

1687

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

ELEVENTH AMENDMENT TO DECLARATION OF CONDOMINIUM
OF

THE GABLES, A CONDOMINIUM

This Amendment to Declaration of Condominium made this 26th day of March, 1990, 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 V of The Gables, A Condominium, located within the City of Hoover, Shelby County, Alabama.

RECITALS

BOOK 284 PAGE 181
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

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

✓ Land Title

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 completed construction of the Phase IV - Section 2 Units, and executed an amendment to the Declaration recorded in Book 238, Page 241, et seq., in said Probate Office which amended the Declaration to incorporate "as-built" Plans for the Phase IV - Section 2 Units; 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 269, Page 270, et seq., in said Probate Office further increasing the number of residential units in the Condominium by twenty (20) units ("Phase V" and/or the "Phase V Units"), bringing the total number of residential units in the Condominium to one hundred thirty-eight (138), which is the maximum number of units which can be established in the Condominium under the terms of the Declaration (the "Phase V Amendment"); and

WHEREAS, Developer has completed construction of the Phase V Units and desires to amend the Declaration to incorporate "as-built" plans for the Phase V Units; and

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

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

(1) The Declaration is hereby amended by deleting Section 5.7 thereof in its entirety, as previously amended, and by substituting therefore the following Section 5.7:

5.7. Description of Phase V Residential Buildings. Developer has completed 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) 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) The Declaration is hereby further amended by deleting therefrom the Site Plan made Exhibit I to the Phase V 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 V 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: *James W. Baur*
Its President

AND By: BHN Corporation, a
corporation, Partner

By: *V. C. K.*
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. Mulsey*, 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 26th day of March, 1990.

Logie M. Gunning
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 Thomas W. Harrison, Jr., 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 26th day of March, 1990.

Diane B. Dial
Notary Public
My Commission Expires: 8/5/92

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: David H. Hight
Its President

STATE OF ALABAMA)

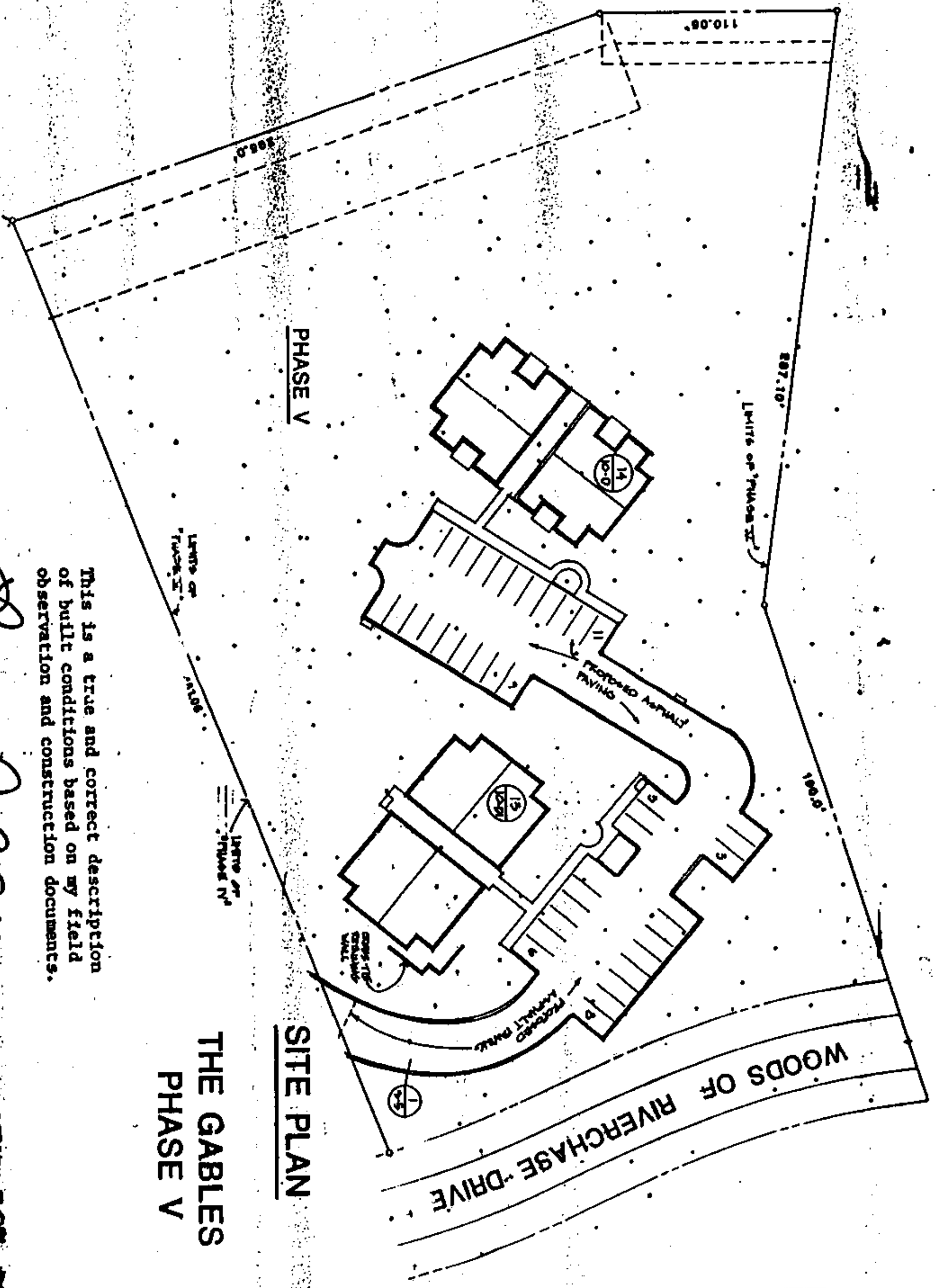
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James Metcalfe, 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 26th day of March, 1990.

