

**First Amendment to Declaration of Condominium
of
Providence Park A Condominium**

This Amendment to Declaration of Condominium made this 20 day of December, 2004 by Providence Park Partners, L.L.C., an Alabama Limited Liability Company ("Developer"), for itself and its respective successors, grantees and assigns, pursuant to the provisions of the Alabama Uniform Condominium Act of 1991, Code of Alabama 1975 35-8A-101 et seq. (the "Act") for the purpose of expanding Providence Park, a Condominium located in Shelby County, Alabama.

WITNESSETH:

Whereas the Developer previously executed the Declaration of Condominium (the "Declaration") which is recorded as Instrument #2004080200426220 et seq and providing for the submission of certain land owned by Developer and described in Exhibit "A" and Exhibit "C" to said Declaration, together with the improvements included thereon to the provisions of the Alabama Uniform Condominium Act of 1991 Code of Alabama 1975 35-8A-101, et seq., and thereby establishing the Condominium known as Providence Park, a commercial office Condominium (the "Condominium")' and

Whereas the Developer, as provided in Article II, Section 2.02 has reserved the sole and exclusive right to expand the Condominium from time to time by adding thereto all or any portion of the real properties Developer owns adjacent to the property described in Exhibit "A" to the Declaration of Condominium (the subsequent Phased Land); and

Whereas the Developer is the owner in fee of certain real property adjacent to that certain real property submitted to Providence Park as depicted in Exhibit "C", Page 5, to

Declaration of Condominium of Providence Park as described above and located in Shelby County, Alabama and which is further described in Exhibit A-1 attached hereto and made a part hereof as if set out in full and is subject to the easements, rights of way and other restrictions set forth in the Survey of said "Phase II" Real Estate dated 12/20/04 prepared by Carr & Associates Engineers, Inc., a copy of which is being filed simultaneously herewith and recorded in Map Book 34, Page 75 A-E, in the Office of the Judge of Probate of Shelby County, Alabama and made a part hereof as if set out in full (the "Phase II Property").

Whereas, Developer has improved the real property on Phase II Property by constructing thereon Three (3) Office Condominium Buildings containing Four (4) Office Condominium Units in each Building for a total of Twelve (12) Units as well as construction of other improvements e.g. common elements, limited common elements, if any, of the Phase II Property, which improvements have been fully and accurately depicted as to layout, location, unit numbers, dimensions, identifying the common elements, limited common elements, if any, private elements as-built by the Survey and Plans identified on the Survey for Providence Park Phase II, dated 12/20/04 consisting of 5 pages and bearing a certificate that said Phase II Survey are filed in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book _____, Page _____, and in addition to the site plan and floor plans, paving, driveways, parking areas, walk ways, curbs and gutters, cross sections of the Buildings and the location, elevation, area and dimensions of the units with reference to established geographical points and which is made a part thereof as if set out in full; and

Whereas, Developer has reallocated the undivided interest in the Common elements and Limited Common elements if any as contemplated by the Declaration and is attached hereto as Exhibit "B" and made a part hereof as if set out in full; and

NOW THEREFORE, the undersigned Developer, Providence Park Partners, L.L.C., hereby, adopt, make, report, consent and agree to the following Amendments to the said Declaration:

- (1) the Declaration is hereby amended by submitting the Phase II Property and Phase II Units, together with all other improvements constructed or to be constructed on or within Phase II, and all easements, rights, interest appurtenant thereto to the Condominium form of Ownership and to all terms, conditions, Restrictions and Limitations under the Declaration and as otherwise provided for under the Act.
- (2) the Declaration is hereby further amended by adding the following Exhibits which are incorporated herein for all purposes.
 - (A) Exhibit A-1 legal description of Phase II Property.
 - (B) Reallocation of interest to include Phase I and Phase II Units.
 - (C) Graphic Description of Phase II Property
 - (D) Certificate of Architect.
- (3) Except as hereby amended, the Declaration remains in full force and effect, and is hereby ratified and affirmed.

In Witness Whereof, the said Developer, Providence Park Partners, L.L.C., has caused this Amendment to Declaration of Condominium to be executed as of the day and year first written above.

**Providence Park Partners, L.L.C.
an Alabama Limited Liability Company**

Byrom Building Corp., An Alabama Corporation

By: Marty Br President
Its Member

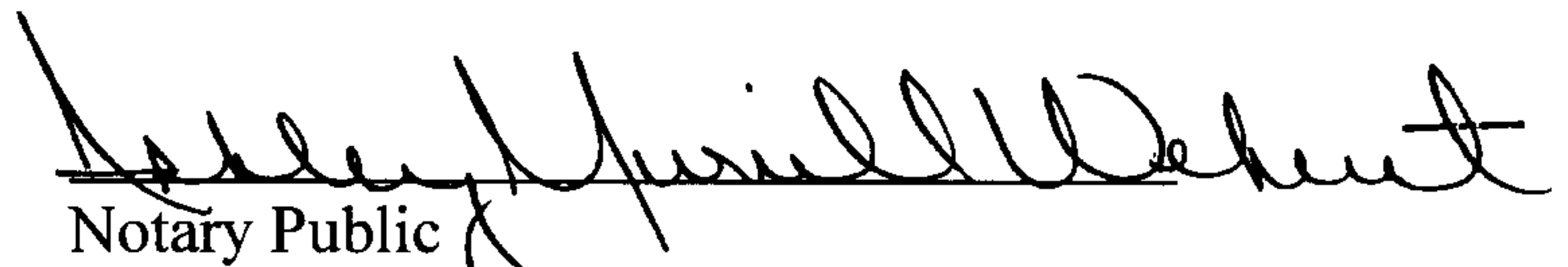
J-Mar Properties, LLC, An Alabama Limited Liability Company

By: Jan R. Hunter Its Member
Its Member

State of Alabama)
Jefferson County)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Marty Byrom, whose name as President of Byrom Building Corp., an Alabama Corporation, is signed to the foregoing Declaration of Condominium, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Declaration of Condominium, he as such Officer and with full authority, executed the same voluntarily on the date the same bears date.

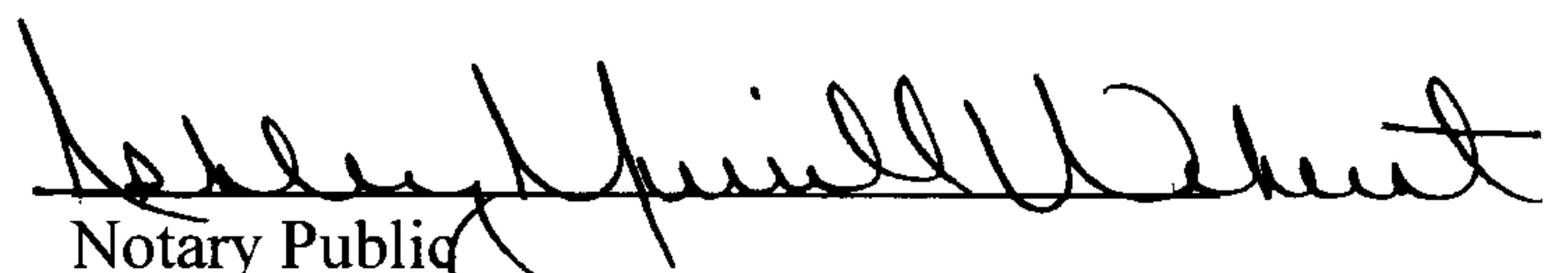
Given under my hand and official seal this the 20th day of December, 2004.


