

This instrument was prepared by:
Jerome K. Lanning
1100 Park Place Tower
Birmingham, Alabama 35203

874

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

This Amendment to Declaration of Condominium made this 8th day of May, 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 expanding The Gables, A Condominium, located within the City of Hoover, Shelby County, Alabama.

RECITALS

WHEREAS, Developer previously executed a Declaration of Condominium recorded in Real Book 10, at Page 177, et seq., in the Office of the Judge of Probate of Shelby County, Alabama, (said Declaration, as amended, is hereinafter referred to as the "Declaration", and all capitalized words used herein have the meaning set forth in Section 4 of the Declaration entitled "Definitions"), 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, pursuant to its reserved right to expand the Condominium as provided for in Section 39 of the Declaration, subsequently executed amendments to the Declaration recorded in Real Book 50, Page 317, and Real Book 59, Page 19 in said Probate Office increasing the number of residential units in the Condominium to sixty-eight (68); and

WHEREAS, Developer, as provided in Section 39 of the Declaration, has reserved the right to expand the Condominium from time to time by adding thereto all or any portion of the real property described in Exhibit A-2 to the Declaration (the "Subsequent Phase Land"), subject to the approval of the United States Veteran's Administration as provided for in Section 6 of the Declaration as set forth in the Amendment to the Declaration recorded in Real Volume 50, Pages 340, et seq., and 942 et seq., in said Probate Office; and

WHEREAS, Developer is the owner in fee of certain real property located within the City of Hoover, Shelby County, Alabama, and more particularly described in Exhibit A-2(b), attached hereto and made a part hereof as if set out in full, and is subject to those easements, rights of way and other restrictions set forth in the survey of said real estate dated April 30, 1986, prepared by Coulter, Gay, Salmon & Martin Engineering Company, Inc., a copy of which is attached hereto as Exhibit I and made a part hereof

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Land Title

as if set out in full (the "Phase III Land"), which said Phase III Land is located completely within the Subsequent Phase Land described in Exhibit A-2 to the Declaration; and

WHEREAS, Developer has commenced the construction on the Phase III Land of two (2) residential buildings together containing as private elements twenty (20) condominium units (the "Phase III Units"), as well as the construction of other improvements as common elements on the Phase III Land, which improvements are generally described as to building location on the Site Development Plan attached hereto as Exhibit II and made a part hereof as if set out in full; and

WHEREAS, upon the completion of the construction of said improvements upon the Phase III Land, and prior to the conveyance of any of the Phase III 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 III Units and other improvements upon the Phase III Land contain a true and correct description of as-built conditions; and

WHEREAS, Developer desires to exercise its option and right to expand the condominium, and to amend the Declaration to provide for the expansion of the Condominium by the submission thereto of the Phase III Land and the Phase III Units and other improvements constructed and to be constructed thereon as described herein; and

WHEREAS, the United States Veteran's Administration has approved this Fourth Amendment to the Declaration; and

WHEREAS, Developer has reallocated the undivided interests in the common elements as contemplated by Section 39 of the Declaration.

NOW, THEREFORE, the undersigned hereby make, report, consent and agree to the following Amendment to said Declaration:

(1) The Declaration is hereby amended by submitting the Phase III Land and the Phase III Units and all other improvements constructed or to be constructed thereon, and all easements, rights and interests appurtenant thereto, to the condominium form of ownership and use in the manner provided for in the Act.

(2) The Declaration is hereby further amended by deleting Exhibit C thereto, as it has been subsequently amended, and by substituting in lieu thereof the Exhibit III which is attached hereto and made a part hereof.

(3) The Declaration is hereby further amended by the addition of the following Section 5.5:

5.5. Description of Phase III Residential Buildings.
Developer has commenced and is proceeding with the

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construction on the Phase III Land of two (2) residential buildings all constructed primarily of wood frame and brick veneer, on poured concrete footings with stud walls and brick and wood veneer, with composition shingle roofs, and containing a total of twenty (20) Units, as follows:

(a) Building No. 8: A 2-3 story building containing ten (10) two-bedroom/2 bath residential units with fireplaces.

(b) Building No. 9: A 2-3 story building containing ten (10) 1 bedroom/2 bath units with fireplaces.

Each residential building is supplied with centrally individually controlled air conditioning and heating for each Unit.

