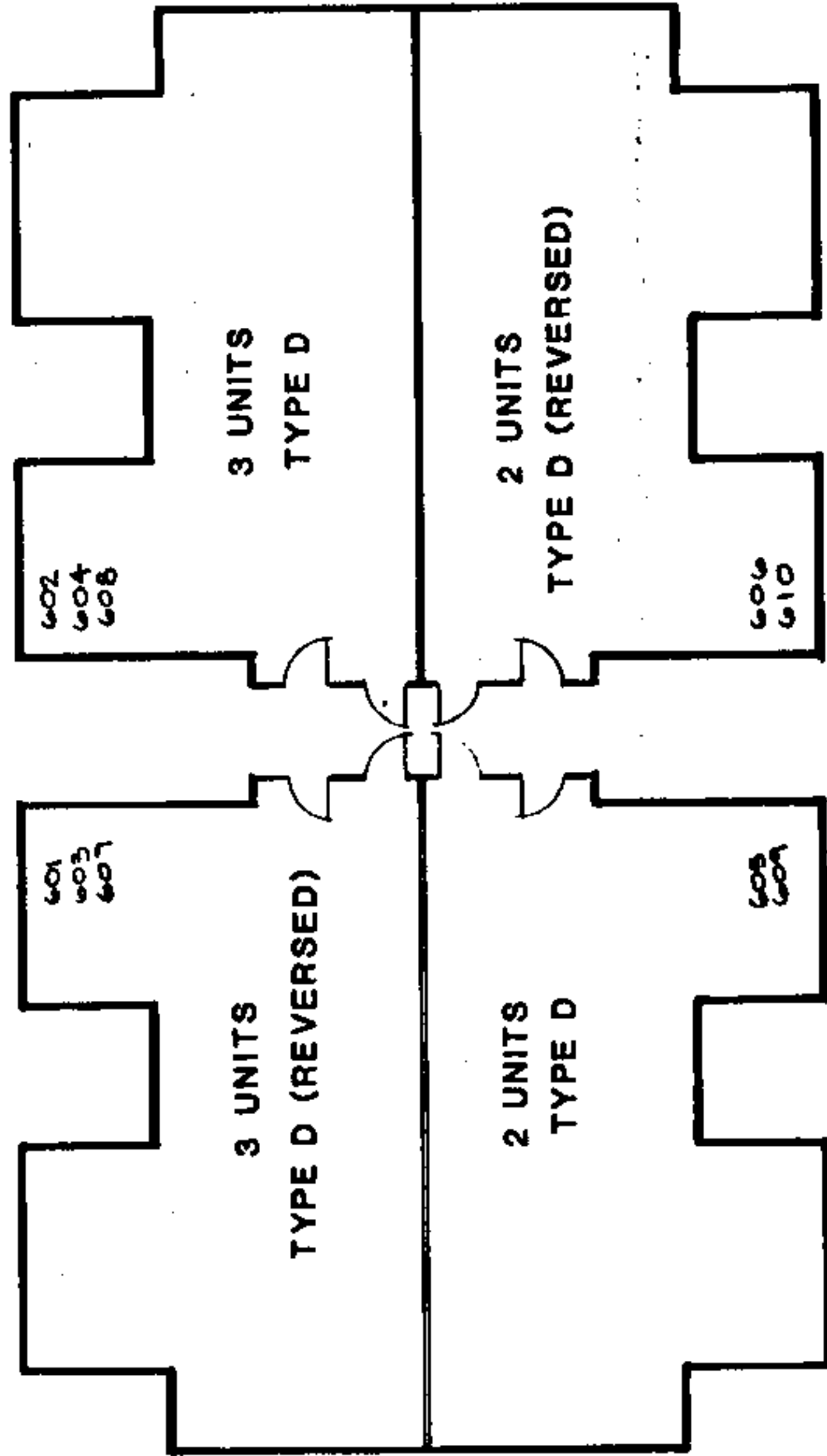
## BUILDING TYPE 5 FLOOR PLAN

### THE GABLES PHASE II

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

