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Shelby Cnty Judge of Probate, AL
05/29/2018 07:56:34 AM FILED/CERT

FIRST AMENDMENT

TO

DECLARATION OF CONDOMINIUM

OF

BENSON GREYSTONE CENTRE

Dated: May 10, 2018

This instrument prepared by:

Clayton T. Sweeney, Attorney
2700 Highway 280 East Suite 160
Birmingham, Alabama 352223

FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
BENSON GREYSTONE CENTRE

STATE OF ALABAMA)
COUNTY OF SHELBY)

THIS FIRST AMENDMENT to Declaration of Condominium of BENSON GREYSTONE CENTRE ("First Amendment") is made this 10th day of May, 2018, by **NAP PROPERTIES, LLC,** an Alabama limited liability company and **BENSON PROPERTIES, LLC,** an Alabama limited liability company (the "Unit Owners"), and **BENSON GREYSTONE CENTRE CONDOMINIUM OWNERS ASSOCIATION,** an unincorporated Association (the "Association") for the purpose of amending the Declaration of Condominium of Benson Greystone Centre filed in the Office of the Judge of Probate of Shelby County, Alabama on September 19, 2001, recorded in Instrument No. 2001-40609, to which the Bylaws of Benson Greystone Centre Condominium Owners Association are attached as Exhibit "D" thereto, in the Probate Office of Shelby County, Alabama (the "Declaration").

WITNESSETH:

WHEREAS, Benson Greystone Centre (the "Condominium") was created by filing the Declaration of Condominium of Benson Greystone Centre Condominium as filed in the Office of the Judge of Probate of Shelby County, Alabama on September 19, 2001, recorded in Instrumemt No.2001-40609 to which the Bylaws of Benson Greystone Centre Condominium Owners Association are attached as Exhibit"D" thereto, in the Probate Office of Shelby County, Alabama.

WHEREAS, pursuant to Article XI entitled "Amendment", the Unit Owners by unanimous consent, and with the approval of the Association, desire to amend the Declaration wherein Article I paragraph (o) entitled "Plan", the Plan is referenced as being attached as Exhibit "C" and should have been referenced as Exhibit "B". The Unit Owners further desire to amend the Declaration wherein Article II section 2.01 entitled "Description of Improvements and Identificaiton of Units, the Plan is referenced as being attached as Exhibit "C" and should have been referenced as Exhibit "B". The Unit Owners further desire to amend the Declaration wherein Article II, section 2.03, entitled "Ownership of Common Elements", the percentage ownership of Commons Elements is referenced as being attached as Exhibit "D" and should have been rereferened as Exhibit "C";

WHEREAS, the Unit Owners, with the approval of the Association, desire to amend the Plan of Units "A" and "B" and Common Area as recorded in Map Book 28, Page 139 and referenced as being attached to said Declaration of Condominium as Exhibit "B" which reference should have been Exhibit "C" thereto. Said Plan as recorded in Map Book 28, Page 139 did not contain the final as-built drawing of said units nor their exact size nor did it contain the correct common. Based on the Final As-Built survey prepared by Karl Hager, L.S., the map of which is recorded in Map Book 49, Page 31, in the Probate Office of Shelby County, Alabama, the unit boundary lines for Units A and B were amended to be known as Units "A-1" and "B-1" and to identify the actual "As-Built" condtions.

NOW THEREFORE, upon the recording hereof, the Association and the Unit Owners do hereby amend the Declaration as follows:

1. Pursuant to Article XI entitled "Amendment" the unit owners by unanimous consent, and with the approval of the Association, the Unit Owners hereby amend the Declaration wherein Article I paragraph (o) entitled "Plan", the Plan is referenced as being attached as Exhibit "C" to read attached as Exhibit "B". The Unit Owners further amend the Declaration wherein Article II Section 2.01 entitled "Description of Improvements and Identificaiton of Units, the Plan is referenced as being attached as Exhibit "C" and to read attached as Exhibit "B". The Unit Owners further amend the Declaration wherein Article II, Section 2.03, entitled "Ownership of Common Elements", the percentage ownership of Commons Elements is referenced as being attached as Exhibit "D" to read as being attached as Exhibit "C";

2. The Unit Owners, with the approval of the Association, hereby amend the Plan of Units "A" and "B" and Common Area as recorded in Map Book 28, Page 139 and referenced as being attached to said Declaration of Condominium as Exhibit "B" to be referenced Exhibit "C" thereto. Said Plan as recorded in Map Book 28, Page 139 did not contain the final as-built drawing of said units nor the correct unit size nor did it contain the correct common area. The Unit Owners hereby adopt the amended Plan of said Condominium based on the Final As-Built Condominium Map for Benson Greystone Centre prepared by Karl Hager, L.S., the map of which is recorded in Map Book 49, Page 31, in the Probate Office of Shelby County, Alabama, the unit boundary lines for Units A and B were amended to be known as Units "A-1" and "B-1" and to identify the actual "As-Built" condtions. Said Units are now known as Units "A-1" and "B-1."

