

**FIRST AMENDMENT TO GREYSTONE
OFFICE PARK DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS FIRST AMENDMENT TO GREYSTONE OFFICE PARK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and entered into as of the 28th day of July, 1993 by DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership ("Developer").

R E C I T A L S

Developer has heretofore executed the Greystone Office Park Declaration of Covenants, Conditions, and Restrictions dated September 18, 1992 which has been recorded as Instrument No. 1992-22117 in the Office of the Judge of Probate of Shelby County, Alabama (the "Declaration"). Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.

Developer and Greystone Realty, Inc., an Alabama corporation ("Realty"), are the sole owners of the Property subject to the terms, covenants and conditions of the Declaration.

Developer and Realty desire to amend the Declaration in order to delete certain real property owned by Developer from the definition of the Property and the terms, covenants, conditions and restrictions of the Declaration.

NOW, THEREFORE, in consideration the premises, Developer, joined by Realty, hereby amend the Declaration as follows:

1. Exhibit A. Exhibit A to the Declaration is deleted in its entirety and Exhibit A-1 attached hereto and incorporated hereby reference is substituted in lieu thereof. From and after the date hereof, all references in the Declaration to the Property shall mean the real property described in Exhibit A-1 attached hereto.

2. Full Force and Effect. Except as specifically modified and amended herein, all of the terms and conditions of the Declaration shall remain in full force and effect.

AMEND.GOP/GENERAL/GREY

Inst # 1993-22437

07/23/1993-22437
02:39 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
008 MCD 27.00

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

DEVELOPER:

DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP,

By: Daniel Realty Investment Corporation - Oak Mountain, an Alabama corporation, Its General Partner

By: Michael D. Fuller
Its: Gen. Partner

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Michael D. Fuller whose name as Gen. Partner of DANIEL REALTY INVESTMENT CORPORATION - OAK MOUNTAIN, an Alabama corporation, as General Partner of Daniel Oak Mountain Limited Partnership, an Alabama 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 instruments, 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 28th day of July, 1993.

June B. Allen
Notary Public

My Commission Expires: 10/23/96

CONSENT OF OWNERS

Daniel Oak Mountain Limited Partnership, an Alabama limited partnership ("Daniel"), and Greystone Realty, Inc., an Alabama corporation ("Realty"), join in the execution of this First Amendment in order to evidence their consent and approval thereto. Developer and Realty do hereby covenant and agree that, collectively, they hold one hundred percent (100%) of the total votes in the Association and that, pursuant to Section 10.02 of the Declaration, no other consents or approvals are required in order for the foregoing First Amendment to be effective.

Dated as of the 28th day of July, 1993.

**DANIEL OAK MOUNTAIN LIMITED
PARTNERSHIP**, an Alabama
limited partnership

By: Daniel Realty Investment
Corporation - Oak Mountain,
an Alabama corporation,
Its General Partner

By: [Signature]
Its: [Signature]

GREYSTONE REALTY, INC.,
an Alabama corporation

By: [Signature]
Its: President

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Michael D. Fuller whose name as President of DANIEL REALTY INVESTMENT CORPORATION - OAK MOUNTAIN, an Alabama corporation, as General Partner of Daniel Oak Mountain Limited Partnership, an Alabama 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 instruments, 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 28th day of July, 1993.

June B. Allen
Notary Public

My Commission Expires: 10/23/96

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Ellen Starnes whose name as President of GREYSTONE REALTY, INC., 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 said instruments, he, as such officer and with full authority, executed the same voluntarily, for and as the act of said corporation, in its capacity.

Given under my hand and official seal, this the 28th day of July, 1993.

June B. Allen
Notary Public

My Commission Expires: 10/23/96

EXHIBIT A -1

The Property consists of the following three (3) tracts of real property:

TRACT I:

Lot 1, according to the Survey of Medical Center Addition to Greystone, as recorded in Map Book 16, Page 99 in the Probate Office of Shelby County, Alabama.

