

2005

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

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

This Amendment to Declaration of Condominium made this 25th day of November 1987, 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

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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") which initially contained thirty-eight (38) residential units; 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 Book 50, Page 327, et seq., and Book 59, Page 19, et seq., in said Probate Office increasing the number of residential units in the Condominium by thirty (30) units ("Phase II") bringing the total number of residential units in the Condominium to sixty-eight (68); and

WHEREAS, Developer, further 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 Book 30, Page 407, et seq., and Book 096, Page 855, et seq., in said Probate Office further increasing the number of residential units in the Condominium by twenty (20) units ("Phase III"), bringing the total number of residential units in the Condominium to eighty-eight (88); and

WHEREAS, Developer, further pursuant to its reserved right to expand the Condominium as provided for in Section 39 of the Declaration, subsequently executed an amendment to the Declaration recorded in Book 97, Page 937, et seq., in said Probate Office further increasing the number of residential units in the Condominium by thirty (30) units ("Phase IV" and/or the "Phase IV Units"), bringing the total number of residential units in the Condominium to one hundred and eighteen (118) (the "Phase IV Amendment"); and

WHEREAS, the Phase IV Amendment provides that the Developer plans to commence the construction of the Phase IV Land of three (3) residential buildings constituting the thirty (30) Phase IV Units, which three (3) buildings are generally described in the Phase IV Amendment; and

WHEREAS, Developer plans to modify its construction schedule to provide for the construction of two (2) residential buildings containing in the aggregate twenty (20) condominium units to constitute the first section of Phase IV (the "Phase IV-Section 1 Units"), and to defer its plans to commence the construction of the third building which shall contain the balance of the Phase IV Units until after the construction and sale of the Phase IV-Section 1 Units; and

WHEREAS, Developer desires to amend the Declaration to reflect the foregoing; and

WHEREAS, the United States Veteran's Administration has approved this Seventh Amendment to 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 deleting Section 5.6 thereof as set forth in the Phase IV Amendment and by substituting therefor the following Section 5.6:

5.6. Description of Phase IV Residential Buildings.
Developer plans to commence and proceed with the construction of twenty (20) residential units (the "Phase IV-Section 1 Units") on the Phase IV Land consisting 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, as follows:

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

(b) Building No. 11: A 2-3 story building containing ten (10) 2 bedroom/2 bath residential units with fireplaces.

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

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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.

The balance of the Phase IV Units will be constructed after the construction and sale of the Phase IV-Section 1 Units, and shall be contained within a third residential building which is generally located on the Site Plan made Exhibit II-A hereto.

(2) The Declaration is hereby further amended by deleting therefrom the Site Plan made Exhibit II thereto and substituting the attached Exhibit II-A therefor.

(3) The Declaration is hereby further amended by deleting Schedule C made Exhibit III 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.

(4) 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: Thomas N. Davis
Its President

AND By: BHN Corporation,
a corporation, Partner

By: V. C. H.
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 Thomas W. Harris, Jr., 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 25th day of November, 1987.

Dorothy C. Brooks
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 25th day of November, 1987.

Thelma Lupe
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 set forth in the foregoing Amendment to Declaration of Condominium.

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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 25th day of November, 1987.