Notary Public
My Commission Expires: March 13, 2006

State of Alabama)
Jefferson County)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that James R. Moncus, Jr., whose name as Member of J-Mar Properties, LLC, an Alabama Limited Liability Company, is signed to the foregoing Declaration of Condominium, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Declaration of Condominium, he as such Member and with full authority, executed the same voluntarily on the date the same bears date.

Given under my hand and official seal this the 20th day of December, 2004.


Notary Public
My Commission Expires: March 13, 2006

CONSENT OF MORTGAGEE

The undersigned, a Mortgagee under those certain Future Advance Mortgage and Security Agreement from Providence Park Partners, LLC to Compass Bank presently existing and in force and recorded in the Office of the Judge of Probate of Shelby County, Alabama, encumbering the real property identified in the foregoing Declaration of Condominium of Providence Park, a condominium, joins in the execution of the foregoing Declaration of Condominium of Providence Park, a condominium, for the sole purpose of establishing the validity of the Declaration of Condominium of Providence Park, a condominium, as required by 35-8A-1, et seq. of the Code of Alabama. The undersigned is not the Developer, and does not assume any obligation whatsoever under the terms, covenants and conditions of the foregoing Declaration of Condominium, and the execution hereof does not in any way subordinate or make the said Security Interest inferior to the said Declaration of Condominium.

MORTGAGEE:

COMPASS BANK

BY: John M. McQueen
John M. McQueen
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 John M. McQueen whose name as an officer of Compass Bank, 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 such 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 28th day of December, 2004.

[NOTARY SEAL]

Barbara Ann Moore
NOTARY PUBLIC
MY COMMISSION EXPIRES: 12-26-06

PROVIDENCE PARK, PHASE II LOT DESCRIPTIONS

LOT 1, PHASE II

A parcel of land being LOT 1 of PHASE II, PROVIDENCE PARK, said plat to be recorded in the Probate Office of Shelby County, Alabama, said parcel located in the Northeast Quarter of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the SW corner of the SW 1/4 of the NE 1/4 of said Section 15; thence in a Northerly direction along the westerly line of said 1/4 - 1/4 section, a distance of 316.55 feet; thence continue Northerly along the same course 639.07 feet to a point to the Southeasterly right of way line of Buckton Road; thence an interior angle left of 131 degrees 08 minutes 35 seconds left in a Northeasterly direction along said Southeasterly right of way line, a distance of 4.18 feet to the beginning of a curve to the left having a radius of 312.26 feet and a central angle of 22 degrees 03 minutes 10 seconds; thence continue in a Northeasterly direction along arc of said curve and right of way line, a distance of 120.19 feet to end said curve; thence continue in a Northeasterly direction along line tangent to said curve and right of way line a distance 195.50 feet to the beginning of a curve to the left having radius of 424.18 feet and a central angle of 14 degrees 27 minutes 30 seconds; thence continue in a Northeasterly direction along arc of said curve and right of way line, a distance of 107.05 feet to the end of said curve; thence continue in a Northeasterly direction and along a line tangent to said curve and right of way line, distance of 28.48 feet; thence 45 degrees 17 minutes 50 seconds right in a Northeasterly direction and along said right of way line a distance of 70.34 feet to a point on the Southerly right of way line of Valleydale Road; thence 45 degrees 17 minutes 50 seconds right in a Southeasterly direction and along said southerly right of way line, a distance of 166.82 feet to the PC of a curve to the left having a radius of 1185.91 feet and a central angle of 12 degrees 17 minutes 47 seconds; thence continue in a Northeasterly direction along arc of said curve 254.51 feet to the Northwest Corner of PROVIDENCE PARK, PHASE I, as recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 33, Pages 119 A - E; thence South 37° 59'53" East along the Southwesterly line of PROVIDENCE PARK, PHASE I a distance of 257.33 to a point; thence an interior angle clockwise right of 90°03'26" Northeasterly a distance of 163.23 feet to the POINT OF BEGINNING; thence an interior angle counter-clockwise left of 90°00'00" Southeasterly a distance of 82.14 feet to a Point; thence an interior angle counter-clockwise left of 89°54'31" Southwesterly a distance of 86.70 feet to a Point; thence an interior angle clockwise right of 90°00'00" Southeasterly a distance of 8.01 feet to a Point; thence an interior angle counter-clockwise left of 90° 00'00" Southwesterly a distance of 24.95 feet to a Point; thence an interior angle counter-clockwise left of 90°00'00" Northwesterly a distance of 114.86 feet to a Point; thence an interior angle counter-clockwise left of 90°07'29" Northeasterly a distance of 111.52 feet to the Point of Beginning.

LOT 2, PHASE II

A parcel of land being LOT 2 of PHASE II, PROVIDENCE PARK, said plat to be recorded in the Probate Office of Shelby County, Alabama, said parcel located in the Northeast Quarter of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the SW corner of the SW 1/4 of the NE 1/4 of said Section 15; thence in a Northerly direction along the westerly line of said 1/4 - 1/4 section, a distance of 316.55 feet; thence continue Northerly along the same course 639.07 feet to a point to the Southeasterly right of way line of Buckton Road; thence an interior angle left of 131 degrees 08 minutes 35 seconds left in a Northeasterly direction along said Southeasterly right of way line, a distance of 4.18 feet to the beginning of a curve to the left having a radius of 312.26 feet and a central angle of 22 degrees 03 minutes 10 seconds; thence continue in a Northeasterly direction along arc of said curve and right of way line, a distance of 120.19 feet to end said curve; thence continue in a Northeasterly direction along line tangent to said curve and right of way line a distance 195.50 feet to the beginning of a curve to the left having radius of 424.18 feet and a central angle of 14 degrees 27 minutes 30 seconds; thence continue in a Northeasterly direction along arc of said curve and right of way line, a distance of 107.05 feet the end of said curve; thence continue in a Northeasterly direction and along a line tangent to said curve and right of way line, distance of 28.48 feet; thence 45 degrees 17 minutes 50 seconds right in a Northeasterly direction and along said right of way line a distance of 70.34 feet to a point on the Southerly right of way line of Valleydale Road; thence 45 degrees 17 minutes 50 seconds right in a Southeasterly direction and along said southerly right of way line, a distance of 166.82 feet to the PC of a curve to the left having a radius of 1185.91 feet and a central angle of 12 degrees 17 minutes 47 seconds; thence continue in a Northeasterly direction along arc of said curve 254.51 feet to the Northwest Corner of PROVIDENCE PARK, PHASE I, as recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 33, Pages 119 A - E; thence South 37° 59'53" East along the Southwesterly line of PROVIDENCE PARK, PHASE I a distance of 307.56 to a point; thence an interior angle counter-clockwise left of 126°44'26" Southerly a distance of 50.91 feet to a point; thence an interior angle clockwise right of 133°37'45" Southeasterly a distance of 371.67 feet to a point at the Southwest corner of PROVIDENCE PARK, PHASE I; thence an interior angle clockwise right of 77°45'42" Northeasterly a distance of 386.67 feet to the POINT OF BEGINNING; thence continue Northeasterly 91.37 feet along the Southeast line of PROVIDENCE PARK, PHASE II; thence an interior angle clockwise right of 122°07'16" Northerly a distance of 212.60 feet to a point; thence an interior angle clockwise right of 109°12'30" Northwesterly a distance of 96.40 feet to a point; thence an interior angle clockwise right of 134°10'08" Southwesterly a distance of 158.10 feet to a point; thence an interior angle counter-clockwise left of 90°00'00" Northwesterly a distance of 42.00 feet to a point; thence an interior angle counter-clockwise left of 90°00'00" Northeasterly a distance of 42.73 feet to a point; thence an interior angle clockwise right of 90°00'00" Northwesterly a distance of 20.00 feet to a point; thence an interior angle counter-clockwise left of 90°00'00" Northeasterly a distance of 2.71 feet to a point; thence an interior angle clockwise right of 90°22'16" Northwesterly a distance of 232.34 feet to a point on the Southeasterly right-of-way line of Valleydale Road; thence run Southwesterly along said Southeasterly right-of-way line a distance of 124.99 feet along a curve to the right, concave Northerly with a radius of 1185.91 feet and a central angle of 6°04'51"; thence run Southeasterly along the Northeasterly line of PROVIDENCE PARK, PHASE I and run 151.09