3. The Unit Owners hereby adopt the attachment of Exhibit "D" to reflect correct the unit number, and size of each unit. Unit A-1 contains 7,013.9 square feet and Unit B-1 contains 6,829.6 square feet. The Common Area contains 62,564.6 square feet.

4. It is the intention of the parties that the provisions of this First Amendment to Declaration of Condominium are severable, so that if any provision is invalid or void under any applicable federal, state or local law or ordinance, decree, order, judgment or otherwise, the remainder shall be unaffected thereby.

5. The provisions of this First Amendment to Declaration of Condominium shall be liberally construed to effectuate its purpose of amending the unit number and size of each unit and common area in accordance with the authority granted to the Unit Owners pursuant to Article XI, Section 11.01 of the Declaration.

6. The First Amendment to Declaration has been approved by the Association as evidenced by its signature below for the purpose stated above.

7. This First Amendment to Declaration has been executed by the undersigned and filed in the Office of the Judge of Probate of Shelby County, Alabama for the purpose stated above. Except for the aforesaid, the terms and conditions of the Declaration shall continue in full force and effect without any other changes whatsoever.

8. Capitalized terms as used herein shall have the same meaning as they are defined in the Declaration unless the context clearly indicates a different meaning thereof.

IN WITNESS WHEREOF, the Association and Affected Unit Owners have executed this First Amendment to the Declaration as of the year and date first written above.

UNIT OWNER:

BENSON PROPERTIES, LLC,
an Alabama limited liability company

By: Richard W. Benson
Richard W. Benson
Its: Member

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Richard W. Benson, whose name as Member of Benson Properties, LLC, an Alabama limited liability company, is signed to the foregoing First Amendment to 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 First Amendment to 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 seal of office this 10th ~~day~~ of May, 2018.

Notary Public

[NOTARIAL SEAL]
NOTARY PUBLIC
My Comm. Expires
June 2, 2019

My commission expires: 6-2-2019

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Shelby Cnty Judge of Probate, AL
05/29/2018 07:56:34 AM FILED/CERT

1900119 v1

UNIT OWNER:

NAP PROPERTIES, LLC,
an Alabama limited liability company

By: _____
Albert J. Trousdale, II
Its: Managing Member

STATE OF ALABAMA)
LAUDERDALE COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Albert J. Trousdale, II, whose name as Managing Member of NAP Properties, LLC, an Alabama limited liability company, is signed to the foregoing First Amendment to 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 First Amendment to Declaration of Condominium, he, as such managing member and with full authority, executed the same voluntarily on the date the same bears date.

Given under my hand and seal of office this 10th day of May, 2018.

Dolly Cooper
Notary Public

[NOTARIAL SEAL]

My commission expires: 1/21/19

ASSOCIATION:

BENSON GREYSTONE CENTRE OWNERS ASSOCIATION,
an Alabama unicorporated association

By: Richard W. Benson
Name: Richard W. Benson
Its: President

ATTEST:

Albert J. Trousdale, II
Its: Secretary

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Richard W. Benson, whose name as President of Benson Greystone Centre Owners Association, an Alabama unincorporated association, is signed to the foregoing First Amendment to Declaration of Condominium, and who are known to me, acknowledged before me on this day that, being informed of the contents of this First Amendment to 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 seal of office this 10th ~~day~~ of May, 2018.

