This instrument was prepared by:

Jerome K. Lanning

1100 Park Place Tower

Birmingham, Alabama 35203

TENTH AMENDMENT TO DECLARATION OF CONDOMINIUM

OF

THE GABLES, A CONDOMINIUM

This Amendment to Declaration of Condominium made this 19th day of Souther, 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 expanding The Gables, A Condominium, located within the City of Hoover, Shelby County, Alabama.

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 n the Condominium to sixty-eight (68); and

Land Title

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 subsequently executed and amendment to the Declaration recorded at Book 238, Page 241, et seq., in said Probate Office (the "Ninth Amendment") to incorporate "as-built" Plans for the Phase IV - Section 2 Units; and

WHEREAS, Developer is the owner in fee of certain real property located within the City of Hoover, Shelby County, Alabama, and more particularly described in Exhibit A-2(d) attached hereto and made a part hereof as if set out in full, (the "Phase V Land"), which Phase V Land is located completely within the Subsequent Phase Land described in Exhibit A-2 to the Declaration, and constitutes all of the Subsequent Phase Land not previously submitted to condominium ownership pursuant to the Declaration, as amended; and

WHEREAS, Developer plans to commence construction on the Phase V Land of two (2) residential buildings together

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containing as private elements twenty (20) condominium units (the "Phase V Units"), as well as the construction of other improvements as common elements on the Phase V Land, which improvements are generally described as to building location on the Site Development Plan attached hereto as Exhibit I and generally as to building plans, floor plans and sections in the Plans attached hereto as Exhibit II, which Exhibits I and II are made a part hereof as if set out in full; and

WHEREAS, upon the completion of the construction of said improvements on the Phase V Land, and prior to the conveyance of any of the Phase V Units, Developer shall file a further amendment to the Declaration which shall incorporate (a) a survey, site plan, building plans, floor plans and sections prepared by Coulter, Gay & Martin Engineers Company, Inc., and by Ed Bailey & Associates, Inc., Architects, which plans shall contain the certification by said Engineers and Architects that the Phase V Units and other improvements on the Phase V Land contain a true and correct description of as-built conditions, and (b) a final survey of the Phase V Land to be prepared by Coulter, Gay, & Martin Engineering Company, Inc. which shall locate all buildings and improvements upon the Phase V Land as well as all easements, rights-of-way and other restrictions affecting the Phase V Land; and

WHEREAS, Developer desires to exercise its option and right to expand the Condominium, and to amend the Declaration to provide for the expansion of the Condominium by the submission thereto of the Phase V Land and the Phase V Units and other improvements constructed and to be constructed thereon as described herein; and

WHEREAS, the United Stated Veteran's Administration has approved this Tenth 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 submitting the Phase V Land and the Phase V Units and all other improvements constructed or to be constructed thereon, and all easements, rights and interests appurtenant thereto, to the condominium form of ownership and use in the manner provided for in the Act.
- (2) The Declaration is hereby further amended by deleting Schedule C 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.

- (3) The Declaration is hereby further amended by the addition of the following Section 5.7:
 - Buildings. Developer plans to commence and proceed with the construction on the Phase V Land 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, and containing a total of twenty (20) Units, as follows:
 - (a) Building No. 13: A 2-3 story building containing ten (10) 2 bedroom/2 bath residential units with fireplaces.
 - (b) Building No. 14: A 2/3 story building containing ten (10) 1 bedroom/1/1/2 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.

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- (4) The Declaration is hereby further amended by adding thereto the following Exhibits:
 - (a) Exhibit A-2(d) hereto (the legal description of the Phase V Land);
 - (b) Exhibit I hereto (Site Plan showing approximate location of buildings and other improvements on the Phase V Land);
 - (c) Exhibit II hereto [building plans, floor plans and sections (the "Plans") generally describing the Phase V Buildings and Units]; and
 - (d) Exhibit III hereto (Amended Schedule of Interest in Common Elements).

(5) 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

y: The Prosident

AND By: BHN Corporation, a corporation, Partner

By:

Its President

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 19enter. 1989. Public My Commission Expires: 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 ad President of BHN Corporation, a corporation, a partner in Riverchase N 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

STATE OF ALABAMA

JEFFERSON COUNTY

Notary Public

My Commission Expires:

authority, executed the same voluntarily for and as the act

of said corporation, which is duly authorized to execute said

/GIVEN under my hand and official seal this 19^{77}

instrument on behalf of said general partnership.

1989.