feet to a point; thence an interior angle clockwise right of $90^{\circ}00'00''$ Northeasterly a distance of 48.00 feet to a point; thence an interior angle counter-clockwise left of $90^{\circ}00'00''$ Southeasterly a distance of 181.44 feet to a point; thence an interior angle clockwise right of $90^{\circ}00'00''$ Northeasterly a distance of 65.16 feet to a point; thence an interior angle counter-clockwise left of $90^{\circ}00'00''$ Southeasterly a distance of 260.65 feet to the Point of Beginning.

These descriptions are prepared without the benefit of a field survey on December 22, 2004.



Barton F. Carr
Carr & Associates Engineers, Inc.
AL PLS No. 16685

EXHIBIT B

| <u>UNIT DESCRIPTION</u> | <u>VOTES AND ASSIGNED SQUARE FOOTAGE</u> | <u>%OF COMMON ELEMENTS OWNERSHIP AND LIABILITIES</u> |
|--------------------------------|---|---|
| Building 1000 Unit 100 | 1052 | .0296% |
| Building 1000 Unit 150 | 1052 | .0296% |
| Building 1000 Unit 200 | 1052 | .0296% |
| Building 1000 Unit 250 | 1052 | .0296% |
| Building 1701 Unit 100 | 1052 | .0296% |
| Building 1701 Unit 150 | 1052 | .0296% |
| Building 1701 Unit 200 | 1052 | .0296% |
| Building 1701 Unit 250 | 1052 | .0296% |
| Building 1900 Unit 100 | 1228 | .0345% |
| Building 1900 Unit 150 | 1228 | .0345% |
| Building 1900 Unit 200 | 1228 | .0345% |
| Building 1900 Unit 250 | 1228 | .0345% |
| Building 2000 Unit 100 | 1228 | .0345% |
| Building 2000 Unit 150 | 1228 | .0345% |
| Building 2000 Unit 200 | 1228 | .0345% |
| Building 2000 Unit 250 | 1228 | .0345% |
| Building 2001 Unit 100 | 4200 | 1.1817% |
| Building 2100 Unit 100 | 1432 | .04027% |
| Building 2100 Unit 150 | 1432 | .04027% |
| Building 2100 Unit 200 | 1432 | .04027% |
| Building 2100 Unit 250 | 1432 | .04027% |
| Building 2101 Unit 100 | 1846 | .0519% |
| Building 2101 Unit 150 | 1846 | .0519% |
| Building 2101 Unit 200 | 3694 | 1.039% |
| TOTAL SQUARE FOOTAGE | 35,554 | |

**PROVIDENCE PARK
PHASE II**

**A CONDOMINIUM DEVELOPMENT SITUATED
IN THE NORTHWEST 1/4 OF SECTION 16
TOWNSHIP 10 SOUTH, RANGE 2 WEST
SEALEY COUNTY, ALABAMA**

8

此乃一極端之論，然其意則在謂：「吾人今日之社會，其所以有種種之弊，皆由於社會之不健全，而社會之所以不健全，皆由於法律之不健全。故欲求社會之健全，必先求法律之健全。」此其意之所在也。

THE UNIVERSITY OF CHICAGO

is required for the purpose of the maintenance of the peace and order of the community and the safety of the public.

1997

1998

1963 **March 11**

THE

_____ of Aug. _____ 1961

100

STATE OF ALABAMA

THE

to keep _____ until you find out how

THE STATE OF ALABAMA
SHELBY COUNTY

IN ANY CASE, THE FBI HAS NO RECORD OF ANY SUCH INFORMATION.

