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

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

This Amendment to Declaration of Condominium made this 11th day of MAY, 1989, 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 recording as-built Plans for Phase IV, Section 2, of The Gables, A Condominium, located within the City of Hoover, Shelby County, Alabama.

BOOK 238 PAGE 241

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, Section 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

✓ Linda Little

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, Developer subsequently executed an amendment to the Declaration recorded in Book 165, Page 578, et seq., in said Probate Office dividing the Phase IV Units into two (2) Sections, those being Section 1, consisting of Buildings 10 and 11, each containing ten (10) units, and Section 2, consisting of Building 12, containing ten (10) units (the "Section 1" and "Section 2 Units"); and

WHEREAS, Developer subsequently executed an amendment to the Declaration recorded in Book 189, Page 222, et seq., in said Probate Office which amended the Declaration to (a) incorporate "as-built" Plans for Phase IV - Section 1, and (b) describe the Phase IV - Section 2 Units and Building (the "Phase IV - Sections Amendment"); and

WHEREAS, Developer has completed construction of the Phase IV - Section 2 Units, and desires to amend the Declaration to incorporate "as-built" Plans for the Phase IV - Section 2 Units; and

WHEREAS, the United States Veteran's Administration has approved this Ninth Amendment to the Declaration.

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

(1) The Declaration is hereby amended by deleting Section 5.6 thereof in its entirety, as previously amended, and by substituting therefore the following Section 5.6:

5.6 Description of Phase IV Residential Buildings.

(1) Section 1: Developer has completed the construction of twenty (20) residential units (the "Phase IV - Section 1 Units") on the Phase IV Land consisting of two (20) 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.

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) Section 2: Developer has completed the construction of ten (10) residential units (the "Phase IV - Section 2 Units") 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 further amended by deleting therefrom the Site Plan made Exhibit I to the Phase IV - Sections Amendment, and by substituting the attached Exhibit I therefore.

(3) The Declaration is hereby further amended by incorporating therein the as-built Plans for Phase IV - Section 2 in the form made Exhibit II hereto.

(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 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 H. 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 11th day of May, 1989.

Lizzie M. Arrington
Notary Public
My Commission Expires:
10-6-90

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, 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 11th day of May, 1989.

Lizzie M. Arrington
Notary Public
My Commission Expires:
10-6-90

BOOK 238 PAGE 245

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 and all preceding Amendments 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 11th day of May, 1989.