For a good and valuable consideration, the receipt whereof is hereby acknowledged, The Gables Condominium Association, Inc., and 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 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:

Its Bresident

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-forprofit 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 47 day of

Notary Public My Commission Expires

JOINDER OF HORTGAGE

City Federal Savings and Loan Association, an Alabama corporation, the owner of a mortgage from BHN Corporation, a corporation, and Southwood Park Estate, Inc., a corporation, as tenants in common with and general partners of Riverchase Properties, an Alabama general partnership, to City Federal Savings and Loan Association, an Alabama corporation, dated April 12, 1984, and recorded in Real Volume 446, at Pages 936, et seg., in the Probate Office of Shelby County, Alabama, encumbering the property submitted to condominium ownership by the foregoing Tenth Amendment to Declaration Condominium, agrees that the lien of its mortgage shall be limited to all of the units at The Gables, A Condominium, according to the foregoing Tenth Amendment to Declaration of Condominium, together with all of the appurtenances to the said units, including, but not limited to, the undivided shares of said units in the Common Elements.

This 19th day of _______, 1989.

City Federal Savings and Loan Association

By: 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 City Federal Savings and Loan Association, an Alabama 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 ight day of

Notary Public

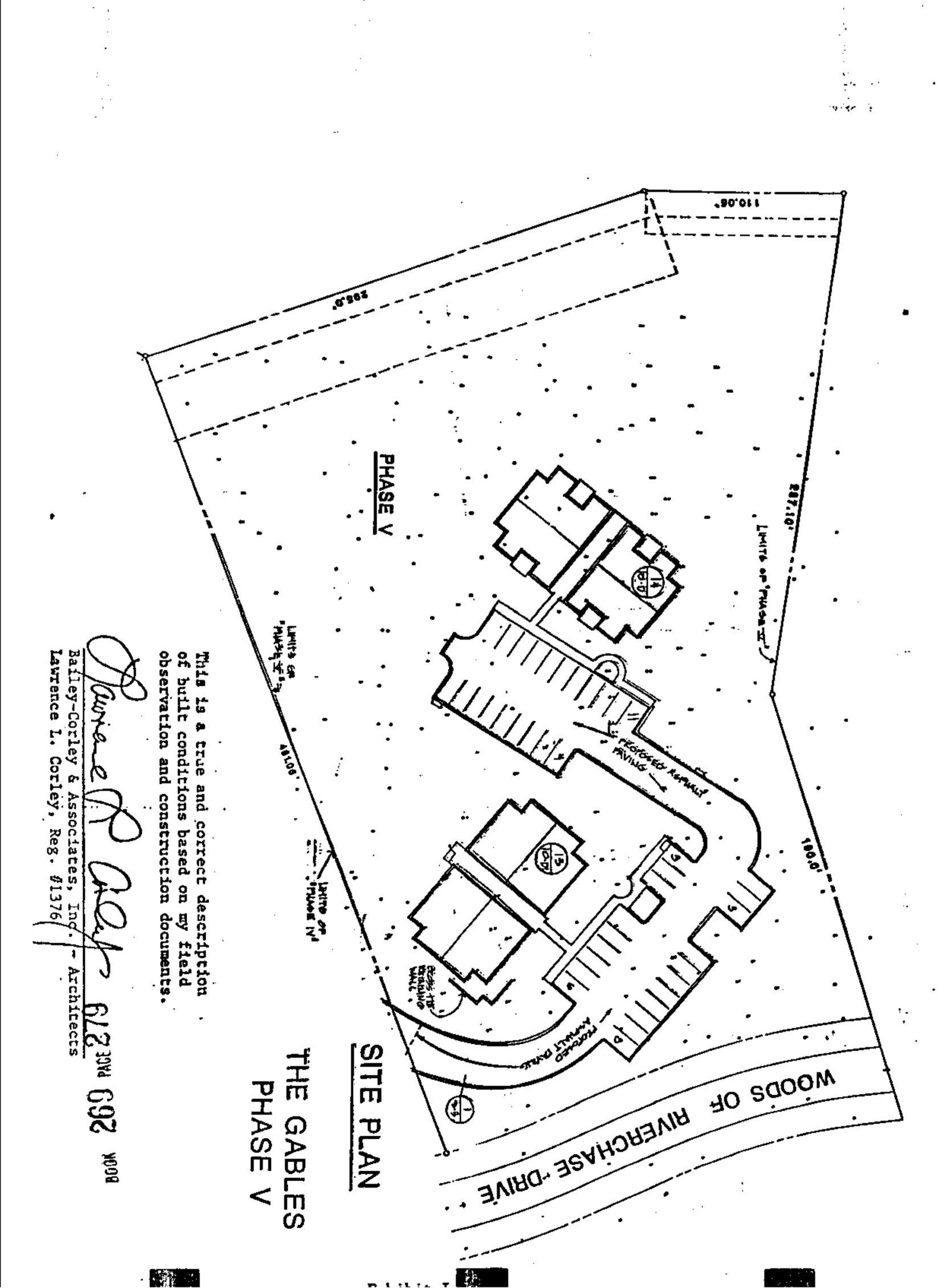
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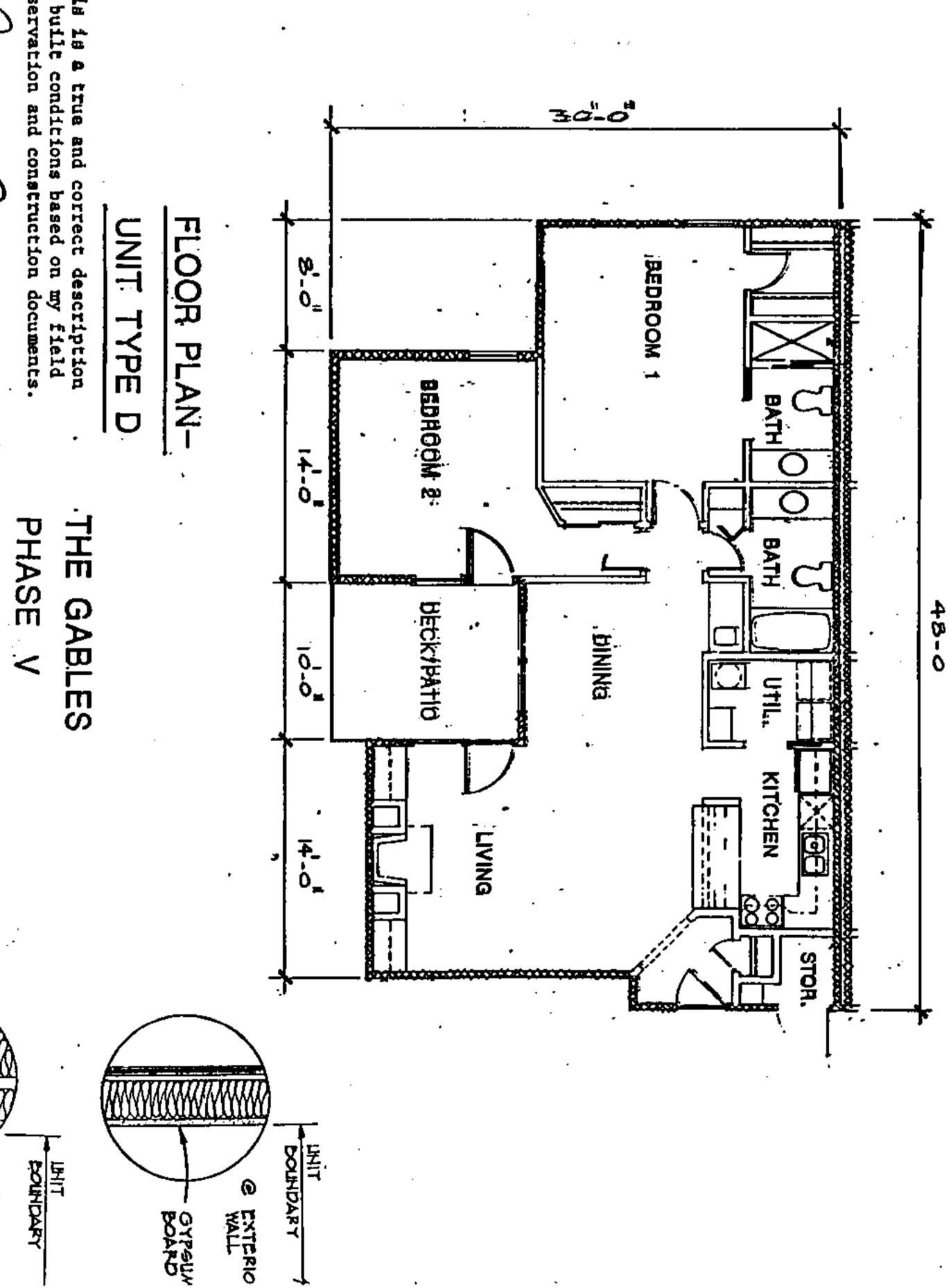
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DESCRIPTION

