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STATE OF ALABAMA )  
SHELBY COUNTY )

THIS INSTRUMENT PREPARED BY:  
Chervis Isom  
Berkowitz, Lefkovits, Isom & Kushner, P. C.  
420 North 20th St., Suite. 1600  
Birmingham, AL 35203-5202

**CERTIFICATE REGARDING  
DECLARATION OF PROTECTIVE COVENANTS FOR  
CAHABA VALLEY PARK NORTH**

**Re:** Declaration of Protective Covenants for Cahaba Valley Park North, as set out in Real Property Volume 268, page 140 in the Office of the Probate Judge for Shelby County, Alabama (the "Protective Covenants") and which have been amended from time to time as parcels are sold, the same being amended by:

- (i) Declaration of Protective Covenants in connection with sale to Taco Bell recorded in Real Property Volume 325, page 929.
- (ii) Restrictive Covenants in connection with sale to Camps, Inc. as recorded in Real Property Volume 290, page 386.
- (iii) Restrictive Covenants in connection with sale to Pelham Motel Investments, Inc. recorded in Inst. No. 1992-15856.
- (iv) Restrictive Covenants in connection with sale to the Baptist Medical Centers, as recorded in Inst. No. 1993-25691.

**RECITALS**

A. 119 Properties, Ltd., an Alabama limited partnership, as the developer of certain real property known as the Cahaba Valley Park North, located in Shelby County, Alabama, imposed the Protective Covenants thereon by recording the same in the Office of the Probate Judge for Shelby County, Alabama.

B. Cahaba Valley Park North Associates, Inc. is an Alabama non-profit corporation organized to perform certain obligations and duties with regard to the Property as set forth in its Charter and Bylaws, and in the Protective Covenants, including the collection of assessments from owners of parcels subject to the Protective Covenants.

C. Pursuant to Article V of the Protective Covenants, an Architectural Control Committee (hereinafter referred to as the "Committee") was created to examine and approve all plans and specifications for construction of improvements on the Property and to have such other responsibilities, duties and authority as provided in the Protective Covenants.

D. Pelham Industrial Enterprises Ten, L.L.C., an Alabama limited liability company (hereinafter referred to as "PIE"), is the current owner of a portion of Cahaba Valley Park North, as

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*Cahaba Title*

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described on the attached **Exhibit A** (the "Property"), which is subject to the Protective Covenants.

### **CERTIFICATION**

1. The Association certifies that, except as referenced above, there are no amendments, modifications or assignments of the Protective Covenants which have not been recorded in the Office of the Judge of Probate for Shelby County, Alabama, and the Protective Covenants remain in full force and effect.
2. The Committee certifies that both the use of and the requisite drawings, plans and specifications submitted by PIE with respect to the improvements constructed on the PIE Property were reviewed and approved by the Committee and such improvements were constructed in compliance with the Protective Covenants.
3. The Association certifies that PIE has fully complied with all of the terms, conditions, restrictions and obligations under the Protective Covenants and that there are no outstanding sums or amounts due or past due under the Protective Covenants, including, without limitation, the payment of any and all assessments to the Association.
4. The Association certifies that there are no defaults, events or existing circumstances which violate any of the terms, conditions, requirements and restrictions of the Protective Covenants on the part of PIE.
5. The officers of the Association are Charles H. Stephens, President, and Marc A. Eason, Vice President/Secretary. The members of the Committee are Marc A. Eason and Charles H. Stephens.

The undersigned officer of the Association and the undersigned member of the Committee each acknowledge that he has full authority to execute this Certificate on behalf of the respective entity. The undersigned further acknowledge that First Commercial Bank is relying on this Certificate as an inducement to extend financing with regard to the Property.

**ASSOCIATION:**

**CAHABA VALLEY PARK NORTH  
ASSOCIATION, INC.**

By: *Marc A. Eason*

Its: VP / Sec.

Date executed: April 26, 2000.

**COMMITTEE:**

**ARCHITECTURAL CONTROL COMMITTEE**

By: *Sybil A. Eason*

Its: Member

Date executed: April 26, 2000.

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Marc A. Eason**, whose name as Vice President/Secretary of **Cahaba Valley Park North Associates, Inc.**, is signed to the foregoing Certificate Regarding Declaration of Protective Covenants for Cahaba Valley Park North and who is known to me, acknowledged before me on this day that, being informed of the contents of the Certificate, he, in his capacity as such officer, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand this the 26<sup>th</sup> day of April, 2000.

*Ann M. McQueen*  
Notary Public

My Commission Expires: 2/9/2002

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Marc A. Eason**, whose name as Member of the **Architectural Control Committee** is signed to the foregoing Certificate Regarding Declaration of Protective Covenants for Cahaba Valley Park North and who is known to me, acknowledged before me on this day that, being informed of the contents of the Certificate, he, in his capacity as such member, executed the same voluntarily on the day the same bears date.

