

2374

**THIRD SUPPLEMENTAL DECLARATION OF
PROTECTIVE COVENANTS FOR
THE MEADOWS BUSINESS CENTER**

Re: Protective Covenants recorded in Book 46, Page 718,
Probate Office, Shelby County, Alabama.

THIS THIRD SUPPLEMENTAL DECLARATION, made as of this
29th day of August, 1990, by AMSOUTH BANK, N.A. AS ANCILLARY
TRUSTEE FOR NCNB NATIONAL BANK OF NORTH CAROLINA, AS
TRUSTEE FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO
(hereinafter called "Declarant").

WITNESSETH:

WHEREAS, by that certain Declaration of Protective
Covenants for the Meadows-Business Center (the
"Declaration") dated August 31, 1982, and recorded in Book
46 at Page 718 in the Office of Probate for Shelby County,
Alabama respecting that certain development known as The
Meadows-Business Center (the "Center"), Dantract, Inc.
("Dantract"), an Alabama corporation, and Pirata
Enterprises, Inc. ("Pirata"), an Alabama corporation, as
the original Declarants, subjected certain real property in
Shelby County, Alabama, to the protective covenants,
conditions and restrictions set forth therein; and

WHEREAS, Dantract and Pirata entered into that certain
First Supplemental Declaration of Protective Covenants
dated June 13, 1983 and recorded in Book 51 at Page 2 in
the Office of Probate of Shelby County, Alabama (the "First
Supplemental Declaration"); and

WHEREAS, Dantract, having acquired the interest of
Pirata by deed recorded in Book 6 at Page 2 in the Office
of Probate of Shelby County, Alabama, entered into that
certain Second Supplemental Declaration of Protective
Covenants dated February 25, 1985 (the "Second Supplemental
Declaration"; hereinafter the Declaration, the First
Supplemental Declaration, and the Second Supplemental
Declaration are referred to collectively as the
"Declaration"); and

WHEREAS, by that certain deed dated December 31, 1986,
recorded in Book 107 at Page 989 in the Office of Probate
of Shelby County, the Declarant acquired from Dantract
certain real property located in Shelby County, Alabama
located within the Center, and in connection with said sale
Dantract assigned and conveyed all of its right, title and
interest as the "Declarant" or the "Developer" under and
with respect to the Declaration; and

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[Handwritten signature]

WHEREAS, in accordance with the provisions of Paragraph 30 of the Declaration and with the consent and approval of all owners of real property located within the Center (as evidenced by those certain Consents of Owner attached hereto and incorporated herein by reference), the Declarant desires to modify and amend the Declaration to provide for the deletion of certain property from the terms and provisions of the Declaration.

NOW, THEREFORE, the Declarant hereby declares that the Declaration is hereby amended by deleting from the terms and provisions of the Declaration that certain real property described on Exhibit A attached hereto and incorporated herein by reference.

Except as otherwise set forth in this Third Supplemental Declaration, the Declaration remains valid and enforceable in all respects. This Third Supplemental Declaration shall be binding upon, and shall inure to the benefit of all owners of real property located within the Center, their successors and assigns, and the Declarant and the successors and assigns of the Declarant.

IN WITNESS WHEREOF, the Declarant has cause this Third Supplemental Declaration to be duly executed and sealed as of the day and year first above written.

AMSOUTH BANK, N.A. AS
ANCILLARY TRUSTEE FOR NCNB
NATIONAL BANK OF NORTH
CAROLINA, AS TRUSTEE FOR THE
PUBLIC EMPLOYEES RETIREMENT
SYSTEM OF OHIO

By: 

Its: Vice President & Trust Officer

Attest:

By: 

~~Assistant Secretary~~

TRUST OFFICER

BOOK 307 PAGE 939

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John A. Boslwick, whose name as Vice President and Trust Officer of AmSouth Bank N.A., acting as Ancillary Trustee, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said association acting in its capacity as Ancillary Trustee as aforesaid.

Given under my hand and official seal of office this 28th day of August, 1990.

Debra M. Montgomery
Notary Public

My Commission Expires: Feb. 1992

[NOTARIAL SEAL]

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EXHIBIT " A "

BASE PROPERTY BEING DELETED FROM MEADOWS BUSINESS CENTER COVENANTS

All that part of the following described property North of Highway 280 and West of Shelby County Road 495, being more particularly described as follows:

SW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$;

LESS AND EXCEPT the North 165 feet of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, 2.5 acres more or less.

LESS AND EXCEPT the following parcels (which shall remain subject to said Covenants.)