PHASE V

A part of Lot 1 according to Riverchase Properties, Second Addition to Riverchase as recorded in Map Book 9, page 40 in the Office of the Judge of Probate, Shelby County, Alabama more particularly described as follows: Commence at the southeast corner of the northwest one-quarter of Section 30, Township 19 South, Range 2 West, Shelby County, Alabama; run thence in a westerly direction along the south line of said quarter section for a distance of 2,300.55 feet; thence turn an angle to the right of 86 degrees and run in a northwesterly direction along the northeasterly right of way line of U.S. Highway No.31 south for a distance of 1,096.84 feet; thence turn an angle to the right of 101 degrees 03 minutes 10 seconds and run in an easterly direction for a distance of 346.16 feet; thence turn an angle to the left of 71 degrees 19 minutes 50 seconds and run in a northeasterly direction for a distance of 580 feet; thence turn an angle to the right of 18 degrees 59 minutes 22 seconds and run in a northeasterly direction for a distance of 535.19 feet; thence turn an angle to the right of 7 degrees 10 minutes 43 seconds and run in a northeasterly direction for a distance of 450.31 feet; thence turn an angle to the right of 54 degrees 38 minutes 40 seconds and run in a southeasterly airection for a distance of 589.98 feet to the point of beginning: from the point of beginning thus obtained turn an angle to the left of 47 degrees 25 minutes 30 seconds and run in a northeasterly direction 否 for a distance of 295.00 feet; thence turn an angle to the right of 19 degrees 30 minutes and run in a northéasterly direction for a distance of 110.05 feet; thence turn an angle to the right of 97 degrees 12 minutes 43 seconds and run in a southeasterly direction for a distance of 287.10 feet; thence turn an angle to the left of 24 degrees 51 minutes 44 seconds and run in a southeasterly direction for a distance of 190.00 feet to the northwest right-of-way of the Woods of Riverchase Drive; thence turn an angle to the right to the tangent of the following described course, said course being situated on a curve to the left having a central angle of 17 degrees 33 minutes 59 seconds and a radius of 442.25 feet; thence run along the arc of said curve in a southwesterly direction along the northwest right-of-way of the woods of Riverchase Drive for a distance of 135.59 feet to the end of said curve; thence run along the tangent if extended to said curve in a southwesterly direction along the said northwest right-of-way for a distance of 61.24 feet to the point of commencement of a curve to the right having a central angle of 8 degrees 32 minutes 39 seconds and a radius of 342.00 feet; thence run along the arc of said curve in a southwesterly direction along the said northwest right-of-way for a distance of 51.00 feet; thence turn an angle to the right from the tangent of said curve of 84 degrees 36 minutes 04 seconds and run in a northwesterly direction for a distance of 481.06 feet to the point of beginning.