TRACT II:

To locate the point of beginning commence at the northeast corner of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama; thence S1°33'28"W on the east boundary of said Section 5 a distance of 622.13 feet to a point; thence N89°25'47"W a distance of 1334.19 feet to a point; thence N1°31'43"E a distance of 298.63 feet to a point; thence N88°35'02"W a distance of 30.00 feet to the point of beginning; said point of beginning being the centerline of a 60 foot wide right-of-way easement, said right-of-way being 30 feet either side of said centerline; thence N1°31'43"E on the said centerline a distance of 225.02 feet to a curve to the left; said curve having a central angle of 61°33'55" and a radius of 200.00 feet; thence N29°15'15"W a chord distance of 204.71 feet to the point of tangent; thence N60°02'12"W a distance of 189.02 feet to a curve to the right; said curve being a central angle of 15°08'26" and a radius of 759.06 feet; thence N52°27'39"W a chord distance of 200.00 feet to the point of tangent; thence N44°33'46"W a distance of 83.35 feet to a point on the south right-of-way of Hugh Daniel Drive; thence on a curve to the right having a central angle of 60°55'39" and a centerline radius of 582.42 feet; thence N78°51'52"W a chord distance of 490.97 feet to a curve to the left; said curve having a central angle of 43°18'50" and a centerline radius of 337.47 feet; thence N77°17'34"W a chord distance of 219.56 feet to the point of tangent; thence S81°03'02"W on the south right-of-way of said Hugh Daniel Drive a distance of 205.60 feet to a point; thence S11°06'03"W a distance of 216.48 feet to a point; thence S40°33'24"W a distance of 102.25 feet to a point on the northeast right-of-way of U.S. Highway No. 280; thence along a curve to the right; said curve having a central angle of 89°57'30" and a centerline radius of 2864.79 feet; thence S30°15'57"E a chord distance of 124.78 feet to a point; said point being on the south boundary of Section 32, Township 18 South, Range 1 West; thence S89°27'17"E on the south boundary of said Section 32 a distance of 128.28 feet to the northwest corner of the NE¼ of Section 5, Township 19 South, Range 1 West; thence S1°29'58"W on the west boundary of said NE¼ of Section 5 a distance of 52.66 feet to a point; thence S58°49'40"E a distance of 75.03 feet to a point; thence S66°45'53"E a distance of 74.00 feet to a point; thence S40°16'46"E a distance of 105.94 feet to a point; thence S34°22'18"E a distance of 239.66 feet to a point; thence S67°16'44"E a distance of 623.72 feet to a point; thence S28°13'35"W a distance of 131.19 feet to a point; thence S88°35'02"E a distance of 447.32 feet to the point of beginning.

All lying and being in the SW¼ of the SE¼ and the SE¼ of the SW¼ of Section 32, Township 18 South, Range 1 West and the NW¼ of the NE¼ of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama, and containing 15.337 acres.

LESS AND EXCEPT ANY PORTION OF TRACT II LYING IN OR FORMING A PART OF Lot 1, according to the Survey of Medical Center Addition to Greystone, as recorded in Map Book 16, Page 99 in the Probate Office of Shelby County, Alabama.

TRACT III:

To locate the point of beginning commence at the northeast corner of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama; thence S1°33'28"W on the east boundary of said Section 5 a distance of 180.34 feet to the point of beginning; thence N69°34'34"W a distance of 528.29 feet to a point; thence N45°44'54"W a distance of 665.17 feet to a point on the south right-of-way of Hugh Daniel Drive; thence N82°46'51"W on the south right-of-way of said Hugh Daniel Drive a distance of 372.00 feet to a curve to the left; said curve having a central angle of 33°47'17" and a centerline radius of 275.00 feet; thence S80°19'31"W a chord distance of 136.58 feet to the point of tangent; thence S63°25'53"W on the south right-of-way of said Hugh Daniel Drive a distance of 247.39 feet to a curve to the right; said curve having a central angle of 60°55'59" and a centerline radius of 582.42 feet; thence S70°40'09"W a chord distance of 156.83 feet to a point; said point being the centerline of a 60 foot wide right-of-way easement; said right-of-way being 30 feet either side of centerline; thence S44°53'46"E on said centerline a distance of 83.35 feet to a curve to the left; said curve having a central angle of 15°08'26" and a radius of 759.06 feet; thence S52°27'59"E a chord distance of 200.00 feet to the point of tangent; thence S60°02'12"E a distance of 189.02 feet to a curve to the right; said curve having a central angle of 61°33'55" and a centerline radius of 200.00 feet; thence S29°15'15"E a chord distance of 204.71 feet to the point of tangent; thence S1°31'43"W a distance of 225.02 feet to the point of ending of said 60 foot wide right-of-way easement; thence S88°35'02"E a distance of 30.00 feet to a point on the west boundary of the NE¼ of the NE¼ of said Section 5; thence S1°31'43"W on the west boundary of said NE¼ of the NE¼ a distance of 298.63 feet to the southwest corner of the NE¼ of said NE¼ of the NE¼; thence S89°25'47"E on the south boundary of said NE¼ of the NE¼ of the NE¼ a distance of 1334.19 feet to a point on the east boundary of said Section 5; thence N1°33'28"E on the east boundary of said Section 5 a distance of 481.81 feet to the point of beginning.