*Lawrence J. Corley*

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



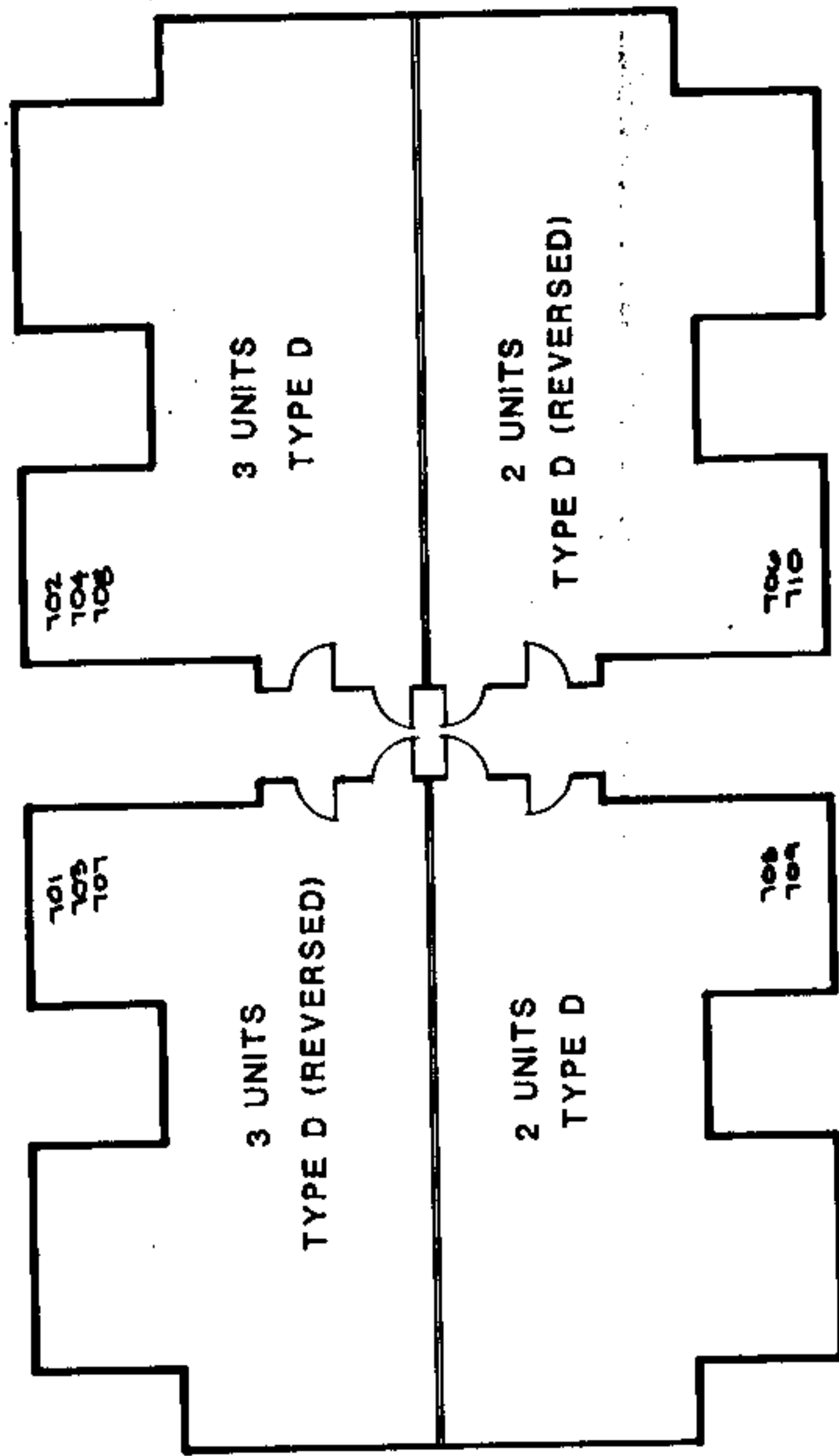