Lizzie M. Assington
Notary Public
My Commission Expires 10-6-90

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

Lawrence L. Corley

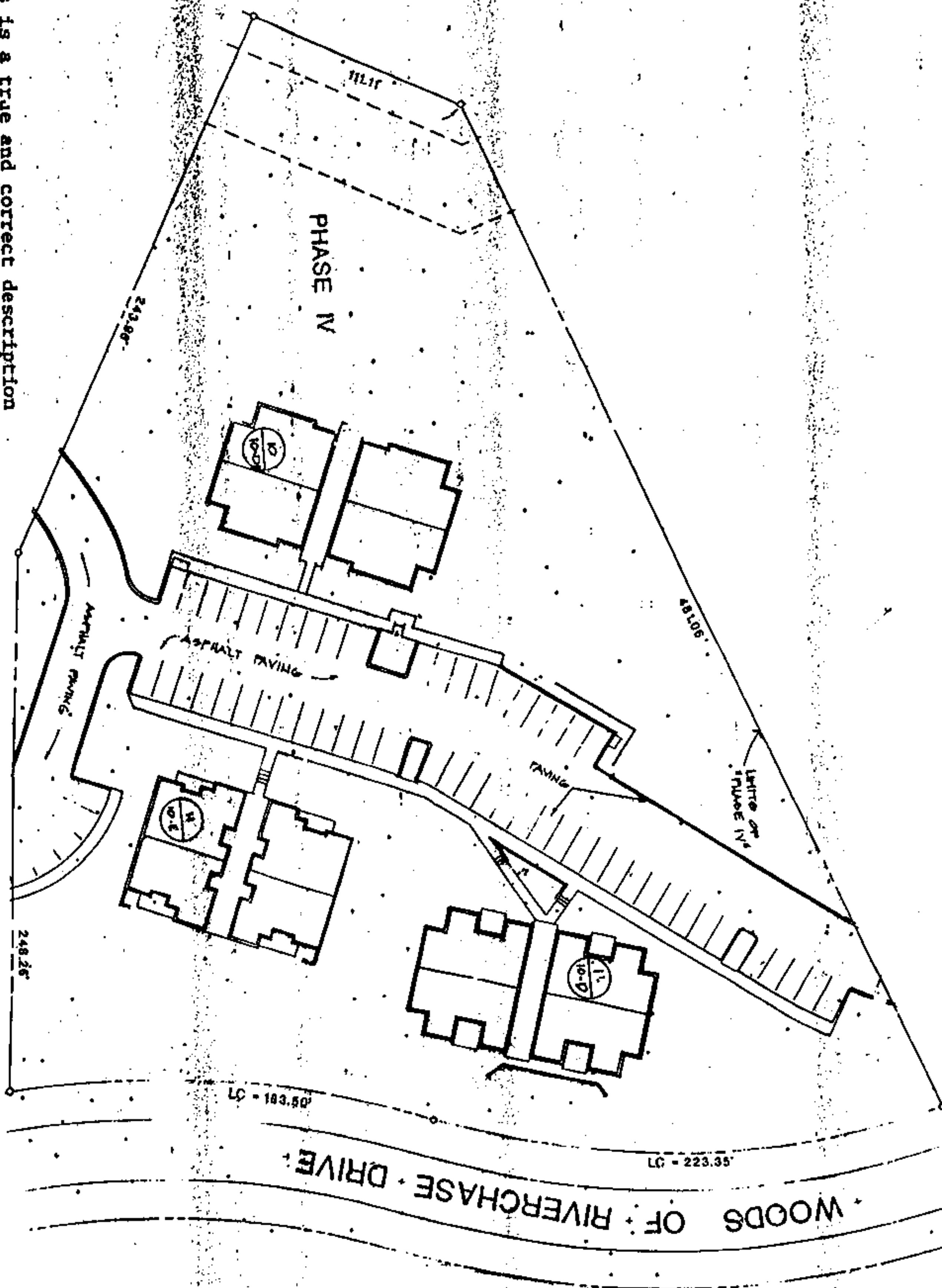
Bailey-Corley & Associates, Inc. - Architects
Lawrence L. Corley, Reg. #1376