Sharon Rucker
Notary Public

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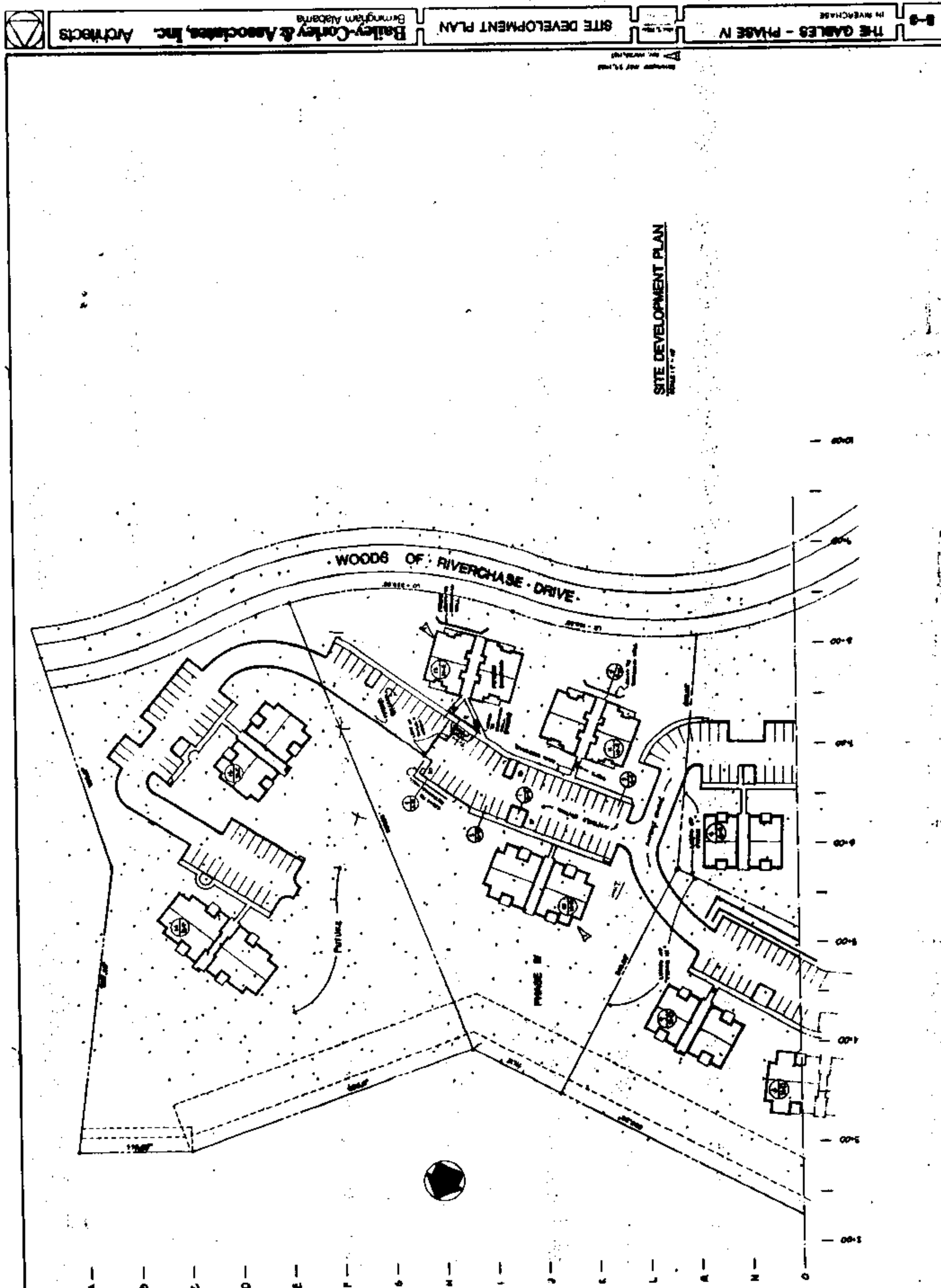


Exhibit II-A

The Fractional
Undivided Interest In
Common Elements of
Each Unit Is 1/118th
Or Approximately:*

<u>Building No.</u>	<u>Unit Number</u> (Address: "Gables Drive")	<u>Floor</u> <u>Level</u>	<u>Unit</u> <u>Type</u>	<u>Front/</u> <u>Rear</u>	
3	310	Top	B	Front	.00848
4	401	Walk-In	A	Rear	.00848
4	402	Walk-In	A	Rear	.00848
4	403	Walk-In	A	Front	.00848
4	404	Walk-In	A	Front	.00848
4	405	Top	A	Rear	.00848
4	406	Top	A	Rear	.00848
4	407	Top	A	Front	.00848
4	408	Top	A	Front	.00848
5	501	Terrace	B-II	Rear	.00848
5	502	Terrace	B-II	Rear	.00848
5	503	Walk-In	B-II	Rear	.00848
5	504	Walk-In	B-II	Rear	.00848
5	505	Walk-In	B-II	Front	.00848
5	506	Walk-In	B-II	Front	.00848
5	507	Top	B-II	Rear	.00848
5	508	Top	B-II	Rear	.00848
5	509	Top	B-II	Front	.00848
5	510	Top	B-II	Front	.00848
6	601	Terrace	D-II	Rear	.00848
6	602	Terrace	D-II	Rear	.00848
6	603	Walk-In	D-II	Rear	.00848
6	604	Walk-In	D-II	Rear	.00848
6	605	Walk-In	D-II	Front	.00848
6	606	Walk-In	D-II	Front	.00848
6	607	Top	D-II	Rear	.00848
6	608	Top	D-II	Rear	.00848
6	609	Top	D-II	Front	.00848
6	610	Top	D-II	Front	.00848
7	701	Terrace	D-II	Rear	.00848
7	702	Terrace	D-II	Rear	.00848
7	703	Walk-In	D-II	Rear	.00848