The decks or balconies abutting each Unit are Private Elements appurtenant to those Units which they abut, the use and ownership of which is restricted to the Units to which they are appurtenant. The areas, structures, mechanical and other systems, rooms and spaces which are not within the boundaries of a Unit (including the Private Elements appurtenant to a Unit) are Common Elements and shall be used, occupied, dealt with and managed as provided for in the Act and hereafter in this Declaration.

(4) The Declaration is hereby further amended by adding thereto the following Exhibits:

(a) Exhibit A-2(b) hereto (the "Phase III Land");

(b) Exhibit I hereto (Survey of the Phase III Land);

(c) Exhibit II hereto (Site Plan showing approximate location of buildings and other improvements on the Phase III Land); and

(d) Exhibit III hereto (Amended Schedule of Interest in Common Elements).

(5) Except as hereby amended, the Declaration, as heretofore amended, 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, have 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: *E. C. Gardner*
Its Vice President

AND By: BHN Corporation,
a corporation, Partner

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 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 8th day of May,
1986.

Andrew C. McCall
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

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said corporation, which is duly authorized to execute said instrument on behalf of said general partnership.

GIVEN under my hand and official seal this 8th day of MAY, 1986.

Leighton C. Parnell III
Notary Public



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
William C. Hulsey
Its President

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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 8th day of MAY, 1986.

Leighton C. Parnell III
Notary Public



PHASE III

A part of Lot 1, according to Riverchase Properties, Second Addition to Riverchase as recorded in Map Book 9, Page 40 in the Office of the Judge of Probate, Shelby County, Alabama, more particularly described as follows:

Commence at the southeast corner of the northwest one-quarter of Section 30, Township 19 South, Range 2 West, Shelby County, Alabama; run thence in a westerly direction along the south line of said quarter section for a distance of 2,300.55 feet; thence turn an angle to the right of 86 degrees and run in a northwesterly direction along the northeasterly right-of-way line of U.S. Highway No. 31 South for a distance of 1,096.84 feet; thence turn an angle to the right of 101 degrees 03 minutes 10 seconds and run in an easterly direction for a distance of 346.16 feet; thence turn an angle to the left of 71 degrees 19 minutes 50 seconds and run in a northeasterly direction for a distance of 580 feet; thence turn an angle to the right of 18 degrees 59 minutes 22 seconds and run in a northeasterly direction for a distance of 535.19 feet; thence turn an angle to the right of 7 degrees 10 minutes 43 seconds and run in a northeasterly direction for a distance of 450.31 feet; thence turn an angle to the right of 54 degrees 38 minutes 40 seconds and run in a southeasterly direction for a distance of 108.00 feet to the point of beginning; From the point of beginning thus obtained continue southeasterly along last described course for a distance of 370.87 feet; thence turn an angle to the right of 90 degrees and run in a southwesterly direction for a distance of 243.96 feet; thence turn an angle to the right of 86 degrees 42 minutes 30 seconds and run in a westerly direction for a distance of 225.52 feet; thence turn an angle to the left of 23 degrees 03 minutes 41 seconds and run in a southwesterly direction for a distance of 22.06 feet; thence turn an angle to the right of 91 degrees 04 minutes 25 seconds and run in a northwesterly direction for a distance of 294.95 feet to the point of beginning.

