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STATE OF ALABAMA
SHELBY COUNTY


20020911000436060 Pg 1/3 20.00
Shelby Cnty Judge of Probate, AL
09/11/2002 11:50:00 FILED/CERTIFIED

CONFIRMATION OF
APPROVAL AND WAIVER

WHEREAS, **Daniel Oak Mountain Limited Partnership**, an Alabama limited partnership (the "Developer") was the Developer of that certain property which is more particularly described in the Greystone Commercial Declaration of Covenants, Conditions and Restrictions dated October 16, 1990, recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Book 314, Page 506 (the "Declaration"), which property is more particularly described on Exhibit "A" attached hereto and made a part hereof by reference and incorporation (the "Property");

WHEREAS, pursuant to Article V, Section 5.04 of the Declaration, the minimum building setback lines for all Buildings (as defined in the Declaration) were 50 feet for the front, rear and side lot lines;

WHEREAS, the Declaration provides that no Buildings shall be built within the setback areas; provided, however, such prohibition is subject to the provisions of Section 5.05 of Article V of the Declaration;

WHEREAS, Article V, Section 5.05 of the Declaration provides that (i) [n]otwithstanding anything provided in Section 5.04, Developer may require building setback requirements different from those described in Section 5.04, and (ii) the location of any Building to be constructed on the Property shall be set forth on the site development plan which must be approved by the Developer pursuant to the terms and provisions of the Declaration; and

WHEREAS, prior to the construction of the Buildings on the Property, the Developer approved the location of the Buildings located on the Property, including, without limitation, the setback lines on the Property and waived the 50 foot setback line requirement as set forth in the Declaration.

NOW, THEREFORE, this Confirmation of Approval and Waiver is executed in order to confirm, in writing, the Developer's approval of the setback lines in place on the Property, and the Developer's waiver of the 50 foot setback line requirement as set forth in the Declaration, therefore, the Developer states as follows:

1. Prior to the commencement of the construction of the construction-related activities on the Property, the Developer reviewed and approved the site development plan for the Property and approved the setback lines on the Property. In addition, the Developer waived the 50 foot setback line requirement as set forth in Section 5.04 of Article V of the Declaration.

Alabama Title, Inc.

IN WITNESS WHEREOF, this Confirmation of Approval and Waiver is executed on this the 9th day of SEPT., 2002.

DANIEL OAK MOUNTAIN LIMITED
PARTNERSHIP, an Alabama limited
partnership

By: DANIEL REALTY INVESTMENT
CORPORATION - OAK MOUNTAIN,
an Alabama corporation,
Its General Partner

By: Christopher A. Brown
Its: Senior Vice President

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a notary public in and for said County in said State, hereby certify that Christopher A. Brown, whose name as SR. VP of DANIEL REALTY INVESTMENT CORPORATION - OAK MOUNTAIN, an Alabama corporation, which is the 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 the general partner of said limited partnership.

Given under my hand and official seal on this the 9th day of September, 2002.

[AFFIX NOTARY SEAL]

Daniel A. McCoy
NOTARY PUBLIC
My Commission Expires: MY COMMISSION EXPIRES AUGUST 2, 2004

Exhibit "A"

(Legal Description of the Property as set forth in the Declaration)

Greystone Commercial Properties, according to the subdivision plat recorded in Map Book 14, Page 79, in the Probate Office of Shelby County, Alabama, the same being Lots 1 and 2 and the undedicated road situated between Lots 1 and 2, as shown by said plat; being situated in Shelby County, Alabama.

Now known as Lots 1A and 2A, according to a Resurvey of Lots 1 and 2, The Crossroads at Greystone, as recorded in Map Book 29, Page 53, in the Probate Office of Shelby County, Alabama.