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

Building No.	Unit Number (Address: "Gables Drive")	Floor Level	Unit Type	Front/ Rear	The Fractional Undivided Interest In Common Elements of Each Unit Is 1/118th Or Approximately:*
1	101	Terrace	C	Rear	.00848
1	102	Terrace	C	Rear	.00848
1	103	Middle	C	Rear	.00848
1	104	Middle	C	Rear	.00848
1	105	Middle	C	Front	.00848
1	106	Middle	C	Front	.00848
1	107	Top	C	Rear	.00848
1	108	Top	C	Rear	.00848
1	109	Top	C	Front	.00848
1	110	Top	C	Front	.00848
2	201	Terrace	D	Rear	.00848
2	202	Terrace	D	Rear	.00848
2	203	Middle	D	Rear	.00848
2	204	Middle	D	Rear	.00848
2	205	Middle	D	Front	.00848
2	206	Middle	D	Front	.00848
2	207	Top	D	Rear	.00848
2	208	Top	D	Rear	.00848
2	209	Top	D	Front	.00848
2	210	Top	D	Front	.00848
3	301	Terrace	B	Rear	.00848
3	302	Terrace	B	Rear	.00848
3	303	Walk-In	B	Rear	.00848
3	304	Walk-In	B	Rear	.00848
3	305	Walk-In	B	Front	.00848
3	306	Walk-In	B	Front	.00848
3	307	Top	B	Rear	.00848
3	308	Top	B	Rear	.00848
3	309	Top	B	Front	.00848

The Fractional
Undivided Interest in
Common Elements of
Each Unit Is 1/118th
Or Approximately:*

<u>Building No.</u>	<u>Unit Number</u> (Address: "Gables Drive")	<u>Floor</u> <u>Level</u>	<u>Unit</u> <u>Type</u>	<u>Front/</u> <u>Rear</u>	
10	1007	Top	D	Rear	.00848
10	1008	Top	D	Rear	.00848
10	1009	Top	D	Front	.00848
10	1010	Top	D	Front	.00848
11	1101	Terrace	E	Rear	.00848
11	1102	Terrace	E	Rear	.00848
11	1103	Walk-In	E	Rear	.00848
11	1104	Walk-In	E	Rear	.00848
11	1105	Walk-In	E	Front	.00848
11	1106	Walk-In	E	Front	.00848
11	1107	Top	E	Rear	.00848
11	1108	Top	E	Rear	.00848
11	1109	Top	E	Front	.00848
11	1110	Top	E	Front	.00848
**12	1201	Terrace	E	Rear	.00848
**12	1202	Terrace	E	Rear	.00848
**12	1203	Walk-In	E	Rear	.00848
**12	1204	Walk-In	E	Rear	.00848
**12	1205	Walk-In	E	Front	.00848
**12	1206	Walk-In	E	Front	.00848
**12	1207	Top	E	Rear	.00848
**12	1208	Top	E	Rear	.00848
**12	1209	Top	E	Front	.00848
**12	1210	Top	E	Front	.00848

The Fractional
Undivided Interest In
Common Elements of
Each Unit Is 1/118th
Or Approximately:*

Building No.	Unit Number (Address: "Gables Drive")	Floor Level	Unit Type	Front/ Rear	
7	704	Walk-In	D-II	Rear	.00848
7	705	Walk-In	D-II	Front	.00848
7	706	Walk-In	D-II	Front	.00848
7	707	Top	D-II	Rear	.00848
7	708	Top	D-II	Rear	.00848
7	709	Top	D-II	Front	.00848
7	710	Top	D-II	Front	.00848
8	801	Terrace	D	Rear	.00848
8	802	Terrace	D	Rear	.00848
8	803	Walk-In	D	Rear	.00848
8	804	Walk-In	D	Rear	.00848
8	805	Walk-In	D	Front	.00848
8	806	Walk-In	D	Front	.00848
8	807	Top	D	Rear	.00848
8	808	Top	D	Rear	.00848
8	809	Top	D	Front	.00848
8	810	Top	D	Front	.00848
9	901	Terrace	B	Rear	.00848
9	902	Terrace	B	Rear	.00848
9	903	Walk-In	B	Rear	.00848
9	904	Walk-In	B	Rear	.00848
9	905	Walk-In	B	Front	.00848
9	906	Walk-In	B	Front	.00848
9	907	Top	B	Rear	.00848
9	908	Top	B	Rear	.00848
9	909	Top	B	Front	.00848
9	910	Top	B	Front	.00848
10	1001	Terrace	D	Rear	.00848
10	1002	Terrace	D	Rear	.00848
10	1003	Walk-In	D	Rear	.00848
10	1004	Walk-In	D	Rear	.00848
10	1005	Walk-In	D	Front	.00848
10	1006	Walk-In	E	Front	.00848

* 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 1/118th 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.

** Future Construction.

RECORDING FEES
 Recording Fee \$27.50
 Index Fee 1.00
 TOTAL \$28.50

STATE OF ALA. SHELBY CO.
 I CERTIFY THIS
 INSTRUMENT WAS FILED
 87 DEC 31 AM 10:05
 JUDGE OF PROBATE