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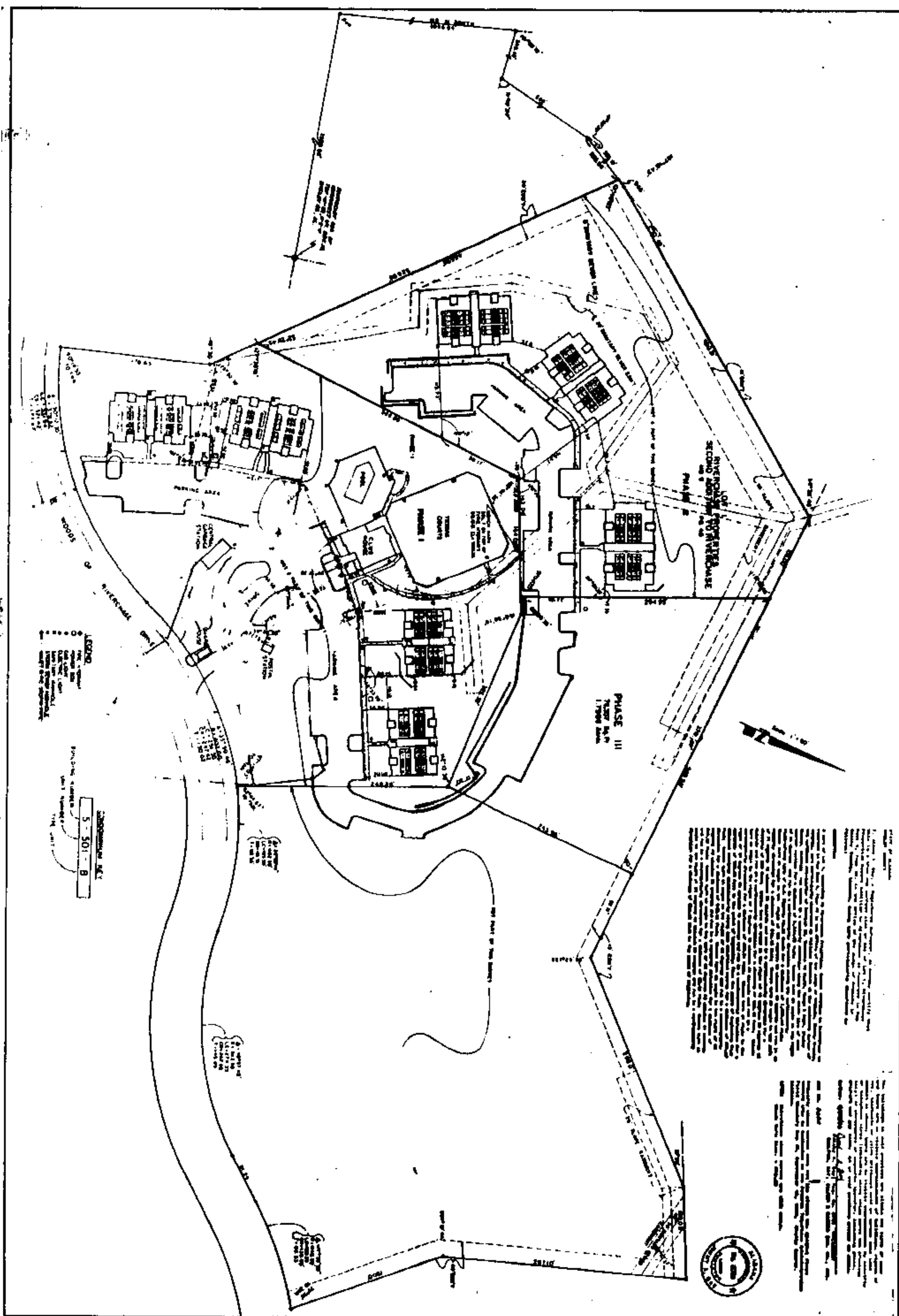