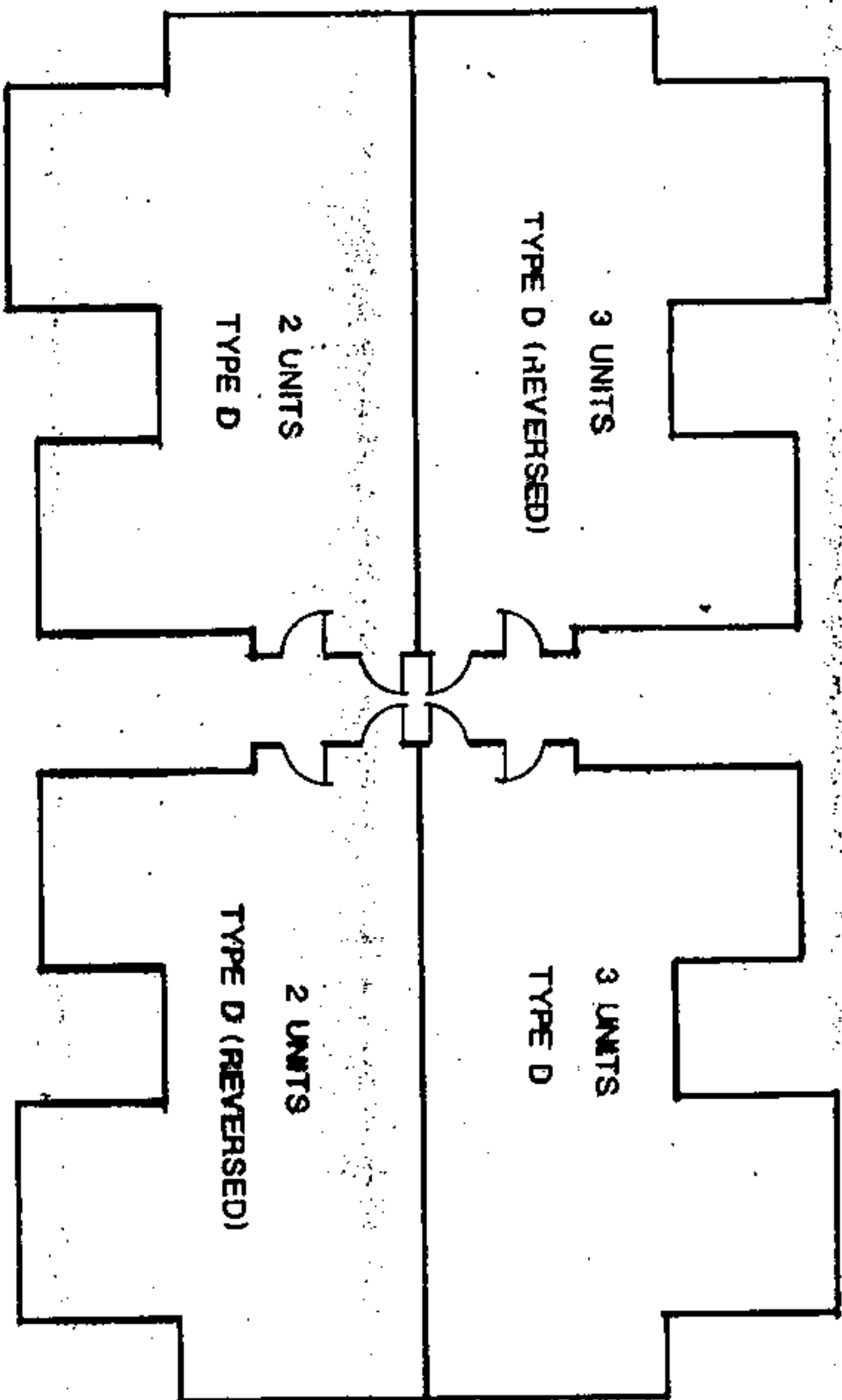
SITE PLAN

THE GABLES

PHASE IV

112 802



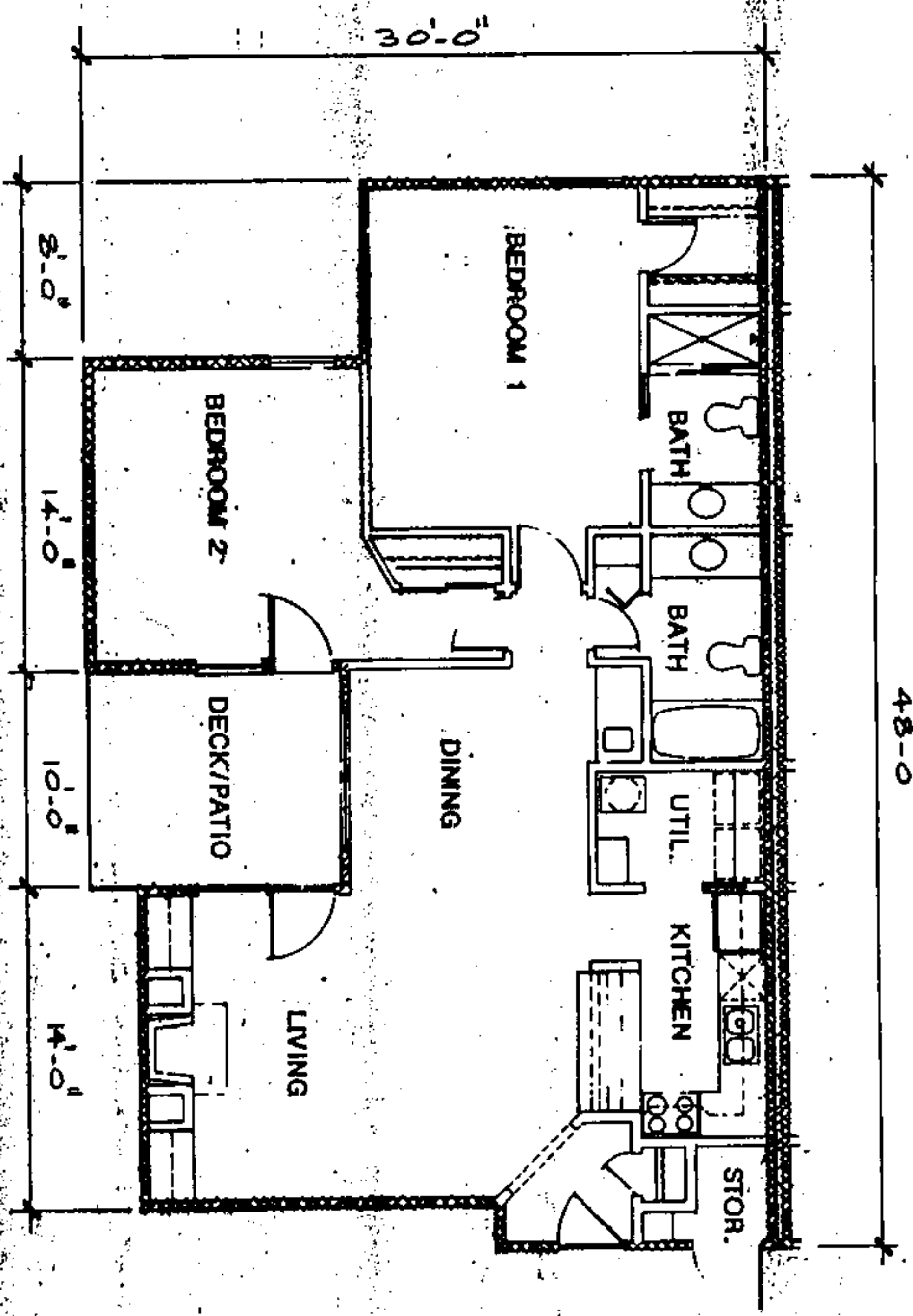


BUILDING NO. 12 FLOOR PLAN
THE GABLES
PHASE IV

