

1028
This instrument was prepared by:
Jerome K. Lanning
✓ 1100 Park Place Tower
Birmingham, Alabama 35203

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

This Amendment to Declaration of Condominium made this 8th day of June, 1988, 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.

R E C I T A L S :

BOOK 189 PAGE 222
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 subsequently amended, is hereinafter referred to as the "Declaration"), 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 Corp. Book 30, at Page 407, 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(c) to the Amendment, subject to those easements, rights of way and other restrictions set forth in the survey of said real estate dated October 17, 1986, prepared by Coulter, Gay, Salmon & Martin Engineering Company, Inc., a copy of which is attached to the Amendment as Exhibit I (the "Phase IV Land"), which said Phase IV Land is located completely within the Subsequent Phase Land described in Exhibit A-2 to the Declaration; and

WHEREAS, Developer previously executed an Amendment to the Declaration of Condominium (the "Phase IV - Section 1 Amendment"), recorded in Book 165, Page 578, et seq., in said Probate Office, which modified Developer's construction schedule to provide for the construction of the Phase IV Units (as said term is defined in the Phase IV - Section 1 Amendment) in two sections; and

WHEREAS, Developer has completed the construction on the Phase IV Land of the Phase IV - Section 1 Units, as well as the construction of other improvements as common elements on the Phase IV Land, which improvements are generally described as to building location on the Site Development Plan attached to the Amendment as Exhibit II; and

WHEREAS, the Phase IV - Section 1 Amendment provided that, upon the completion of the construction of said improvements upon the Phase IV Land, and prior to the conveyance of any of the Phase IV - Section 1 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 IV - Section 1 Units and other improvements upon the Phase IV Land contain a true and correct description of as-built conditions (the "As Built Phase IV - Section 1 Plans"); and

WHEREAS, the Phase IV - Section 1 Amendment further provided for the construction of the balance of the Phase IV Units (the "Phase IV - Section 2 Units") upon the completion of the Phase IV - Section 1 Units; and

WHEREAS, Developer has completed construction of the Phase IV - Section 1 Units.

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 - Section 1 Amendment and by substituting therefor the following Section 5.6:

5.6. Description of Phase IV - Section 2 Residential Building. Developer plans to commence and proceed with the construction of ten (10) residential units on the Phase IV Land consisting of one (1) residential building 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:

Building No. 12: A 2-3 story building containing ten (10) 2 bedroom/2 bath residential units with fireplaces.

Said 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.

(2) The Declaration is hereby amended by deleting Exhibit III thereto (added by the Phase IV - Section 1 Amendment) 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 adding thereto the following Exhibits as to the Phase IV - Section 1 Units:

(a) Exhibit I hereto (Site Plan).

(b) Exhibit II hereto (the As-Built Phase IV - Section 1 Plans).

(4) 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: Thomas W. Harris, Jr.
Its President

AND BY: BHN Corporation,
a corporation, Partner

By: [Signature]
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 8th day of June, 1988.

Dorothy C. Brooks
Notary Public

MY COMMISSION EXPIRES DECEMBER 7, 1990

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 8th day of June, 1988.

Dorothy S. Pearson
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
Its President