All lying and being in the SE¼ of Section 32, Township 18 South, Range 1 West and in the NE¼ of the NE¼ of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama and containing 29.513 acres.

LESS AND EXCEPT ANY PORTION OF TRACT III LYING IN OR FORMING A PART OF ANY OF THE FOLLOWING DESCRIBED REAL PROPERTY:

A parcel of land situated in the South one-half of Section 32, Township 18 South, Range 1 West, and the Northeast quarter of the Northeast quarter of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 3" capped iron locally accepted to be the southwest corner of Section 33, Township 18 South, Range 1 West; thence run east along the south line of said Section 33 for a distance of 745.00 feet to an iron pin set; thence turn an angle to the left of 69° 31' 47" and run in a northeasterly direction for a distance of 619.23 feet to an iron pin set; thence turn an angle to the left of 119° 04' 00" and run in a southwesterly direction for a distance of 126.84 feet to a point on a curve to the right having a central angle of 20° 00' 20" and a radius of 1,890.00 feet; thence run in a southwesterly to northwesterly direction along the arc of said curve for a distance of 659.92 feet to a point; thence run tangent to last stated curve in a northwesterly direction for a distance of 250.36 feet to a point on a curve to the left having a central angle of 3° 49' 33" and a radius of 370.00 feet; thence run in a northwesterly direction along the arc of said curve for a distance of 24.71 feet to a point; thence turn an interior counterclockwise angle from the chord of last

stated curve of $99^{\circ} 29' 47''$ and run in a northerly direction for a distance of 60.00 feet to a point: thence turn an angle to the left of $90^{\circ} 00' 00''$ and run in a westerly direction for a distance of 166.64 feet to a point on a curve which is concave to the west having a central angle of $1^{\circ} 54' 07''$ and a radius of 2,226.56 feet: thence turn an angle to the left of $96^{\circ} 03' 30''$ to the chord of said curve and run in a southwesterly direction along the arc of said curve for a distance of 73.91 feet to a point on a curve to the left which is concave to the southeast having a central angle of $9^{\circ} 44' 39''$ and a radius of 370.00 feet: thence turn an interior clockwise angle from chord to chord of $253^{\circ} 53' 20''$ and run in a southwesterly direction along the arc of said curve for a distance of 62.92 feet to an iron pin set: thence turn an angle to the right of $22^{\circ} 10' 10''$ from the chord of last stated curve and run in a westerly direction for a distance of 154.69 feet to an iron pin set at the point of beginning; thence turn an angle to the left $93^{\circ} 50' 53''$ and run in a southeasterly direction for a distance of 174.89 feet to an iron pin set: thence turn an angle to the right of $3^{\circ} 50' 53''$ and run in a southerly direction for a distance of 442.90 feet to an iron pin set: thence turn an angle to the left of $70^{\circ} 46' 04''$ and run in a southeasterly direction for a distance of 199.70 feet to an iron pin set: thence turn an angle to the right of $155^{\circ} 11' 03''$ and run in a southwesterly direction for a distance of 375.04 feet to the southeast line of a lake: thence turn an angle to the right of $107^{\circ} 51' 34''$ and run in a northeasterly direction along said southeast line of lake for a distance of 73.46 feet to a point: thence turn an angle to the left of $54^{\circ} 20' 42''$ and run in a northwesterly direction along the northeast line of said lake for a distance of 81.20 feet to a point: thence turn an angle to the right of $0^{\circ} 39' 06''$ and run in a northwesterly direction along the northeast line of said lake for a distance of 141.13 feet to a point: thence turn an angle to the right of $43^{\circ} 32' 23''$ and run in a northeasterly direction along the northeast line of said lake for a distance of 72.68 feet to a point: thence turn an angle to the left of $122^{\circ} 11' 17''$ and run in a southwesterly direction along the northeast line of said lake for a distance of 46.96 feet to a point: thence turn an angle to the right of $40^{\circ} 57' 18''$ and run in a northwesterly direction along the northeast line of said lake for a distance of 40.97 feet to a point: thence turn an angle to the right of $11^{\circ} 52' 18''$ and run in a northwesterly direction along the northeast line of said lake for a distance of 93.89 feet to a point: thence turn an angle to the right of $4^{\circ} 50' 21''$ and run in a northwesterly direction along the northeast line of said lake for a distance of 141.18 feet to a point: thence turn an angle to the right of $51^{\circ} 13' 52''$ and run in a northwesterly direction along the northeast line of said lake for a distance of 150.57 feet to a point on the southwest right of way of Hugh Daniel Drive: thence turn an angle to the right of $107^{\circ} 11' 47''$ and run in a southeasterly direction along said right of way for a distance of 96.28 feet to an iron pin set on a curve to the left having a radius of 430.00 feet and a central angle of $46^{\circ} 57' 34''$: thence run in a northeasterly