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

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

842 MM 832 MM



FLOOR PLAN-

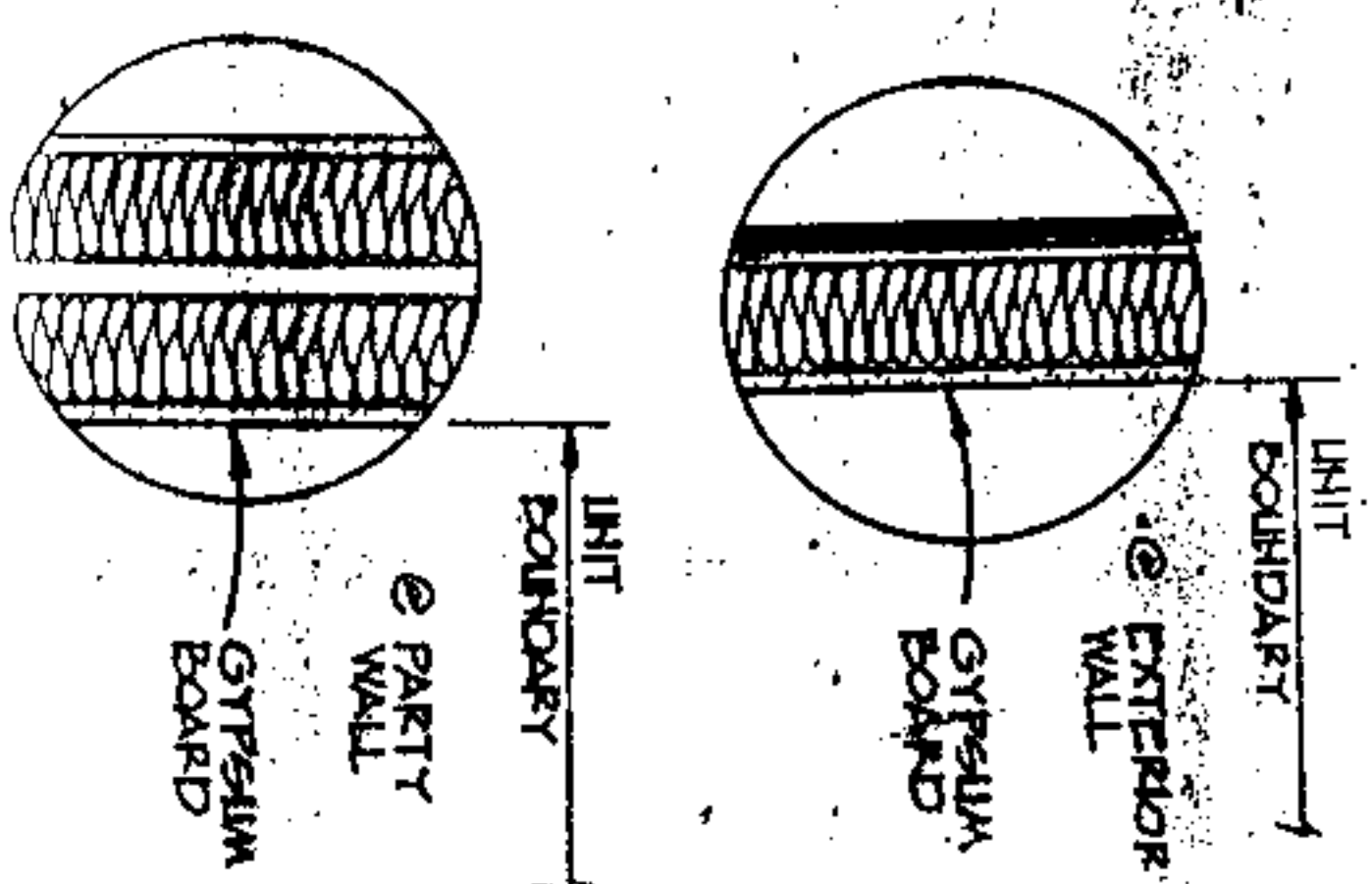