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

BOOK 269 PAGE 280

Lawrence

L. Corley, Reg.

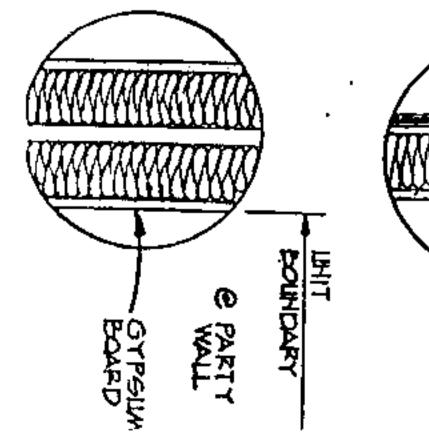
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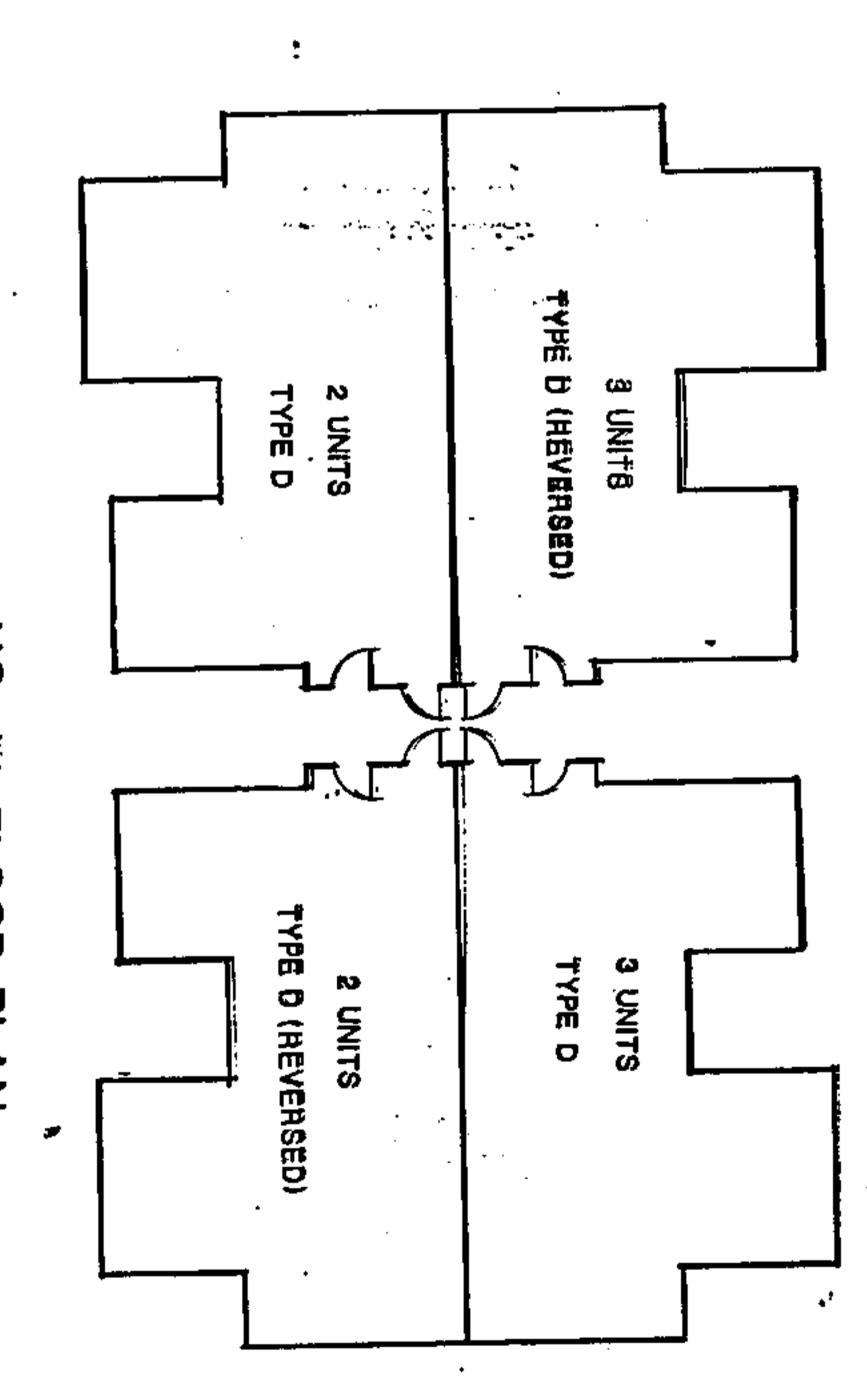
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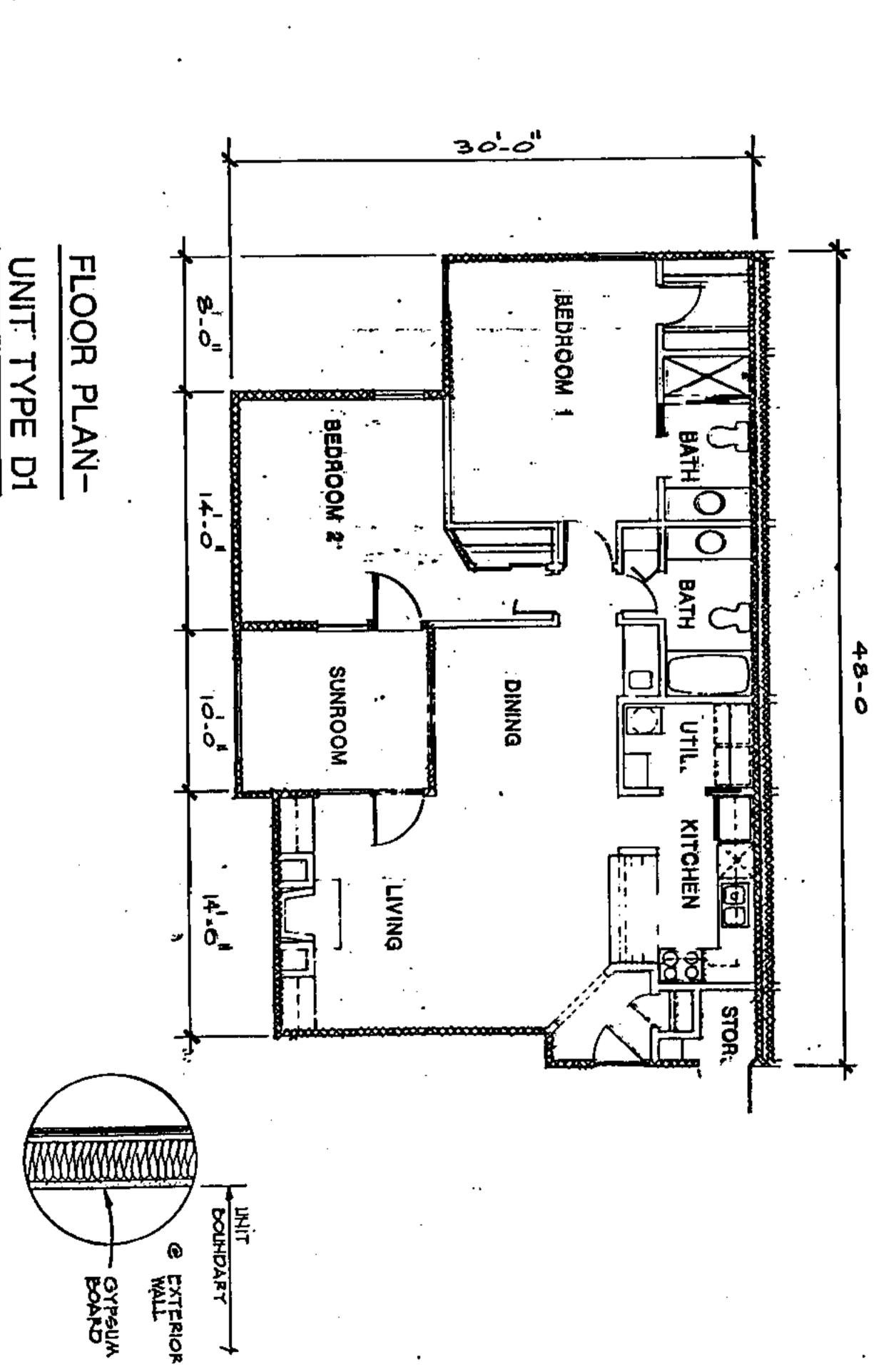
BUILDING NO. 14 THE GABLES FLOOR PLAN PHASE V

