

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

THIS SECOND 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 among DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership ("Developer"), DANTRACT, INC., an Alabama corporation ("Dantract"), and ~~LXXXX CAVE XXXXXXXXXXXXXXX~~ ("Cave").

GULF (5) COMPANY, an Alabama General Partnership

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 and amended by First Amendment thereto dated as of July ____, 1995 and recorded as Instrument No. 1996-0531 in said Probate Office (collectively, the "Declaration"). Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.

Dantract is the owner of these certain tracts of real property (the "Dantract Property") which is more particularly described in Exhibit A-1 attached hereto and incorporated herein by reference. Cave is the owner of that certain tract of real property (the "Cave Property") which is more particularly described in Exhibit A-2 attached hereto and incorporated herein by reference.

Developer, Dantract and Cave desire to subject the Dantract Property and the Cave Property (collectively, the "Additional Property") 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, Dantract and Cave 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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SHELBY COUNTY JUDGE OF PROBATE
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Cave's Title

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. **Not Homestead Property.** Cave hereby covenants and agrees that the Cave Property does not contribute the homestead of Cave or his spouse.

3. **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, Dantract and Cave have executed this Second 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

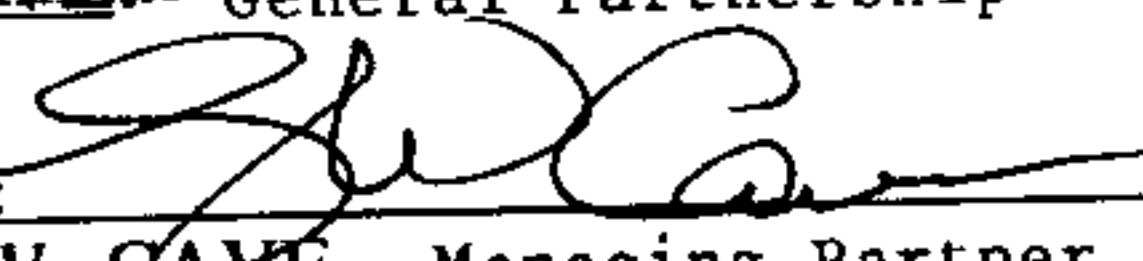
By: 
T. Charles Tickle, Its Chairman

DANTRACT:

DANTRACT, INC., an Alabama corporation

By: 
Charles W. Daniel, Its President

~~CAVE~~ GULF (5) COMPANY, an Alabama General Partnership

By: 
L.W. CAVE, Managing Partner

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that T. Charles Tickle, whose name as Chairman 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.

Joseph A. Andrews
Notary Public

My Commission Expires: 7/18/98

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Charles W. Daniel, whose name as President of DANTRACT, 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 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 14 day of July, 1995.

[Signature]
Notary Public

My Commission Expires: 5/13/96

~~STATE OF ALABAMA)~~

~~COUNTY OF SHELBY)~~

~~I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that L.W. Cave whose name 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, executed the same voluntarily on the day the same bears date.~~

~~Given under my hand and official seal, this the _____ day of _____, 1995.~~

~~_____
Notary Public~~

~~My Commission Expires: _____~~

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that L. W. CAVE, to me known and known to be the person described in and who executed the foregoing instrument as "Managing Partner" of GULF (5) COMPANY, an Alabama General Partnership, named therein and acknowledged before me that he has executed the same as such partner, in the name of and for and on behalf of said partnership.

Given under my hand and official seal, this the 15th day of August, 1995.

Teresa Ann Topolnicki
Notary Public

My Commission Expires: 7-13-97

EXHIBIT A-1

LEGAL DESCRIPTION OF 4-CORNER

PARCEL 1:

A parcel of land in the NW 1/4 of the SW 1/2 of Section 32, Township 18 South, Range 1 West, more particularly described as follows:

From the NW Corner of said 1/4 - 1/4 Section, run South along the West Boundary thereof for a distance of 652.70 feet to the point of beginning of the property herein described; thence continue on the same course along said West Boundary for a distance of 467.69 feet to the Northeast right-of-way line of U.S. Highway #280; thence turn an angle to the left to tangent of $89^{\circ} 48' 58''$ and run in a Southeasterly direction along said right-of-way along the arc of a curve to the right having a central angle of $6^{\circ} 54' 16''$ and a radius of 2989.79 feet for a distance of 360.29 feet; thence turn an angle to the right of $23^{\circ} 27' 30''$ from tangent and continue in a Southeasterly direction along said right-of-way for a distance of 110.06 feet to the beginning of a curve to the right, said curve having a central angle of $2^{\circ} 26' 44''$ and a radius of 2944.79 feet; thence turn an angle to the left of $22^{\circ} 08' 23''$ to tangent and continue in a Southeasterly direction along said right-of-way along the arc of said curve for a distance of 125.68 feet; thence turn an angle to the left of $39^{\circ} 51' 02''$ from tangent and run in a Northeasterly direction for a distance of 150.22 feet to the Northwestern right-of-way line of Alabama Highway #119; thence turn an angle to the left of $39^{\circ} 28' 40''$ and run in a Northeasterly direction along said right-of-way line for a distance of 130.77 feet; thence turn an angle to the left of $85^{\circ} 12' 52''$ and run in a Northwestern direction for a distance of 841.57 feet to the point of beginning of the property herein described, containing 5.4671 acres, more or less.