100

STATE OF ALABAMA
DEPUTY ATTORNEY GENERAL

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

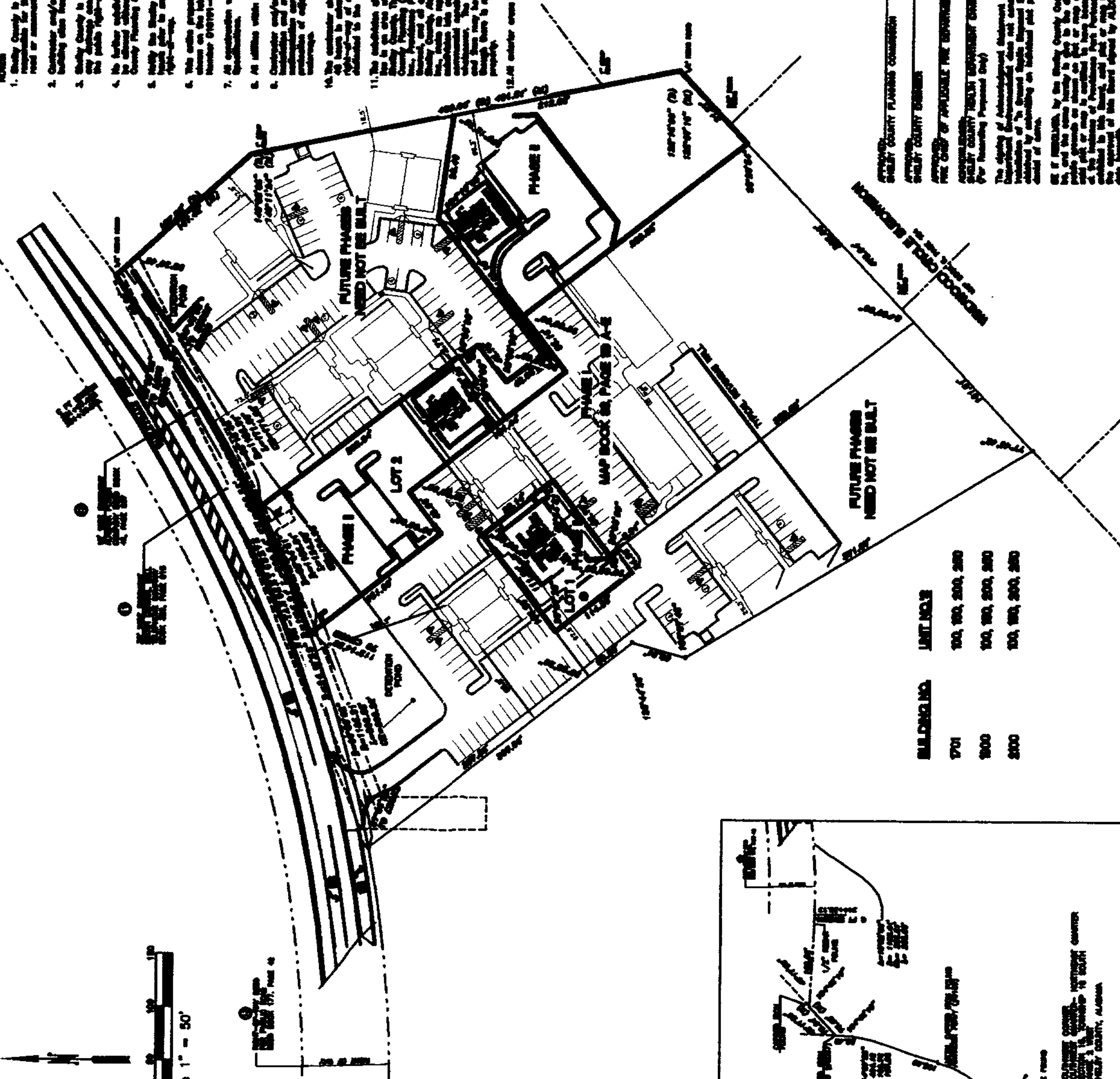
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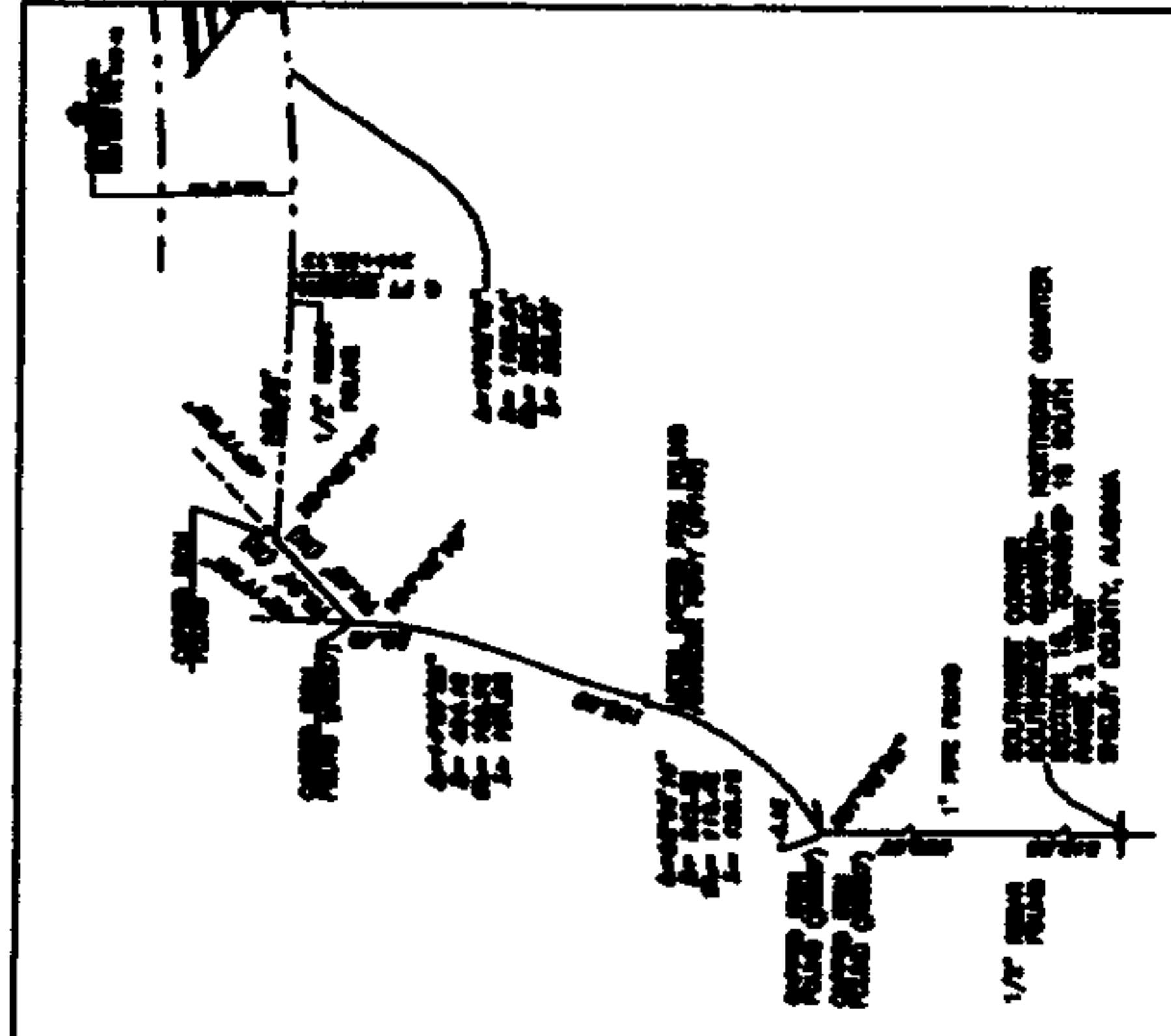
| | |
|-----------------|-------------|
| APPROVED: _____ | DATE: _____ |
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| APPROVED: _____ | DATE: _____ |
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| SEAL: _____ | |
| APPROVED: _____ | DATE: _____ |
| SEAL: _____ | |
| SEAL: _____ | |

It is a common mistake to think that the only way to get a good deal is to haggle. In fact, the best way to get a good deal is to know your market. If you know what you are buying and how much it is worth, you can negotiate from a position of strength. This is especially true when you are buying in bulk or from a reputable supplier. In these cases, the supplier is more likely to offer a discount if you show that you are a serious buyer. So, before you go to the market, do your homework. Find out what the current prices are for the goods you want to buy. Then, when you go to the market, you will be able to negotiate from a position of strength and get a good deal.

1



| CONTRACT NO. | UNIT PRICE |
|--------------|--------------------|
| 1001 | 100, 100, 200, 200 |
| 1002 | 100, 100, 200, 200 |
| 1003 | 100, 100, 200, 200 |