Exhibit

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

BOOK 269 PAGE 281



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

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THE GABLES

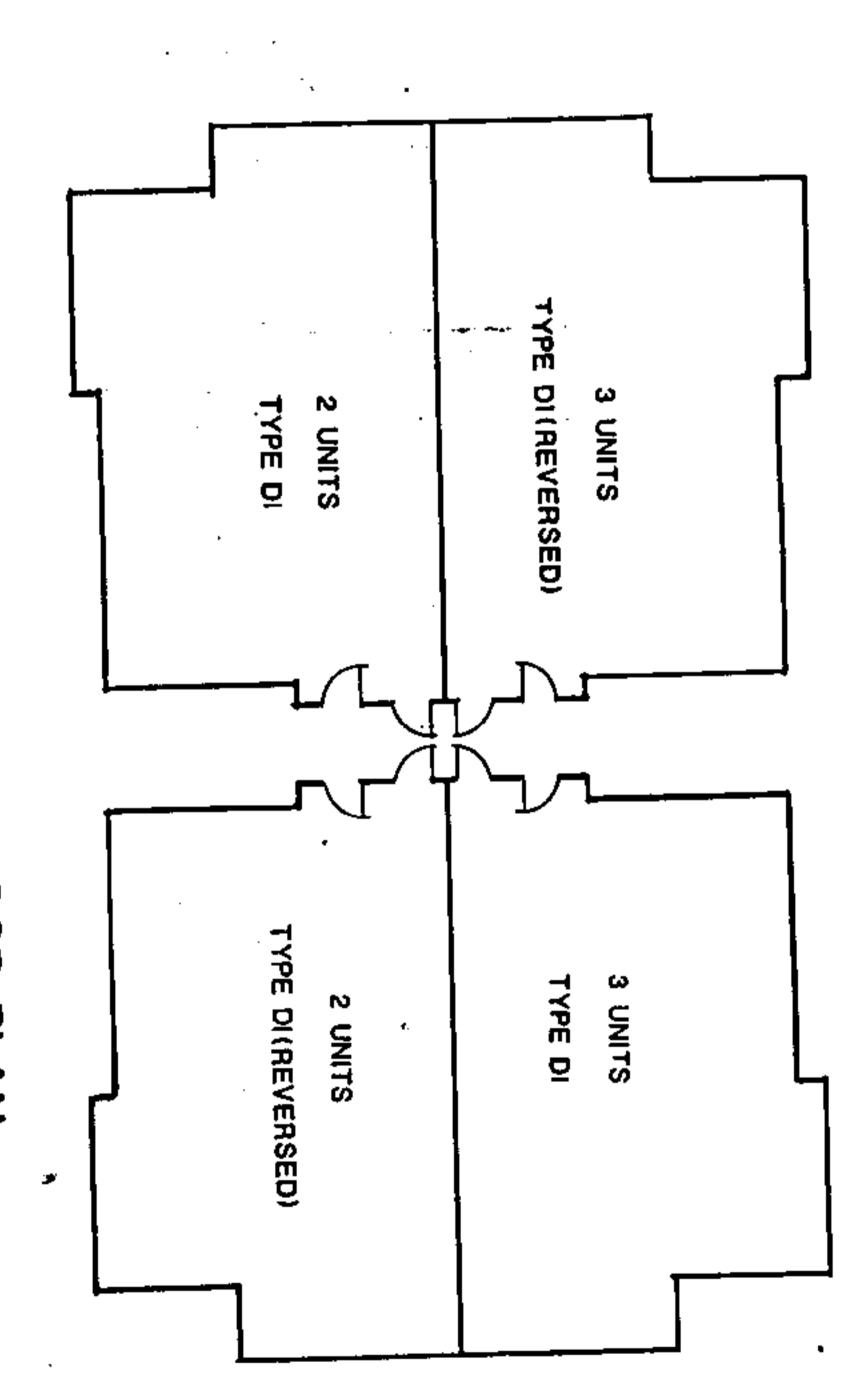
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Bailey-Corley & Associates, Inc. - Architects
Lawrence L. Corley, Reg. #1376