Lyrie M. Harrison
Notary Public
My Commission Expires: 10-6-90

BOOK 284 PAGE 186



PHASE V

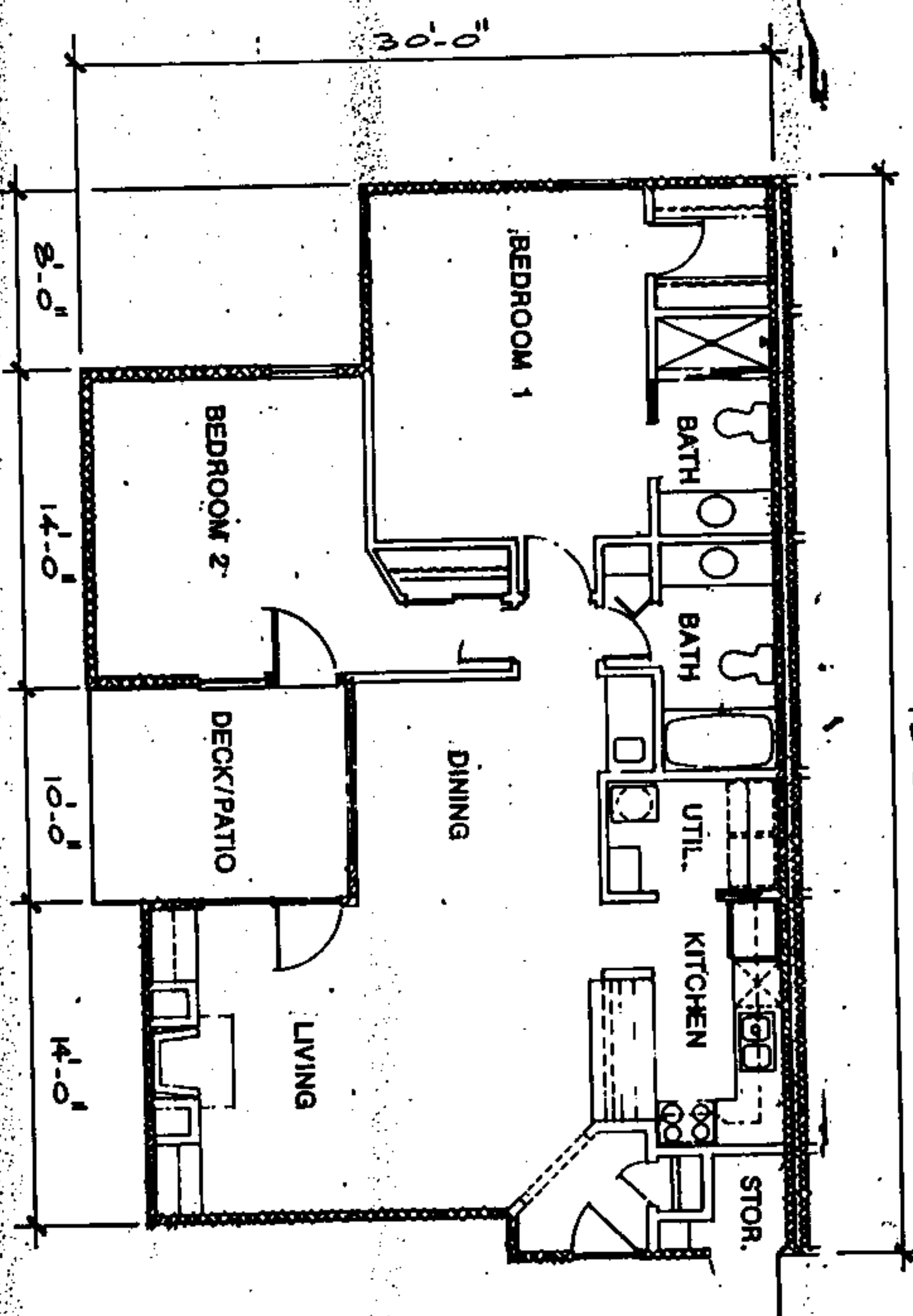
SITE PLAN

**THE GABLES
PHASE V**

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

481 3rd 182



FLOOR PLAN-

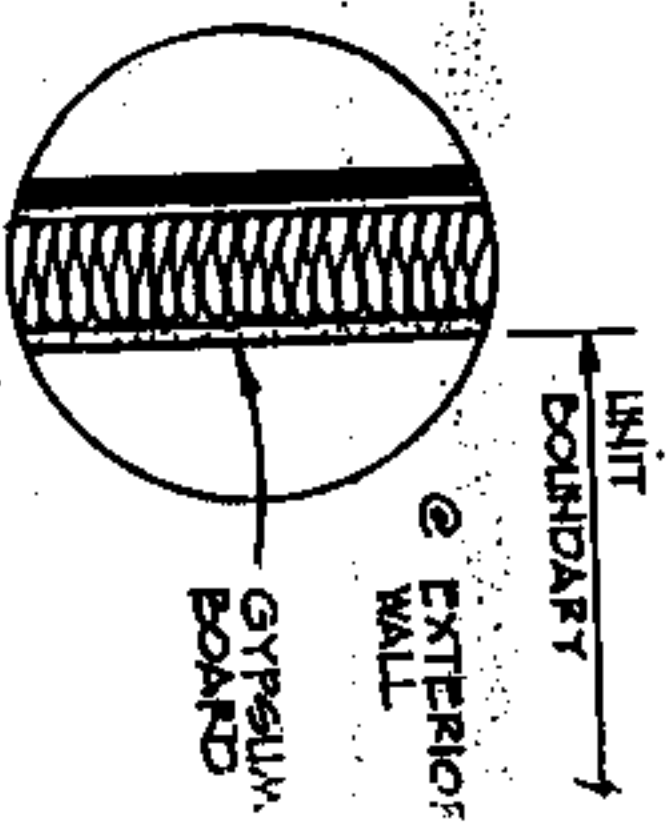
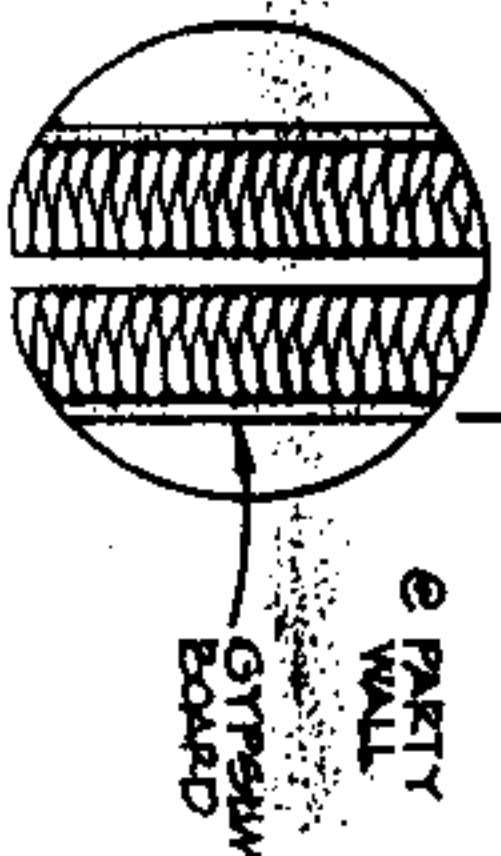
UNIT TYPE D