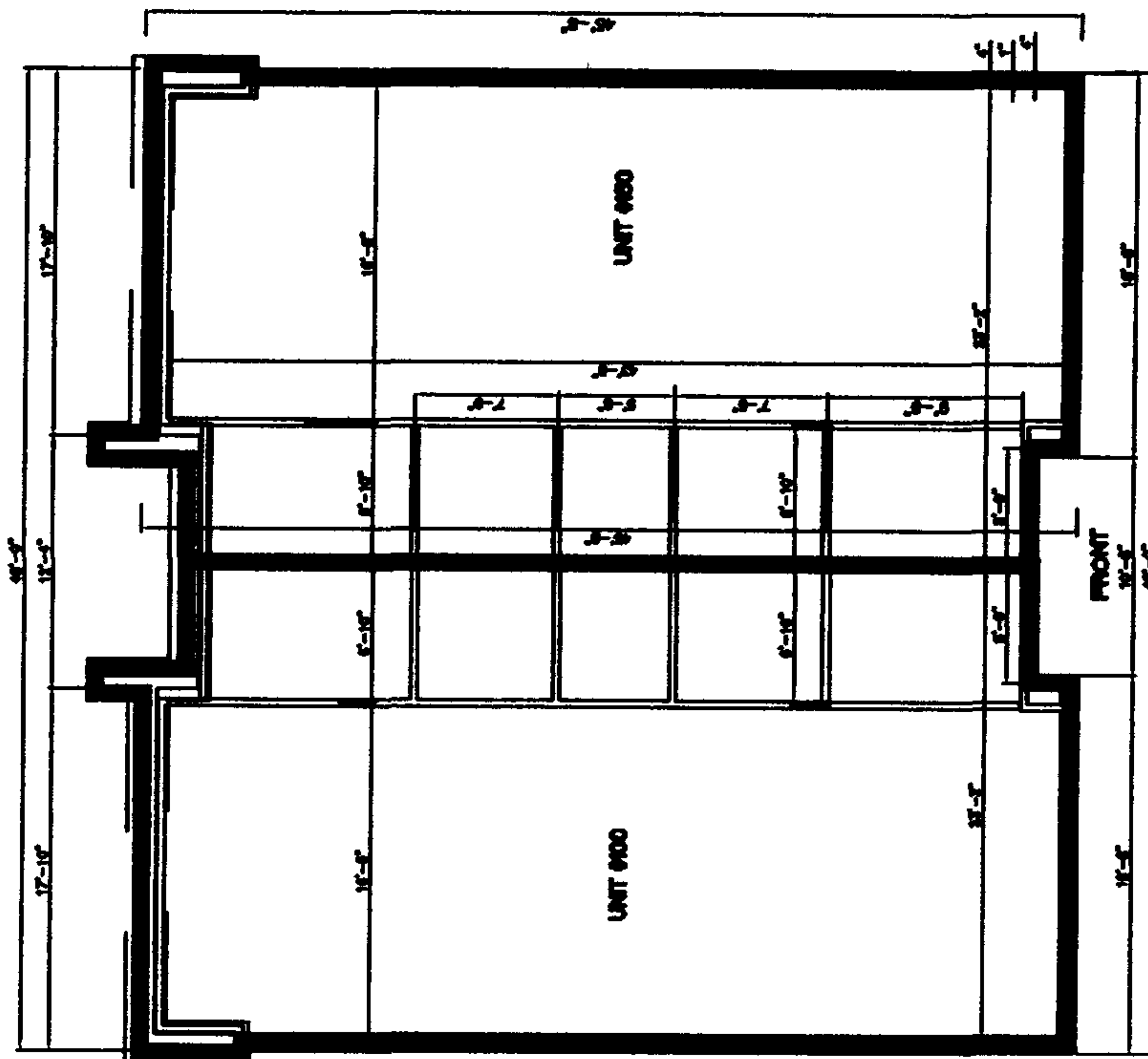


THE LINE DETAIL

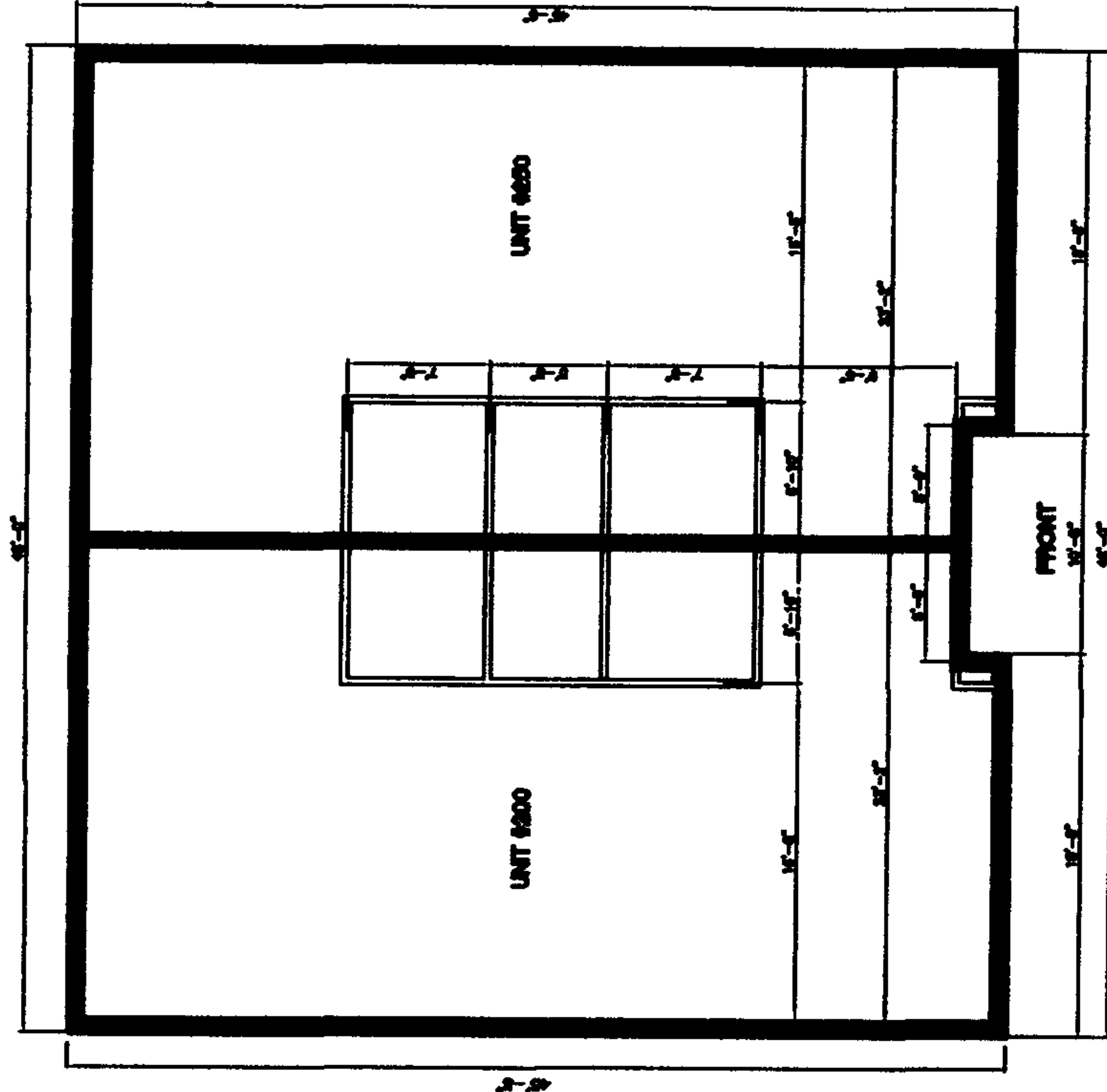
PROVIDENCE PARK
PHASE II

A CONDOMINIUM SUBDIVISION SITUATED IN THE
NORTHEAST 1/4 OF SECTION 16
TOWNSHIP 10 NORTH, RANGE 8 WEST
SHELBY COUNTY, ALABAMA

Prepared by
CM
ALBERTSON & ASSOCIATES, INC.
PLANS ENGINEERS ARCHITECTS
1000 10TH AVENUE, SUITE 200
BIRMINGHAM, AL 35203



FIRST FLOOR
8808 SF / FLOOR PER UNIT
SCALE: 1/8" = 1'-0"



SECOND FLOOR
1007 SF / FLOOR PER UNIT
SCALE: 1/8" = 1'-0"