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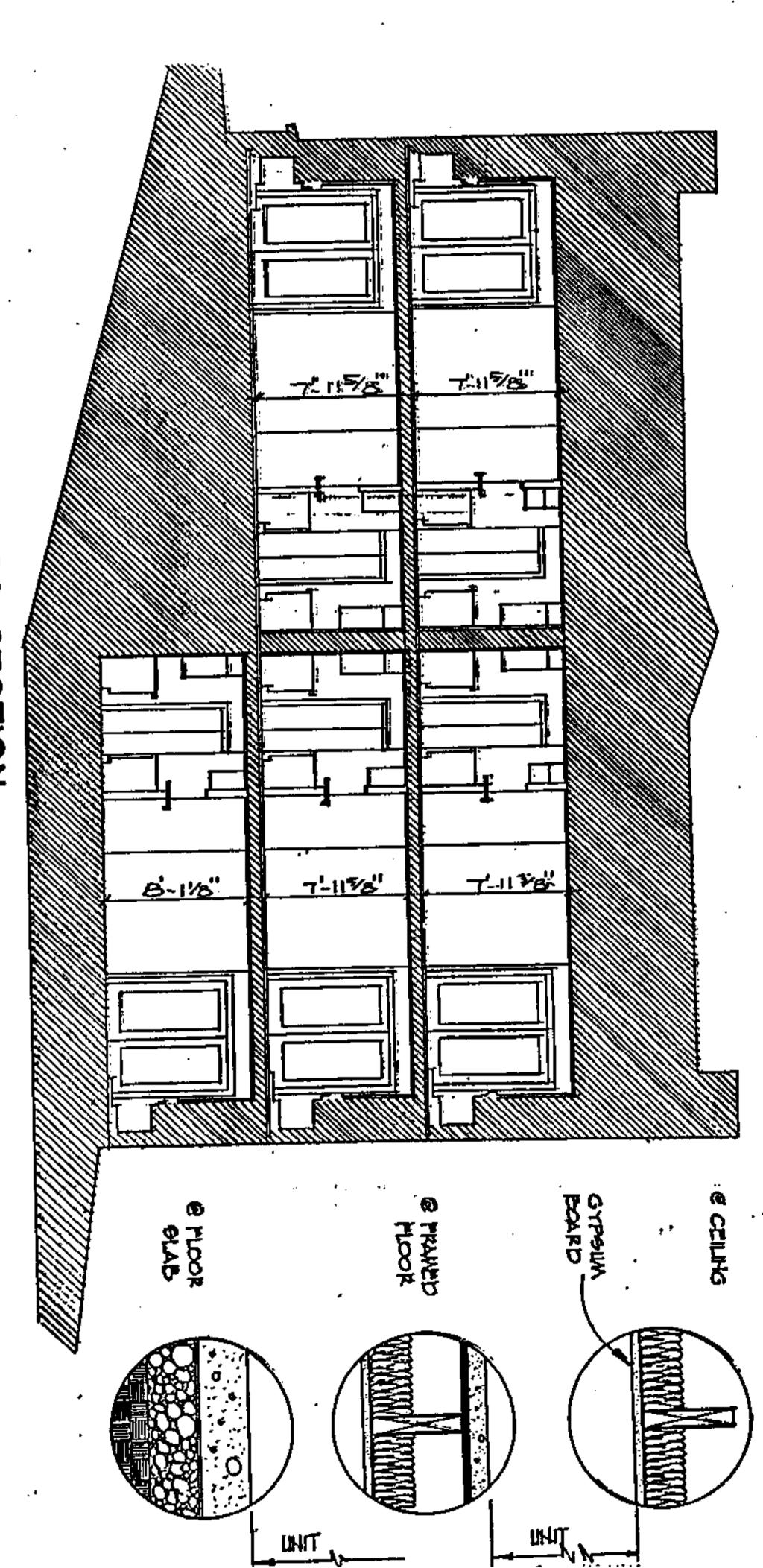
BUILDING NO. 13 FLOOR PLAN