Notary Public

[NOTARIAL SEAL]

My Comm. Expires
June 2, 2019

My commission expires: 6-2-2019

20180529000185370 6/11 $45.00
Shelby Cnty Judge of Probate, AL
05/29/2018 07:56 34 AM FILED/CERT

1900119 v1

ASSOCIATION:

BENSON GREYSTONE CENTRE OWNERS ASSOCIATION,
an Alabama unincorporated association

By: _____
Name: Richard W. Benson
Its: President

See prior page for signatures of Benson Greystone Centre

ATTEST:

_____
Albert J. Trousdale, II
Its: Secretary

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Richard W. Benson, whose name as President of Benson Greystone Centre Owners Association, an Alabama unincorporated association, is signed to the foregoing First Amendment to Declaration of Condominium, and who are known to me, acknowledged before me on this day that, being informed of the contents of this First Amendment to 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 seal of office this _____ day of May, 2018.

_____
Notary Public

[NOTARIAL SEAL]

My commission expires: _____

STATE OF ALABAMA)
LAUDERDALE COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Albert J. Trousdale, II, whose name as Secretary of Benson Greystone Centre Owners Association, an Alabama unincorporated association, is signed to the foregoing First Amendment to Declaration of Condominium, and who are known to me, acknowledged before me on this day that, being informed of the contents of this First Amendment to 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 seal of office this 10th day of May, 2018.

Dolly Cooper
Notary Public

[NOTARIAL SEAL]

My commission expires: 1/21/19

20180529000185370 8/11 $45.00
Shelby Cnty Judge of Probate, AL
05/29/2018 07:56:34 AM FILED/CERT

1900119 v1

CONSENT OF LENDER

First Southern Bank (the "Bank"), as the holder and owner of a mortgage on Unit B now known as Unit B-1 which secures the real property made subject to the foregoing First Amendment to Declaration of Condominium of Benson Greystone Centre, and which is to be recorded in the Probate Office of Shelby County, Alabama, does hereby consent to the filing of this First Amendment to Declaration and does hereby agree that said property shall remain subject to the terms and conditions of the Declaration if the Bank should succeed to the interest of the mortgagor by foreclosure of the herein described mortgage or by accepting a deed in lieu of foreclosure.

IN WITNESS WHEREOF, the undersigned has executed this consent on this 10th day of May, 2018.

FIRST SOUTHERN BANK

By: _____
Frank Niedergeses
Its: Executive Vice President/Senior Loan Officer

STATE OF ALABAMA)
LAUDERDALE COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Frank Niedergeses, whose name as Executive Vice President/Senior Loan Officer of First Southern Bank, an Alabama chartered 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 the foregoing instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said banking corporation.

Given under my hand this 10th day of May, 2018.

Christie D Williams
Notary Public
My Commission Expires: MY COMMISSION EXPIRES JULY 21, 2018

Map Book 49 Page 31

Exhibit B

A Final As-Built Condominium Map for
BENSON GREYSTONE CENTRE

Being a Final Resurvey for Benson Greystone Centre Condominium Map
Originally Recorded in Map Book 28, Page 139, Shelby County, AL

Being a Part of the SW 1/4 of the SE 1/4
Section 5, Township 19S, Range 1 W - Shelby County, AL

Purpose: To Correct interior "Unit" Boundary Lines for A-1 and B-1 to identify actual "As-Built" conditions.

Contractor and/or developer are responsible for providing building sites free of drainage problems.

Shelby County is not responsible for the maintenance of any drainage easements shown on this plat outside of the public right-of-way.

No further subdivision of any parcel shown hereon shall be allowed without the prior approval of the Shelby County Planning Commission.

Driveway(s) shall be restricted to the location(s) as shown on this plat. Driveway access permit required prior to installation of driveway(s). Contact the Shelby County Highway Department at 669-3880 to obtain access permit.

This entire property is located in Flood Zone C as shown on the latest Federal Insurance Rate Maps (Panel number 010191 0045), dated 9-16-82