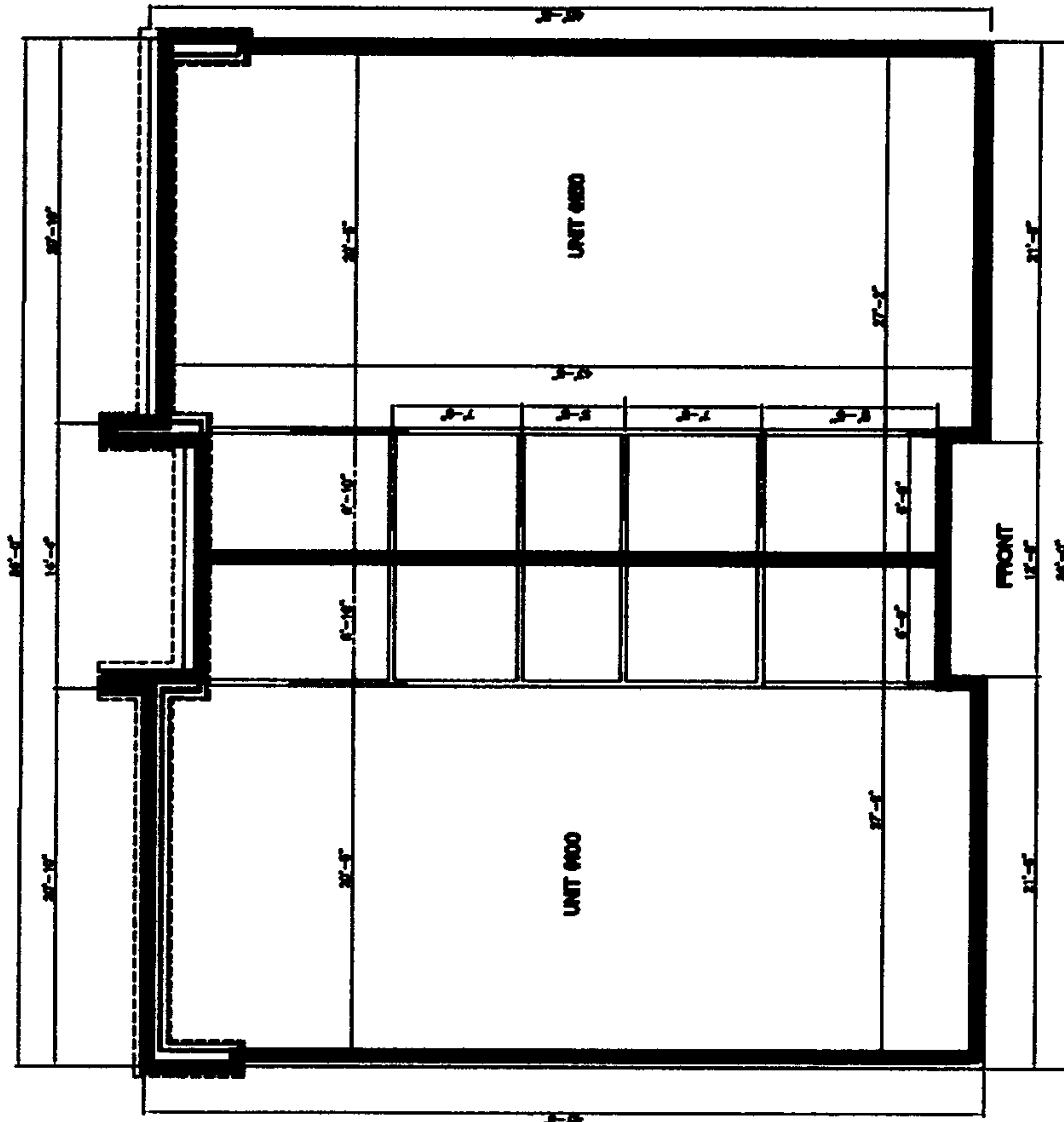
BUILDING NO. 1701

COMMON AREA WALLS
BUILDING PLAN "A"

**PROVIDENCE PARK
PHASE II**

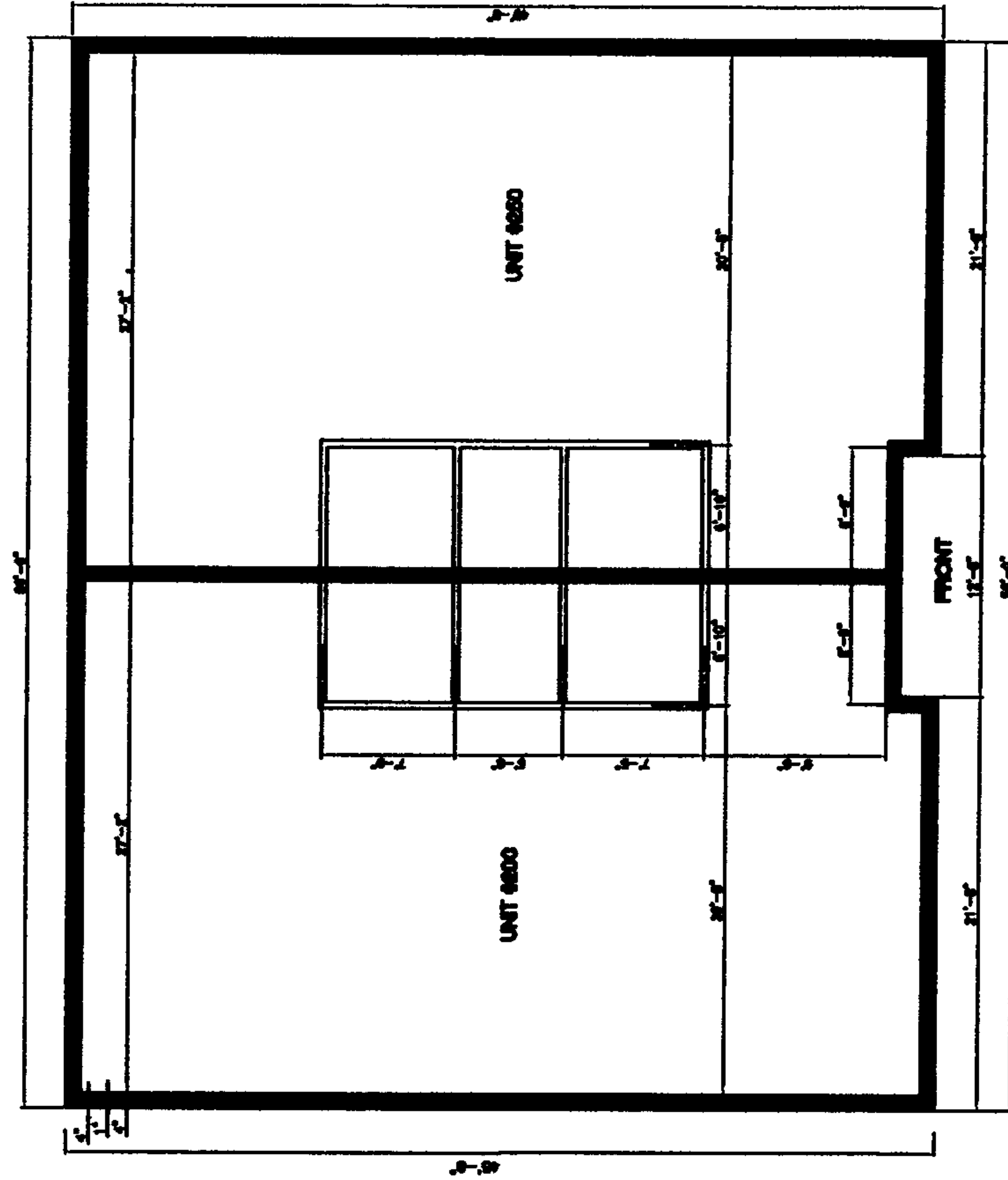
A CONDOMINIUM SUBDIVISION SITUATED IN THE
NORTHEAST 1/4 OF SECTION 16
TOWNSHIP 19 NORTH, RANGE 3 WEST
SHELBY COUNTY, ALABAMA