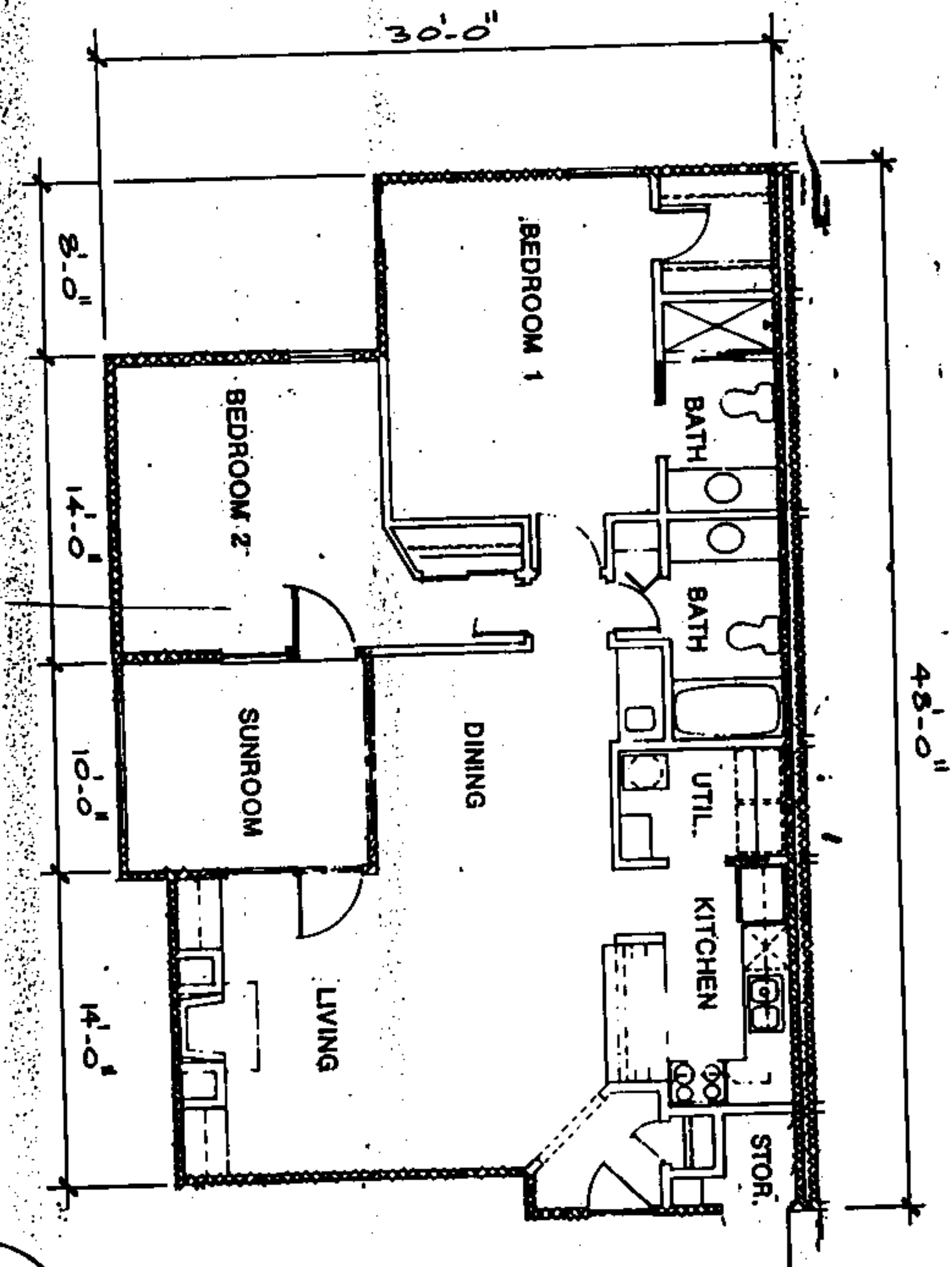
This is a true and correct description of built conditions based on my field observation and construction documents.