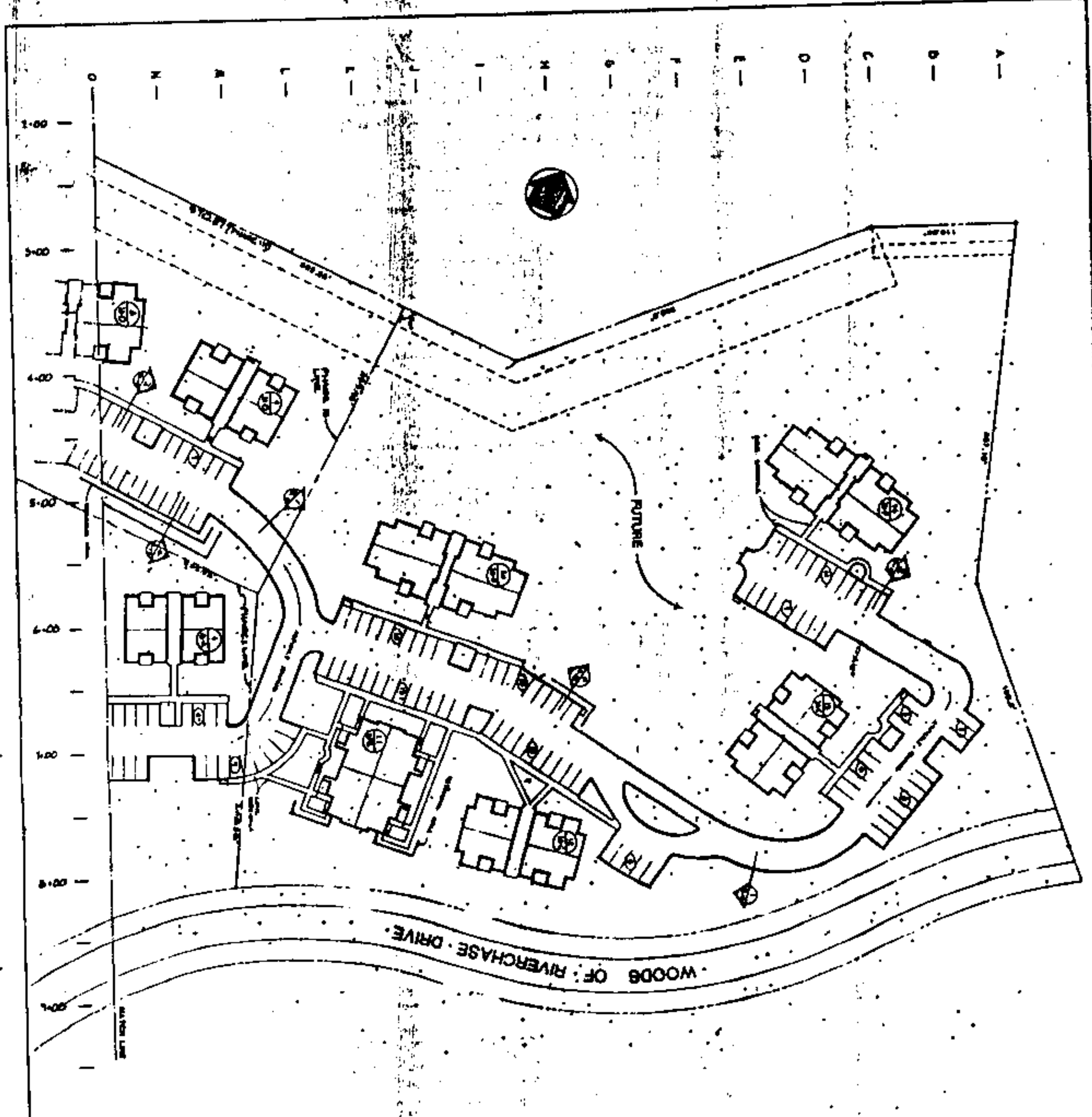
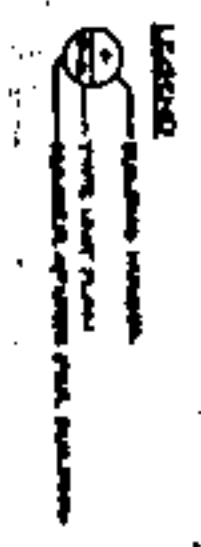