Given under my hand this the 26<sup>th</sup> day of April, 2000.

*Don A. Myler*

Notary Public

My Commission Expires: 2/9/2002

## EXHIBIT A

Part of Block 3 of Cahaba Valley Park North as recorded in Map Book 13, Page 140, in the Probate Office of Shelby County, Alabama, being more particularly described as follows:  
Commence at the northeast corner of the N.W. 1/4 of the N.E. 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, said 1/4 1/4 Section corner being 1,331.88 feet measured (1,331.96 feet record) West of the northeast corner of Section 31, Township 19 South, Range 2 West, said point being the northeast corner of said Block 3 of Cahaba Valley Park North and the northeast corner of the Survey of the Alagasco Site by Joseph A. Miller, Jr., dated 3-2-95, and the northwest corner of the Survey of the Drivers Mart Site by Joseph A. Miller, Jr., dated 12-18-96; thence run West along the North line of said N.W. 1/4 of the N.E. 1/4 of said Section 31 and along the North line of said Block 3 and the North line of said Alagasco Site for 588.83 feet to a point on the east right of way line of Cahaba Valley Parkway North, said point being 60.08 feet East of the northwest corner of said Block 3; thence 92 degrees 39 minutes 22 seconds left and run southerly along the East right of way line of said Cahaba Valley Parkway North and along the West property line of the Alagasco Site for 427.54 feet to the N.W. corner of Lot 5 of Cahaba Valley Business Park Resurvey No. 2, as recorded in Map Book 23, Page 42, in the Office of the Judge of Probate of Shelby County, Alabama; thence continue southerly along the last stated course, and along the East right of way line of said Cahaba Valley Parkway North, and along the West line of said Lot 5 for 365.33 feet to the S.W. corner of said Lot 5, and the N.W. corner of Cahaba Valley Business Park, Phase 6; thence continue Southerly along the last stated course and along said right of way line and along the West line of said Phase 6 of Cahaba Valley Business Park for 295.46 feet to the S.W. corner of said Phase 6, said point being the N.W. corner of Phase 7 of Cahaba Valley Business Park; thence continue southerly along the last stated course and along said right of way line and along the west line of said Phase 7 for 9.48 feet to the beginning of a curve to the left, said curve subtending a central angle of 14 degrees 40 minutes 52 seconds and having a radius of 1,359.64 feet; thence run southerly along the arc of said curve and along said right of way line and along the west line of said Phase 7 for 348.38 feet to the end of said curve, and the S.W. corner of said Phase 7 and the POINT OF BEGINNING of the parcel herein described; thence from tangent of said curve turn 89 degrees 09 minutes 26 seconds left and run northeasterly along the south line of said Phase 7 for 30.55 feet to the beginning of a curve to the right, said curve subtending a central angle of 07 degrees 51 minutes 56 seconds and having a radius of 1,070.97 feet; thence run northeasterly along the arc of said curve and along the south line of said Phase 7 for 147.02 feet to the end of said curve; thence at tangent to said curve run northeasterly along the south line of said Phase 7 for 417.85 feet to a point on the southwest line of said Drivers Mart Survey; thence 26 degrees 58 minutes 00 seconds right and run southeasterly along the southwest line of said Drivers Mart Survey for 135.90 feet; thence 20 degrees 30 minutes 00 seconds right and run southeasterly along the southwest line of said Drivers Mart Survey for 174.53 feet; thence 08 degrees 30 minutes 00 seconds right and run southeasterly along the S.W. line of said Drivers Mart Survey for 37.46 feet to a point on the north line of the Shelby Medical Center - Baptist Medical Centers Resurvey as recorded in Map Book 18, Page 27, in the Probate Office of Shelby County, Alabama; thence 105 degrees 32 minutes 07 seconds right and run southwesterly along the north line of said resurvey for 766.37 feet to the N.W. corner of said Resurvey, said point being on the East right of way line of Cahaba Valley Parkway; thence 96 degrees 45 minutes 37 seconds right to become tangent to a curve to the left, said curve

subtending a central angle of 06 degrees 44 minutes 26 seconds and having a radius of 199.44 feet; thence run northwesterly along the arc of said curve and along said right of way line for 23.46 feet to the end of said curve; thence at tangent to said curve run northwesterly along said right of way line for 214.33 feet to the beginning of a curve to the right, said curve subtending a central angle of 09 degrees 41 minutes 00 seconds and having a radius of 1,359.64 feet; thence run northwesterly along the arc of said curve and along the right of way line for 229.75 feet to the end of said curve and the POINT OF BEGINNING; being situated in Shelby County, Alabama.

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