THE GABLES PHASE V

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

881 mm 182 mm





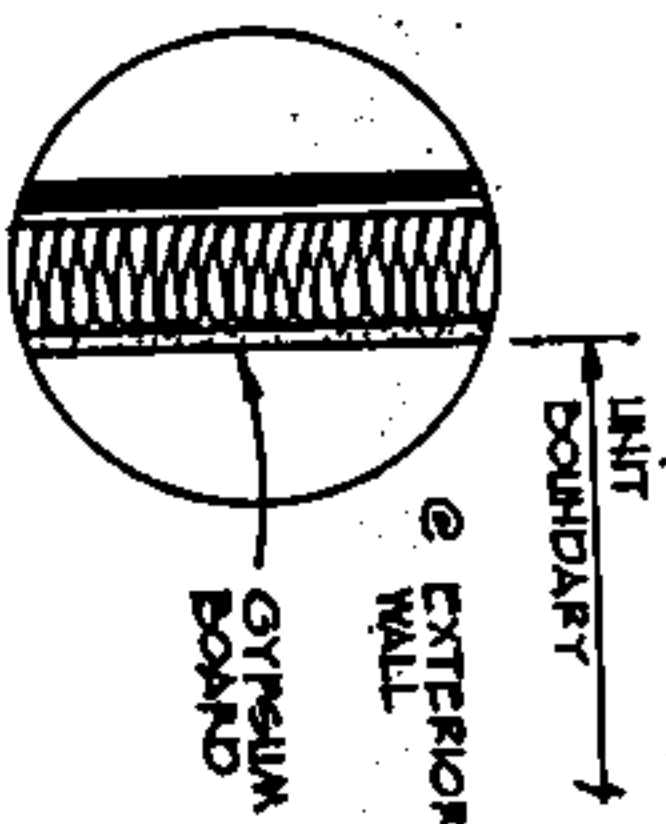
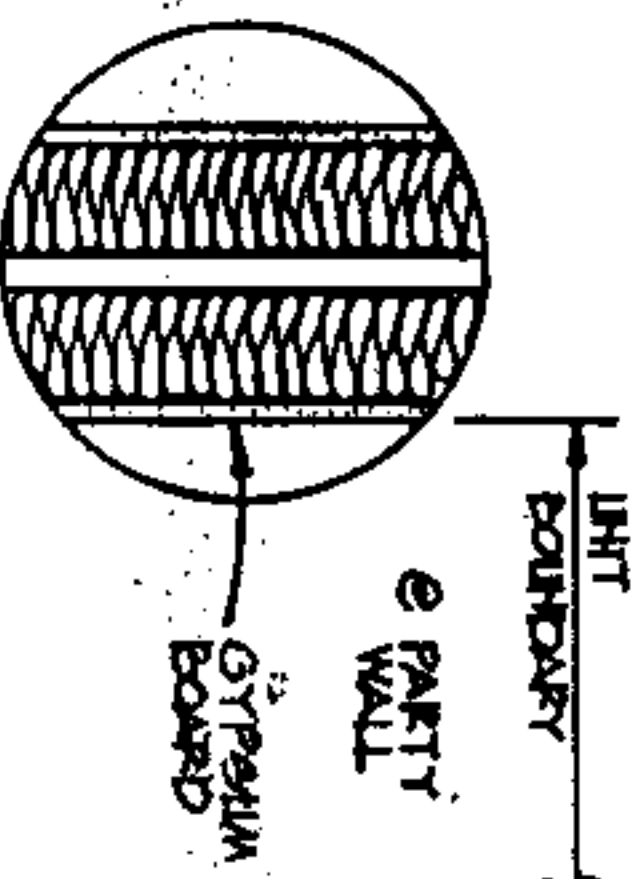