Prepared by
ON
WATKINS & ASSOCIATES, P.A.
1000 11th Avenue, Suite 1000
Birmingham, Alabama 35202
(205) 988-1111 FAX: (205) 988-1112



BUILDING NO. 1900

COMMON AREA WALLS
BUILDING PLAN "F"



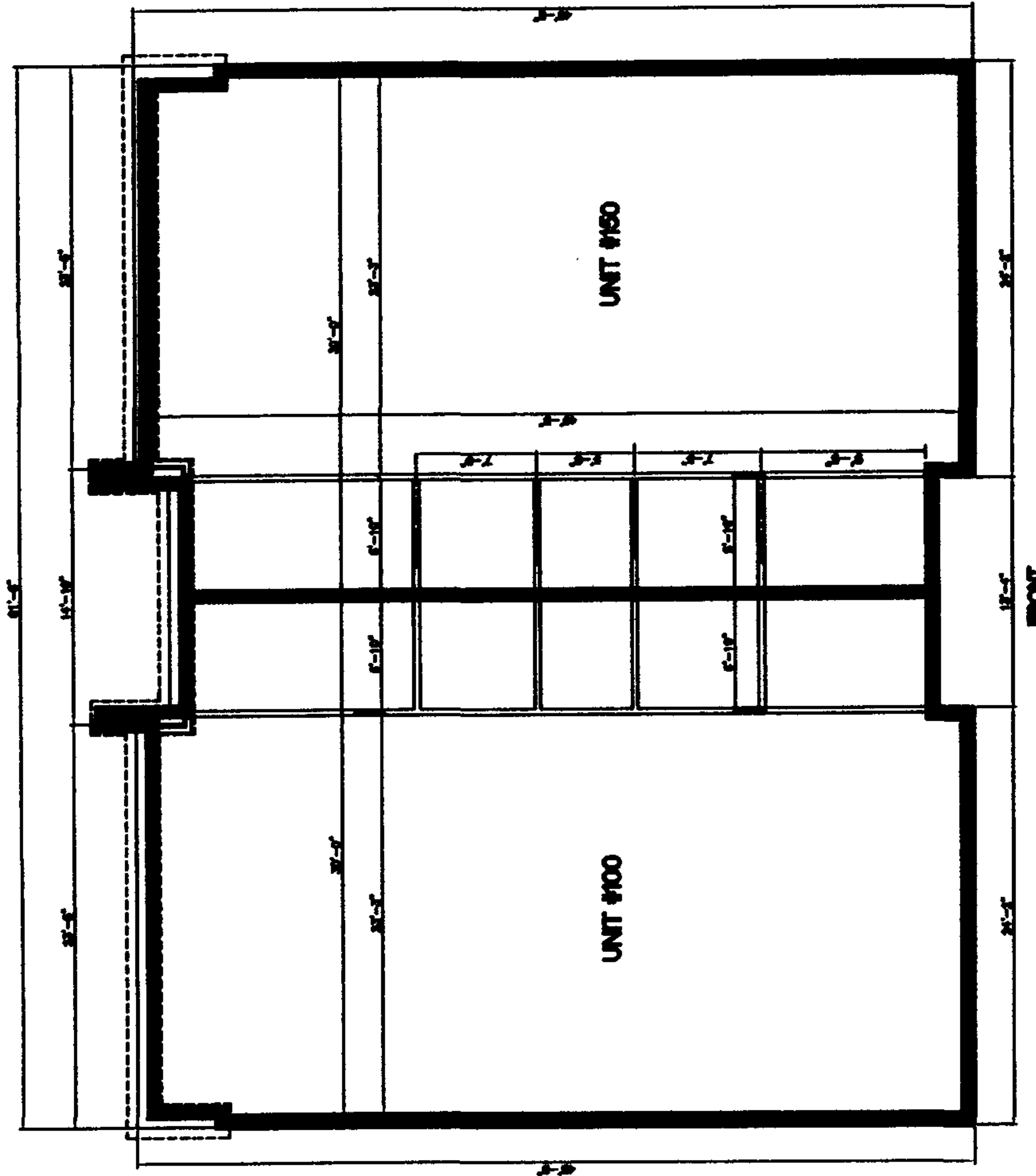
BUILDING NO. 1900

COMMON AREA WALLS
BUILDING PLAN "F"

**PROVIDENCE PARK
PHASE II**

A RESIDENTIAL SUBDIVISION SITUATED IN THE
NORTHEAST 1/4 OF SECTION 16
TOWNSHIP 19 NORTH, RANGE 2 WEST
SHELBY COUNTY, ALABAMA

Prepared by
ONE
W. J. BRYANT, JR.
REGISTERED PROFESSIONAL ENGINEER
No. 12345
Alabama
August 1, 1988



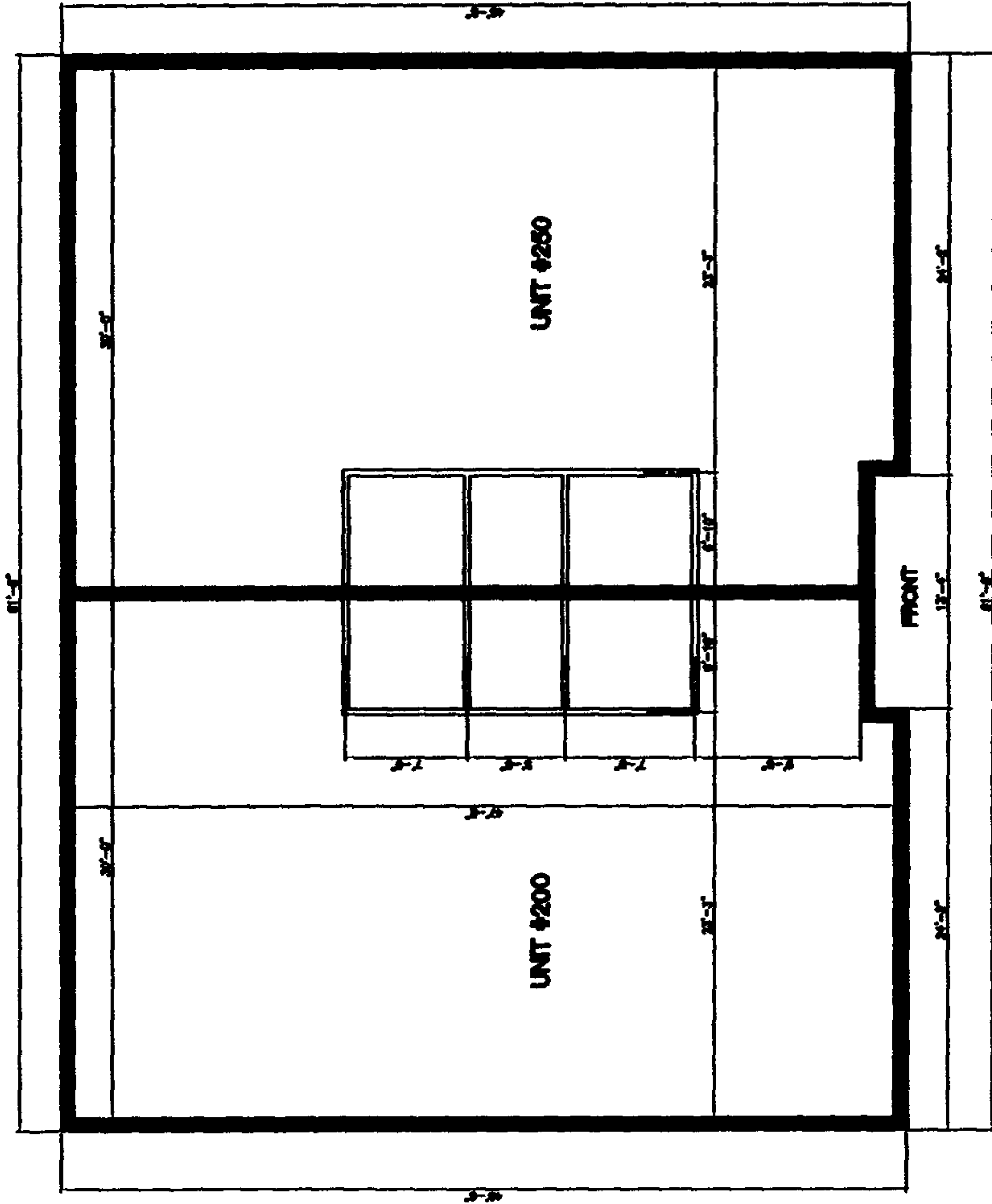
**FIRST FLOOR
BUILDING NO. 2100
1964 SF / FLOOR AREA PER UNIT
SCALE 1/4" = 1'-0"**