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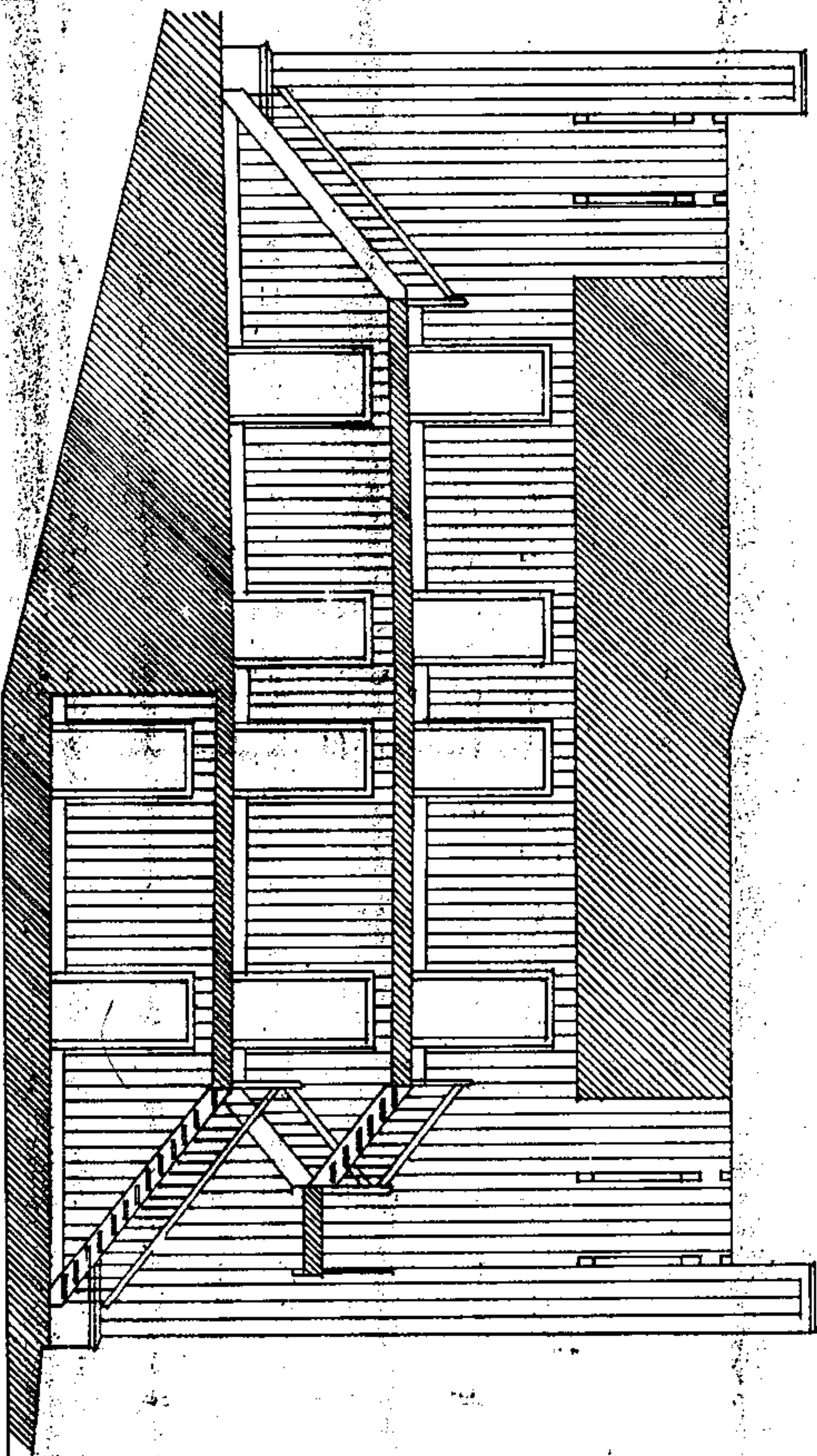
This is a true and correct description of built conditions based on my field observation and construction documents.