FLOOR PLAN- UNIT TYPE D1

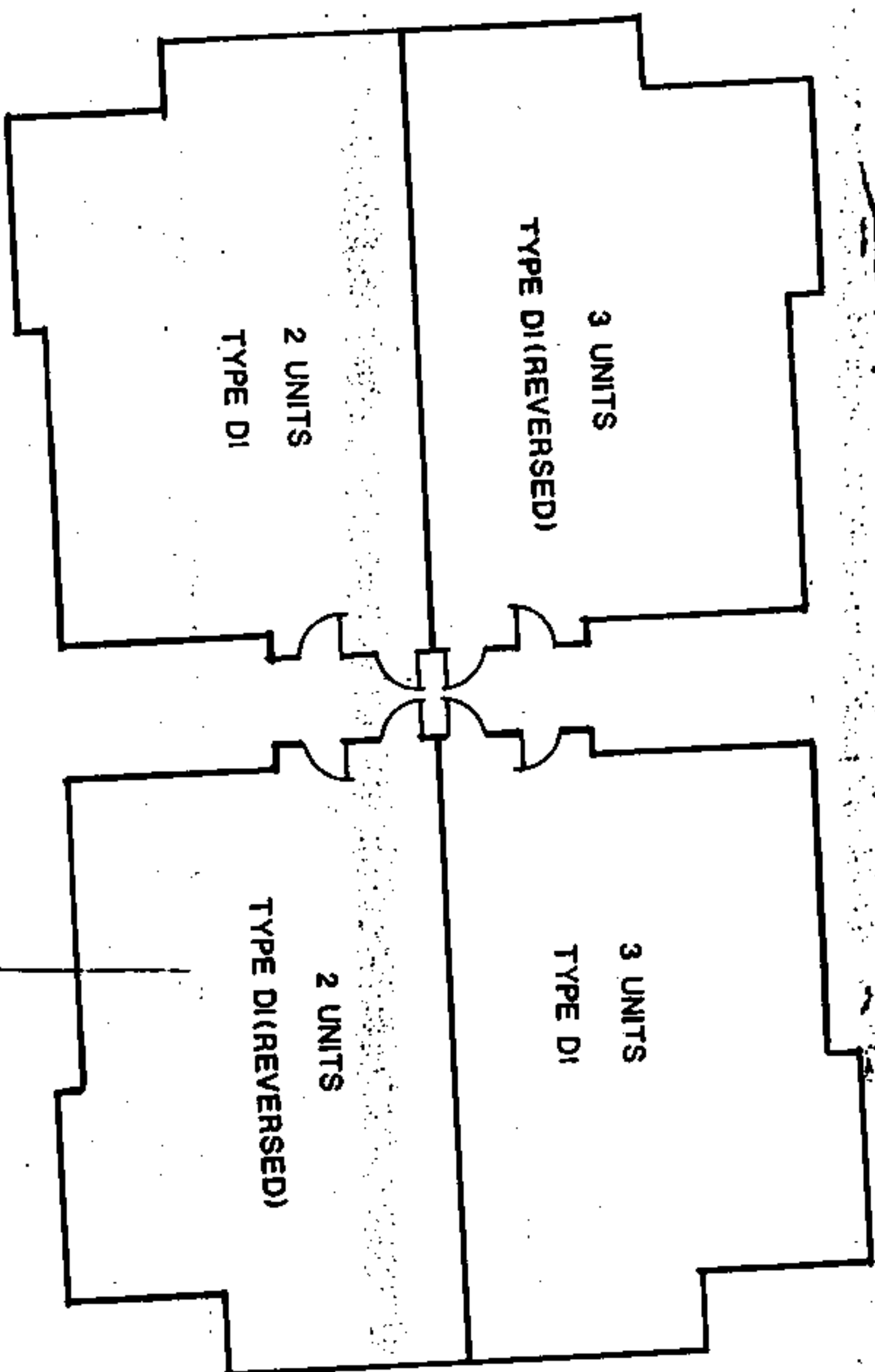
This is a true and correct description of built conditions based on my field observation and construction documents.