Less the following described tract:

Commence at the Southwest corner of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama; thence run north along the west line of said section for a distance of 1295.37 feet; thence run north $78^{\circ} 17' 36''$ east for a distance of 590.19 feet to a concrete monument on the northwesterly right-of-way of U.S. Highway No. 280 at station 181+00, said point being the point of beginning; from the point of beginning thus obtained run north $60^{\circ} 38' 07''$ east along the northwesterly right-of-way line of U.S. Highway No. 280 for a distance of 150.23 feet to a concrete monument on the northwesterly right-of-way line of Alabama Highway No. 199 at station 13+24.60; thence run north $21^{\circ} 09' 07''$ east along the northwesterly right-of-way line of Alabama Highway No. 119 for a distance of 65.85 feet; thence run north $64^{\circ} 43' 19''$ west for a distance of 298.82 feet; thence run south $21^{\circ} 09' 07''$ west for a distance of 216.54 feet; thence run south $59^{\circ} 47' 53''$ east along the northeasterly right-of-way line of U.S. Highway No.

280 for a distance of 80.32 feet to a concrete monument at station 180+00; thence run south $80^{\circ} 42' 35''$ east along the northeasterly right-of-way line of U.S. Highway No. 280 for a distance of 125.89 feet to the point of beginning. Site contains 54, 996 square feet or 1.2625 acres.

PARCEL 2:

A parcel of land in the SW 1/4 of the SW 1/4 of Section 32, Township 18 South, Range 1 West, more particularly described as follows:

From the SW Corner of said 1/4 - 1/4 Section, run North along the West Boundary thereof for a distance of 1167.40 feet to the Northeast right-of-way line of Old U.S. Highway #280; thence turn an angle to the right of $114^{\circ} 26' 31''$ and run in a Southeasterly direction along said right-of-way for a distance of 58.64 feet to the point of beginning of the property herein described; thence continue on same course along said right-of-way line for a distance of 444.11 feet; thence turn an angle to the left of $58^{\circ} 39' 28''$ and run in a Northeasterly direction for a distance of 83.00 feet to the Northwest right-of-way line of Alabama Highway #119; thence turn an angle to the left of $33^{\circ} 55'$ and run in a Northeasterly direction along said right-of-way line for a distance of 65.37 feet; thence turn an angle to the left of $48^{\circ} 32' 12''$ and run in a Northwesterly direction for a distance of 123.37 feet to the Southwest right-of-way line of U.S. Highway #280; thence turn an angle to the left of $53^{\circ} 40' 19''$ to tangent and run in a Northwesterly direction along said right-of-way line along the arc of a curve to the left having a central angle of $9^{\circ} 25' 04''$ and a radius of 2699.79 feet for a distance of 443.77 feet; thence turn an angle to the left of 90° from tangent and run South for a distance of 72.07 feet to the point of beginning of the property herein described, containing 1.737 acres, more or less.

PARCEL 3:

A parcel of land in the SW 1/4 of the SW 1/4 of Section 32, Township 18 South, Range 1 West, more particularly described as follows:

From the SW Corner of said 1/4 - 1/4 Section, run North along the West Boundary thereof for a distance of 762.28 feet; thence turn an angle to the right of $103^{\circ} 32' 37''$ and run in a Southeasterly direction for a distance of 20.57 feet to the point of beginning of the property herein described; thence continue on the same course for a distance of 133.80 feet; thence turn an angle to the right of $9^{\circ} 23' 05''$ and continue in a Southeasterly direction for a distance of 244.97 feet to the Northwest right-of-way line of Alabama Highway #119; thence turn an angle to the left of $91^{\circ} 03' 39''$ and run in a Northeasterly direction along said right-of-way line for a distance of 174.45 feet; thence turn an angle to the left of $41^{\circ} 36' 31''$ and run in a Northwesterly direction for a distance of 110.00 feet to the Southwest right-of-way line of Old U.S. Highway #280; thence turn an angle to the left of $45^{\circ} 49' 01''$ and run in a Northwesterly direction along said right-of-way line for a distance of 421.27 feet to the East Boundary of a

County Road; thence turn an angle to the left of $114^{\circ} 26' 31''$ and run South along said right-of-way line for a distance of 312.97 feet to the point of beginning of the property herein described, containing 2.5869 acres, more or less.