ALSO LESS AND EXCEPT that property known as "THE MEADOWS" - BUSINESS CENTER FIRST SECTOR as recorded in Map Book 8, Page 115 A & B. (L.M. Berry Services, Inc. Property and Woman's Missionary Union to Southern Baptist Convention Property)

ALSO LESS AND EXCEPT a parcel of land owned by SHELBY COUNTY LIBRARY, and being more particularly described as follows: *

*(Library Property)

From the NW corner of the SE $\frac{1}{4}$ of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama, run East along the North Boundary of said SE $\frac{1}{4}$ for a distance of 848.96 feet to the point of beginning; thence continue East along said North Boundary of said SE $\frac{1}{4}$ for a distance of 436 feet to the West right-of-way of Shelby County Road 495; thence run South along said right-of-way for a distance of 200 feet, thence run West parallel to North Boundary of said SW $\frac{1}{4}$ for a distance of 436 feet; thence turn a deflection angle to the right of 80° 49' 29" and run North for a distance of 200 feet to the point of beginning.

ALSO LESS AND EXCEPT a parcel of property lying the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama*and being more particularly described as follows: *(Dantract, Inc. Property)

Begin at the NW corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section thence run in an Easterly direction along the Northern Boundary of said SW $\frac{1}{4}$ for a distance of 1,224.81 feet to the point of beginning; thence continue East along the Northern Boundary of said SW $\frac{1}{4}$ for a distance of 108.46 feet to a point which is the NE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence turn an angle to the left of 90° 14' 29" and run in a Southerly direction along the Eastern Boundary of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ for a distance of 165.00 feet; thence turn an angle to the left of 89° 45' 31" and run in a Westerly direction for a distance of 158.08 feet; thence turn an angle to the left of 73° 29' 08" and run in a Northeasterly direction for a distance 172.10 feet to the point of beginning.

All of the above property being in Section 31, Township 18 South, Range 1 West, Shelby County, Alabama.

CONSENT OF OWNER

The undersigned, L.M. BERRY SERVICES, INC., as leasehold owner, of Lot 2 according to Meadows-Business Center, First Sector, as recorded in Map Book 8, Page 115, in the Probate Office of Shelby County, Alabama, does hereby enter into this Consent of Owner in order to acknowledge, approve and consent to the modification of the Declaration by the Declarant pursuant to the terms and provisions of the Third Supplemental Declaration of Protective Covenants for the Meadows-Business Center.

Dated as of the 22nd day of August, 1990.

L.M. BERRY SERVICES, INC.,

By: John W. Berry, Jr.

Its: President

STATE OF OHIO)

COUNTY OF MONTGOMERY

I, a Notary Public in and for said County in said State, hereby certify that John W. Berry, Jr., whose name as President of L. M. Berry Services, Inc., 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 foregoing 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 seal of office this
of August, 1990.

Notary Public

My Commission Expires

JOSEPH S. ARMANINI, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 O. R. C.

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CONSENT OF MORTGAGEE

The undersigned, First American National Bank of Nashville, as trustee under the Mortgage Indenture of Trust dated as of September 1, 1983 from The Industrial Development Board of Shelby County, Alabama which has been recorded in Book 46, Page 71B in the Probate Office of Shelby County, Alabama, does hereby enter into this Consent of Owner for the sole purpose of acknowledging, approving and consenting to the modification of the Declaration of Protective Covenants for the Meadows-Business Center in the manner set forth in the foregoing Third Supplemental Declaration of Protective Covenants for Meadows-Business Center.

Dated as the 14th day of August, 1990.

FIRST AMERICAN NATIONAL BANK
OF NASHVILLE, AS TRUSTEE

By: Jacki Kitch

Assistant Vice President

~~TENNESSEE~~
STATE OF ~~ALABAMA~~)

~~DAVIDSON~~
COUNTY OF ~~SHELBY~~)

I, a Notary Public in and for said County in said State, hereby certify that JACKI KITCH, whose name as ASSISTANT VICE PRESIDENT of FIRST AMERICAN TRUST COMPANY, 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 foregoing 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 seal of office this 14th day of August, 1990.

Edward J. Johnson
Notary Public

My Commission Expires: 3-11-91

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CONSENT OF OWNER

The undersigned, North Shelby County Library District, a public corporation, as the owner of the property described in Schedule I attached hereto and incorporated herein by reference does hereby enter into this Consent of Owner in order to acknowledge, approve and consent to the modification of the Declaration by the Declarant pursuant to the terms and provisions of the Third Supplemental Declaration of Protective covenants for the Meadows-Business Center.

Dated as of the 1 day of August, 1990.

North Shelby County Library
District, a public corporation

By: Jeff Gilbert DMD

Its: DMD

Chairman, Board of Trustees

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, a Notary Public in and for said County in said State, hereby certify that Jeff Gilbert, whose name as Chairman of Board of Trustees of the North Shelby County Library District, a public 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 foregoing 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 seal of office this 1st day of August, 1990.