direction along the arc of said curve and also along said right of way for a distance of 352.43 feet to an iron pin set: thence run tangent to last stated curve in a northeasterly direction along said right of way for a distance of 234.58 feet to an iron pin set: thence turn an angle to the right of $111^{\circ} 59' 05''$ and run in a southeasterly direction for a distance of 74.92 feet to the point of beginning. Said parcel containing 6.00 acres, more or less.

LESS AND EXCEPT ANY PORTION OF TRACT III LYING IN OR FORMING A PART OF ANY OF THE FOLLOWING DESCRIBED REAL PROPERTY:

A parcel of land situated in the S.E.1/4 of the S.E.1/4 of Section 32, Township 18 South, Range 1 West and the N.E.1/4 of the N.E.1/4 of Section 5, Township 19 South, Range 1 West, being more particularly described as follows:

Commence at the Northeast corner of Section 5, Township 19 South, Range 1 West and run in a Southerly direction along the East line of said section a distance of 180.32 feet to a point on the Southwesterly right-of-way line of Greystone Glen Drive for the POINT OF BEGINNING; thence continue in a Southerly direction along the last stated course a distance of 481.84 feet to a point; thence $89^{\circ} 01' 13''$ to the right in a Westerly direction a distance of 1334.52 feet to a point on the Westerly line of the N.E.1/4 of the N.E.1/4 of Section 5, Township 19 South, Range 1 West; thence $90^{\circ} 59' 12''$ to the right in a Northerly direction along the Westerly line of said 1/4-1/4 section a distance of 298.63 feet to a point; thence $26^{\circ} 27' 14''$ to the right in a Northeasterly direction a distance of 427 feet, more or less, to a point on the Southwesterly edge of Butterfly Lake; thence in a Southeasterly, then Northeasterly, then Easterly, thence Southeasterly, then Southerly, then Southeasterly direction along the edge of said lake a distance of 583 feet, more or less, to a point on the extension of the South line of Lot 1 according to the Survey of Greystone South Haven-Sunrise Addition as recorded in Map Book 16, Page 100, in the Probate Office of Shelby County, Alabama; thence in a Northeasterly direction along the extension of the South line of said Lot 1 a distance of 16.63 feet to the Southwest corner of said Lot 1; thence continue along the last stated course and along the South line of said Lot 1 a distance of 375.04 feet to the Southeast corner of said Lot 1, said point being on the Southwesterly line of Lot 7A, according to the Survey of The Glen at Greystone, Sector One, as recorded in Map Book 15, Page 97, in the Probate Office of Shelby County, Alabama; thence $24^{\circ} 48' 26''$ to the right in a Southeasterly direction along the Southwesterly line of said Lot 7A and along the Southwesterly right-of-way line of Greystone Glen Drive a distance of 275.68 feet to the POINT OF BEGINNING.

Containing 17.61 acres, more or less.

Inst # 1993-22437

07/29/1993-22437
02:39 PM CERTIFIED
A-4 SHELBY COUNTY JUDGE OF PROBATE
008 MCD 27.00