PARCEL 4:

A parcel of land in the SW 1/4 of Section 32, Township 18 South, Range 1 West, more particularly described as follows:

From the SW Corner of said 1/4 Section run North along the West Boundary thereof for a distance of 762.28 feet; thence turn an angle to the right of $103^{\circ} 32' 37''$ and run in a Southeasterly direction for a distance of 154.37 feet; thence turn an angle to the right of $9^{\circ} 23' 05''$ and continue in a Southeasterly direction for a distance of 325.01 feet to the Southeast right-of-way line of Alabama highway #119 which is the point of beginning of the property herein described; thence turn an angle to the left of $91^{\circ} 01' 59''$ and run in a Northeasterly direction along said right-of-way line for a distance of 411.87 feet; thence turn an angle to the right of $82^{\circ} 40' 23''$ and run in a Southeasterly direction for a distance of 313.74 feet; thence turn an angle to the left of $86^{\circ} 02' 41''$ and run in a Northeasterly direction for a distance of 175.00 feet to the Southwesterly right-of-way line of U.S. Highway #280; thence turn an angle to the right of $91^{\circ} 52' 06''$ to tangent and run in a Southeasterly direction along said right-of-way along a curve to the right, said curve having a central angle of $7^{\circ} 21' 24''$ and a radius of 2714.79 feet for a distance of 348.57 feet; thence turn an angle to the right of $91^{\circ} 36' 38''$ from tangent and run in a Southwesterly direction for a distance of 628.74 feet; thence turn an angle to the right of $83^{\circ} 33' 06''$ and run in a Northwesterly direction for a distance of 567.38 feet to the point of beginning of the property herein described, containing 7.4415 acres, more or less.

PARCEL 7:

Commence at the northwest corner of said quarter-quarter section and run in a southerly direction along the west line of said quarter-quarter section for a distance of 417.60 feet to the point of beginning; thence continue along last stated course for a distance of 235.10 feet to a point; thence turn an angle to the left of $64^{\circ} 38' 00''$ and run in a southeasterly direction for a distance of 121.08 feet to a point; thence turn an angle to the left of $93^{\circ} 50' 17''$ and run northeasterly for a distance of 308.49 feet to a point; thence turn an angle to the left of $111^{\circ} 31' 43''$ and run in a westerly direction for a distance of 222.61 feet to the point of beginning. Said parcel containing 1.029 acres more or less.

PARCEL 5:

A parcel of land in the SW 1/4 of Section 32, Township 18 South, Range 1 West, more particularly described as follows:

Commence at the NE Corner of SE 1/4 of the SW 1/4 of said section and run West along the North Boundary of said 1/4 - 1/4 Section for a distance of 403.00 feet to the point of beginning of the property herein described; thence continue along the same course for a distance of 929.82 feet to the NW Corner of said 1/4 - 1/4 Section; thence turn an angle to the right of $26^{\circ} 15' 08''$ and run in a Northwesterly direction for a distance of 559.12 feet to the Southeast right-of-way line of Alabama Highway #119; thence turn an angle to the left of $95^{\circ} 49' 12''$ and run in a Southwesterly direction along said right-of-way line for a distance of 107.54 feet; thence turn an angle to the left of $45^{\circ} 45' 19''$ and run in a Southeasterly direction for a distance of 139.81 feet to the Northeast right-of-way line of U.S. Highway #280; thence turn an angle to the left of $47^{\circ} 21' 19''$ to tangent and continue in a Southeasterly direction along said right of way for a distance of 1148.51 feet thence turn an angle to the left of $91^{\circ} 54' 49''$ from tangent and run in a Northeasterly direction for a distance of 663.13 feet to the point of beginning of the property herein described, containing 8.7496 acres, more or less.

EXHIBIT A-2

LEGAL DESCRIPTION OF CAVE PROPERTY

A parcel of land located in the Southwest Quarter of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northwest corner of the Southwest Quarter of said Section 32; thence run southerly along the west line of said Southwest Quarter a distance of 652.7 feet to an iron pin, said pin being the Northwest corner of a ten acre tract as described by Deed Book 5, page 398; thence turn left $64^{\circ}37'$ and run southeasterly a distance of 120.97 feet to the POINT OF BEGINNING; thence turn left $93^{\circ}51'29''$ and run northeasterly a distance of 300.00 feet to an iron pin set; thence turn right $94^{\circ}37'51''$ and run southeasterly 721.12 feet to an iron pin set on the west right-of-way of Alabama Highway 119 (80' right-of-way) thence turn right $85^{\circ}22'09''$ and run 300.00 feet along said right-of-way to an iron pin; thence leaving said right-of-way turn right $94^{\circ}37'51''$ and run northwesterly a distance of 721.12 feet to the POINT OF BEGINNING.

Said parcel containing 4.950 acres, more or less.

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