

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

THIS FIFTH AMENDMENT TO GREYSTONE OFFICE PARK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and entered into as of the 3rd day of September, 2003 by DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP, an Alabama limited partnership ("Developer").

**RECITALS:**

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, as amended by (i) First Amendment thereto dated as of July 28, 1993 and recorded as Instrument No. 1993-22437 in said Probate Office, (ii) Second Amendment thereto dated as of April 14, 1994 and recorded as Instrument No. 1994-12528 in said Probate Office, (iii) Third Amendment thereto dated as of May 17, 1996 and recorded as Instrument No. 1996-17949 in said Probate Office and (iv) Fourth Amendment thereto dated as of March 18, 1998 (collectively, the "Declaration"). Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.

Developer desires to amend the Declaration in order to revise and restate Exhibit A-4 thereto in order to reflect the resubdivision of a portion of the Property.

NOW, THEREFORE, in consideration the premises, Developer hereby amends the Declaration as follows:

1. **Exhibit A.** Exhibit A-4 to the Declaration is deleted in its entirety and Exhibit A-5 attached hereto and incorporated herein by reference is substituted in lieu thereof. From and after the date hereof, all references in the Declaration to the Property shall mean and refer to the real property described in Exhibit A-5 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.

IN WITNESS WHEREOF, Developer has caused this Fifth Amendment to be executed 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: Christopher A. Brown  
Its: Sr Vice President

STATE OF ALABAMA )

COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that  
Christopher A. Brown whose name as Sr. 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 3rd day of September, 2003

Debbie D. Stephens  
Notary Public  
My Commission Expires: 4-10-2006

This instrument prepared by and upon  
recording should be returned to:

Stephen R. Monk, Esq.  
Bradley Arant Rose & White LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, Alabama 35203

**Exhibit A-5**

Lot A, according to the Resurvey of Medical Center Addition to Greystone, as recorded in Map Book 18, Page 64 in the Office of the Judge of Probate of Shelby County, Alabama.

Lot 1A, according to the Resurvey of Lot 1, Greystone Commercial, as recorded in Map Book 22, Page 136 in the Office of the Judge of Probate of Shelby County, Alabama.

Lot 2, according to the Survey of Greystone Commercial, as recorded in Map Book 20, Page 57 in the Office of the Judge of Probate of Shelby County, Alabama.

Lots 3A and 4A, according to a Resurvey of Lots 3, 4 and 5, Greystone Commercial, 2nd Phase and a Part of Lot 1, Greystone Commercial as recorded in Map Book 20, Page 139 in the Office of the Judge of Probate of Shelby County, Alabama.

Lots 1A and 2A, according to a Resurvey of Lots 1 and 2, of a Resurvey of Lot 5A, of a Resurvey of Lots 3, 4 and 5, Greystone Commercial, 2nd Phase and a part of Lot 1, Greystone Commercial as recorded in Map Book 31, Page 78 in the Office of the Judge of Probate of Shelby County, Alabama.