

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

THIS FIRST AMENDMENT TO GREYSTONE COMMERCIAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and entered into as of the 14th day of July, 1995 by and between DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership ("Developer"), and EBSCO INDUSTRIES, INC., a Delaware corporation ("EBSCO").

RECITALS:

Developer has heretofore executed the Greystone Commercial Declaration of Covenants, Conditions, and Restrictions dated October 16, 1990 which has been recorded in Book 314, Page 506 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 is the owner of that certain 7.92 acre, more or less, tract of real property (the "7.92 Acre Tract") which is more particularly described in Exhibit A-1 attached hereto and incorporated herein by reference. EBSCO is the owner of that certain 10.38 acre, more or less, tract of real property (the "10.38 Acre Tract") which is more particularly described in Exhibit A-2 attached hereto and incorporated herein by reference.

Developer and EBSCO desire to subject the 7.92 Acre Tract and the 10.38 Acre Tract (collectively, the "Additional Property"), respectively, to the terms and provisions of the Declaration.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereby agree as follows:

1. **Additional Property.** Pursuant to the terms and provisions of Section 2.02 of the Declaration, Developer and EBSCO hereby declare that the Additional Property shall be held, developed, improved, transferred, sold, conveyed, leased, occupied, and used subject to all of the easements, covenants, conditions, restrictions, charges, and regulations set forth in the Declaration, which shall be binding upon and inure to the benefit of all parties acquiring or having any right, title or interest in any portion of the Additional Property and their respective heirs, executors, administrators, personal representatives, successors and assigns. The Additional Property and the original Property described in the Declaration shall, for the purposes of the Declaration, collectively be referred to as the

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Property and all references in the Declaration to the Property shall mean the original Property as described in the Declaration and the Additional Property described herein.

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

IN WITNESS WHEREOF, Developer and EBSCO have executed this First Amendment as of the day and year first above written.

DEVELOPER:

DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership

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

By: 
Its: Senior Vice President

EBSCO:

EBSCO INDUSTRIES, INC., a Delaware corporation

By: 
Its: Vice Pres.

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Stephen R. Mont whose name as Senior Vice 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 instrument, 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 14th day of July, 1995.

Notary Public

My Commission Expires: _____

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Ethan B. Stephens, Jr. whose name as Vice President of EBSCO INDUSTRIES, INC., a Delaware 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 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 the 22 day of June, 1995.

Della Pender
Notary Public

My Commission Expires: _____
MY COMMISSION EXPIRES SEPTEMBER 21, 1998

**THIS INSTRUMENT PREPARED BY
AND UPON RECORDING SHOULD BE
RETURNED TO:**

Stephen R. Monk, Esq.
c/o Daniel Corporation
1200 Corporate Drive
Meadow Brook Corporate Park
Birmingham, Alabama 35242

EXHIBIT A-1

7.92 ACRE TRACT

To locate the point of beginning commence at the SW corner of the NE 1/4 of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama; thence S 88°43'44" E on the south boundary of said NE 1/4 a distance of 250.00 feet to a point; thence N 26°40'48" E a distance of 1300.16 feet to the point of beginning, said point of beginning being on the west boundary of Lot 2A of the resurvey of Lot 2, Greystone Second Sector, a subdivision which was recorded in Map Book 17, Page 27 in the Office of the Judge of Probate, Shelby County, Alabama and the north right-of-way of a public road; thence S 55°30'21" W on the north right-of-way of said road a distance of 265.10 feet to a curve to the left having a central angle of 14°32'51" and a radius of 840.00 feet; thence along said curve a distance of 213.28 feet to a point; thence tangent to said curve S 35°57'29" W a distance of 11.79 feet to a curve to the right having a central angle of 40°29'35" and a radius of 410.00 feet; thence along said curve a distance of 289.76 feet to a point on the east boundary of Lot 1, Greystone Third Sector, a subdivision which was recorded in Map Book 14, Page 79 in the Office of the Judge of Probate of Shelby County, Alabama; thence N 20°10'42" E on the east boundary of said Lot 1 a distance of 569.13 feet to a point; thence N 16°17'42" E on the east boundary of said Lot 1 a distance of 384.29 feet to a point; thence S 73°42'18" E on the east boundary of said Lot 1 a distance of 150.00 feet to a point; thence N 16°17'42" E on the east boundary of said Lot 1 a distance of 285.30 feet to a point; thence S 59°11'45" E a distance of 347.93 feet to a point on the west boundary of Lot 2A of the resurvey of Lot 2, Greystone Second Sector; thence S 26°40'48" W on the west boundary of said Lot 2A a distance of 521.17 feet to the point of beginning.

All lying and being in the NE 1/4 of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama and containing 7.92 acres, more or less, and as shown on the boundary survey dated May 31, 1993 prepared by Charley Foster & Associates, Inc.

EXHIBIT A-2

10.38 ACRE TRACT

PARCEL 2A:

For the point commence at the SW corner of the NE 1/4 of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama; thence N 89°11'44" W on the south boundary of the NW 1/4 of said Section 32 a distance of 456.12 feet to a point on the east boundary of Lot 2 of Greystone Third Sector, a subdivision which is recorded in Map Book 14, Page 79 in the Office of the Judge of Probate of Shelby County, Alabama; thence N 29°07'26" E on the east boundary of said Lot 2 a distance of 726.20 feet to a point on the south right-of-way of a public road, said point being on a curve to the left having a central angle of 84°21'05" and a radius of 490.00 feet; thence along said curve a distance of 721.38 feet to a point; thence tangent to said curve N 35°57'29" E a distance of 11.79 feet to a curve to the right having a central angle of 14°32'51" and a radius of 760.00 feet to a point; thence along said curve a distance of 192.97 feet to a point; thence tangent to said curve N 50°30'21" E a distance of 83.93 feet to a point on the west boundary of Lot 1, Greystone Second Sector, a subdivision which was recorded in Map Book 14, Page 87 in the Office of the Judge of Probate, Shelby County, Alabama; thence S 26°40'48" W on the west boundary of said Lot 1 a distance of 1102.12 feet to a point on the south boundary of the NE 1/4 of said Section 32; thence N 88°43'44" W on the south boundary of said NE 1/4 a distance of 250.00 feet to the point of beginning.

All lying and being in the N 1/2 of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama and containing 10.38 acres, more or less, and as shown on the boundary survey dated May 31, 1993 prepared by Charley Foster & Associates, Inc.

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