

STATE OF ALABAMA     )  
SHELBY COUNTY         )

**THIRD AMENDMENT  
TO RESTRICTIVE COVENANTS**

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, USX Corporation (formerly known as the United States Steel Corporation), did declare and adopt certain covenants and restrictions for the property known as and included in the survey of Cahaba River Park, a subdivision in the W 1/2 of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama (hereinafter the "Property"), a map of which is recorded in Map Book 6, page 31 in the office of the Judge of Probate of Shelby County, Alabama (hereinafter the "Survey"), by the adoption of that certain Declaration of Covenants and Restrictions for Cahaba River Park which was recorded in said office in Misc. Book 9, page 513 and which was subsequently amended by that certain Amendment to Restrictive Covenants recorded in said office in Misc. Book 42, page 428, the Second Amendment to Restrictive Covenants recorded in said office in Book 52, Page 969, and, as to part of the property contained in said subdivision, those certain Restrictive Covenants recorded in said office in Book 52, page 340 (as so amended, "the Covenants and Restrictions");

and

K. MARK PARNELL  
ATTORNEY AT LAW

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WHEREAS, the undersigned, USX Corporation (formerly known as the United States Steel Corporation); Vulcan Materials Company (hereinafter "Vulcan"); Riverview, an Alabama general partnership; Riverview Partners, Ltd., an Alabama limited partnership (Riverview and Riverview Partners, Ltd. being hereinafter called together "Riverview"); and The Water Works and Sewer Board of the City of Birmingham are the owners of all of the Property (hereinafter the "Owners"); and

WHEREAS, the Owners desire to amend the Covenants and Restrictions with regard to Lot 2-F;

NOW, THEREFORE, the undersigned do hereby amend Paragraph 1, USE OF LOTS, as contained in the Covenants and Restrictions, to provide that Lot 2-F may be used for the following purposes, in addition to those uses now permitted:

- (a) residential, either single family or multi-family uses;
- (b) a sewage treatment plant or ancillary uses.

Except as expressly amended heretofore or hereby, the Covenants and Restrictions shall remain in full force and effect in accordance with their terms.

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IN WITNESS WHEREOF, the undersigned have  
caused these presents to be executed for and in their  
name as of this 28 day of April, 1989.

ATTEST:

**USX CORPORATION**

USR Realty Development Division

By: [Signature]

Its Asst. Sec.

By: [Signature]

Its Vice President and General Manager

ATTEST:

**VULCAN MATERIALS COMPANY**

By: [Signature]

Its Asst. Secretary

By: [Signature]

Its Executive Vice President

BGM

**RIVERVIEW, an Alabama general  
partnership**

By: MONCUS INVESTMENTS, an Alabama  
general partnership, one of  
its two general partners

By: [Signature]

One of Its General Partners

By: HADLEY, CHURCH & COMPANY,  
INC., one of its two  
general partners

By: [Signature]

Its President

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RIVERVIEW PARTNERS, LTD., an  
Alabama Limited Partnership, By  
RIVERVIEW, an Alabama General  
Partnership, its General Partner

By: MONCUS INVESTMENTS, an Alabama  
general partnership, one of  
its two general partners

By: *Charles W. ...*  
One of Its General Partners

By: HADLEY, CHURCH & COMPANY,  
INC., one of its two  
general partners

By: *[Signature]*  
Its President

THE WATER WORKS AND SEWER  
BOARD OF THE CITY OF BIRMING-  
HAM

ATTEST:

By: *Wylie L. Jones*

Its

By: *W. L. ...*

Its

*Chairman*

STATE OF PENNSYLVANIA )  
ALLEGHENY COUNTY )

I, the undersigned a Notary Public in and for said County, in said State, hereby certify that W.W. Kiser, whose name as V.P. Gen. Mgr. - USR Realty of USX Corporation, a 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 this 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 the 28<sup>th</sup> day of April, 1989.

Marion R. Klus  
Notary Public

My Commission Expires

NOTARIAL SEAL  
MARION R. KLUS, NOTARY PUBLIC  
PITTSBURGH, ALLEGHENY COUNTY  
MY COMMISSION EXPIRES JULY 18, 1991

Member, Pennsylvania Association of Notaries

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned a Notary Public in and for said County, in said State, hereby certify that William J. Starnes, whose name as Executive Vice President of Vulcan Materials Company, a 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 this 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 the 26<sup>th</sup> day of April, 1989.

Danella A. Leavies  
Notary Public

My Commission Expires: 9/30/90

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County and said State, hereby certify that Claude McCain Moncus, whose name as a general partner of Moncus Investment, 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 this instrument, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said Moncus Investments acting in its capacity as one of the two general partners of Riverview, an Alabama general partnership.

the 26 Given under my hand and official seal this day of April, 1989.

Julia E. Humes  
Notary Public

My Commission Expires: 3/25/91

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County and said State, hereby certify that Greg A. Church, whose name as President of Hadley, Church & Company, Inc., a 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 this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as one of the two general partners of Riverview, an Alabama general partnership.

the 26 Given under my hand and official seal this day of April, 1989.

Julia E. Humes  
Notary Public

My Commission Expires: 3/25/91

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STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County and said State, hereby certify that Claude McCain Moncus, whose name as general partner of Moncus Investments, 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 this instrument, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said general partners of Riverview, an Alabama General Partnership, and that Riverview, in turn, executed such instrument in its capacity as the general partner of Riverview Partners, Ltd., an Alabama General Partnership.

Given under my hand and official seal this  
the 24 day of April, 1989.

Julia B. Thomas  
Notary Public

My Commission Expires: 3/25/91

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County and said State, hereby certify that Greg A. Church, whose name as President of Hadley, Church & Company, Inc. a 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 this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as one of the general partners of Riverview, an Alabama General Partnership, and that Riverview, in turn, executed such instrument in its capacity as the general partner of Riverview Partners, Ltd., an Alabama General Partnership.

Given under my hand and official seal this  
the 26 day of April, 1989.

Julia B. Thomas  
Notary Public

My Commission Expires: 3/25/91

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County, in and for said State and County hereby certify that David J. Vann whose name as Chairman of The Water Works and Sewer Board of the City of Birmingham, 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 this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said public corporation.

the 26<sup>th</sup> day of April, 1989. Given under my hand and official seal this

Linda J. Zerpo  
Notary Public

My Commission Expires: 4-29-90

04/20/89

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

89 MAY -2 PM 12:29

Thomas A. Swindell, Jr.  
JUDGE OF PROBATE

RECORDING FEES

|               |                 |
|---------------|-----------------|
| Recording Fee | \$ <u>20.00</u> |
| Index Fee     | <u>2.00</u>     |
| TOTAL         | <u>22.00</u>    |