BUILDING TYPE 6 FLOOR PLAN

THE GABLES

PHASE II

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

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



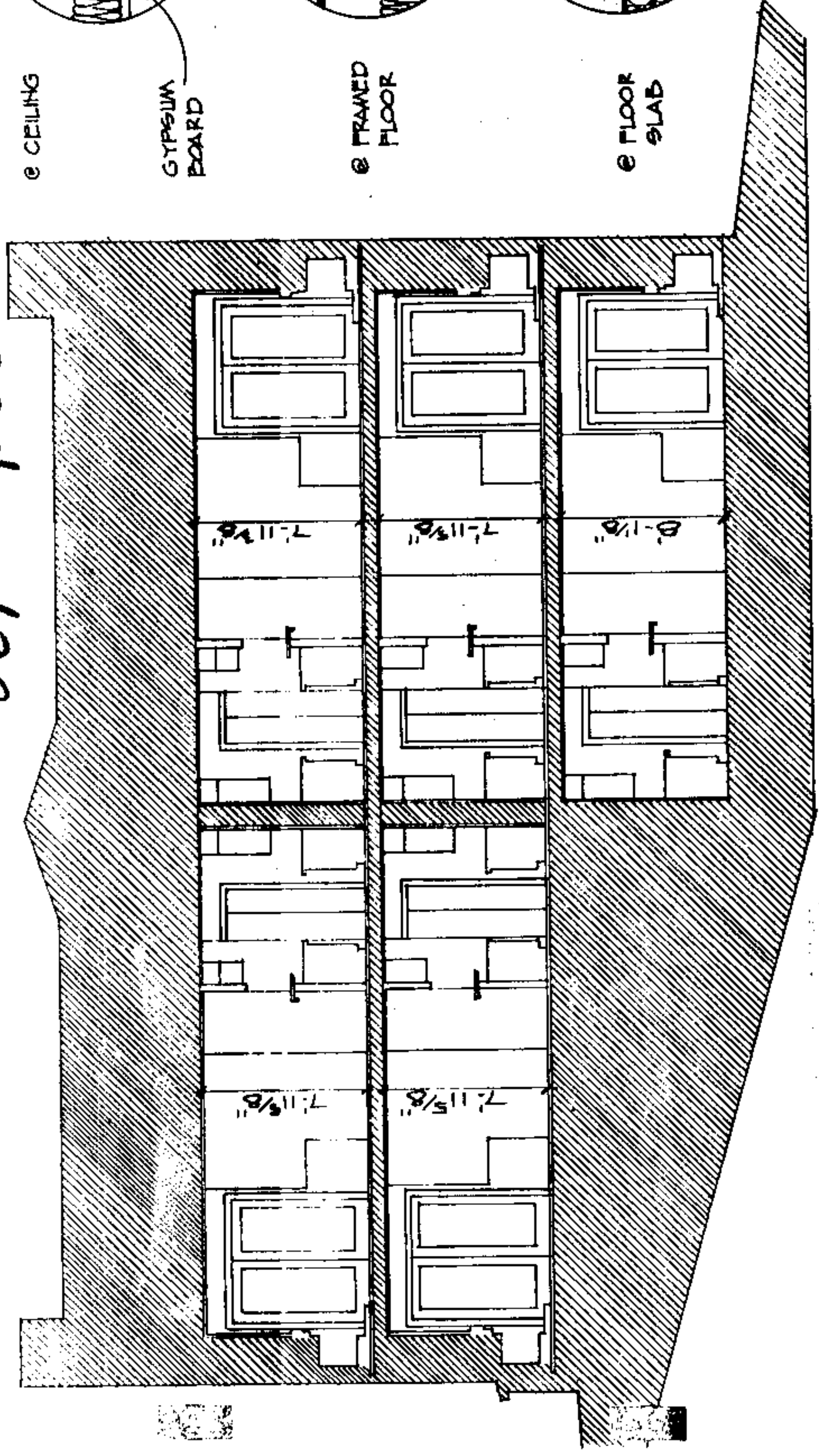
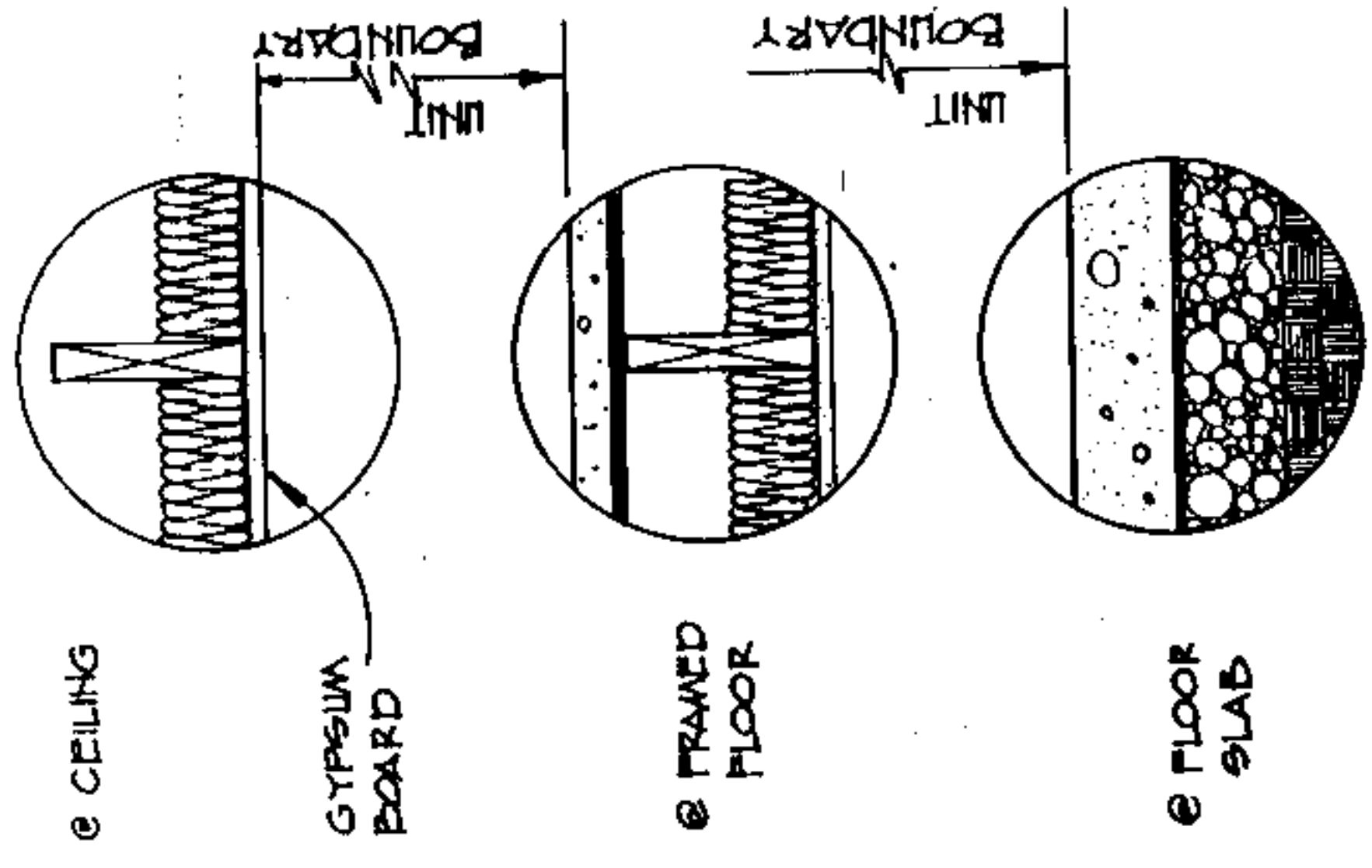
**BUILDING TYPE 7 FLOOR PLAN**