Lawrence L. Corley
Lawrence L. Corley, Reg. #1376
- Architects

THE GABLES PHASE V

681 344 182 1000



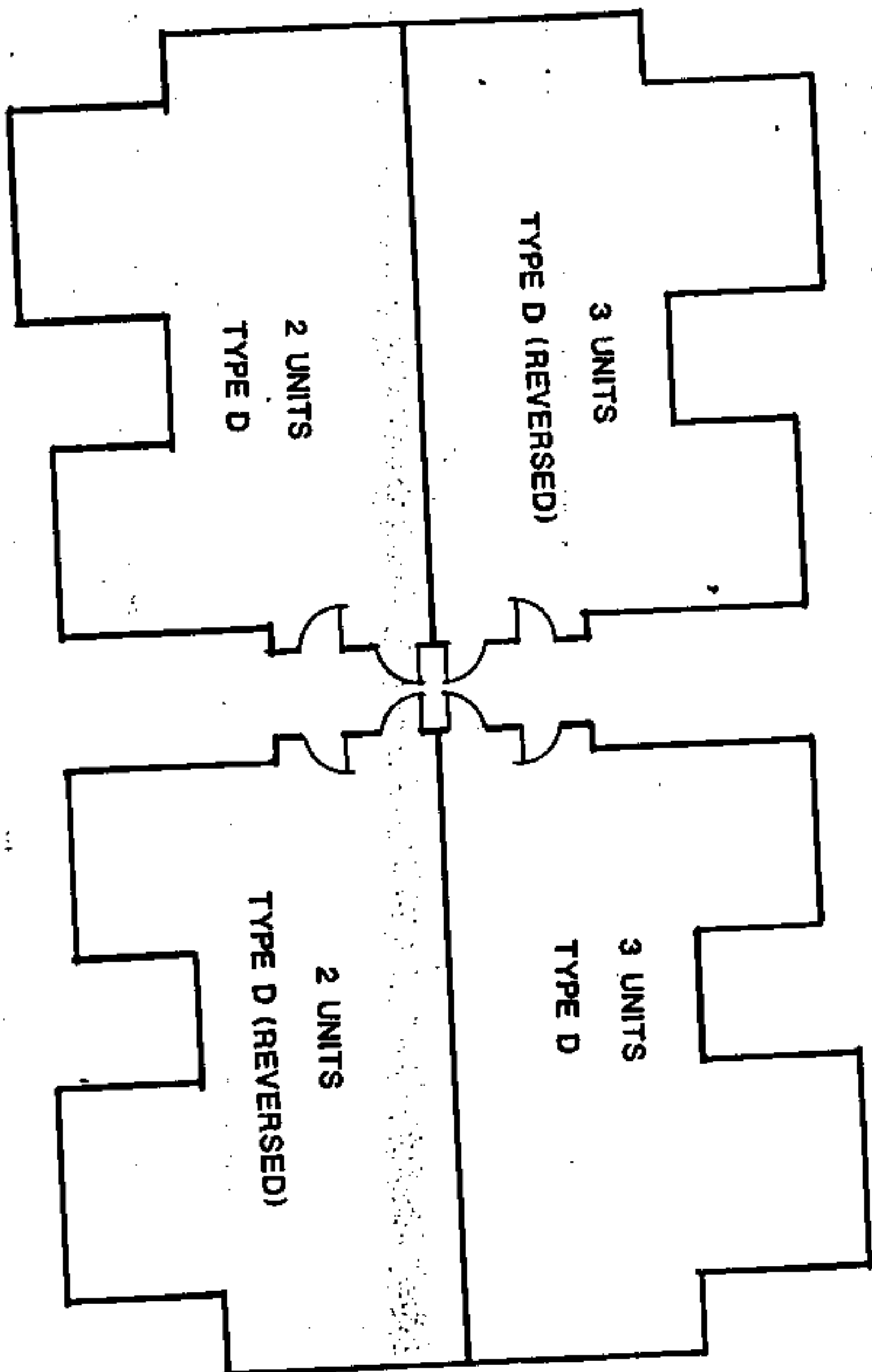


BUILDING NO. 13 FLOOR PLAN
THE GABLES
PHASE V

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