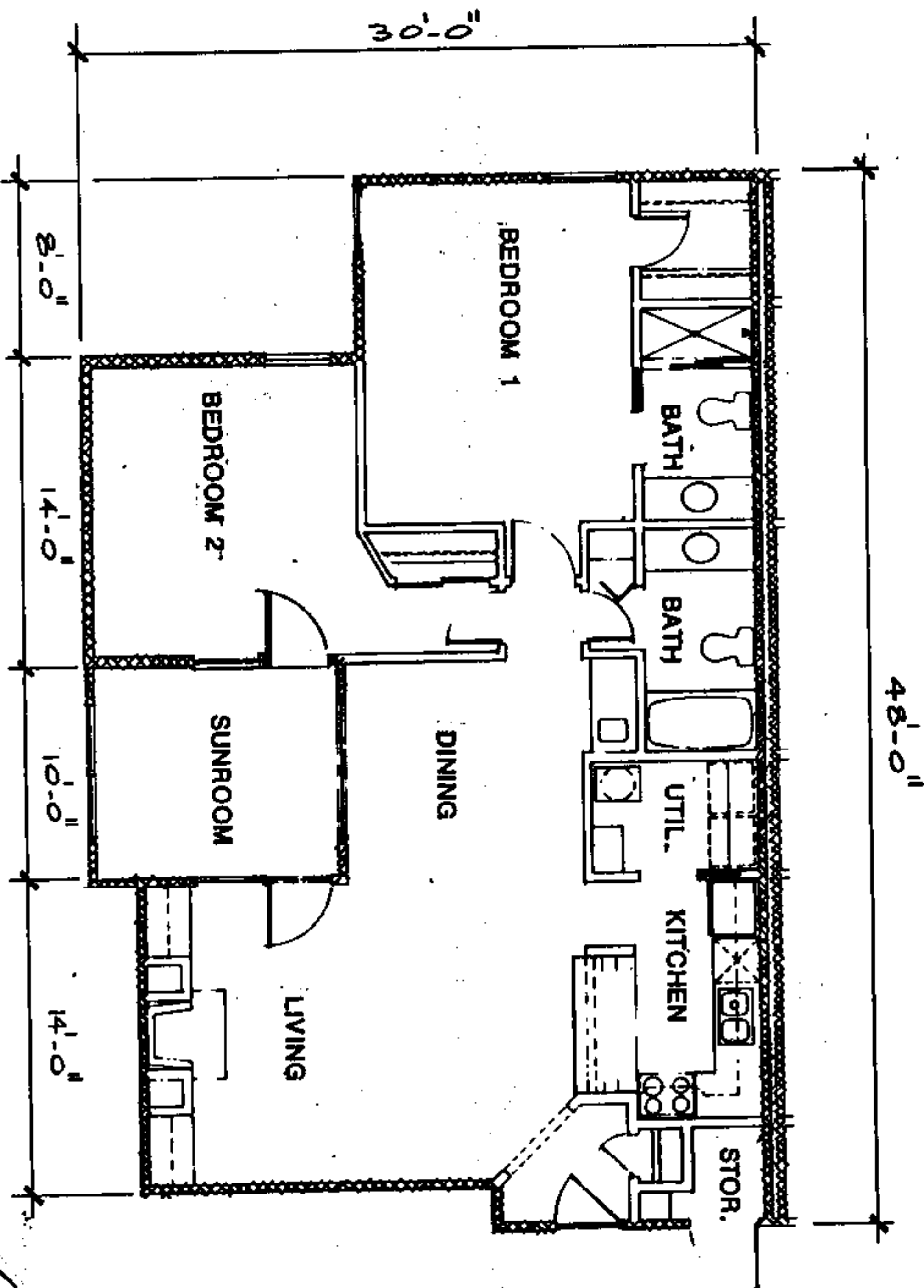
STATE OF ALABAMA)

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 8th day of June, 1988.

Dennis S Pearson
Notary Public



FLOOR PLAN- UNIT TYPE D

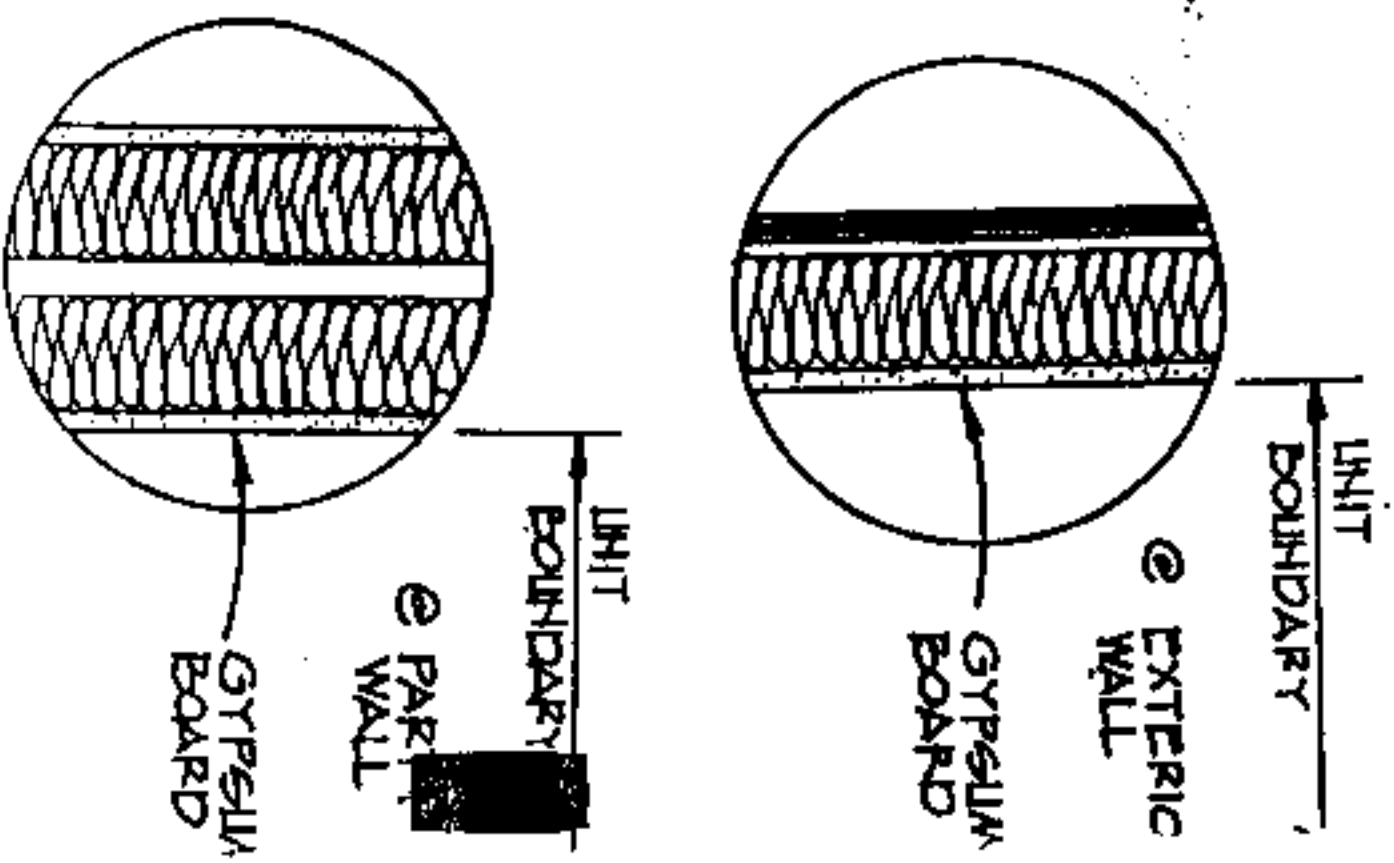
This is a true and correct description of built conditions based on my field observation and construction documents.