Reginald D. Murphy
Notary Public

My Commission Expires: 3-3-91

SCHEDULE I

(SHELBY COUNTY LIBRARY)

A parcel of property situated in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

From the NW corner of the SE $\frac{1}{4}$ of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama, run East along the North Boundary of said SE $\frac{1}{4}$ for a distance of 848.96 feet to the point of beginning; thence continue East along said North Boundary of said SE $\frac{1}{4}$ for a distance of 436 feet to the West right-of-way of Shelby County Road 495; thence run South along said right-of-way for a distance of 200 feet, thence run West parallel to North Boundary of said SW $\frac{1}{4}$ for a distance of 436 feet; thence turn a deflection angle to the right of 80° 49' 29" and run North for a distance of 200 feet to the point of beginning.

CONSENT OF OWNER

The undersigned, DANTRACT, INC., an Alabama corporation, as the owner of the property described in the attached Exhibit B, does hereby enter into this Consent of Owner in order to acknowledge, approve and consent to the modification of the Declaration by the Declarant pursuant to the terms and provisions of the Third Supplemental Declaration of Protective Covenants for the Meadows-Business Center as provided therein.

Dated as of the 16 day of August, 1990.

DANTRACT, INC.

By: Charles W. Daniel

Its: President

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, a Notary Public in and for said County in said State, hereby certify that Charles W. Daniel, whose name as President of Dantract, Inc., 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 foregoing 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 seal of office this 17th day of August, 1990.

Dorothy B. Watkins
Notary Public

My Commission Expires: 1-15-92

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EXHIBIT " B "

(DANTRACT PROPERTY)

A parcel of property lying in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

Begin at the NW corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section thence run in an Easterly direction along the Northern Boundary of said SW $\frac{1}{4}$ for a distance of 1,224.81 feet to the point of beginning; thence continue East along the Northern Boundary of said SW $\frac{1}{4}$ for a distance of 108.46 feet to a point which is the NE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence turn an angle to the left of 90° 14' 29" and run in a Southerly direction along the Eastern Boundary of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ for a distance of 165.00 feet; thence turn an angle to the left of 89° 45' 31" and run in a Westerly direction for a distance of 158.08 feet; thence turn an angle to the left of 73° 29' 08" and run in a Northeasterly direction for a distance 172.10 feet to the point of beginning.

CONSENT OF OWNER

The undersigned, THE INDUSTRIAL DEVELOPMENT BOARD OF SHELBY COUNTY, as fee owner, of Lot 2 according to Meadows-Business Center, First Sector, as recorded in Map Book 8, Page 115, in the Probate Office of Shelby County, Alabama, does hereby enter into this Consent of Owner in order to acknowledge, approve and consent to the modification of the Declaration by the Declarant pursuant to the terms and provisions of the Third Supplemental Declaration of Protective Covenants for the Meadows-Business Center.

Dated as of the 29th day of August, 1990.

THE INDUSTRIAL DEVELOPMENT
BOARD OF SHELBY COUNTY

By: *Hewitt L. Cornwell*

Its: *Sec. - Treasurer*

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, a Notary Public in and for said County in said State, hereby certify that Hewitt L. Cornwell, whose name as Sec. - Treas. of The Industrial Development Board of the Town of Vincent, 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 foregoing 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 seal of office this 29th day of August, 1990.

Evan D. Mooney
Notary Public

My Commission Expires: 11-22-92

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CONSENT OF OWNER

The undersigned, WOMEN'S MISSIONARY UNION, AUXILIARY to SOUTHERN BAPTIST CONVENTION, an Alabama nonprofit corporation, as the owner of Lot 1 according to Meadows-Business Center, First Sector, as recorded in Map Book 8, Page 115, in the Probate Office of Shelby County, Alabama, does hereby enter into this Consent of Owner in order to acknowledge, approve and consent to the modification of the Declaration by the Declarant pursuant to the terms and provisions of the Third Supplemental Declaration of Protective Covenants for the Meadows-Business Center as provided therein.

Dated as of the 24th day of August, 1990.

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

90 AUG 31 PM 1:43

J. Thomas A. Snowden, Jr.
JUDGE OF PROBATE

STATE OF ALABAMA)

COUNTY OF SHELBY)

WOMEN'S MISSIONARY UNION,
AUXILIARY to SOUTHERN BAPTIST
CONVENTION

By: Lellanna O'Brien

Its: Executive Director

1. Doc. Fee	3
2. Imp. Fee	2
3. P. Fee	30.00
4. L. Fee	3.00
5. U. Fee	1.00
6. Cont. Fee	0
Total	34.00

I, a Notary Public in and for said County in said State, hereby certify that Lellanna O'Brien, whose name as Executive Director of Women's Missionary Union, SBC, 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 foregoing 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 seal of office this 24th day of August, 1990.

Mary Ethel McCombs
Notary Public

My Commission Expires: 6/15/93

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