THE GABLES
PHASE V

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

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

BOOK 269 PAGE 283



E D G S CROSS-SECTION

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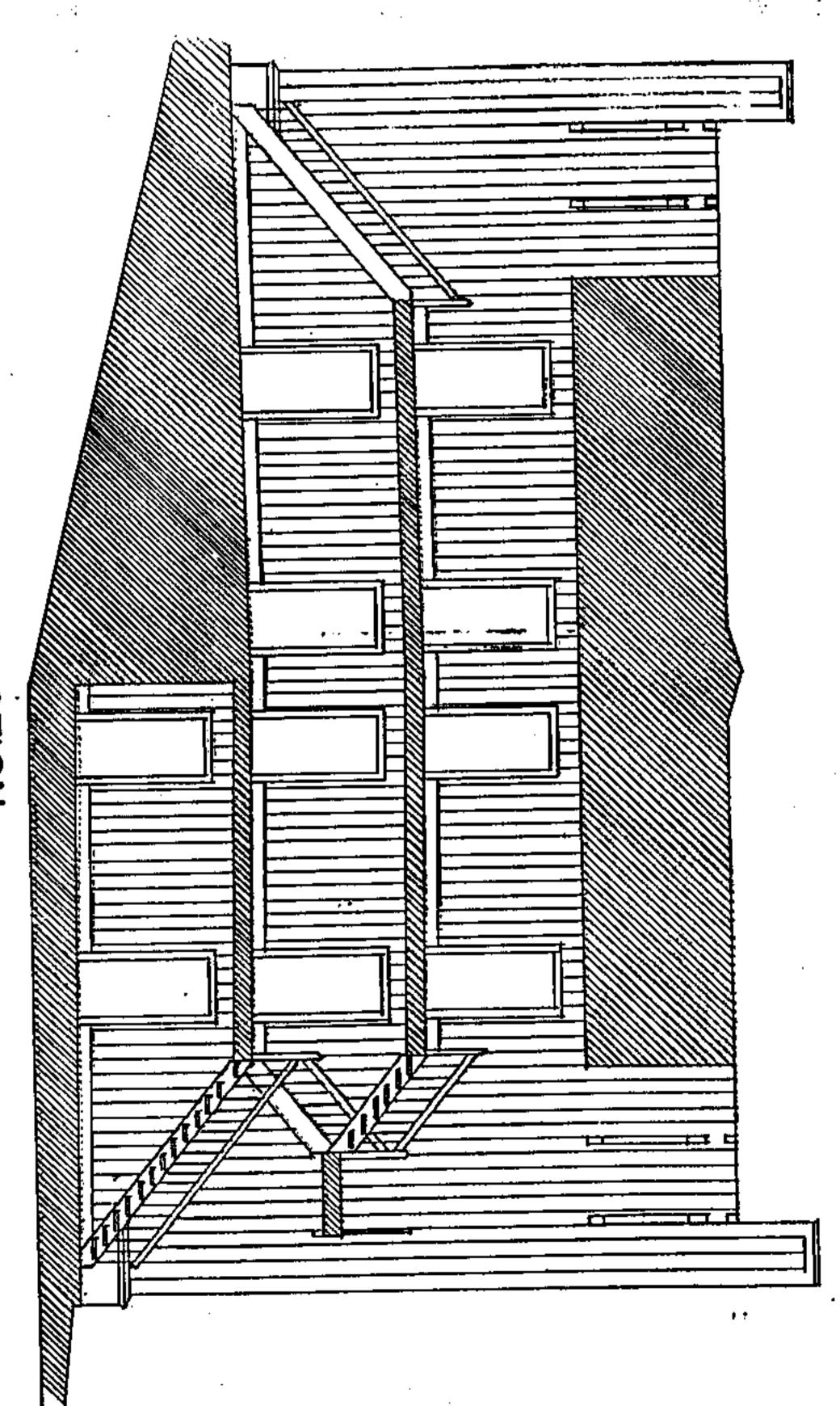
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of built conditions based This is a true and correct description of built conditions based on my field observation and construction documents.

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

THE GABLES
PHASE V

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Exhibit III

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