THE GABLES PHASE IV

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

642 300 832 700



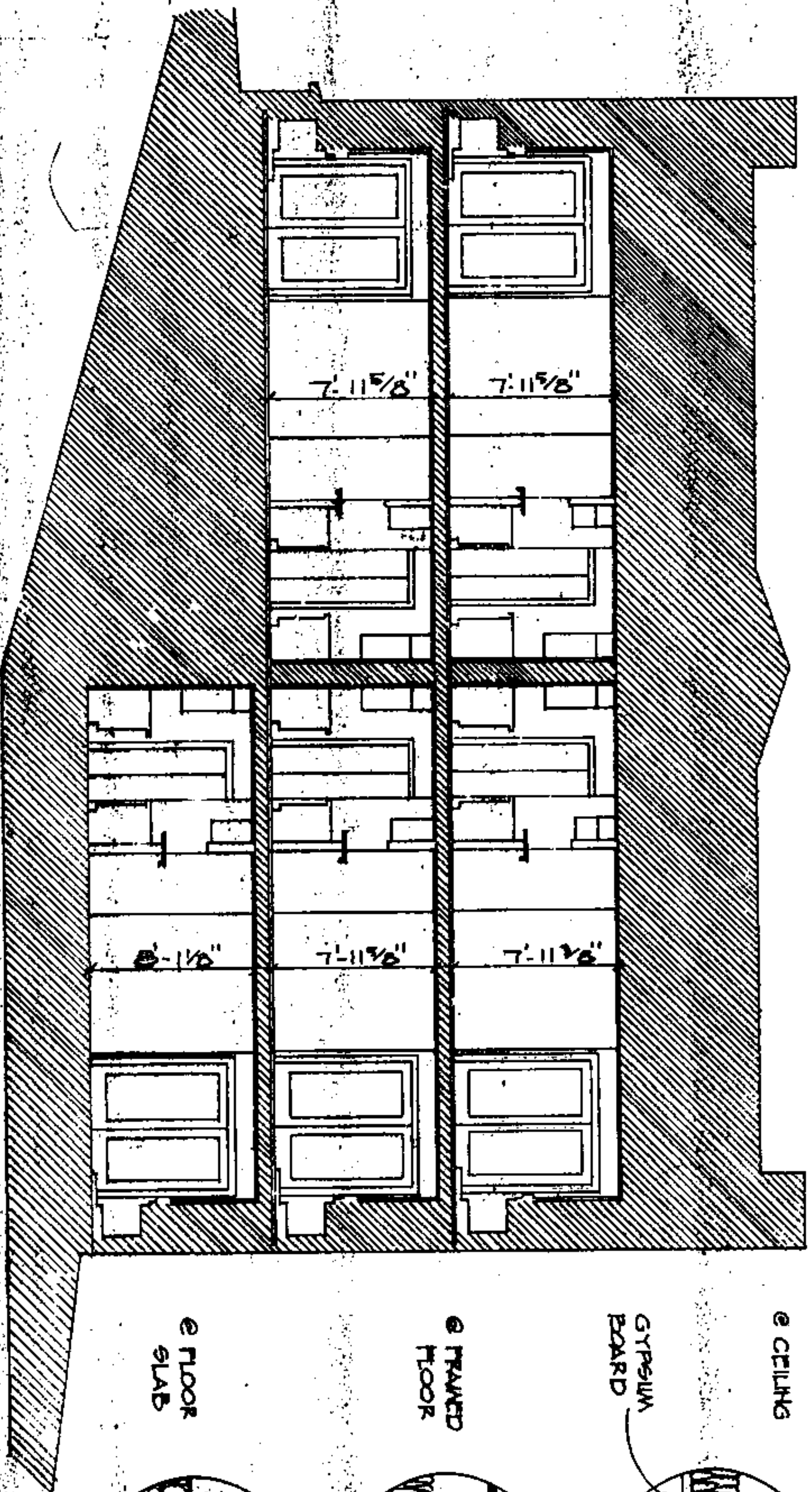


TYPICAL BUILDING CROSS-SECTION
AT BREEZEWAY

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

THE GABLES
PHASE IV

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



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
Bailey-Corley & Associates, Inc. - Architects

THE GABLES
PHASE IV

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STATE OF ALA. SHERIFF'S OFFICE
I CERTIFY THIS
DOCUMENT WAS FILED

89 MAY 12 AM 9:29

JUDGE OF PROBATE

27.50
2.00
29.50