Exhibit I

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SITE DEVELOPMENT PLAN
SCALE: 1" = 20'



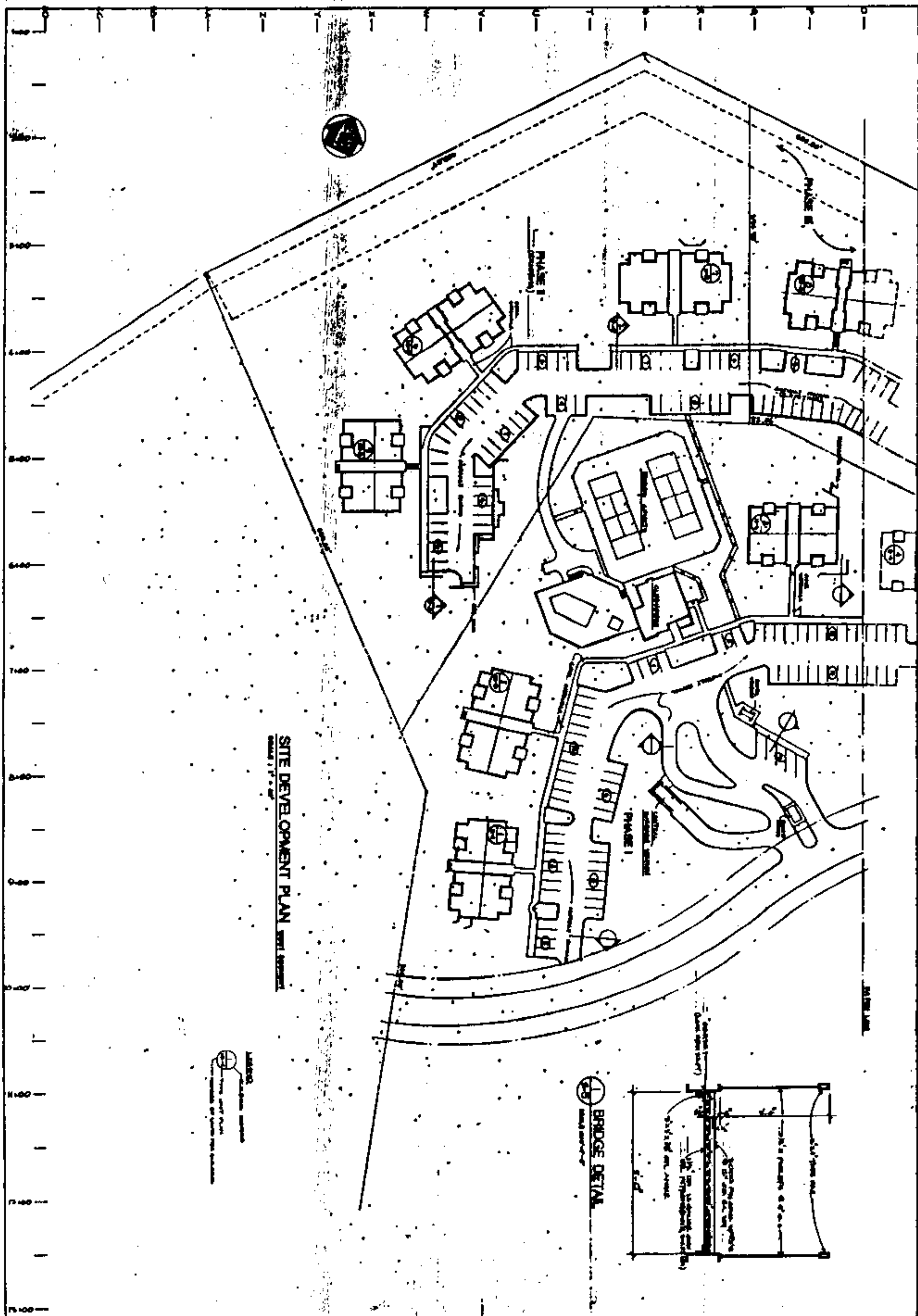
SECTION AT TYPICAL CURB



SIDEWALK / CURB DETAIL



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SITE DEVELOPMENT PLAN

BRIDGE DETAIL

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 1/88th Or Approximately:*</u>
1	101	Terrace	C	Rear	.01136
1	102	Terrace	C	Rear	.01136
1	103	Middle	C	Rear	.01136
1	104	Middle	C	Rear	.01136
1	105	Middle	C	Front	.01136
1	106	Middle	C	Front	.01136
1	107	Top	C	Rear	.01136
1	108	Top	C	Rear	.01136
1	109	Top	C	Front	.01136
1	110	Top	C	Front	.01136
2	201	Terrace	D	Rear	.01136
2	202	Terrace	D	Rear	.01136
2	203	Middle	D	Rear	.01136
2	204	Middle	D	Rear	.01136
2	205	Middle	D	Front	.01136
2	206	Middle	D	Front	.01136
2	207	Top	D	Rear	.01136
2	208	Top	D	Rear	.01136
2	209	Top	D	Front	.01136
2	210	Top	D	Front	.01136
3	301	Terrace	B	Rear	.01136
3	302	Terrace	B	Rear	.01136
3	303	Walk-In	B	Rear	.01136
3	304	Walk-In	B	Rear	.01136
3	305	Walk-In	B	Front	.01136
3	306	Walk-In	B	Front	.01136
3	307	Top	B	Rear	.01136
3	308	Top	B	Rear	.01136
3	309	Top	B	Front	.01136

