

51

THIS INSTRUMENT PREPARED BY AND UPON
RECORDING SHOULD BE RETURNED TO:

Stephen R. Monk, Esq.
c/o Daniel Realty Corporation
P. O. Box 385001
Birmingham, Alabama 35238-5001

**FIFTH AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR MEADOW BROOK CORPORATE PARK SOUTH**

THIS FIFTH AMENDMENT TO DECLARATION made as of the
3th day of July, 1989 by DANIEL U.S. PROPERTIES LIMITED
PARTNERSHIP, a Virginia limited partnership formerly known
as Daniel U.S. Properties, Ltd. (the "Developer").

R E C I T A L S:

WHEREAS, the Developer has heretofore entered into a
Declaration of Covenants, Conditions and Restrictions for
Meadow Brook Corporate Park South dated as of September 1,
1985, and recorded in Book 064, at Page 91, in the Probate
Office of Shelby County, Alabama, as amended by (i) First
Amendment to Declaration of Covenants, Conditions and
Restrictions for Meadow Brook Corporate Park South dated as
of April 1, 1986, and recorded in Book 095, at Page 826, in
said Probate Office, (ii) Second Amendment to Declaration
of Covenants, Conditions and Restrictions for Meadow Brook
Corporate Park South dated as of July 23, 1988, and
recorded in Book 141, at Page 784, in said Probate Office,
(iii) Third Amendment to Declaration of Covenants,
Conditions and Restrictions for Meadow Brook Corporate Park
South dated as of March 28, 1988, and recorded in Book 177,
at Page 244 in said Probate Office and (iv) Fourth
Amendment to Declaration of Covenants, Conditions and
Restrictions for Meadow Brook Corporate Park South dated as
of June 20, 1989, and recorded in Book 243, at Page 453 in
said Probate Office (the original Declaration, together
with the First, Second, Third and Fourth Amendments, are
hereinafter collectively referred to as the
"Declaration"). Capitalized terms not otherwise defined
herein shall have the same meanings given them in the
Declaration; and

BOOK 245 PAGE 89

✓ Daniel

WHEREAS, a portion of the Property known as Lot 11A and 11B subject to the Declaration has been resubdivided; and

WHEREAS, the Developer desires to amend the Declaration to revise and restate Exhibits A and B to the Declaration to reflect the resubdivision of a portion of the Property known as Lot 11A and 11B as provided for in Section 4.13 of the Declaration.

NOW, THEREFORE, in consideration of the premises, the Developer does hereby agree as follows:

1. Amendment to Exhibit A. Exhibit A/Revised 6/19/89 attached to and incorporated into the Declaration is hereby deleted in its entirety and "EXHIBIT A/REVISED 7/5/89" attached hereto and incorporated herein by reference is substituted in lieu thereof.

2. Amendment to Exhibit B. Exhibit B/Revised 6/19/89 attached to and incorporated into the Declaration is hereby deleted in its entirety and "EXHIBIT B/REVISED 7/5/89" attached hereto and incorporated herein by reference is substituted in lieu thereof.

3. Full Force and Effect. Except as expressly modified and amended hereby, all of the terms and conditions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer has caused this Fifth Amendment to be executed as of the day and year first above written.

DANIEL U.S. PROPERTIES LIMITED
PARTNERSHIP, a Virginia limited
partnership

By: Daniel Realty Investment
Corporation, a Virginia
corporation, as
General Partner

By: 

Its: Senior Vice President

BOOK 245 PAGE 90

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Stephen R. Monk whose name as Senior Vice President of Daniel Realty Investment Corporation, a Virginia corporation, as general partner of Daniel U.S. Properties Limited Partnership, a Virginia limited 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, in its capacity as General Partner as aforesaid.

Given under my hand and official seal, this the 5th, day of July, 1989.

Shirley P. Ellis
NOTARY PUBLIC

My Commission Expires:

My Commission Expires February 5, 1990

BOOK 245 PAGE 91

EXHIBIT A/REVISED 7/5/89
ATTACHED AND INCORPORATED BY
REFERENCE TO COVENANTS, CONDITIONS
AND RESTRICTIONS FOR MEADOW BROOK
CORPORATE PARK SOUTH DATED AS OF
SEPTEMBER 1, 1985, AS AMENDED

The "Property", as defined in Section 1.24 of the Declaration, shall consist of the following:

Lot 1 according to the Map and Survey of Meadow Brook Corporate Park South, Phase I, as recorded in Map Book 11, Page 72, in the Probate Office of Shelby County, Alabama;

Lots 1 through 9, inclusive, and Lots A through E, inclusive, according to the Map and Survey of Meadow Brook Corporate Park South, Phase II, as recorded in Map Book 12, Page 10, in the Probate Office of Shelby County, Alabama.

Lots 11C through 11E, inclusive, according to the Resurvey of Lot 11, Meadow Brook Corporate Park South, Phase II, as recorded in Map Book 13, at Page 82, in the Probate Office of Shelby County, Alabama.

Lots 11A-1 and 11B-1, inclusive, according to the Resurvey of Lots 11A-1 and 11B-1, Meadow Brook Corporate Park South, Phase II, as recorded in Map Book 13, at Page 84, in the Probate Office of Shelby County, Alabama.

BOOK 245 PAGE 92

EXHIBIT B/REVISED 7/5/89
ATTACHED AND INCORPORATED BY
REFERENCE TO COVENANTS, CONDITIONS
AND RESTRICTIONS FOR MEADOW BROOK
CORPORATE PARK SOUTH DATED AS OF
SEPTEMBER 1, 1985, AS AMENDED

The "Lots", as defined in Section 1.17 of the Declaration,
shall consist of the following:

Lot 1 according to the Map and Survey of Meadow Brook
Corporate Park South, Phase I, as recorded in Map
Book 11, Page 72, in the Probate Office of Shelby
County, Alabama;

Lots 1 through 9, inclusive, and Lots A through E,
inclusive, according to the Map and Survey of Meadow
Brook Corporate Park South, Phase II, as recorded in
Map Book 12, Page 10, in the Probate Office of Shelby
County, Alabama.

Lots 11C through 11E, inclusive, according to the
Resurvey of Lot 11, Meadow Brook Corporate Park South,
Phase II, as recorded in Map Book 13, at Page 82, in
the Probate Office of Shelby County, Alabama.

Lots 11A-1 and 11B-1, inclusive, according to the
Resurvey of Lots 11A-1 and 11B-1, Meadow Brook
Corporate Park South, Phase II, as recorded in Map
Book 13, at Page 84, in the Probate Office of Shelby
County, Alabama.

BOOK 245 PAGE 93

STATE OF ALA. SHILBY
I CERTIFY THAT
INSTRUMENT WAS

89 JUL -5 PM 2:09

Thomas W. [Signature]
JUDGE OF PROBATE

1. Deed Tax	\$ <u>—</u>
2. Mtg. Tax	<u>—</u>
3. Recording Fee	<u>12.50</u>
4. Indexing Fee	<u>3.00</u>
TOTAL	<u>15.50</u>