

STATE OF ALABAMA)

SHELBY COUNTY)

CONDITIONAL APPROVAL

This Conditional Approval made this 23 day of SEP,
1992 by DOGWOOD PROPERTIES, INC. and JOHN D. BAIRD.

WHEREAS, Dogwood Properties, Inc. is the developer of Dogwood Forest Phase III, as recorded in Map Book 14, Page 46, Shelby County, Alabama (the "Subdivision"); and

WHEREAS, John D. Baird is the sole officer and shareholder of Dogwood Properties, Inc.; and

WHEREAS, restrictive covenants appear in Book 296, Page 879 et seq., Office of the Judge of Probate, Shelby County, Alabama (the "Covenants") which Covenants encumber Lots 25 through 39, Phase III, Dogwood Forest; and

WHEREAS, the Architectural Control Committee (the "Architectural Control Committee") of the Subdivision as set forth in paragraph 22 of the Covenants is comprised solely of John D. Baird; and

WHEREAS, paragraph 10 of the Covenants require certain setback lines, which setback lines appear to have been violated by improvements (the "Violation") constructed upon Lot 39 Dogwood Forest, Third Phase, as recorded in Map Book 14, Page 46, Office of the Judge of Probate, Shelby County, Alabama ("Lot 39"); and

WHEREAS, pursuant to paragraph 21 of the Covenants, twelve lots within the Subdivision have not been sold as of the date of this instrument; and

WHEREAS, the owners of Lot 39 are requesting the developer and

John D. Baird to indicate consent to the above-described Violation;
and

WHEREAS, the developer and John D. Baird are unsure of their ability to give such consent but are interested in accommodating the owners of the said Lot 39.

NOW, THEREFORE, in consideration of the premises, Dogwood Properties, Inc. and John D. Baird, individually and as the sole member of the Architectural Control Committee of Dogwood Forest Phase III:

1. Agree that the developer and/or the Architectural Control Committee of the Subdivision will not complain now or hereafter that the current improvements on Lot 39 violate the Covenants; and
2. To the extent that they are able to under the Covenants, approve the Violation.

Nothing contained herein is to be construed to bind the developer or the Architectural Control Committee of the Subdivision to approve any future violations of the Covenants as they relate to any lot within the Subdivision nor is this instrument intended to usurp the right of any other person, firm or corporation owning any interest in any lot within the Subdivision to complain about the Violation.

IN WITNESS WHEREOF, Dogwood Properties, Inc. and John D. Baird have set their hand and seal this 23 day of SEPT, 1992.

DEVELOPER:

DOGWOOD PROPERTIES, INC.

By: [Signature]
John D. Baird
Its: President and Sole Shareholder

ARCHITECTURAL CONTROL COMMITTEE
OF DOGWOOD FOREST PHASE III

By: [Signature]
John D. Baird
Its: Sole Member

[Signature]
John D. Baird, individually

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JOHN D. BAIRD, individually and whose name as President of DOGWOOD PROPERTIES, INC., a corporation, and as sole member of the ARCHITECTURAL CONTROL COMMITTEE OF DOGWOOD FOREST PHASE III, a corporation, 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 said conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and seal this 23 day of SEP,
1992.

[Signature]
Notary Public
My Commission Expires: 3-1-94

Inst # 1992-25544

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11:57 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

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