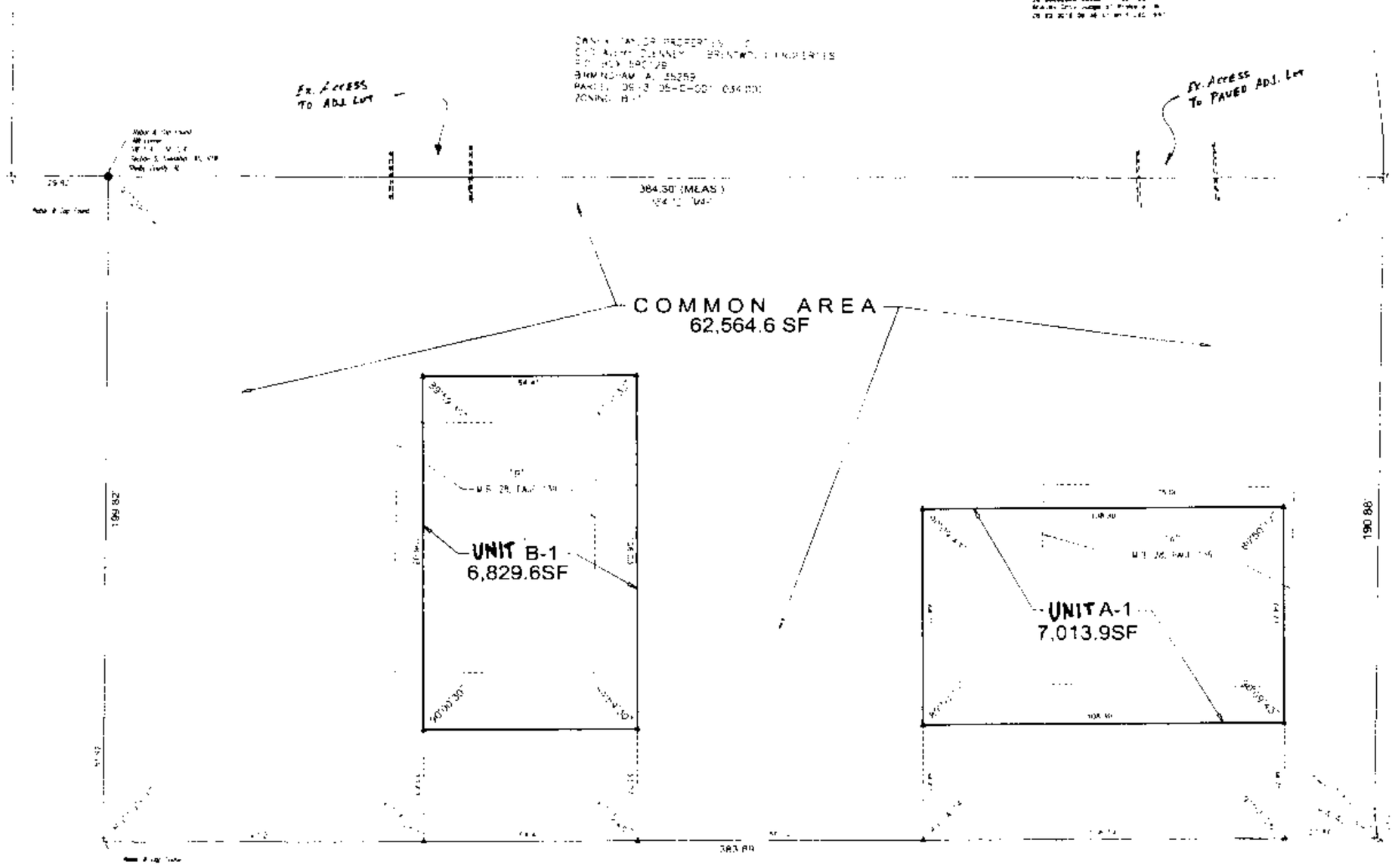
NOTES

A. Contractor and/or developer are responsible for providing building sites free of drainage problems.

B. Shelby County is not responsible for the maintenance of any drainage easements shown on this plat outside of the public right of way.

C. [illegible] description [illegible] maintenance [illegible] easements [illegible]

D. The Subject property is currently zoned [illegible] Neighborhood Business District

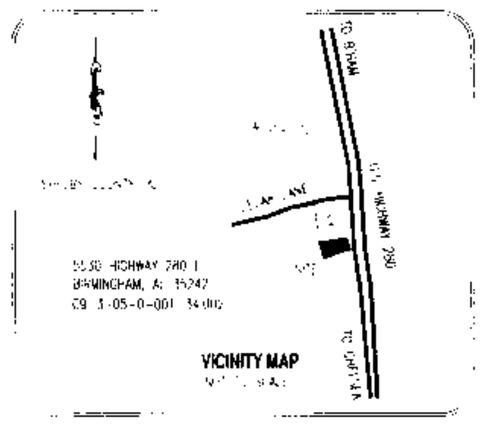


SCALE 1" = 20.0'

OWNER: TAGER INVESTMENTS, LLC
C/O BIRMINGHAM GREYSTONE, LLC
1201 W. BIG BEAVER RD. SUITE 200
TROY, MI 48084
PARCEL: 09-3-05-0-001-034.000
ZONING: B-1