917 37142 OCU 4000

The Fractional
Undivided Interest In
Common Elements of
Each Unit Is 1/88th
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>	<u>The Fractional Undivided Interest In Common Elements of Each Unit Is 1/88th Or Approximately:*</u>
3	310	Top	B	Front	.01136
4	401	Walk-In	A	Rear	.01136
4	402	Walk-In	A	Rear	.01136
4	403	Walk-In	A	Front	.01136
4	404	Walk-In	A	Front	.01136
4	405	Top	A	Rear	.01136
4	406	Top	A	Rear	.01136
4	407	Top	A	Front	.01136
4	408	Top	A	Front	.01136
5	501	Terrace	B-II	Rear	.01136
5	502	Terrace	B-II	Rear	.01136
5	503	Walk-In	B-II	Rear	.01136
5	504	Walk-In	B-II	Rear	.01136
5	505	Walk-In	B-II	Front	.01136
5	506	Walk-In	B-II	Front	.01136
5	507	Top	B-II	Rear	.01136
5	508	Top	B-II	Rear	.01136
5	509	Top	B-II	Front	.01136
5	510	Top	B-II	Front	.01136
6	601	Terrace	D-II	Rear	.01136
6	602	Terrace	D-II	Rear	.01136
6	603	Walk-In	D-II	Rear	.01136
6	604	Walk-In	D-II	Rear	.01136
6	605	Walk-In	D-II	Front	.01136
6	606	Walk-In	D-II	Front	.01136
6	607	Top	D-II	Rear	.01136
6	608	Top	D-II	Rear	.01136
6	609	Top	D-II	Front	.01136
7	610	Top	D-II	Front	.01136
7	701	Terrace	D-II	Rear	.01136
7	702	Terrace	D-II	Rear	.01136
7	703	Walk-In	D-II	Rear	.01136

217 3974 OCO W008

The Fractional
Undivided Interest In
Common Elements of
Each Unit Is 1/88th
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>	<u>The Fractional Undivided Interest In Common Elements of Each Unit Is 1/88th Or Approximately:*</u>
7	704	Walk-In	D-II	Rear	.01136
7	705	Walk-In	D-II	Front	.01136
7	706	Walk-In	D-II	Front	.01136
7	707	Top	D-II	Rear	.01136
7	708	Top	D-II	Rear	.01136
7	709	Top	D-II	Front	.01136
7	710	Top	D-II	Front	.01136
8	801	**	**	**	.01136
8	802	**	**	**	.01136
8	803	**	**	**	.01136
8	804	**	**	**	.01136
8	805	**	**	**	.01136
8	806	**	**	**	.01136
8	807	**	**	**	.01136
8	808	**	**	**	.01136
8	809	**	**	**	.01136
8	810	**	**	**	.01136
9	901	**	**	**	.01136
9	902	**	**	**	.01136
9	903	**	**	**	.01136
9	904	**	**	**	.01136
9	905	**	**	**	.01136
9	906	**	**	**	.01136
9	907	**	**	**	.01136
9	908	**	**	**	.01136
9	909	**	**	**	.01136
9	910	**	**	**	.01136

* 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 1/88th 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.

** To be added by amendment.

617 334 030 1008

JOINER OF MORTGAGEE

City Federal Savings and Loan Association, an Alabama corporation, the owner of a mortgage from BHN Corporation, a corporation, and Southwood Park Estate, Inc., a corporation, as tenants in common with and general partners of Riverchase Properties, an Alabama general partnership, to City Federal Savings and Loan Association, an Alabama corporation, dated April 12, 1984, and recorded in Real Volume 446, at Pages 936, et seq., in the Probate Office of Shelby County, Alabama, encumbering the property submitted to condominium ownership by the foregoing Fourth Amendment to Declaration of Condominium, agrees that the lien of its mortgage shall be limited to all of the units at The Gables, A Condominium, according to the foregoing Fourth Amendment to Declaration of Condominium, together with all of the appurtenances to the said units, including, but not limited to, the undivided shares of said units in the Common Elements.

This 8th day of May, 1986.

RECORDING FEES	
Recording Fee	\$ <u>35.00</u>
Index Fee	<u>1.00</u>
TOTAL	\$ <u>36.00</u>

City Federal Savings and Loan Association

By: *E.C. Gardner*
 Senior Executive
 Its Vice President

STATE OF ALA. SHELBY CO.
 I CERTIFY THIS
 INSTRUMENT WAS FILED
 1986 MAY 14 AM 9:45

Thomas P. ...
 JUDGE OF PROBATE

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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 is ^{Senior Executive} ~~Vice~~ President of City Federal Savings and Loan Association, an Alabama 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 8th day of May, 1986.

Diane B. ...
 Notary Public