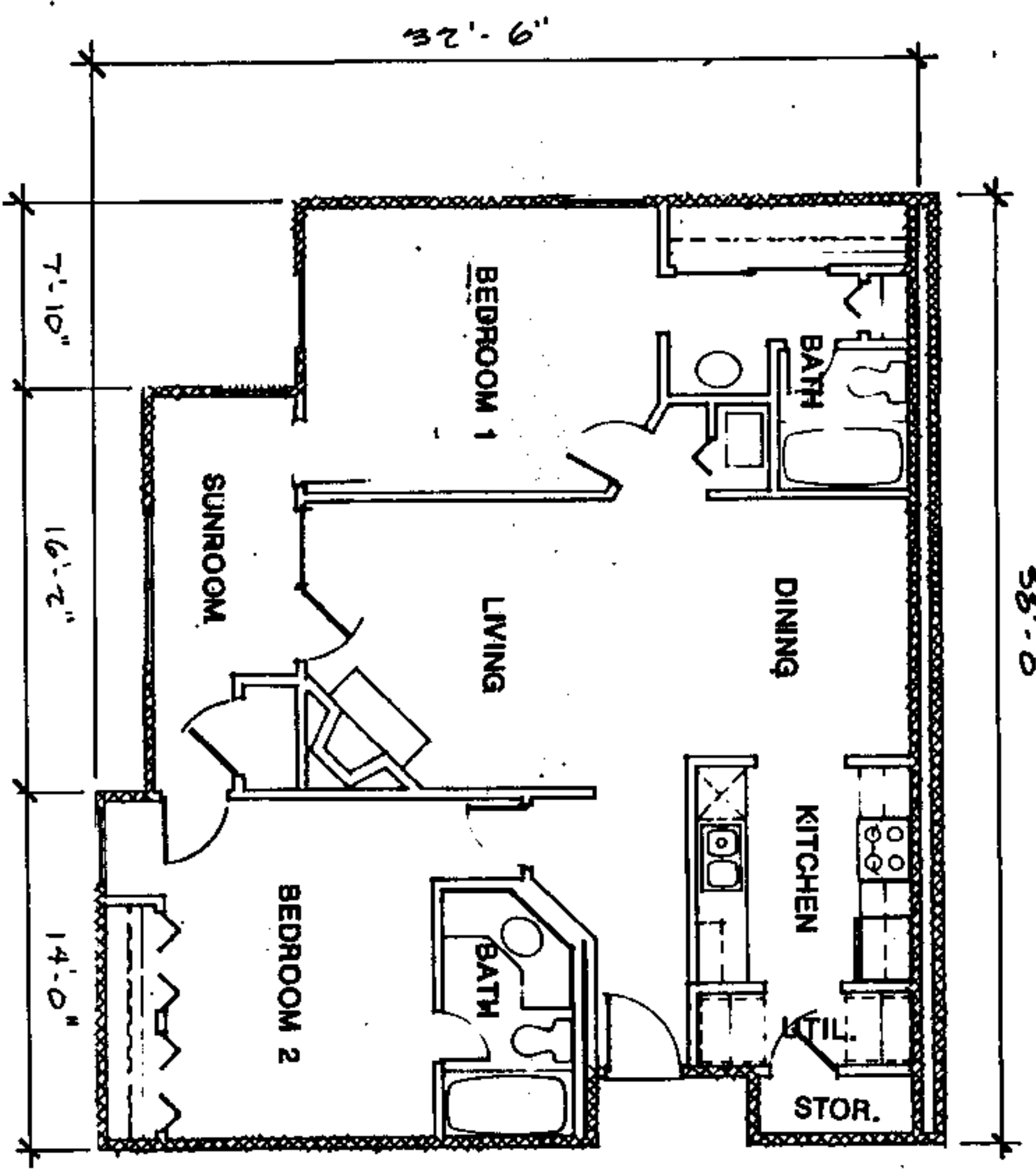
Lawrence L. Corley, Reg. #1376
Bailey-Corley & Associates, Inc. - Architects