**THE GABLES  
PHASE II**

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

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

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

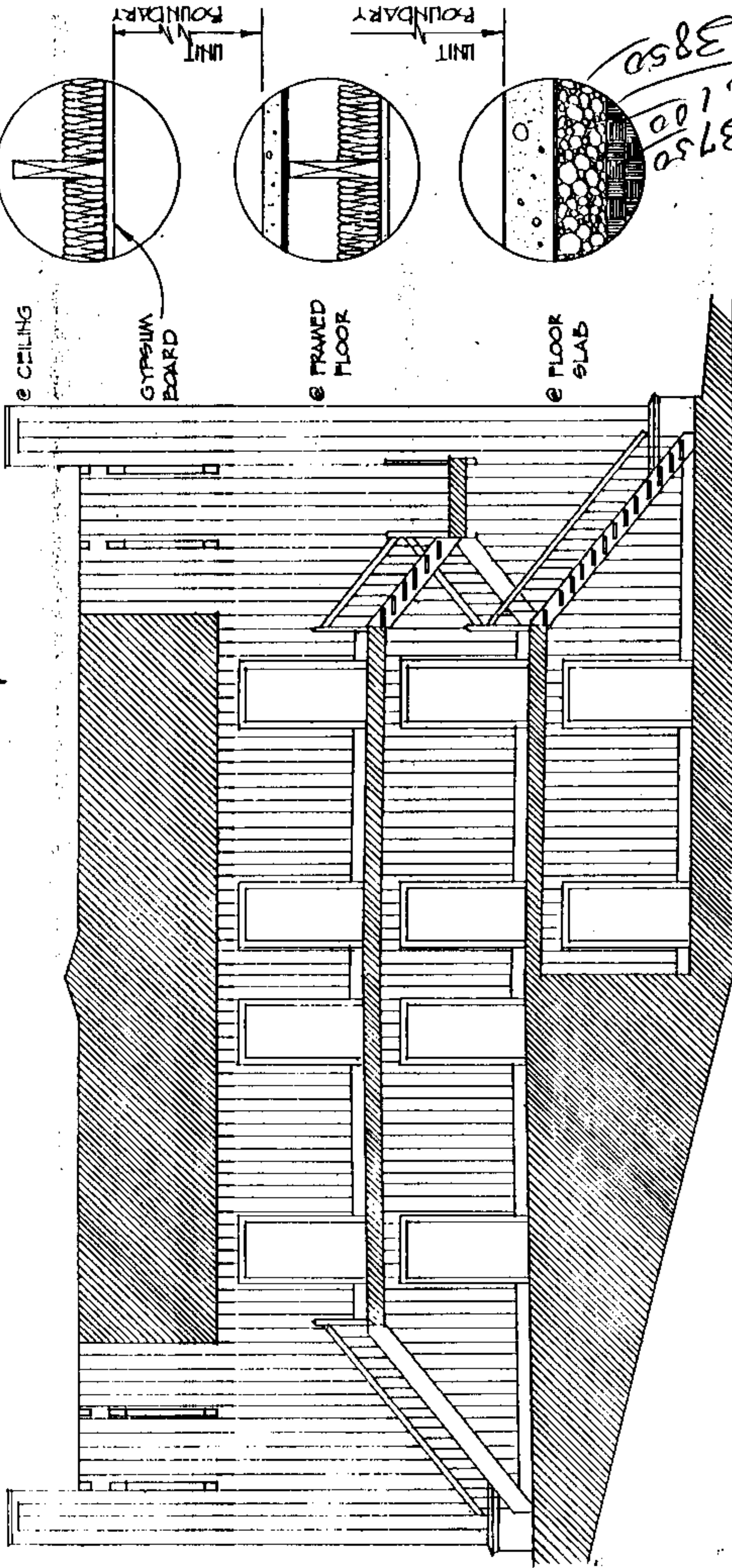
## THE GABLES PHASE II

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

*Lawrence J. Corley*

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

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# TYPICAL BUILDING CROSS-SECTION AT BREEZEWAY

## THE GABLES PHASE II

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

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

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

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