FOUND

MONUMENT FOUND	TELEPHONE
MONUMENT SET	GUY WIRE
R.R. NAIL FOUND	LIGHT POLE
R.R. NAIL SET	STREET LIGHT POLE
PK NAIL MARK	ELEC. TRANSFORMER
SET X MARK	AIR CONDITIONER
R.R. SPIKE FOUND	ELECTRIC
R.R. SPIKE SET	GAS SEWER LINE
BENCHMARK	SEWER MANHOLE
CONC. R/W MARKER	CLEAN OUT
(R) RECORD DATA	
(M) MEASURED DATA	
(C) CALCULATED DATA	
R/W RIGHT OF WAY	
RCP REINFORCED CONC. PIPE	
CMP CORRUGATED METAL PIPE	
M METAL	
BS BUILDING SETBACK LINE	
LS LANDSCAPING	
PIPE LARGER THAN 1"	



VICINITY MAP

STATE OF ALABAMA
Jefferson COUNTY
I, Sheila Hartley Kirkwood, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT KARL HAGER, WHOSE NAME IS SIGNED TO THE FOREGOING SURVEYOR, WHOM IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME, ON THIS DATE, THAT AFTER BEING DULY INFORMED OF THE CONTENTS OF THE CONVEYANCE SAID CERTIFICATES, HE EXECUTED THE SAME VOLUNTARILY AS SUCH INDIVIDUAL, FOR AND AS THE ACT OF SAID INDIVIDUAL.
GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 20th DAY OF March, 2018
Sheila Hartley Kirkwood
NOTARY PUBLIC
MY COMMISSION EXPIRES April 24, 2019

Shelby County Planning Commission 3/1/18

DATED 03/17/18
Karl Hager
03/17/18

OWNER UNIT "A"
Richard W. Benson
BENSON PROPERTIES, LLC
Richard W. Benson Member

OWNER UNIT "B"
Albert Tourkis
BIR PROPERTIES, LLC
Albert Tourkis Member

MORTGAGE HOLDER "B" FIRST SOUTHERN BANK

STATE OF ALABAMA
Jefferson COUNTY
I, Clayton T. Sweeney, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT Richard W. Benson WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS Member FOR BENSON PROPERTIES, LLC (ONLY ONE), WHOM IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME, ON THIS DATE, THAT AFTER BEING DULY INFORMED OF THE CONTENTS OF THE CONVEYANCE SAID CERTIFICATES, HE EXECUTED THE SAME VOLUNTARILY AS SUCH INDIVIDUAL, FOR AND AS THE ACT OF SAID INDIVIDUAL.
GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 20th DAY OF March, 2018
Clayton T. Sweeney
NOTARY PUBLIC
MY COMMISSION EXPIRES 6-2-2019
NOTARY PUBLIC ALABAMA STATE AT LARGE
My Comm. Expires June 2, 2019

STATE OF ALABAMA
Jefferson COUNTY
I, Clayton T. Sweeney, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT Albert Tourkis WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS Member FOR BIR PROPERTIES, LLC (ONLY ONE), WHOM IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME, ON THIS DATE, THAT AFTER BEING DULY INFORMED OF THE CONTENTS OF THE CONVEYANCE SAID CERTIFICATES, HE EXECUTED THE SAME VOLUNTARILY AS SUCH INDIVIDUAL, FOR AND AS THE ACT OF SAID INDIVIDUAL.
GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 20th DAY OF March, 2018
Clayton T. Sweeney
NOTARY PUBLIC
MY COMMISSION EXPIRES 6-2-2019
NOTARY PUBLIC ALABAMA STATE AT LARGE
My Comm. Expires June 2, 2019

HAGER COMPANY, INC.
LAND SURVEYORS
1825-D 12th AVENUE NORTH
BESSEMER, AL 35020
PH (205) 424-4235
FAX (205) 425-0310

EXHIBIT "C"

TO FIRST AMENDMENT TO DECLARATION
OF BENSON GREYSTONE CENTRE CONDOMINIUM

EXHIBIT "C"

TO DECLARATION OF CONDOMINIUM
ALLOCATED INTERESTS AND VOTES

UNIT #	SQUARE FEET (square feet)	OWNERSHIP OF COMMON ELEMENTS (percentage %)		Number of VOTES
A-1	7,013.9	50		50
B-1	6,829.6	50		50