THE GABLES PHASE IV

822 39th 681 1000

Exhibit II





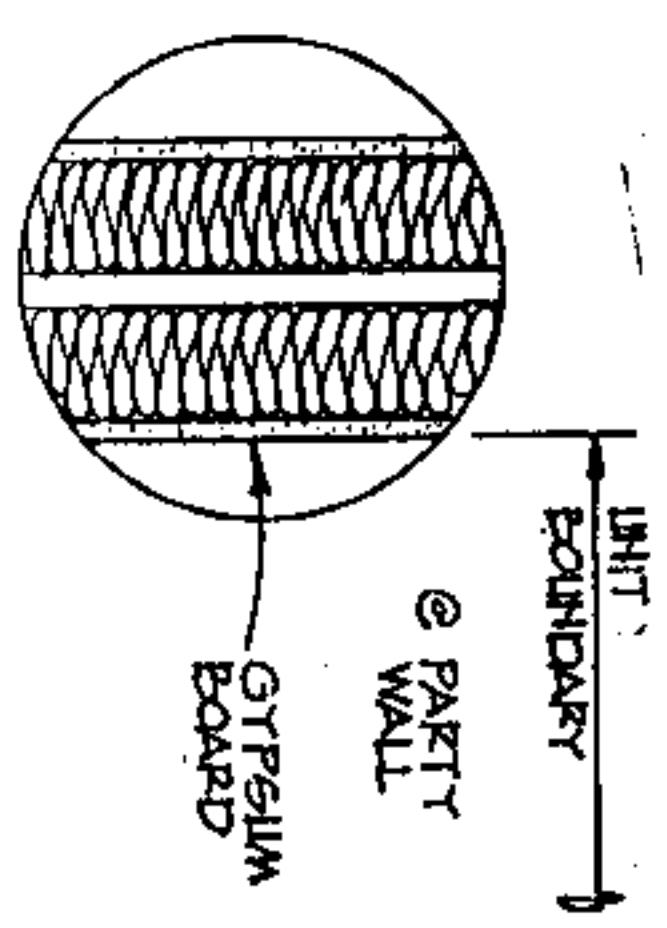
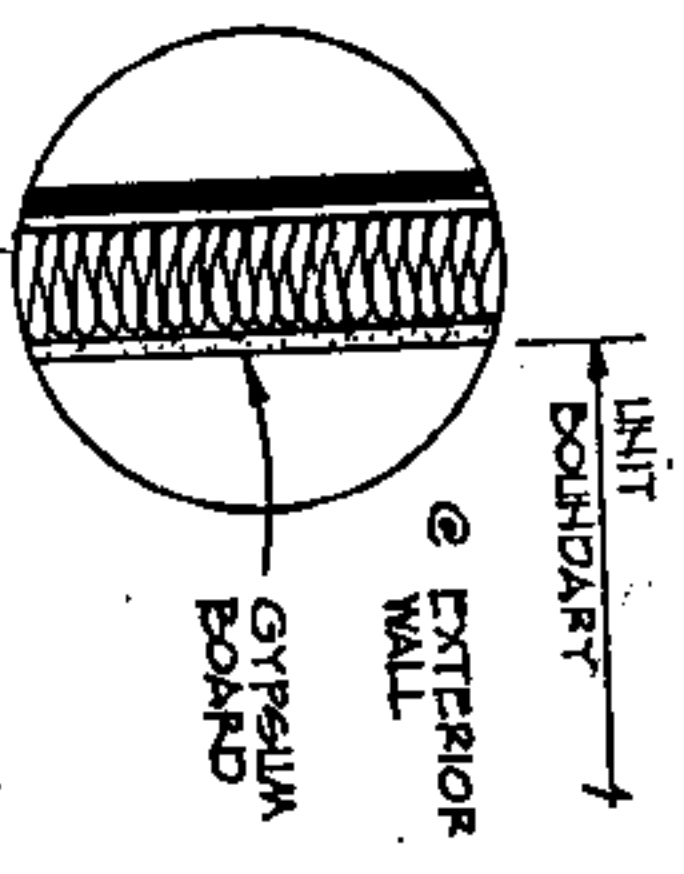
**FLOOR PLAN -
UNIT TYPE E**