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

061 mm 782 mm



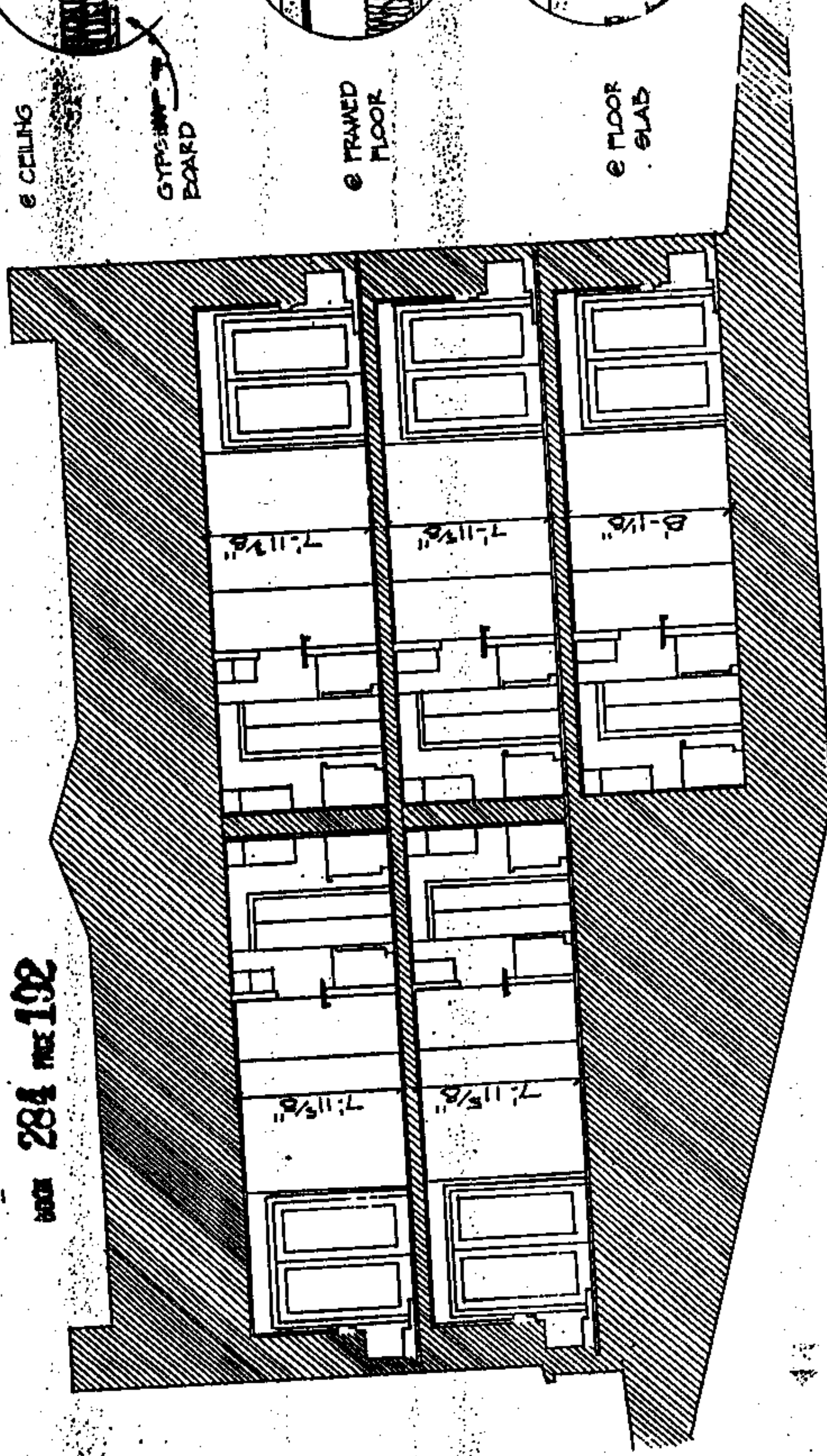
BUILDING NO. 14 FLOOR PLAN
THE GABLES
PHASE V

is is a true and correct description
 built conditions based on my field
 servation and construction documents.