**COMMON AREA WALLS
BUILDING PLAN "C"**

**PROVIDENCE PARK
PHASE II**

A RESIDENTIAL SUBDIVISION SITUATED IN THE
NORTHEAST 1/4 OF SECTION 16
TOWNSHIP 19 NORTH, RANGE 2 WEST
DEKALB COUNTY, ALABAMA

Prepared by
ONE
ALABAMA ENGINEERING
AND SURVEYING, INC.
SUBMIT 1 OF 2



**SECOND FLOOR
BUILDING NO. 2100**
1368 SF / FLOOR AREA PER UNIT
SCALE 1/8" = 1'-0"

**COMMON AREA WALLS
BUILDING PLAN "C"**

Exhibit D, Page 1 of 1

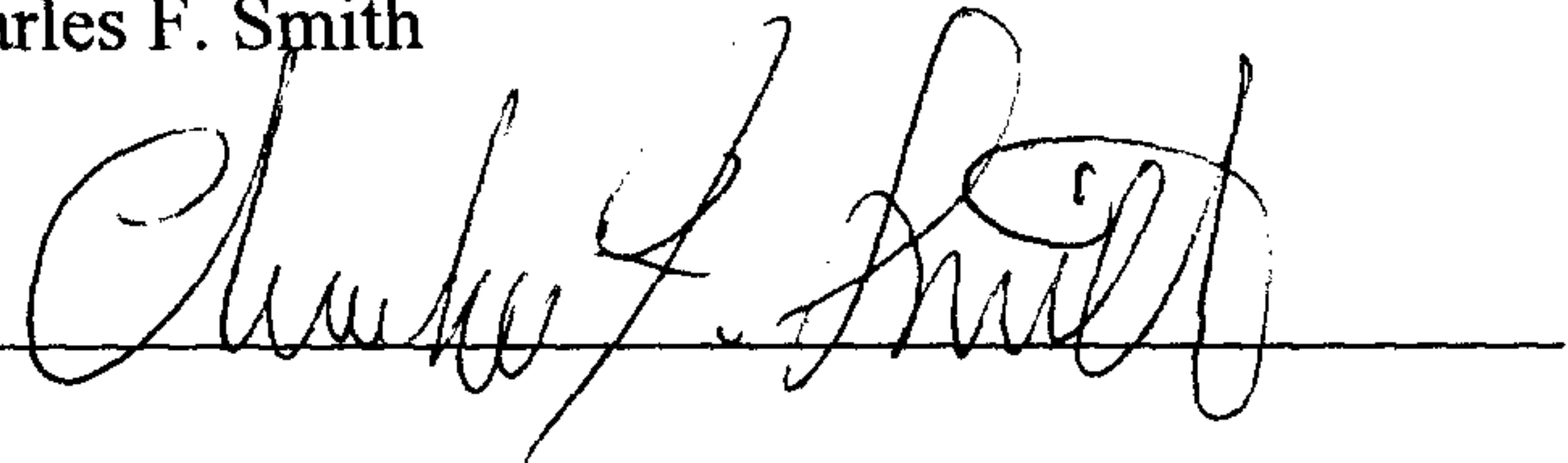
STATE OF ALABAMA)
COUNTY OF SHELBY)

CERTIFICATION OF ARCHITECT

I, the undersigned, Charles F. Smith, a registered architect in the State of Alabama, Number 2150, hereby certify that the **SITE PLAN AND FLOOR PLANS** labeled Exhibit C to the First Amendment to Declaration of Condominium of Providence Park Condominiums, a condominium, which contain 5 pages, and the **PLANS** for Providence Park Condominiums, a condominium, which contain 5 pages and which are filed for record in the Office of the Judge of Probate of Shelby County, Alabama, show the layout, location, UNIT numbers and dimensions of the UNITS and the improvements and the UNITS "as built" and that the improvements shown on the PLANS are substantially complete. I further certify that the PLANS, together with the survey prepared by Carr & Associates Engineers, Inc., and recorded simultaneously herewith, contain all of the information required by 35-8A-209 *Code of Alabama* (1975).

ARCHITECT:

Charles F. Smith

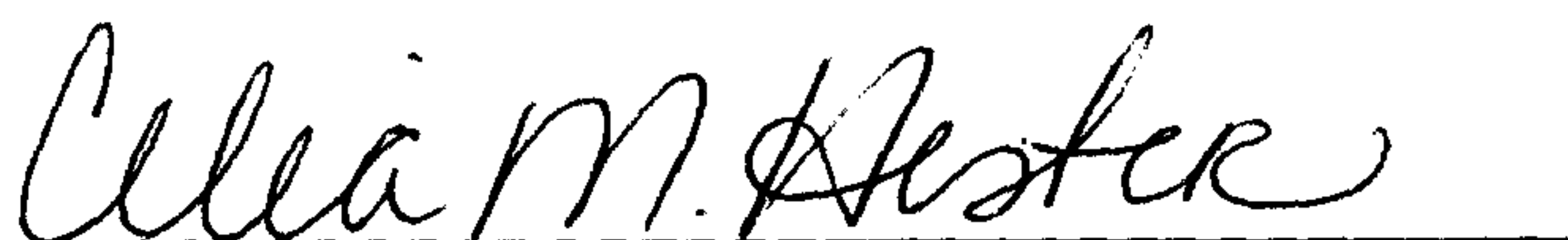
By: 

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, Celia M. Hester, a notary public in and for said county in said state, hereby certify that Charles F. Smith, whose name as Architect, 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 such instrument, he, as such officer with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 1 day of December 2004.


Notary Public

[Notary Seal]

My Commission Expires: March 19, 2005