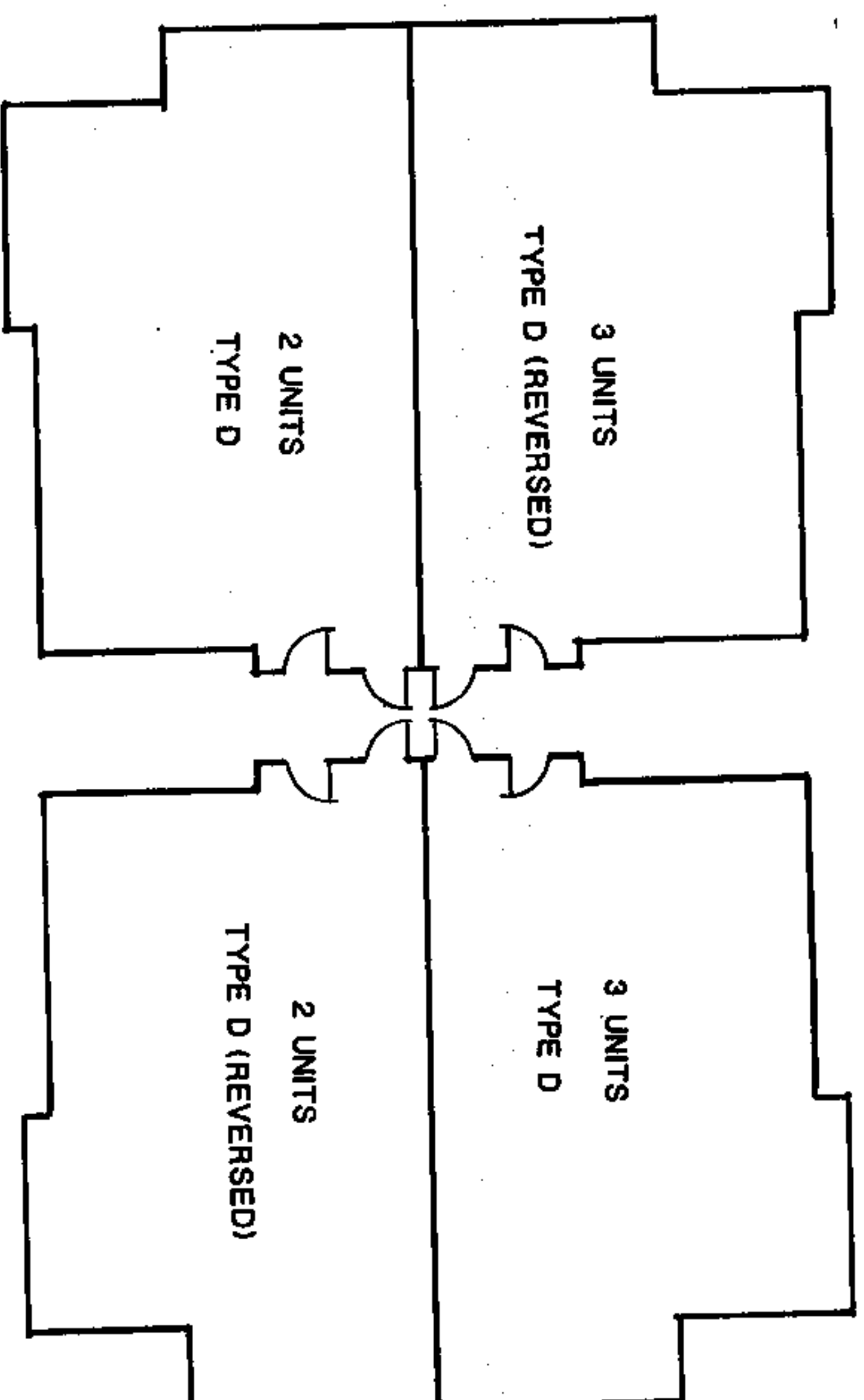
**THE GABLES
PHASE IV**

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

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

622 PAGE 681 BOOK



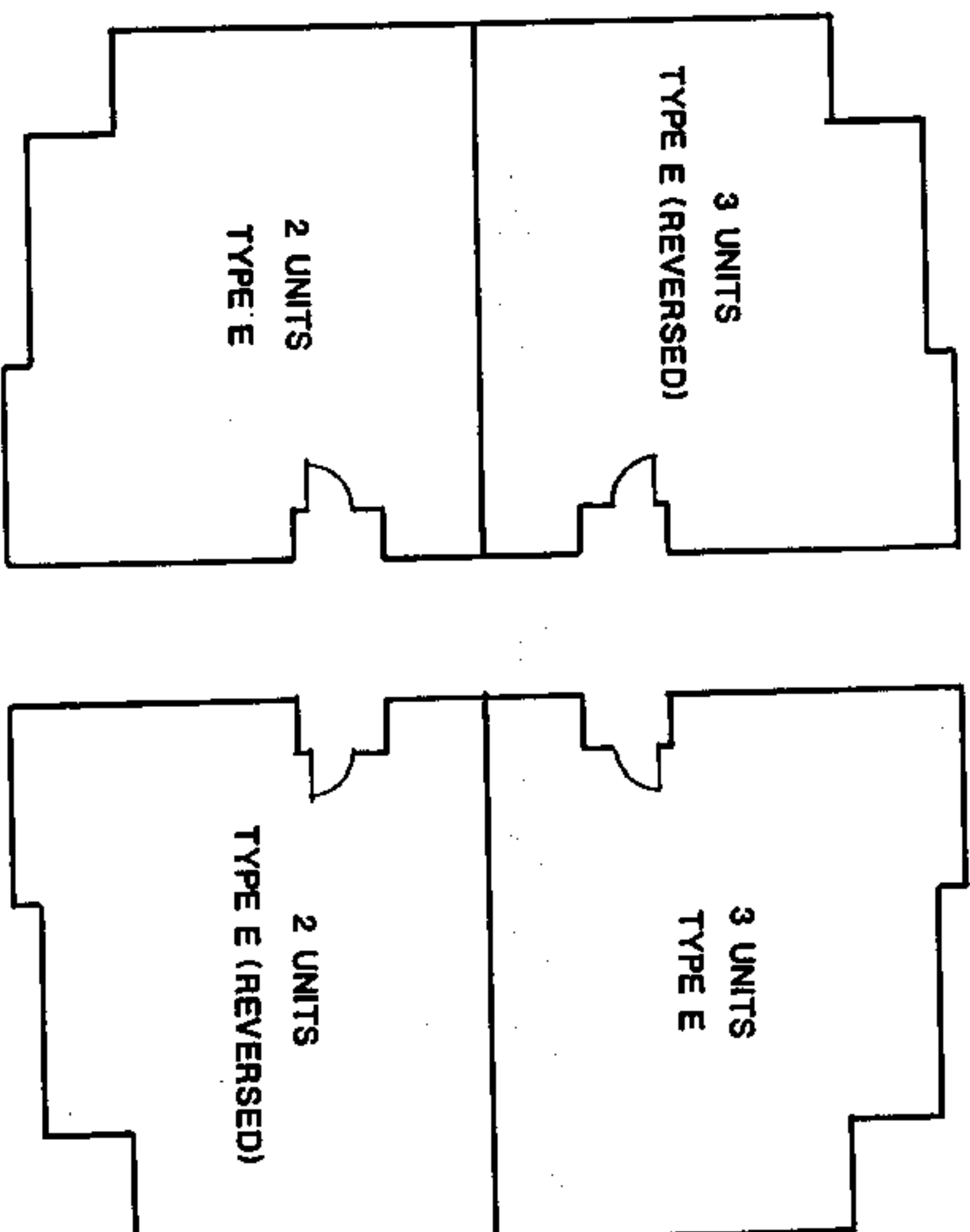


BUILDING NO. 10 FLOOR PLAN
THE GABLES
PHASE IV

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

Lawrence L. Corley
Lawrence L. Corley & Associates, Inc. - Architect
Lawrence L. Corley, Reg. #1376