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

161 mm 182 mm

PLAN 284 MAY 1932

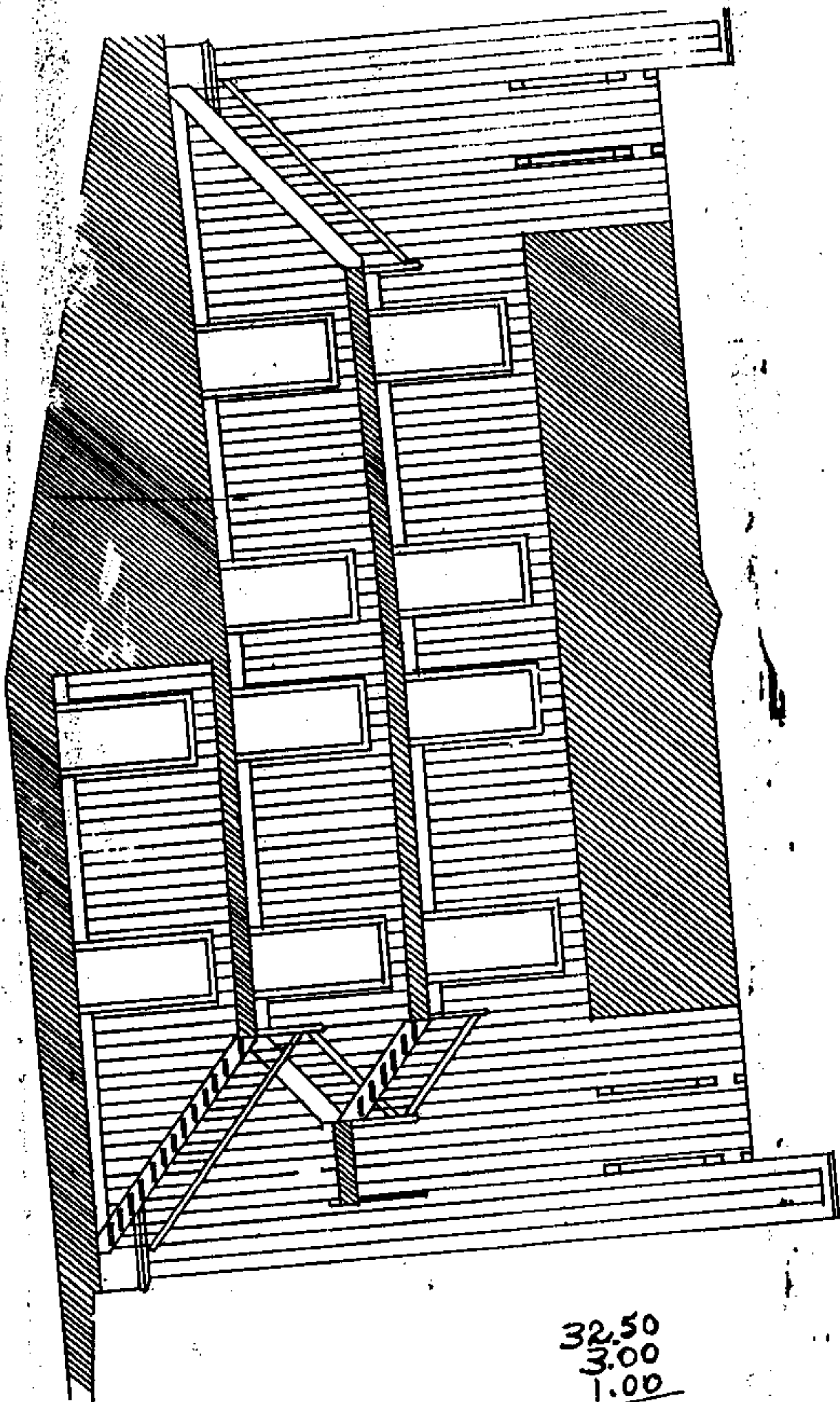


TYPICAL BUILDING CROSS-SECTION
AT UNITS TYPE D & D1

THE GABLES
PHASE V

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



TYPICAL BUILDING CROSS-SECTION A1 BREEZEWAY

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

THE GABLES
PHASE V

361-482

32.50
3.00
1.00

36.50

DATE: 11/26/2011
I CERTIFY THIS
INSTRUMENT WAS FILED
NOV 26 PM 3:50

CLERK OF SUPERIOR COURT
COUNTY OF TROBART

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