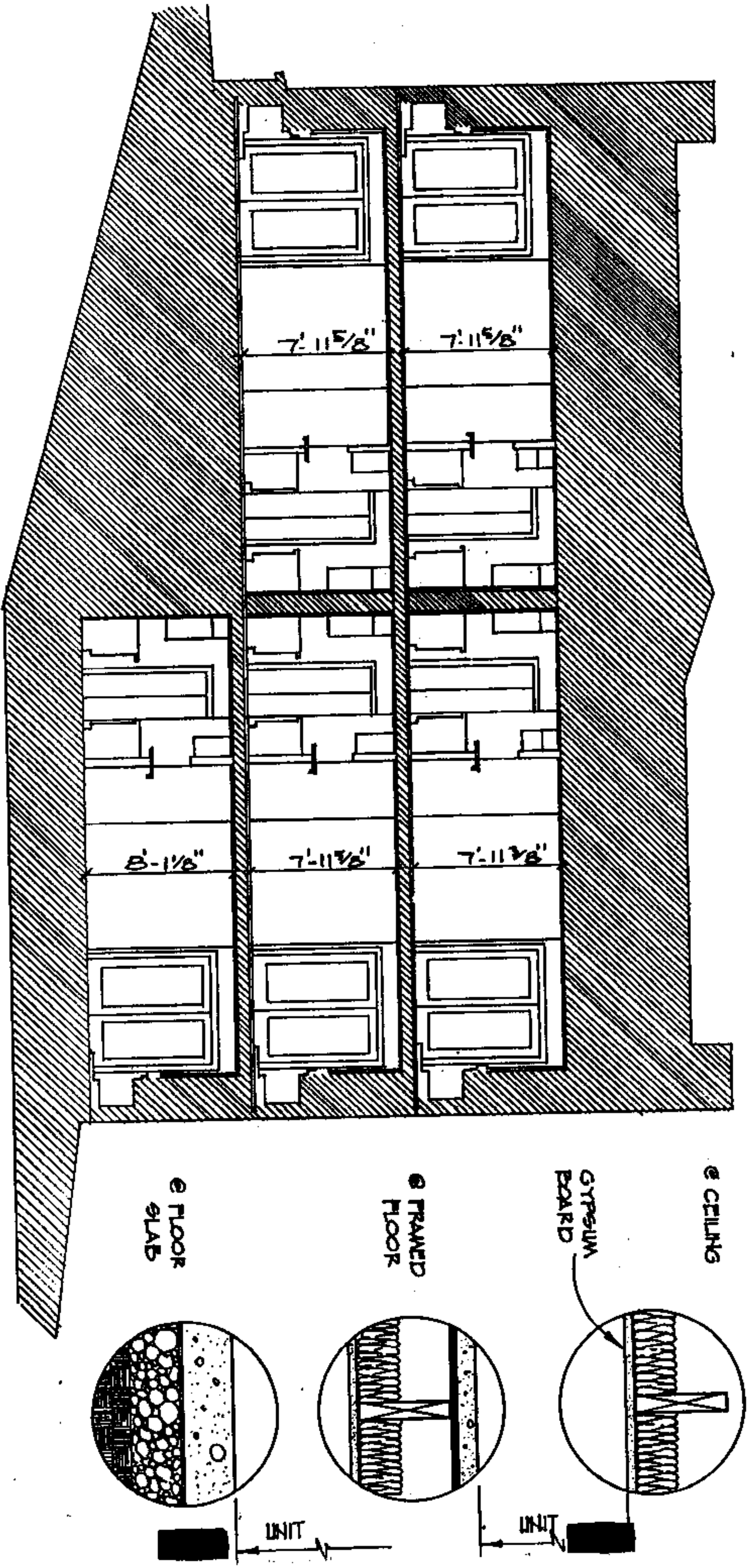
032 304 681 X008



BUILDING NO. 11 FLOOR PLAN
THE GABLES
PHASE IV

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

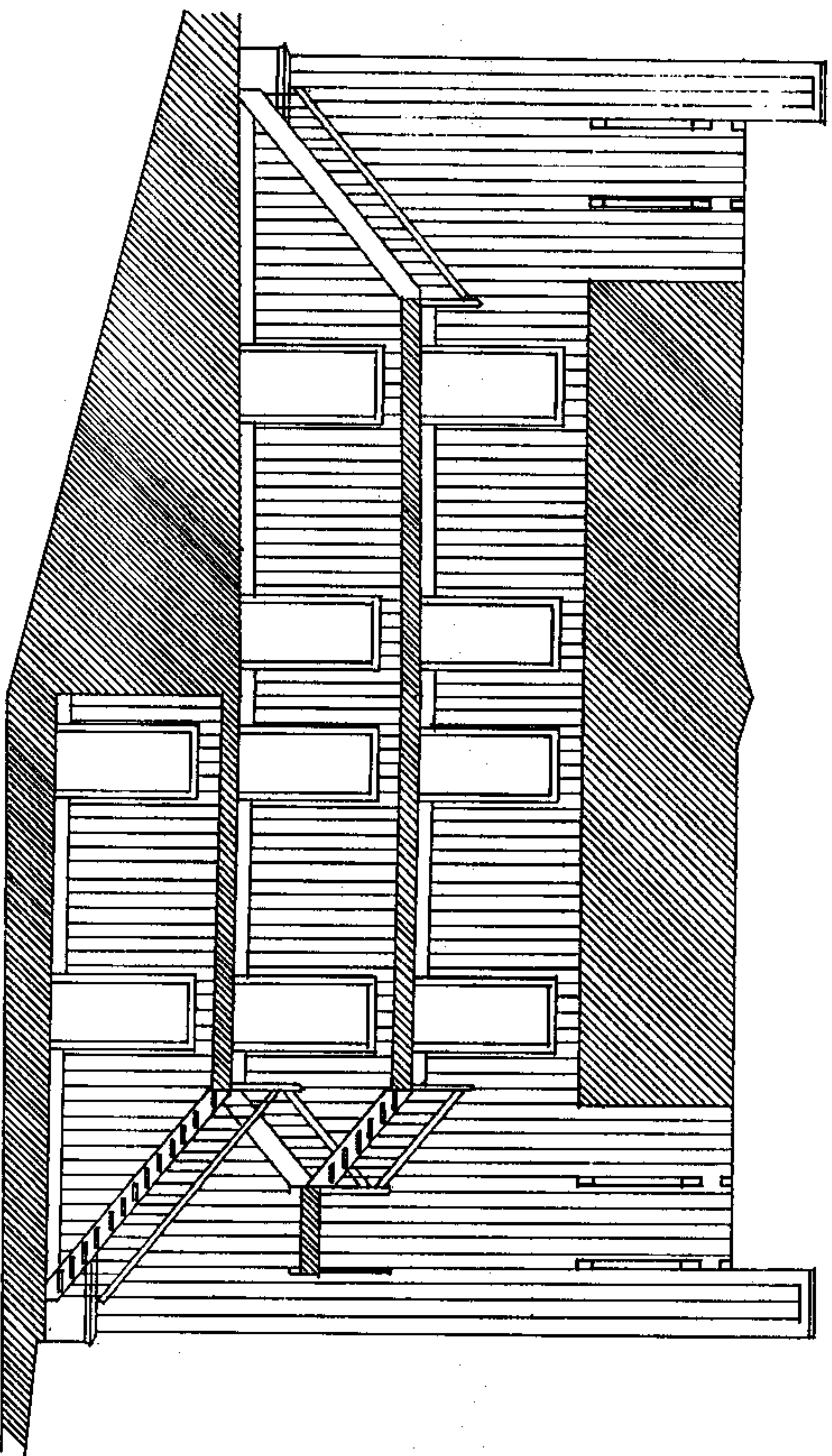
Lawrence L. Corley
Lawrence L. Corley, Reg. #1376
Bailey-Corley & Associates, Inc. - Architects



TYPICAL BUILDING CROSS-SECTION
AT UNITS TYPE D & E

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

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



TYPICAL BUILDING CROSS-SECTION AT BREEZEWAY

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

Lawrence L. Corley

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

THE GABLES
PHASE IV

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

<u>Building No.</u>	<u>Unit Number</u> <u>(Address: "Gables Drive")</u>	<u>Floor</u> <u>Level</u>	<u>Unit</u> <u>Type</u>	<u>Front/</u> <u>Rear</u>	<u>The Fractional</u> <u>Undivided Interest In</u> <u>Common Elements of</u> <u>Each Unit Is 1/118th</u> <u>Or Approximately:*</u>
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:*					
Building No.	Unit Number (Address: "Gables Drive")	Floor Level	Unit Type	Front/ Rear	
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

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 Common Elements of Each Unit Is 1/118th Or Approximately:*					
Building No.	Unit Number (Address: "Gables Drive")	Floor Level	Unit Type	Front/ Rear	
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 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.

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

88 JUN 14 AM 8:31

Thomas A. [Signature]
JUDGE OF PROBATE

1. Book Fee	_____
2. Notary	_____
3. Recording	42.50
4. Indexing	1.00
TOTAL	43.50